MIAMI-DADE COUNTY

6-24-09 Version #3

BOARD OF COUNTY COMMISSIONERS
ZONING HEARINGS

THURSDAY, JULY 23, 2009

PLACE OF MEETING: COUNTY COMMISSIONERS CHAMBERS
OF THE STEPHEN P. CLARK CENTER – 2ND FLOOR
111 NW 1 STREET, MIAMI

TIME OF MEETING 9:30 A.M.

PREVIOUSLY DEFERRED	HEARING #		DISTRICT
A. ARCHIMEDEAN PROPERTIES, LLC	08-194		10

Request: - Modification of prior resolutions and covenants – Revised plans showing (6) temporary modular classrooms, to increase the grade levels for the previously approved charter school and to extend the number of night activities and functions per calendar year.

Location: 12425 SW 72 Street (Sunset Drive), Miami-Dade County, Florida within the Urban Development Boundary (UDB).

APPEALS

1. IGLESIA CRISTIANA EL BUEN SAMARITANO, INC.	06-277	N	9

Request: - Appeal of denial by CZAB #15 for zone change to GU.
- Special exception for cemetery.
- Multiple non-use variances.

Location: Lying east of SW 137 Avenue and between SW 258 Street and SW 260 Street, Miami-Dade County, Florida within the Urban Development Boundary (UDB).

CURRENT

2. MIAMI COMMUNITY CHARTER SCHOOL, INC.	08-164	N	9

Request: - Special exception for a Charter School.

Location: Lying on the southwest corner of SW 352 Street & SW 187 Avenue, Miami-Dade County, Florida within the Urban Development Boundary (UDB).

3.	**RIVER CITIES COMMUNITY CHARTER SCHOOL, INC.**	08-201	N	12

Request: - Special exception for a Charter School.

Location: - 6300 NW 77 Court Miami-Dade County, Florida within The Urban Development Boundary (UDB).

4.	**PALMETTO KTP, LLC**	09-54	N	13

Request: - Special exception for a Charter School.

Location: -The northeast corner of NW 59 Avenue and NW 171 Street, Miami-Dade County, Florida within the Urban Development Boundary (UDB).

Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSION MEETING OF THURSDAY, JULY 23, 2009

NOTICE: THE FOLLOWING HEARING IS SCHEDULED FOR 9:30 A.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMISSION SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMISSION BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE COMMISSION BE GRANTED BY THE MAJORITY VOTE OF THE COMMISSION MEMBERS PRESENT.

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

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

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

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

SWEARING IN OF WITNESSES

A. ARCHIMEDEAN PROPERTIES, LLC (09-6-CC-2/08-194) **25-54-39**
BCC/District 10

(1) MODIFICATION of Conditions #3, #9 and #11 of Resolution Z-16-05, last modified by Resolution Z-31-06, both resolutions passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Archimedean Academy Charter School,' as prepared by Civica, consisting of 11 sheets, dated stamped received 6/7/06."

TO: "3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Archimedean Academy, Inc. Charter School Addition of Grades 9 to 12,' as prepared by Anthony E. Tzamtzis, consisting of 4 sheets dated stamped received 3/31/09."

FROM: "9. That night activities and/or functions at the charter school shall be limited to 10 events per year and shall end no later than 10:00 p.m."

TO: "9. That night activities and/or functions at the charter school shall be limited to 24 events per year and shall end no later than 10:00 p.m."

FROM: "11. That the charter school use shall be limited to Grades K-8th grade for a maximum of 800 students."

TO: "11. That the charter school use shall be limited to Grades K-12th grade for a maximum of 800 students."

(2) MODIFICATION of Condition #2 of Resolution Z-31-06, passed and adopted by the Board of County Commisioners, reading as follows:

FROM: "2. That the charter school use shall be limited to grades K through 8th with the expansion from 600 to 800 students as follows:

Year 1	2006-2007 School Year	addition of 80 students (620 Students)
Year 2	2007-2008 School Year	addition of 60 students (680 Students)
Year 3	2008-2009 School Year	addition of 60 students (740 Students)
Year 4	2009-2010 School Year	addition of 60 students (800 Students)"

TO: "2. That the charter school use shall be limited to grades K through 12th for a total of 800 students as follows:

Year 1	2006-2007 School Year	addition of 80 students (620 Students)
Year 2	2007-2008 School Year	addition of 60 students (680 Students)
Year 3	2008-2009 School Year	addition of 60 students (740 Students)
Year 4	2009-2010 School Year	addition of 60 students (800 Students)"

(3) MODIFICATION of Paragraphs #3 and #9 of a Declaration of Restrictions recorded in Official Record Book 23679, Pages 4935-4943, last modified by "Declaration of Restrictions Amendment and Restatement of the Declaration of Restrictions Recorded at Official Records Book 23679, Pages 4935-4943," recorded in Official Record Book 25853, Pages 4991-5006, reading as follows:

FROM: "3. The use of the Property shall be established and maintained substantially in accordance with that certain plan entitled 'Archimedean Academy Charter School,' as prepared by Civica, dated stamped received on June 7, 2006, consisting of eleven (11) sheets (including the cover page).

TO: "3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Archimedean Academy, Inc. Charter School Addition of Grades 9 to 12,' as prepared by Anthony E. Tzamtzis, consisting of 4 sheets dated stamped received 3/31/09."

FROM: "9. The Charter School shall have staggered start and dismissal times as follows:

7:30 a.m. – 1:30 p.m.	Grades K – 1	(178 students)
7:30 a.m. – 2:30 p.m.	Grades 2 – 3	(178 students)
8:00 a.m. – 3:00 p.m.	Grades 4 – 5	(178 students)
8:30 a.m. – 3:30 p.m.	Grades 6 – 8	(266 students)

TO: "9. The Charter School shall have staggered start and dismissal times as follows:

8:00 a.m. – 3:00 p.m.	Grades K – 5	(Wednesdays 8:00 a.m. – 2:00 p.m)
8:40 a.m. – 4:00 p.m.	Grades 6 – 8	(Wednesdays 8:40 a.m. – 3:00 p.m)
7:30 a.m. – 3:30 p.m.	Grades 9 – 12	(Wednesdays 7:30 a.m. – 2:30 p.m)

(4) Modification of Paragraph #10 of Declaration of Restrictions Amendment and Restatement of the Declaration of Restrictions Recorded at Official Records Book 23679, Pages 4935-4943, recorded in Official Record 25853, Pages 4991-5006, reading as follows:

FROM: "10. That the charter school use shall be limited to grades K through 8th with the expansion from 600 to 800 students as follows:

Year 1	2006-07 School Year	Addition of 80 students (620 students)
Year 2	2007-08 School Year	Addition of 60 students (680 students)
Year 3	2008-09 School Year	Addition of 60 students (740 students)
Year 4	2009-10 School Year	Addition of 60 students (800 students)

TO: "10. That the Charter School use shall be limited to grades K through 12th with the expansion to 800 students as follows:
2009-10 School Year Addition of 60 students (800 students)"

(5) Modification of Paragraph #10 of Declaration of Restrictions recorded in Official Record Book 23679, Pages 4935-4943 last modified and renumbered as Paragraph #11 of Declaration of Restrictions Amendment and Restatement of the Declaration of Restrictions Recorded at Official Records Book 23679, Pages 4935-4943, recorded in Official Record Book 25853, Pages 4991-5006, reading as follows:

FROM: "11. That night activities and/or functions at the Charter School shall be limited to ten (10) events per year and shall end no later than 10:00 p.m."

TO: "11. That night activities and/or functions at the Charter school shall be limited to twenty-four (24) events per year and shall end no later than 10:00 p.m.

The purpose of requests #1 thru #5 is to allow the applicant to submit revised plans showing (6) temporary modular classrooms, to increase the grade levels and to extend the number of night activities and functions per calendar year for the previously approved Charter School.

Upon a demonstration that the applicable standards have been satisfied, approval of the requests may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

The aforementioned plans are on file and may be examined in the Department of Planning and Zoning. Plans may be modified at public hearing.

LOCATION: 12425 S.W. 72 Street (Sunset Drive), Miami-Dade County, Florida.

SIZE OF PROPERTY: 9.36 Acres

Development Impact Committee Recommendation: Approval with conditions of requests #1 through #5 under Section 33-311(A)(7) (Generalized Modification Standards) and denial without prejudice of same under Section 33-311(A)(17) (Generalized Modification or Elimination of Conditions or Covenants After Public Hearing).

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

Deferred from 06-18-2009

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1. IGLESIA CRISTIANA EL BUEN SAMARITANO, INC. **26-56-39**
(07-7-CZ15-1/06-227) **BCC/District 9**

IGLESIA CRISTIANA EL BUEN SAMARITANO, INC. is appealing the decision of Community Zoning Appeals Board #15, which denied the following:

(1) RU-1 to GU

(2) SPECIAL EXCEPTION to permit a cemetery with mausoleums and ancillary chapel.

Plans are on file and may be examined in the Zoning Department entitled "Public Hearing Iglesia Del Buen Samaritano," as prepared by Nestor J. Cifuentes, Sheets A-1 & A-2 dated stamped received 2/23/07 and the remaining 4 sheets, dated stamped 2/16/07 for a total of 6 sheets. Plans may be modified at public hearing.

LOCATION: Lying east of S.W. 137 Avenue, between S.W. 258 Street and S.W. 260 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 6.7 Acres

Department of Planning and Zoning Recommendation: Denial without prejudice of the appeal and the application.

Protests: 486 Waivers: 3,100

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

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

DEFERRED: _____

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2. MIAMI COMMUNITY CHARTER SCHOOL, INC. (09-7-CC-2/08-164) **26-57-38 BCC/District 9**

(1) SPECIAL EXCEPTION to permit a charter school.

(2) SPECIAL EXCEPTION to permit a senior high school within one mile of Urban Development Boundary.

(3) Applicants are requesting to permit parking within 25' of an official right-of-way (not permitted).

(4) Applicants are requesting to permit 23 street trees (50 trees required), 24 lot trees (97 trees required) and 1,280 shrubs (1,470 shrubs required).

Upon a demonstration that the applicable standards have been satisfied, approval of requests #3 - #4 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 "Miami Community Charter School 6-12 Middle/High School," as prepared by Zyscovich Architects, dated stamped received 3/24/09 and consisting of 15 sheets. Plans may be modified at public hearing.

LOCATION: Lying on the Southwest corner of S.W. 352 Street and S.W. 187 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 3.47± Acres

Development Impact Committee
Recommendation:

Approval with conditions, subject to the Board's acceptance of the proffered covenant as set forth in the Department of Planning and Zoning's recommendation.

In addition, as part of the motion, the Executive Council added the following conditions:

1. Owner shall improve the Subject Property with the addition of no less than 40 street trees planted along SW 353 Street and SW 188 Avenue within two (2) years following the issuance of a certificate of occupancy for the Charter School, unless Owner has first filed an application with Miami-Dade County seeking to vacate said roadways. If the application is denied, either in whole or in part, Owner shall cause the Subject Property to be improved with the planting of the additional street trees described herein within 90 days following the final order of denial, which shall include the resolution of all appeals.

2. The non-use variance from Chapter 18A, Code of Miami-Dade County, shall become null and void following the approval of a unified development program encompassing the Subject Property and Contiguous Property, as described in Exhibits A and B to Application Z2008000164, permitting for an expansion of the Charter School. Owner shall cause the unified property to be improved in compliance with Chapter 18A, Code of Miami-Dade County, prior to obtaining either a temporary certificate of occupancy or a certificate of occupancy for the second school building.

Protests: 3 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

3. RIVER CITIES COMMUNITY CHARTER SCHOOL, INC. (09-7-CC-3/08-201) **15-53-40 BCC/District 12**

SPECIAL EXCEPTION to permit a charter school.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "River Cities Charter School," as prepared by HJB Designs and Architecture, dated stamped received 3/24/09 and consisting of 3 sheets with Site Plan last revised 6/1/09. Plans may be modified at public hearing.

LOCATION: 6300 N.W. 77 Court, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2.25 Acres

Development Impact Committee Recommendation: Denial without prejudice.

Protests: 0 Waivers: 1

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

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4. PALMETTO KTP, LLC (09-7-CC-4/09-054) **12-52-40 BCC/District 13**

SPECIAL EXCEPTION to permit a charter school.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Plans for Proposed Tenant Improvements of: The Advanced Learning Academy," as prepared by Consulting & Specialty Engineering Services, Inc., consisting of 12 sheets dated stamped received 6/16/09. Plans may be modified at public hearing.

LOCATION: The northeast corner of N.W. 59 Avenue and N.W. 171 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 3.15 Acres

Development Impact Committee Recommendation: Approval with conditions, subject to the acceptance of the proffered covenant.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

THE END

NOTICE OF APPEAL RIGHTS

Decisions of the Community Zoning Appeals Board (CZAB) are appealed either to Circuit Court or to the Board of County Commissioners (BCC) depending upon the items requested in the Zoning Application. Appeals to Circuit Court must be filed within 30 days of the transmittal of the CZAB resolution. Appeals to BCC must be filed with the Zoning Hearings Section of the Department of Planning and Zoning within 14 days of the posting of the results in the department.

Further information and assistance may be obtained by contacting the Legal Counsel's office for the Department of Planning and Zoning at (305) 375-3075, or the Zoning Hearings Section at (305) 375-2640. For filing or status of Appeals to Circuit Court, you may call the Clerk of the Circuit Court at (305) 349-7409.

A. ARCHIMEDEAN PROPERTIES, LLC.
(Applicant)

09-6-CC-2 (08-194)
BCC/District 10
Hearing Date: 7/23/09

Property Owner (if different from applicant) **Same**

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

Disclosure of interest form attached? Yes ☐ No ☑

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1985	Monastery of the Exalation of the Most Holy Cross, Inc.	- Special exception to permit a charter school. - Non-Use variance of parking. - Unusual Use to permit an entrance feature.	ZAB	Approved w/conds.
1985	Monastery of the Exalation of the Most Holy Cross, Inc.	- Special exception to permit a charter school. - Non-Use variance of parking. - Unusual Use to permit an entrance feature.	BCC	Appeal Approved , Application Approved
1987	Monastery of the Exalation of the Most Holy Cross, Inc.	- Special exception to permit a church. - Unusual Use to permit a daycare. - Non-Use variance's for parking and signage. - Modification of conditions of resolution.	ZAB	Approved w/conds.
2005	Archimedean Properties L.L.C.	- Special exception to permit a charter school.	BCC	Approved w/conds.
2006	Archimedean Properties L.L.C.	- Special exception expansion of a charter school. - Modification and deletion of condition of resolution and covenant.	BCC	Approved w/conds.

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.

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: 06/18/2009 **#Z-**

ITEM: 08-194

APPLICANT: ARCHIMEDEAN PROPERTIES, LLC (09-6-CC-2/08-194)

MOTION: To Defer the Application to July 23, 2009, due to lack of a quorum.

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

Memorandum

MIAMI-DADE COUNTY

Date: July 23, 2009

To: The Board of County Commissioners

From: Developmental Impact Committee
Executive Council

Subject: Developmental Impact Committee Recommendation

APPLICANT: Archimedean Properties L.L.C. (Z08-194)

SUMMARY OF REQUESTS:

The applicant is seeking to modify conditions of Resolutions Z-16-05 and Z-31-06 and to modify paragraphs of a Declaration of Restrictions in order to submit revised plans showing (6) temporary modular classrooms, to increase the grade levels for the previously approved charter school and to increase the number of night functions/special activities for the charter school.

LOCATION: 12425 SW 72 Street (Sunset Drive), Miami-Dade County, Florida.

COMMENTS:

This application went before the Developmental Impact Committee because the applicant is requesting to modify a previously approved charter school. Section 33-303.1(D)(7) of the Code of Miami-Dade County charges the Developmental Impact Committee (DIC) to address applications with respect to: (I) conformance with all applicable plans; (II) environmental impact; (III) impact on the economy; (IV) impact on essential services; and (V) impact on public transportation facilities and accessibility.

Charter schools are educational institutions which are authorized and maintained in accord with the provisions of Chapter 1002 and Chapter 1013.35, Florida Statutes, as same may be amended from time to time. All such public charter schools shall be additionally authorized locally by the Miami-Dade County School Board through a process established by that entity for the approval of the charter. Miami-Dade Land Use regulations relating to public charter school facilities are set forth in Sections 33-152 through 162 of the Code of Miami-Dade County which was established in 2004 pursuant to Ordinance 04-108. The purpose of this Section and relevant provisions of the CDMP are to provide standards for land use approval of public charter school facilities pursuant to said Ordinance. In addition, an Interlocal Agreement with the School Board of Miami-Dade County was also established pertaining to the siting of such facilities and is applicable in the unincorporated area.

The meeting of the DIC Executive Council was held and the attached Department memoranda were reviewed and considered by said Committee.

DIC RECOMMENDATION:

Approval with conditions of requests #1 through #5 as set forth in the Department of Planning and Zoning's recommendation.

The Executive Council found that the proposed application, with the applied conditions, is in keeping with the Comprehensive Development Master Plan Land Use map designation for the subject parcel and is in compliance with Article XI - Public Charter School facilities of Chapter 33 of the Code of Miami-Dade County. In relation to the present and future development of the area, the Executive Council finds that the modifications to the charter school site, with the acceptance of the proffered covenant and the applied conditions, will permit a development which is **consistent** with the Comprehensive Development Master Plan (CDMP), and will not be contrary to the public interest. In addition, the Council also finds that the development will be **compatible** with the surrounding area and would not detrimentally impact same.

APPLICATION NO. Z08-194
ARCHIMEDEAN PROPERTIES, LLC

Respectfully Submited,

DIC Executive Council
May 06, 2009

Susanne M. Torriente
Assistant County Manager — AYE

Manny Mena, Assistant Fire Chief
Miami-Dade Fire Rescue Department — AYE

Irma San Roman, Deputy Director
Metropolitan Planning Organization Secretariat — AYE

Maria Teresa Fojo, Acting Assistant Director of Zoning
Department of Planning and Zoning — AYE

Esther Calas, P.E., Director
Public Works Department — AYE

Jose Gonzalez, P.E., Assistant Director
Department of Environmental Resources Mgmt — AYE

Jorge S. Rodriguez, P.E., Assistant Director
Miami-Dade Water and Sewer Department — AYE

DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO THE DEVELOPMENT IMPACT COMMITTEE

APPLICANT: Archimedean Properties L.L.C. **PH:** Z08-194 (08-05-BCC)

SECTION: 25-54-39 **DIC DATE:** May 6, 2009

COMMISSION DISTRICT: 10

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A. INTRODUCTION

o **REQUESTS:**

(1) Modification of Condition #3, #9 and #11 of Resolution Z-16-05, last modified by Resolution Z-31-06, both Resolutions passed and adopted by the Board of County Commissioners reading as follows:

FROM: "3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, 'Archimedean Academy Charter School,' as prepared by Civica, consisting of 11 sheets, dated stamped received 6/7/06.

TO: "3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Archimedean Academy, Inc." as prepared by Anthony E. Tzamtzis consisting of 4 sheets dated stamped received 3/31/09."

FROM: "9. That night activities and/or functions at the charter school shall be limited to 10 events per year and shall end no later than 10:00 p.m.

TO: "9. That night activities and/or functions at the charter school shall be limited to 24 events per year and shall end no later than 10:00 p.m.

FROM:"11.That the charter school use shall be limited to Grades K-8th for a maximum of 800 students.

TO: "11. That the charter school use shall be limited to Grades K-12th for a maximum of 800 students."

(2) Modification of Condition #2 of Resolution Z-31-06 passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "2. That the charter school use shall be limited to grades K through 8th with the expansion from 600 to 800 students as follows:

Year 1	2006-2007	School Year	addition of 80 students (620 Students)
Year 2	2007-2008	School Year	addition of 60 students (680 Students)
Year 3	2008-2009	School Year	addition of 60 students (740 Students)
Year 4	2009-2010	School Year	addition of 60 students (800 Students)

TO: "2. That the charter school use shall be limited to grades K through 12th for a total of 800 students as follows:

Year 1	2006-2007	School Year	addition of 80 students (620 Students)
Year 2	2007-2008	School Year	addition of 60 students (680 Students)
Year 3	2008-2009	School Year	addition of 60 students (740 Students)
Year 4	2009-2010	School Year	addition of 60 students (800 Students)

(3) Modification of paragraphs #3 and #9 of a Declaration of Restrictions recorded in Official Record Book 23679 pages 4935 thru 4943 last modified by Declaration of Restrictions Amendment and Restatement of the Declaration of Restrictions Recorded at Official Records Book 23679, pages 4935-4943 in Official Record Book 25853 pages 4991 thru 5006, reading as follows:

FROM: "3. The use of the Property shall be established and maintained substantially in accordance with that certain plan entitled "Archimedean Academy Charter School, as prepared by Civica, dated stamped received on June 7, 2006, consisting of eleven (11) sheets (including the cover page).

TO: "3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Archimedean Academy, Inc Charter Schools Addition of Grades 9 to 12" as prepared by Anthony E. Tzamtzis consisting of 4 sheets dated stamped received 3/31/09."

FROM:"9. The Charter School shall have staggered start and dismissal times as follows:

7:30 a.m. – 1:30 p.m.	Grades K-1	(178 students)
7:30 a.m. - 2:30 p.m.	Grades 2-3	(178 students)
8:00 a.m. – 3:00 p.m.	Grades 4-5	(178 students)
8:30 a.m. – 3:30 p.m.	Grades 6-8	(266 students)

TO: "9. The Charter School shall have staggered start and dismissal times as follows:

8:00 a.m. - 3:00 p.m.	Grades K-5	(Wednesdays 8:00 a.m.– 2:00 p.m.)
8:40 a.m. - 4:00 p.m.	Grades 6-8	(Wednesdays 8:40 a.m.–3:00 p. m.)
7:30 a.m.- 3:30 p.m.	Grades 9-12	(Wednesdays 7:30 a.m.– 2:30 p.m.)

(4) Modification of paragraph #10 of Declaration of Restrictions Amendment and Restatement of the Declaration of Restrictions Recorded at Official Records Book 23679, pages 4935-4943, record in Official Record Book 25853 pages 4991 thru 5006, reading as follows:

FROM: "10. That the Charter School use shall be limited to grades K through 8th with the expansion from 600 to 800 students as follows:

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Year 3	2008- 09 School Year	Addition of 60 students (740 students)
Year 4	2009-10 School Year	Addition of 60 students (800 students)

TO: "10. That the Charter School use shall be limited to grades K through 12th for a total of 800 students as follows:

Year 1	2006-07 School Year	Addition of 80 students (620 students)
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Year 3	2008- 09 School Year	Addition of 60 students (740 students)
Year 4	2009-10 School Year	Addition of 60 students (800 students)

(5) Modification of paragraph #10 of Declaration of Restrictions recorded in Official Record Book 23679 pages 4935 thru 4943 last modified and renumbered as paragraph #11 of Declaration of Restrictions Amendment and Restatement of the Declaration of Restrictions Recorded at Official Records Book 23679, pages 4935-4943, record in Official Record Book 25853 pages 4991 thru 5006, reading as follows:

FROM: "11. That night activities and/or functions at the Charter School shall be limited to ten (10) events per year and shall end no later than 10:00 p.m.

TO: "11. That night activities and/or functions at the Charter School shall be limited to twenty-four (24) events per year and shall end no later than 10:00 p.m.

"The purpose of requests #1 thru #5 is to allow the applicant to submit revised plans showing (6) temporary modular classrooms, to increase the grade levels and to extend the number of night activities and functions per calendar year for the previously approved charter school."

Upon a demonstration that the applicable standards have been satisfied, approval of these requests may be considered under Section 33-311(A)(7) (Generalized Modification Standards) or Section 33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

- **SUMMARY OF REQUESTS:**

  The applicant is seeking to modify conditions of Resolutions Z-16-05 and Z-31-06 and to modify paragraphs of Declarations of Restrictions in order to submit revised plans showing (6) temporary modular classrooms, to increase the grade levels for the previously approved charter school up to 12th grade and to increase the number of night functions/special activities for the charter school.

- **LOCATION**: 12425 SW 72 Street (Sunset Drive), Miami-Dade County, Florida.

- **SIZE:** 9.36 Acres

B. ZONING HEARINGS HISTORY:

In 1985, pursuant to Resolution #-156-85, the Zoning Appeals Board (ZAB), approved a special exception to permit a private school, grades 5 through 12, including a monastery, a non-use variance of parking requirements and an unusual use to permit two entry features on a portion of the subject property. In 1987, pursuant to Resolution #4-ZAB-133-87, the monastery was granted a special exception to permit a church in conjunction with a monastery and school, an unusual use and special exception to permit a day care center and a modification of Resolution #Z-156-85 to permit the expansion of the previously approved school to include kindergarten through 4th grade. A non-use variance of parking requirements and sign regulations was also granted. In 2005, pursuant to Resolution #Z-16-05, a special exception was granted to permit a charter school for a maxium of 540 students in grades K-8th. Additionally, in 2006 pursuant to Resolution #Z-31-06 a special exception was granted to permit the expansion of the charter school from 540 to 800 students in grades K-8, along with modifications of conditions of Resolution #Z-16-05.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being approximately **4 mile east of and within the Urban Development Boundary for Agriculture use.** The area designated as "Agriculture" contains the best agricultural land remaining in Miami-Dade County. As stated in the Miami-Dade County Strategic Plan, approved in 2003 by the Board of County Commissioners, protection of viable agriculture is a priority. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packing houses, and farm residences. Uses ancillary to, and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship; however, schools shall not be approved in Agriculture areas but should be located inside the UDB in accordance with Policy EDU-2.A.

   In order to protect the agricultural industry, uses incompatible with agriculture, and uses and facilities that support or encourage urban development are not allowed in this area. Residential development that occurs in this area is allowed at a density of no more than one unit per five acres. Creation of new parcels smaller than five acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject parcel on three or more sides is predominately parcelized in a similar manner, and if a division of the subject parcel would not precipitate additional land division in the area. No business or industrial use should be approved in the area designated Agriculture unless the use is directly supportive of local agricultural production, and is located on an existing arterial roadway, and has adequate water supply and sewage disposal in accordance with Chapter 24 of the County Code, and the development order specifies the approved use(s); however, packing houses for produce grown in Florida are not restricted to locating on an existing arterial roadway. Other uses compatible with agriculture and with the rural residential character may be approved in the Agriculture area only if deemed to be a public necessity, or if deemed to be in the public interest and the applicant demonstrates that no suitable site for the use exists outside the Agriculture area. Existing quarrying and ancillary uses in the Agriculture area may continue operation and be considered for approval of expansion.

2. **Educational Element Goal.** Develop, operate, and maintain a system of public education by Miami-Dade County Public Schools, in cooperation with the County and other appropriate governmental agencies, which will strive to improve the quality and quantity of public educational facilities available to the citizenry of Miami-Dade County, Florida.

3. **Policy EDU-2A.** It is the policy of Miami-Dade County that the Miami-Dade County Public School System shall not purchase sites for schools nor build new schools outside of the Urban Development Boundary (UDB), and that new elementary schools constructed should be located at least ¼ mile inside the UDB; new middle schools should be located at least ½ miles inside the UDB, and; new senior high schools should be located at least one mile inside the UDB. In substantially developed areas of the County where suitable sites in full conformance with the foregoing are not available and a site or portion of a site should conform with the foregoing location criteria and the principal school buildings and entrances should be placed as far as functionally practical from the UDB. The same criteria of this paragraph that apply to public schools also pertain to private schools.

4. **Objective EDU-1.** Work towards the reduction of the overcrowding which currently exists in the Miami-Dade County Public School System while striving to attain an optimum level of service. Strive to provide additional solutions to overcrowding so that countywide enrollment in Miami-Dade County's public schools does not exceed 115% of current Florida Inventory of School Houses (FISH) capacity (both permanent and relocatables). Additionally, by 2010 Miami-Dade County Public Schools shall meet state requirements for class size. This numeric objective is adopted solely as a guideline for school facility planning and shall not be used as a Level of Service Standard or as a basis for denial of development orders.

5. **Policy EDU-1D.** Cooperate with the Miami-Dade County Public School System in their efforts to provide public school facilities to the students of Miami-Dade County, which operate on optimum capacity, in so far as funding available. Operational activities may be developed and implemented, where appropriate, which mitigate the impacts of overcrowding while maintaining the instructional integrity of the educational program.

6. **Policy EDU-2D.** When considering a site for possible use as an educational facility, the district should review the adequacy and proximity of other public facilities and services necessary to the site such as roadway access, fire flow and potable water, sanitary sewers, and police and fire services

7. **Policy LU-2A.** All development orders authorizing new, or significant expansion of existing, urban land uses shall be contingent upon the provision of services at or above the Level of Service (LOS) standards specified in the Capital Improvement Element (CIE).

8. **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.

9. **Policy LU-9B.** Miami-Dade County shall continue to maintain, and enhance as necessary, regulations consistent with the CDMP which govern the use and development of land and which, as a minimum, regulate:

   i) Land use consistent with the CDMP Land Use Element and CDMP Level of Service Standards;
   ii) Subdivision of land;
   iii) Protection of potable water wellfields;
   iv) Areas subject to seasonal or periodic flooding;
   v) Stormwater management
   vi) Signage; and
   vii) On-site traffic flow and parking to ensure safety and convenience and that no avoidable off-site traffic flow impediments are caused by development.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
GU; charter school	Agriculture
Surrounding Properties:	
NORTH: GU; single-family residences and plant nursery	Agriculture
SOUTH: GU; churches EU-M; single-family residences	Estate Density Residential, 1 to 2.5 dua
EAST: GU; plant nursery	Agriculture
WEST: GU; churches	Agriculture

The subject property is located at 12425 SW 72 Street on the north side of SW 72 Street (Sunset Drive) in an area known as horse country. The area surrounding the property is developed with institutional uses such as churches. A single-family residential subdivision lies to the south and plant nurseries are found to the north and east.

E. SITE AND BUILDINGS:

Site Plan Review:	(site plan submitted)
Scale/Utilization of Site:	**Acceptable**
Location of Buildings:	**Acceptable**
Compatibility:	**Acceptable**
Landscape Treatment:	**Acceptable**
Open Space:	**Acceptable**
Buffering:	**Acceptable**
Access:	**Acceptable**

Parking Layout/Circulation:	**Acceptable**
Visibility/Visual Screening:	**N/A**
Urban Design:	**N/A**

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(7) (Generalized Modification Standards). The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned.

Section 33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing). The Community Zoning Appeals shall approve applications to modify or eliminate any condition or part thereof which has been imposed by any zoning action, and to modify or eliminate any restrictive covenants, or parts thereof, accepted at public hearing, upon demonstration at public hearing that the requirements of at least one of the paragraphs of this section have been met. Upon demonstration that such requirements have been met, an application may be approved as to a portion of the property encumbered by the condition or the restrictive covenant where the condition or restrictive covenant is capable of being applied separately and in full force as to the remaining portion of the property that is not a part of the application, and both the application portion and the remaining portion of the property will be in compliance with all other applicable requirements of prior zoning actions and of this chapter.

Section 33-153. Public hearing required in all districts.
The establishment, expansion or modification of a charter school facility is permitted in any zoning district after public hearing upon demonstration that the standards established in this article have been met. Any existing covenant or declaration of restrictions relating to an existing charter school facility shall be modified or deleted only in accordance with the provisions of Article XXXVI of the zoning code of Miami-Dade County.

G. NEIGHBORHOOD SERVICES:

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

*Subject to conditions indicated in their memoranda.

H. ANALYSIS

The subject property is a 9.36-acre parcel of land located at 12425 SW 72 Street which is currently developed as a K-8 charter school for 800 students. The applicant is requesting to increase the permitted grade levels from K-8 to K-12 but is not proposing to increase the number of students approved. The revised plan submitted by the applicant, indicates an existing two-story building with 171 parking spaces for faculty and visitors and six (6) temporary modular classrooms located on the northern portion of the site. There are two entrances located on SW 72nd Street for vehicular traffic. The applicant is requesting an additional six (6) temporary modular classrooms to be located adjacent to the current modular units. The site plan depicts open space and recreational areas, including a soccer field and basketball court, interspersed throughout the northern, eastern and western portions of the site. The northern and eastern portions of the site are enclosed by 6' high wooden and chain link fencing.

The Department of Environmental Resources Management **(DERM)** has **no objection** to this application. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum. Additionally, the Public Works Department **(PWD) does not object** to the application provided the applicant adheres to the conditions listed in their memorandum. The Miami-Dade Transit **(MDT),** the **Miami-Dade Aviation Department** and Miami-Dade Water and Sewer **(WASD)** have **no objections** to this application. The **Miami-Dade Fire Rescue Department (MDFR)** also has **no objection** to this application. Their memorandum indicates that the estimated travel response time of **6:40** minutes complies with the performance objective of national industry. The Miami-Dade County Public Schools **(MDCPS)** did not comment on this application.

The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site for **Agriculture** use. The area designated as "Agriculture" contains the best agricultural land remaining in Miami-Dade County. As stated in the Miami-Dade County Strategic Plan, approved in 2003 by the Board of County Commissioners, protection of viable agriculture is a priority. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packing houses, and farm residences. Uses ancillary to, and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship; however, **schools** shall not be approved in Agriculture areas but should be located inside the UDB in accordance with Policy EDU-2A.

The subject property was approved for use as a private school in 1985, at which time, the applicant's contention that the school was a public necessity and of public interest in this area was confirmed by the Zoning Appeals Board. The Zoning Appeals Board also concluded that there were no other suitable sites for the use outside the Agriculture area. The Agriculture designation of the Master Plan indicates that other uses **compatible** with agriculture and the rural residential character may be approved in the Agriculture area only if deemed to be a public necessity, or if deemed to be in the public interest and the applicant demonstrates that no suitable site for the use exists outside the Agriculture area. The changes being requested by the applicant are to increase the grade levels from K-8 to K-12, place six temporary modular structures for classroom use on the site and increase

the number of functions allowed on the site annually. In addition, the current charter school serves students from grades K-8th. The addition of grades 9-12 provides a continuous feeder pattern for the students by allowing the 8th grade students to continue their high school education at the current site. Also, the applicant has indicated that current pending Florida Class Size Amendment will require the applicant to provide more classrooms at the property than are currently in place. Staff opines that the current application does not represent a material change to the previous applications, except as noted, and therefore staff opines that the application is in keeping with the established intensity and uses that currently surround the subject property and is, therefore, **compatible** with the neighborhood and **consistent** with the objectives of the CDMP.

When requests #1 through #5 are analyzed under the Generalized Modification Standards, Section 33-311(A)(7), the addition of 6 temporary modular structures, the proposed increase in grade levels, and the increase of events per year from 10 to 24, in staff's opinion, will not adversely impact the surrounding area and will be **compatible** with same. While staff acknowledges there will be some impacts with the increase of night activities/functions and the addition of grade levels, those impacts are mitigated by the fact that the additional events will be held primarily during off-peak hours in an area which is not intensely residential. In addition, the applicant is not allowing students to drive to school which will alleviate potential parking impacts to the surrounding community. When considering the necessity for and the reasonableness of the requests, staff is of the opinion that the approval of this application will not have an unfavorable effect on the area, and will not be contrary to the public interest. Staff's review of both the previously approved plans and the newly submitted plans reveals that, overall, the only physical difference in the plans is the addition of the six (6) temporary modular structures which are adjacent to the six (6) existing structures. The applicant has committed to removing the six (6) temporary modular structures by August 1, 2016. The increase in grade levels from K-8 to K-12 will not generate excessive overcrowding of people, or tend to provoke a nuisance since the applicant is not requesting an increase in the number of students and therefore there will be no additional impacts to the community. Additionally, staff opines that with the addition of high school grades there will be a need to increase night functions such as sporting events and other social functions geared primarily to the high school students. It should be noted that while the applicant has requested an increase in night activities, the original times for concluding the functions/activities remains the same. The new staggered arrival and dismissal times also reflect the additional grade levels and is consistent with the Public Works requirements. As previously mentioned, the school is already in operation and has complied with all the conditions imposed by the previous Resolutions and Declarations. As such, staff opines that the approval of requests #1-5 would not be detrimental to the surrounding area and is **compatible** with same. As such, staff recommends approval with conditions of requests #1- #5 under Section 33-311(A)(7).

The Standard under Section 33-311(A)(17), Modification or Elimination of Conditions and Covenants After Public Hearing, provide for the approval of a zoning application which demonstrates at public hearing that the modification or elimination of conditions of a previously approved resolution or restrictive covenant complies with one of the applicable modification or elimination standards and does not contravene the enumerated public interest standards as established. However, the applicant has not submitted documentation to indicate which modification or elimination standards are applicable to this application. Due to the lack of information, staff is unable to properly analyze requests

#1 thru #5 under said Standards and, as such, staff recommends denial without prejudice under Section 33-311(A)(17).

Accordingly, staff recommends approval with conditions of requests #1 through #5 under Section 33-311(A)(7) (Generalized Modification Standards) and denial without prejudice of same under Section 33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

I. RECOMMENDATION:

Approval with conditions of requests #1 through #5 under Section 33-311(A)(7) (Generalized Modification Standards) and denial without prejudice of same under Section 33-311(A)(17) (Generalized Modification or Elimination of Conditions or Covenants After Public Hearing).

J. CONDITIONS:

1. That all the conditions of Resolution No. Z-31-06 and Z-16-05 remain in full force and effect except as herein modified.

2. That a revised Declaration of Restrictions be submitted to the Department of Planning and Zoning within 90 days after final public hearing approval of this application, unless a time extension is granted by the Director of Planning and Zoning, for a good cause.

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

4. That the applicant comply with all the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained in the Departmental memoranda which are part of the May 6, 2009 DIC record of this application and incorporated herein by reference.

5. That the school gates be opened at least 30 minutes prior to the arrival and dismissal times.

6. That the charter school use be limited to grades Kindergarten through 12th and be limited to a maximum of 800 students.

7. That there will be staggered shifts at arrival and dismissal times for students at the charter school, separated by a minimum of 30 minutes. The arrival and dismissal times shall be as follows:

8:00 a.m. - 3:00 p.m.	Grades K-5 (Wednesdays 8:00 a.m. – 2:00 p.m)
8:40 a.m. - 4:00 p.m.	Grades 6-8 (Wednesdays 8:40 a.m. – 3:00 p.m)
7:30 a.m.- 3:30 p.m.	Grades 9-12 (Wednesdays 7:30 a.m. – 2:30 p.m.)

8. That at time of yearly renewal of Certificate of Use, the applicant shall submit to the Department of Planning and Zoning a letter from the principal of the school detailing the number of students and the grade levels that are currently enrolled in said facility.

9. That the temporary modular structures on site be removed from the property by August 1, 2016.

10. That high school students will not be permitted to drive to school.

DATE INSPECTED:
DATE TYPED: 3/24/09
DATE REVISED: 3/25/09, 3/30/09, 3/31/09, 4/16/09, 4/17/09, 4/28/09
DATE FINALIZED: 4/28/09

MCL:MTF:NN:JV:CI

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

Memorandum

MIAMI-DADE COUNTY

Date: March 20, 2009

To: Nicholas D. Nitti
Educational Facilities Coordinator
Department of Planning and Zoning

From: Esther Salas, P.E., Director
Public Works Department

Subject: Recommendations for Archimedean Properties Process No.: Z2008000194

Miami Dade County Public Works Department Traffic Engineering Division recommends approval, if and only if, the recommendations, as indicated below, are incorporated into the plans and related documentation.

The Traffic Engineering Division has reviewed the Site Plans, dated October 1, 2008, submitted to the P&Z Department October 6, 2008, for the proposed facility located at SW 72nd St. & SW 123rd Avenue and has the following recommendations and comments:

- Site Specific Comments:

  1. The Site Plan is acceptable as submitted.

- Project Requirements:

  1. A proposed schedule of arrival and dismissal times including grade level and number of students are required to be provided in a covenant and/or "Letter of Intent" for this facility. This schedule shall have a maximum of three shifts per arrival and dismissal period and shall not exceed the previously approved number of students that may be scheduled to arrive or be dismissed in a single shift.

  2. The applicant shall provide the following statement in a covenant and/or "Letter of Intent": The School shall provide trained personnel to manage traffic operations and direct any vehicles which may stack in through lanes or non-designated parking areas in the public rights of way onto the school site during dismissal periods, and possibly, arrival periods onsite.

  3. A Maintenance of Traffic (MOT) operation plan for arrival and dismissal periods must be provided in a covenant for this facility.

- Standard Comments:

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

2. Safe sight distance clearance is required at all driveways; therefore, no trees shall remain or be planted in any clear zones. No tree foliage or branches shall descend below 7 ft within the public right-of-way. All tree placements in sight triangles shall meet or exceed FDOT Index 546. Any proposed planting, relocation or removal of trees and other foliage including any installation of irrigation systems in the public right-of-way must be approved by the R.A.A.M. Division of this Department. Also, any relocation or removal of trees must be approved by DERM. These approvals should be applied for, and received, prior to DIC Executive Council approval of this project. A "Covenant for Maintenance" agreement, recorded in the public record, must be provided prior to permitting any of these types of installations within the public right-of-way.

3. Plans submitted for Permit shall conform to MUTCD, MDPWD and other appropriate standards for engineering design in the public right-of-way. Prior to formal submittal of plans for approval and permitting, a Dry Run Paving and Drainage submittal is required to review compliance with DIC conditions for approval and appropriate standards, and to rectify any discrepancies between existing facilities, plans, conditions for approval, or standards. Existing and proposed striping, signs, and lane widths must be shown on these plans for all adjacent roadways. Also, plans must indicate any existing or proposed private driveways across the streets adjacent to the school site.

4. All roadway improvements including, but not limited to, traffic signs, markings and signals shall be installed by the applicant adjacent to, or nearby, this facility to ameliorate any adverse vehicular impacts caused by the traffic attracted to this facility. Also, traffic control devices, e.g., crosswalks, may be required at locations remote from this site along safe routes to school to provide for pedestrian student safety. These requirements may be determined at the time of Dry Run submittal of Paving and Drainage Plans.

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

Should you need additional information or clarification on this matter, please contact me at (305) 375-2030.

cc: Jeff Cohen, P.E., Assistant Chief, Traffic Engineering Division
Robert Williams, P.E., Acting Chief, Traffic Signals and Signs Division
Raul A. Pino, P.L.S., Chief, Land Development Division
David Cardenas, Chief, Right of Way and Aesthetic Assets Management Division
Harvey L. Bernstein, Educational Facilities Administrator, Traffic Engineering Division
Armando Hernandez, Concurrency Coordinator, Traffic Engineering Division
Vishnu Rajkumar, Signal Design Administrator, Traffic Engineering Division

Memorandum

MIAMI-DADE COUNTY

Date: November 4, 2008

To: Marc C. LaFerrier, Director
Department of Planning & Zoning

From: Sunil Harman, Director, Aviation Planning, Land-Use & Grants
Aviation Department

Subject: DIC Application #08-194
Archimedean Properties, Inc.
DN-08-11-084

As requested by the Department of Planning and Zoning, the Miami-Dade Aviation Department (MDAD) has reviewed Developmental Impact Committee (DIC) Zoning Application #08-194, Archimedean Properties, Inc. The applicant is requesting to increase the grade levels at the existing charter school from K-8 to K-10 and to modify a previous Resolution. The subject property is 9.3 acres and is located at 12425 Sunset Drive, Miami-Dade County, Florida.

Based on the available information, MDAD has determined that the proposed land use is compatible with operations from Kendall-Tamiami Executive Airport.

SH/rb

C: Max Fajardo, E.I., Deputy Aviation Director
José Ramos, R.A., Chief, Aviation Planning
Nick Nitti, DIC Coordinator, Department of Planning & Zoning

Memorandum

MIAMI-DADE COUNTY

Date: April 17, 2009

To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

Subject: C-11 #Z2008000194-2nd Revision
Archimedean Properties, LLC
12425 Sunset Drive
Modification of a Previous Resolution to Increase the Grades Levels
(AU) (9.36 Acres)
25-54-39

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 Southwest Wellfield. Specifically, the site is situated within the 100-day travel time contour of the said wellfield. The subject property is also located within the West Wellfield interim protection area. Therefore, development on the subject property shall be in accordance with regulations established in Section 24-43 of the Code of Miami-Dade County, Florida (the Code).

The owner of the property has submitted properly executed covenant running with the land in favor of Miami-Dade County as required by Section 24-43.1(5)(a) of the Code. Consequently, DERM may approve the subject application and the same may be scheduled for public hearing.

Potable Water Supply 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.

Existing public water and 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 in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, 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.

Pollution Control
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 the requested use of the subject property may require operating permits from DERM.The Permitting Section of DERM's Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information concerning operating requirements.

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

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

Tree Preservation
Tree Removal Permit 2007-TREE-PER-00646 was issued only for the property with folio 30-4925-000-0620 to Archimedean Properties LLC, on December 28, 2007. This permit expired on December 28, 2008. Please be advised that the required replanting and final inspection as per Tree Removal Permit 2007-TREE-PER-00646 must take place. The applicant should renew this permit or request a final inspection to avoid violation of permit conditions. A two weeks notice is required prior to the final inspection.

The applicant has submitted to DERM a landscape plan entitled
"Existing Landscape Plan", sheet L-1, dated 1/16/09 (revised 3/30/2009)and prepared by Anthony E Tzamtzis Architect, which depicts the existing trees on site "to remain". Therefore, this Section recommends approval of this zoning application.

However, please be advised that a new Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any other tree on the subject properties. Please contact this Program at (305) 372-6574 for information regarding tree permits.

Enforcement History
DERM has found no open or closed enforcement records for the subject property.

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 CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review.

Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

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

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

Memorandum

MIAMI-DADE COUNTY

Date: November 12, 2008

To: Marc C. LaFerrier, Director
Department of Planning & Zoning

From: Herminio Lorenzo, Director
Miami-Dade Fire Rescue Department

Subject: DIC # 08-194 Archimedean Properties, Inc.
12425 Sunset Drive, Miami-Dade County, FL

According to the letter of intent, the applicant is seeking to increase the grade levels at the existing charter school from K-8 to K-10 and to modify a previous Resolution. The Miami-Dade Fire Rescue Department (MDFR) has **no objections** to DIC application #Z2008000194. The request will have no impact to capacity or levels of service that MDFR provides to that area of the County.

EXISTING SERVICES

Based on data retrieved during calendar year 2007, the average travel time to the vicinity of the proposed development was **6:40** minutes. Performance objectives of national industry standards require the assembly of 15-17 firefighters on-scene within 8-minutes at 90% of all incidents. Travel time to the vicinity of the proposed development complies with the performance objective of national industry.

The stations responding to a fire alarm will be:

STATION	ADDRESS	EQUIPMENT	STAFF
9	7777 SW 117th Avenue	Rescue, ALS Engine	7
57	8501 SW 127th Avenue	Rescue	3
37	4200 SW 142nd Avenue	Rescue, ALS Engine	7
53	11600 SW Turnpike Hwy	Rescue	3

If you need additional information, please contact Mr. Carlos Heredia, Planning Section Lead Worker at 786-331-4540.

HL:ch

Memorandum

MIAMI-DADE COUNTY

Date: November 13, 2008

To: Nicholas D. Nitti
DIC Coordinator
Department of Planning and Zoning

From: John Garcia
Principal Planner
Miami-Dade Transit / Planning & Development Division

Subject: Review of DIC Project No. 08-194 (Archimedean Properties, Inc.)

Project Description

The applicant is requesting to increase the grade levels from K-8 to K-10 and to modify a previously approved resolution. The subject property is 9.3 acres and is located at 12425 Sunset Drive in Miami-Dade County, Florida.

Current Transit Service

There is direct transit service within the immediate vicinity of the application site. The closest transit service is provided by Metrobus Routes 72 and 272/Sunset KAT along SW 72nd Street (Sunset Drive) and by the Metrobus Route 56 along SW 117th Avenue. The service headways for the above mentioned routes (in minutes) are as follows:

Metrobus Route Service Summary
Archimedean Properties, Inc. Application Site

Route(s)	Service Headways (in minutes)						Proximity to Bus Route (miles)	Type of Service
	Peak (AM/PM)	Off-Peak (middays)	Evenings (after 8pm)	Overnight	Saturday	Sunday		
56	60	60	50	N/A	N/A	N/A	0.7	F
72	30	30	30	N/A	30	30	0.0	F
272 / Sunset KAT	9	N/A	N/A	N/A	N/A	N/A	0.3	E / F

Notes: L means Metrobus local route service
F means Metrobus feeder service to Metrorail
E means Express or Limited-Stop Metrobus service

Future Transportation/Transit Improvements

Currently, the 2009 Transportation Improvement Plan (TIP) does not propose any improvements in the immediate vicinity of this project. The 2030 Long Range Transportation Plan (LRTP) does not propose any improvements in the immediate vicinity of this project.

The draft 2008 ten-year Transit Development Plan (TDP), that currently is in the review/approval phase before adoption by the Board of County Commissioners identifies in its 2018 Recommended Service Plan the following improvements/adjustments on the existing routes serving the vicinity of the project:

Route 56:	No planned improvements.
Route 72:	Extend route westward to the future West Kendall Terminal. Adjust weekend headway from 30 to 60 minutes and discontinue the branch to Miller Square.
Route 272:	Realign route to the future West Kendall Terminal.

MDT Comments/Recommendations

Miami-Dade Transit (MDT) currently provides local bus service to the school and in addition, the westbound bus stop directly in front of the subject property has a covered shelter. Based on the information presented, MDT has no objections to this project.

Concurrency

This project has been reviewed by MDT for mass transit concurrency and was found to be concurrent with the level-of-service standards established for Miami-Dade County.

Memorandum

MIAMI-DADE COUNTY

Date: November 6, 2008

To: Nicholas D. Nitti, DIC Coordinator
Department of Planning and Zoning

From: Bertha M. Goldenberg, P.E., Assistant Director
Regulatory Compliance and Planning

Subject: Archimedean Properties, LLC - DIC Application # - Z2008000194

Below, please find the Miami-Dade Water and Sewer Department's (MDWASD) comments for the subject project.

Application Name: Archimedean Properties, LLC.

Proposed Development: Requesting approval of an Exception to permit 9th and 10th grade students to attend Archimedean's Upper Conservatory High School.

Project Location: 12425 SW 72nd Street, Miami, Florida.

Water/Sewer/Water Conservation: The subject project is located within MDWASD's service area. There is no impact on the Water & Sewer / Conservation areas of concern, since the application does not involve new construction nor an increase in the number of students.

Should you have any questions, please call me at (786) 552-8120 or contact Maria A. Valdes at (786) 552-8198.

DATE: 06/08/09

TEAM METRO

ENFORCEMENT HISTORY

ARCHIMEDEAN PROPERTIES, LLC

APPLICANT

12425 SW 72 STREET, MIAMI-DADE COUNTY,

ADDRESS

Z2008000194

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

CMS#200912002815, INSPECTION CONDUCTED AND NO VISIBLE VIOLATIONS OBSERVED.

ARCHIMEDEAN PROPERTIES, LLC

SANTIAGO GONZALEZ

28

ARCHIMEDEAN ACADEMY, INC

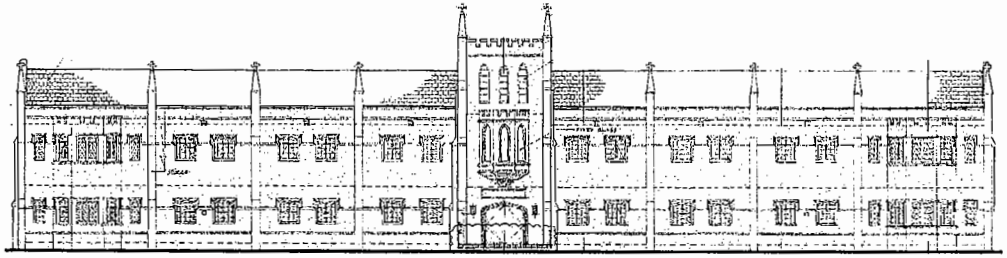
▪ CHARTER SCHOOLS ▪

ADDITION OF GRADES 9 TO 12

12425 SUNSET DR. - MIAMI - FLORIDA - 33183

D.I.C. SUBMITTAL

OCTOBER 01, 2008



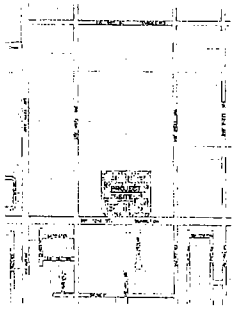
OWNER	ARCHITECT	CONSULTANTS	INDEX OF DRAWINGS
ARCHIMEDEAN PROPERTIES, LLC. 12425 SW 72ND STREET MIAMI, FLORIDA, 33183	ANTHONY E. TZAMTZIS, AIA ARCHITECT AR 09207 2421 TIGERTAIL AVENUE, MIAMI, FL 33133 PH. (305) 389-9009 FAX (305) 857-3542 EMAIL: atzamtzis@bellsouth.net	DELTA SURVEYORS, INC L.B No. 3386 STATE OF FLORIDA 13052 SW 133rd CT. MIAMI, FL 33186 PH. (305) 253-0909 FAX (305) 253-0933	SURVEY COVER SHEET A-1 EXISTING SITE PLAN A-2 EXISTING SITE/BLDG. PHOTOGRAPHS A-3 EXISTING K-8 SCHOOL BLDG. FLOOR PLAN AND ELEVATIONS L-1 EXISTING LANDSCAPE PLAN

REVISIONS		
No	DATE	DESCRIPTION
1	01-23-09	RESPONSE TO ZONING AND TRAFFIC COMMENTS
2	03-16-09	DIC APPLICATION REVISION

RECEIVED
MIAMI-DADE COUNTY
PLANNING & ZONING
DATE: MAR 31 2009

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: 208-184
DATE: MAR 31 2009
BY: SDB

29



LOCATION MAP

N.T.S.

LEGAL DESCRIPTION

The East 1/2 of the SE 1/4 of the SW 1/4 of the SW 1/4, LESS the South 50.0 feet thereof, in Section 25, Township 54 South, Range 39 East, Miami-Dade County, Florida.

The West 1/2 of SW 1/4 of the SE 1/4 of the SW 1/4, LESS the South 50.0 feet thereof, in Section 25, Township 54 South, Range 39 East, Miami-Dade County, Florida.

Approximately 9.37 Acres.

ZONING LEGEND

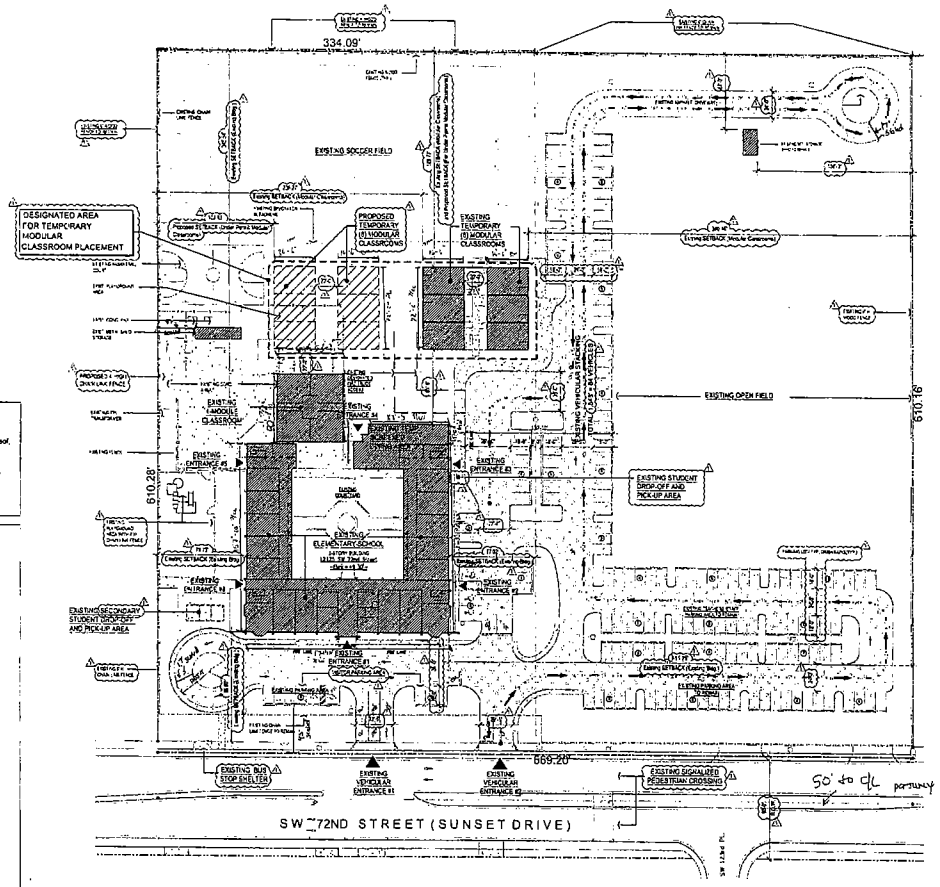
MIAMI-DADE COUNTY, FLORIDA - Chapter 33, Zoning

Existing Use: Elementary and Middle School K-8 with temporary Modular Classrooms
Proposed Use: Add 9 to 12 grades. No physical improvements proposed.

ZONING DISTRICT: GU
NET LOT AREA: 408,047.57 sf = 9.36 acres

SETBACKS & Height	REQUIRED	EXISTING TO REMAIN
Existing Main Building		
Front	25.0'	98.9'
Side (east)	25.0'	310.0'
Side (west)	50.0'	38.7'
Rear	50.0'	349.54'
Height	35.0'	22.0' at parapet 35.0' at tower
Existing Kindergarten Module		
Front	25.0'	256.21'
Side (east)	25.0'	309.0'
Side (west)	50.0'	105.82'
Rear	50.0'	285.29'
Height	35.0'	13.0'
Existing Temporary Modular Classrooms		
Front	25.0'	243.68'
Side (east)	25.0'	296.27'
Side (west)	50.0'	379.92'
Rear	50.0'	189.72'
Height	35.0'	14.0'
LOT COVERAGE	15% (61,207 SF)	6.89% (28,061 SF)*

* INCLUDES THE AREA OF EXISTING STUDENT DROP-OFF & PICKUP COVERED CANOPY



EXISTING SITE PLAN

SCALE: 1" = 50'

REFER TO SURVEY BY DELTA SURVEYORS, INC.
DATE: AUGUST 26, 2008

SCOPE OF WORK

1. EXPAND GRADES FROM K-8 TO K-12 (ADDITION OF 9 TO 12 GRADES).
2. DESIGNATE AREA FOR TEMPORARY MODULAR CLASSROOM PLACEMENT AS SHOWN ON THIS PLAN
3. NO PHYSICAL IMPROVEMENTS PROPOSED AT THIS TIME

PARKING: CALCULATIONS BASED ON MIAMI-DADE COUNTY ORDINANCE 33, ARTICLE XLIV, SUBARTICLE XXXVIII, SECTION 33-124.1(1), (2) & (3)

SCHOOL TYPE	No. OF TEACHERS	No. OF OTHER STAFF	TOTAL PERSONNEL	No. OF TRANSP. VEHICLES	AREA IN SF CLASSROOM, LIBRARY, ADMIN. AND OFFICE AREAS	PARKING SPACES REQUIRED	PARKING PROVIDED
EXISTING GRADES K-8 ELEMENTARY GRADES K-5 + TEMPORARY GRADES 6-8	26	16	42	0	N/A	42	
	16	6	22	0	N/A	25	
HIGH SCHOOL GRADES 9-12	N/A	4	4		2,600	13	
TOTAL PARKING REQUIRED, PROVIDED						54	71

PARKING CALCULATIONS NOTES BASED ON MIAMI-DADE COUNTY ORDINANCE 33,

1. FOR ALL REQUIRED PARKING FOR ELEMENTARY AND ELEMENTARY SCHOOLS SHALL EQUAL THE COMBINED TOTAL OF PERSONNEL AND TRANSPORTATION VEHICLES.
2. FOR REQUIRED PARKING FOR JUNIOR HIGH SCHOOLS SHALL EQUAL 1.5 TIMES THE COMBINED TOTAL OF PERSONNEL AND TRANSPORTATION VEHICLES.
3. FOR REQUIRED PARKING FOR HIGH SCHOOLS IS 1 SPACE/200 SF OF CLASSROOMS, LIBRARIES, AND ADMINISTRATION AREAS.
   - CLASSROOM AREA : 49,350.99 SF. = 2,200/200 = 11
   - LIBRARY AREA : N/A
   - ADMINISTRATION : 847.00
   - TOTAL PARKING REQUIRED : 2,600 SF / 200 SF/SPACE = 13

NOTE: REQUIRED PARKING FOR HIGH SCHOOLS IS 1 SPACE PER 4 PERSONS EXCLUDING STAFF OF THE HIGH SCHOOL. THIS APPLICATION INCLUDES AN AREA OF 4 THAT THE HIGH SCHOOL WILL NOT ALLOW ELIGIBLE STUDENTS TO DRIVE.

STUDENTS ENROLLMENT

	No. OF STUDENTS
EXISTING (K-8)	670
ADD 9 TO 12 GRADES	130
TOTAL	*800 Students

* 800 STUDENTS FOR 2009-2010 SCHOOL YEAR PER RESOLUTION Z-31-06

LEGEND

- EXISTING BUILDINGS OR TEMPORARY PORTABLES
- EXISTING WALKWAYS
- EXIST. CONC. POLE PARKING LIGHTING
- EXISTING VEHICULAR STACKING TOTAL: 1848' = 84 VEHICLES
- PROPOSED TEMPORARY MODULAR CLASSROOMS

RECEIVED
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
MAR 20 2009
BY: [illegible]

APPLICATION MASTER NOTES:

1 - ALL CONDITIONS SHOWN ARE AS APPROVED BY MIAMI-DADE COUNTY RESOLUTIONS Z-16-05 & Z-31-06 EXCEPT AS NOTED IN THIS SCOPE OF WORK

2 - ALL SITE ELEMENTS, PARKING LAYOUT, BUILDING ELEMENTS, LIFE SAFETY ALARM AND EMERGENCY SYSTEMS ARE EXISTING TO REMAIN UNDER THIS APPLICATION.

3 - THIS APPLICATION TO BE USED AS RECORD OF EXISTING CONDITIONS FOR THE ADDITION OF 9 TO 12 GRADES.

No.	DATE	DESCRIPTION
1	01-23-09	RESPONSE TO ZONING AND TRAFFIC COMMENTS
2	03-15-09	DIC APPLICATION REVISION

ANTHONY E. TZAMTZIS, AIA
ARCHITECT AR 09207
2421 TIGERTAIL AVENUE, MIAMI, FL 33133
TEL: (305) 854-0800 FAX: (305) 854-0840
EMAIL: atzamtzis@atzdesign.net

Sheet Title: EXISTING SITE PLAN

Submittal: D.I.C. SUBMITTAL

ARCHIMEDEAN ACADEMY, INC
CHARTER SCHOOL
ADDITION OF GRADES 9 to 12
12425 Sunset Dr. Miami, Florida 33183

Date: 01-16-09
Scale: AS NOTED
Drawn:
Job: 06-1218
Sheet: A-1
Of: Sheets

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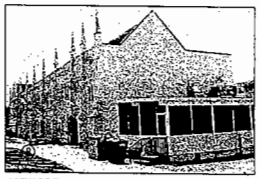
MIAMI-DADE COUNTY
PROCESS #: 226-194
DATE: MAR 31 2009
BY: KCB

VIEW OF THE FRONT SCHOOL ENTRANCE FROM ACROSS SUNSET DRIVE

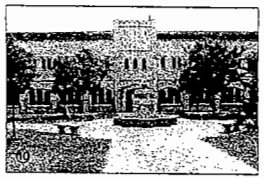
MEDIUM SIZE OAK TREES BORDER THE NORTH PROPERTY LINE ALONG THE SOCCER FIELD EDGE

VIEW OF THE REAR AND WEST FACADE LOOKING SOUTH

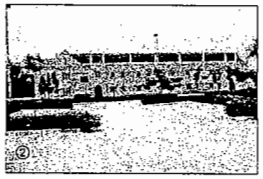


VIEW OF THE REAR AND EAST FACADE WITH THE EXISTING TEMPORARY DINING AREA IN FOREGROUND

VIEW OF THE REAR PART OF THE SCHOOL FROM THE SOCCER FIELD WITH THE EXISTING MODULAR CLASSROOMS IN FOREGROUND.



VIEW OF THE INTERIOR COURTYARD LOOKING SOUTH

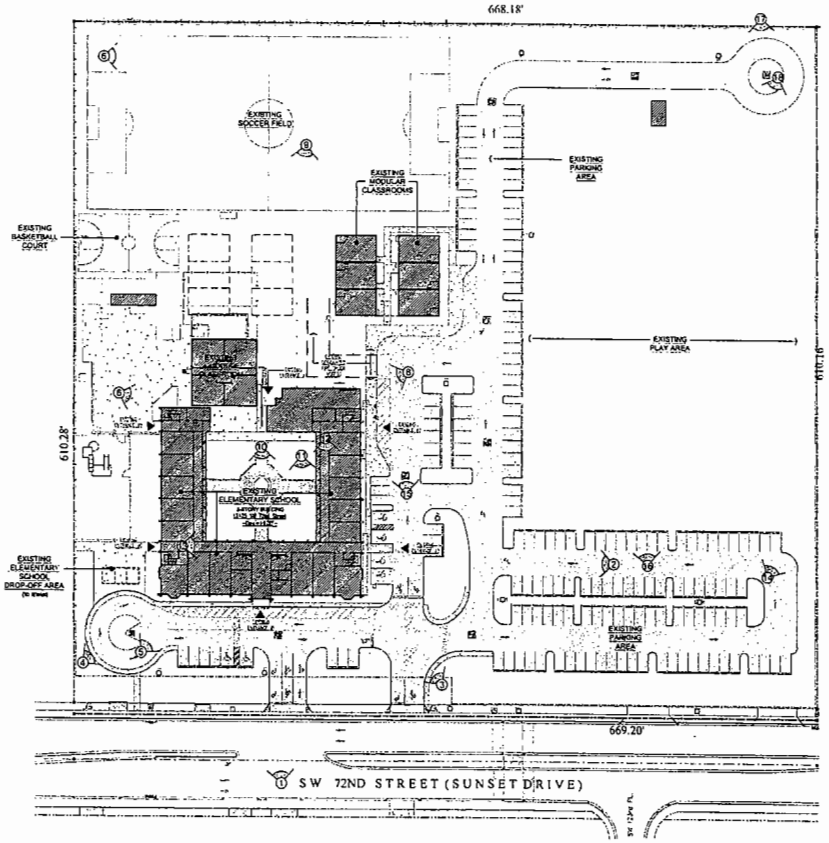


VIEW OF THE EAST EXISTING FACADE SIDE FROM THE PARKING AREA

LOOKING WEST AT THE SW CORNER OF THE EXISTING BUILDING

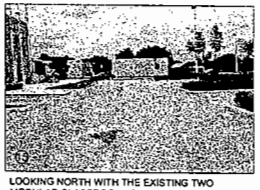
LOOKING EAST ON THE FRONT FACADE OF THE EXISTING SCHOOL BUILDING

VIEW OF THE WEST FACADE OF THE EXISTING SCHOOL WITH THE ELEMENTARY SCHOOL DROP OFF AND PICK-UP AREA



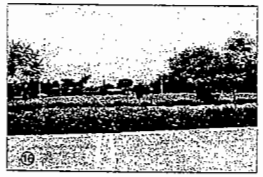
EXISTING SITE PLAN WITH PHOTOGRAPHS

SCALE: 1" = 50'

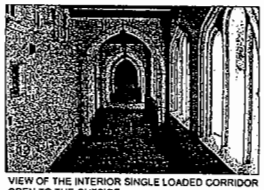


LOOKING NORTH WITH THE EXISTING TWO MODULAR CLASSROOM BUILDINGS AT THE BACKGROUND

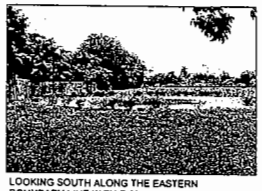
ANOTHER VIEW OF THE INTERIOR COURTYARD LOOKING WEST



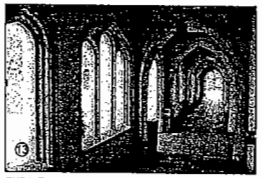
VIEW OF THE EXISTING OPEN FIELD SITE OF THE PROPOSED MIDDLE/HIGH SCHOOL BUILDING



VIEW OF THE INTERIOR SINGLE LOADED CORRIDOR OPEN TO THE OUTSIDE



LOOKING SOUTH ALONG THE EASTERN BOUNDARY LINE WITH FICUS TREES



THE INTERIOR OPEN CORRIDOR EAST

LOOKING SOUTH AT THE EXISTING OPEN FIELD SITE OF THE PROPOSED GYM BUILDING WITH THE EXISTING SCHOOL AT THE FAR BACKGROUND

MATURE FICUS TREES BORDER THE SITE ALONG THE EAST PROPERTY LINE

RECEIVED
MAR 31 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

APPLICATION MASTER NOTES:

1 - ALL CONDITIONS SHOWN ARE AS APPROVED BY MIAMI-DADE COUNTY RESOLUTIONS Z-18-05 & Z-31-06 EXCEPT AS NOTED IN THIS SCOPE OF WORK.

2 - ALL SITE ELEMENTS, PARKING LAYOUT, BUILDING ELEMENTS, LIFE SAFETY ALARM AND EMERGENCY SYSTEMS ARE EXISTING TO REMAIN UNDER THIS APPLICATION.

3 - THIS APPLICATION TO BE USED AS RECORD OF EXISTING CONDITIONS FOR THE ADDITION OF 9 TO 12 GRADES.

REVISIONS

No	DATE	DESCRIPTION
1	01-27-09	RESPONSE TO ZONING AND TRAFFIC COMMENTS
2	03-13-09	DIC APPLICATION REVISION
3	03-30-09	RESPONSE TO ZONING COMMENTS

ANTHONY E. TZAMTZIS, AIA
ARCHITECT AR 09207
7421 RIDERTAIL AVENUE, MIAMI, FL 33143
PHONE: (305) 667-1667 FAX: (305) 667-1667
EMAIL: atzamtzis@bellsouth.net

Sheet Title: SITE PHOTOGRAPHS
TAKEN ON AUGUST 23, 2008

Subtitle: D.I.C. APPLICATION #22008000194

ARCHIMEDEAN ACADEMY, INC

CHARTER SCHOOL
ADDITION OF GRADES 9 (to 12)
12429 Sunset Dr. Miami, Florida 33183

Date	01-18-09
Scale	AS NOTED
Drawn	
Job	06-1218
Sheet	A-2
Of	Sheets

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MIAMI-DADE COUNTY
PROCESS #: 2008-194
DATE: MAR 31 2009
BY: KDB

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LANDSCAPE LEGEND - EXISTING TREES

SYMBOL	COUNT	BOTANICAL / COMMON NAME	DESCRIPTION	REMARKS	NATIVE	DROUGHT TOLERANT
PP	112	Philodendron Pinnatifidum YELLOW PONICIANA	3' TO 5' CAL 12' TO 14' HIGH	ALL TO REMAIN	YES	YES
BS	84	Bursera Simaruba GUMBO LIMBO	4" TO 8" CAL 8' TO 12' HIGH	ALL TO REMAIN	YES	YES
BB	6	Suicide Buxaria BLACK OLIVE	8" TO 12" CAL 12' TO 22' HIGH	ALL TO REMAIN	YES	YES
QV	38	Quercus Virginiana LIVE OAK	8" TO 12" CAL 15' TO 22' HIGH EXCEPT WHERE NOTED	ALL TO REMAIN	YES	YES
SM	12	Swietenia Mahogani MAHOGANY	4" TO 10" CAL 12' TO 22' HIGH	ALL TO REMAIN	YES	YES
TH	2	Tabebuia Heterophylla PINK TAB	8" CAL 10' HIGH	ALL TO REMAIN	YES	YES
FB	15	Ficus Benjamina WEEPING FIG	12' to 30' HIGH	ALL TO REMAIN	YES	-

LANDSCAPE LEGEND - EXISTING PALMS

SYMBOL	COUNT	BOTANICAL / COMMON NAME	DESCRIPTION	REMARKS	NATIVE	DROUGHT TOLERANT
AR	5	Arecastrum Romanzoffianum QUEEN PALM	8" CAL 8' TO 15' HIGH	ALL TO REMAIN	-	-
CB	2	Coccothrinax Barbadensis SILVER PALM	4' OA	ALL TO REMAIN	-	-

LANDSCAPE LEGEND - EXISTING SHRUBS

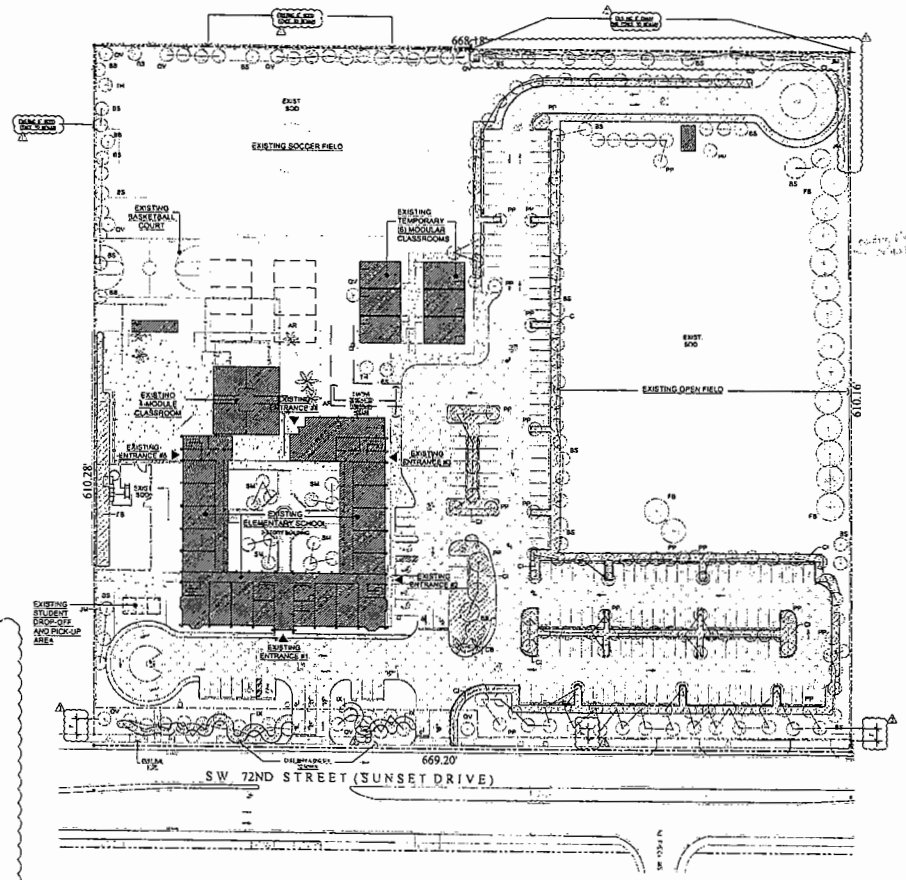
SYMBOL	COUNT	BOTANICAL / COMMON NAME	DESCRIPTION	REMARKS	NATIVE	DROUGHT TOLERANT
CI	3,110	Chrysobalanus Icaco COCO PLUM	24" TO 36" HIGH	ALL TO REMAIN	YES	YES
IX	46	Ixora Coccinea RED IXORA	36" HIGH	ALL TO REMAIN	YES	YES
FB	40	Ficus Benjamina WEEPING FIG	8' to 10' HIGH	ALL TO REMAIN	YES	-
JM	220	Jasminum Multiflorum JASMINE	36" HIGH - 36"	ALL TO REMAIN	YES	-

LANDSCAPE LEGEND PER MIAMI-DADE COUNTY ORDINANCE 18A

ZONING DISTRICT: MIAMI-DADE COUNTY GU (AU)

Net Lot Area: 9.36 acres or 408,047 sf

TREES	REQUIRED	PROVIDED
Number of trees required per net acre: 9 9.36 acres X 9 (Excluding palms)	85	280
Street Trees at 35' OC max. 669 lf / 35 = 20	20	32
Native trees must be 30% of required trees 85 X 30% = 26	26	263
Palms of 10' min overall height shall count as required tree at 2 to 1 ratio. No more than 30% of min. tree requirements shall be met by palms. (Min. tree count met by trees alone)	-	7
LAWN AREA		
Maximum Lawn area permitted is 60% of net acre area 408,047 X 60% = 244,829 sf Lawn Area provided is 69,925 sf. Complies with above.	-	
OPEN SPACE Percent of open space required : 0%	-	
SHRUBS Provide ten shrubs per required tree 85 X 10 = 850	850	3,216
Native shrubs shall be 30%	255	3,150



EXISTING LANDSCAPE LEGEND

SYMBOL	DESCRIPTION
	EXISTING TREE TO REMAIN
	DENOTES SAME TYPE OF TREES REFER TO TREE TABLE FOR SYMBOL
	EXISTING PALM
	EXIST. SHRUBS

EXISTING LANDSCAPE PLAN

SCALE: 1" = 50'

N

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2008-194
MAR 31 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY: KM

REVISIONS

#	DATE	DESCRIPTION
1	01-23-09	RESPONSE TO ZONING AND TRAFFIC COMMENTS
2	03-15-09	DIC APPLICATION REVISION
3	03-30-09	RESPONSE TO ZONING COMMENTS

ANTHONY E. TZAMTZIS, AIA
ARCHITECT AR 09207
2421 TIGERTAIL AVENUE, MIAMI, FL 33133
PH: (305) 365-9009 FAX: (305) 857-3542
E-MAIL: atzamtzis@earthlink.net

Sheet Title: EXISTING LANDSCAPE PLAN

Submittal: D.I.C. APPLICATION #22008000194

ARCHIMEDEAN ACADEMY, INC
CHARTER SCHOOLS
ADDITION OF GRADES 9 to 12
12425 Sunset Dr. Miami, Florida 33183

Date	01-16-09
Scale	AS NOTED
Drawn	
Job	06-1218
Sheet	L-1
Of	3Sheets

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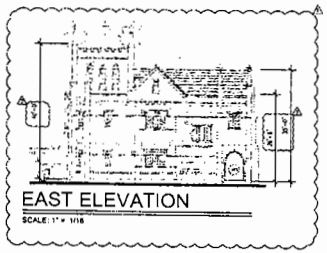
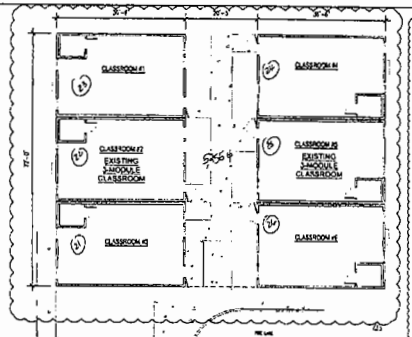
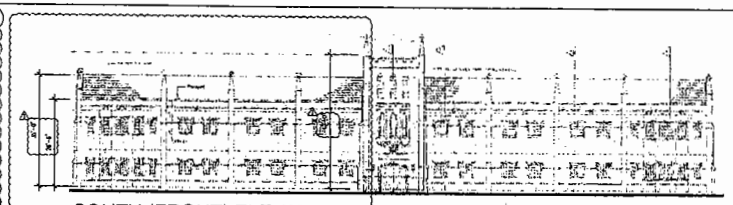
MIAMI-DADE COUNTY
PROGRESS #: 208-194
DATE: MAR 31 2009
BY: RDR

32

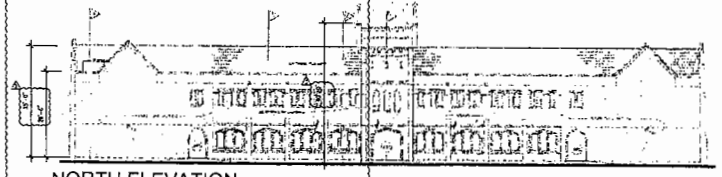


EAST ELEVATION
SCALE: 1" = 1/16

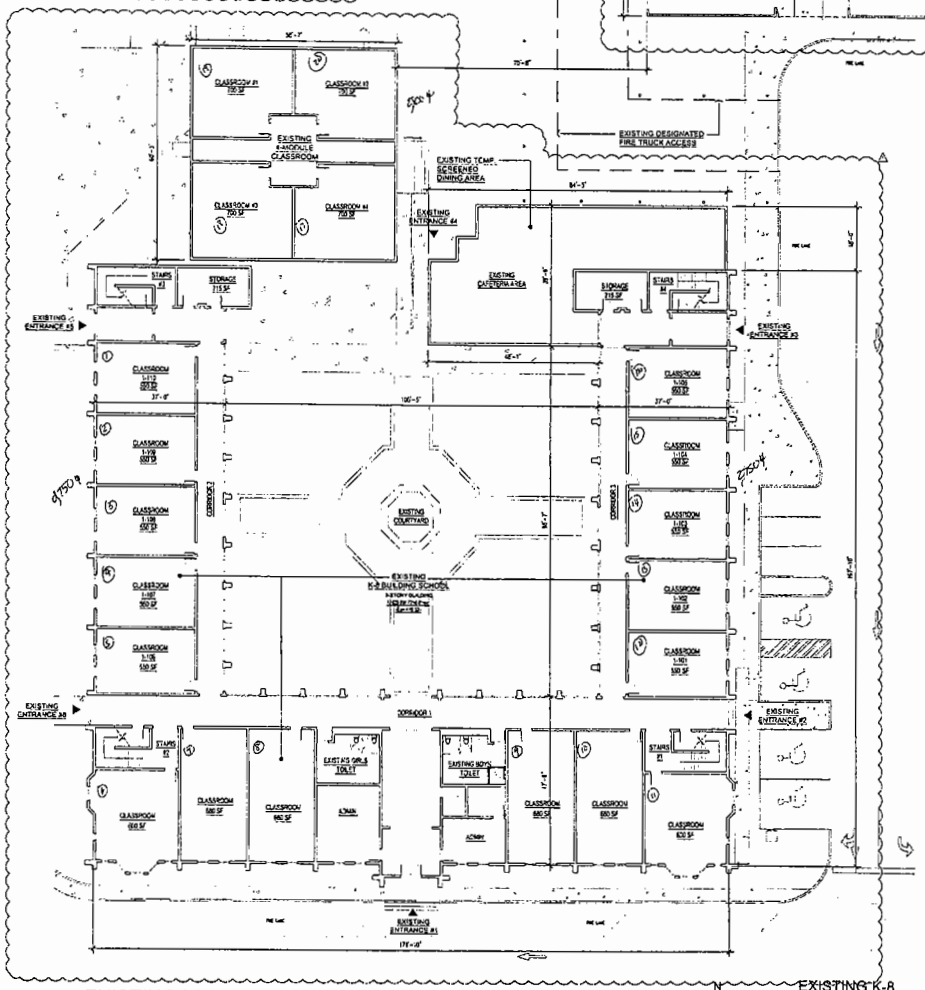




SOUTH (FRONT) ELEVATION
SCALE: 1" = 1/16

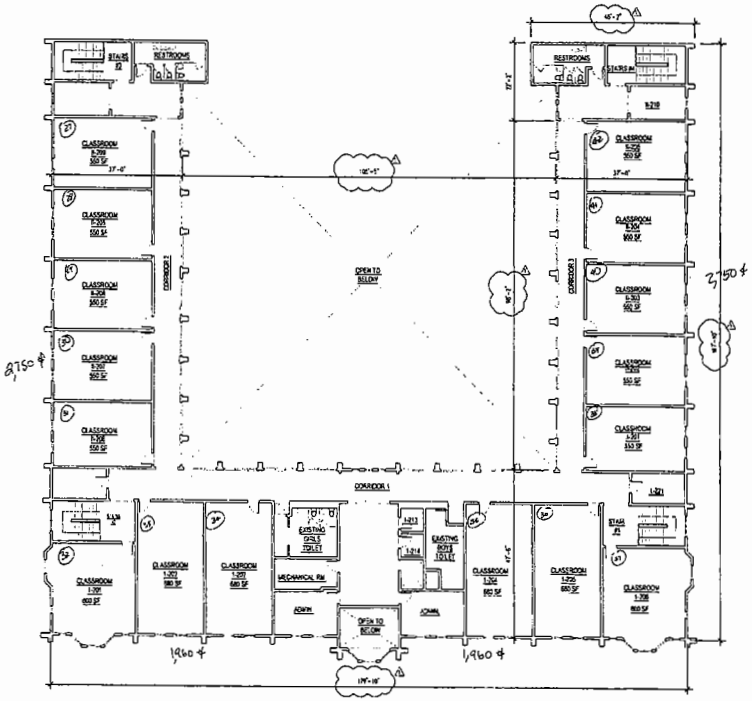


NORTH ELEVATION
SCALE: 1" = 1/16



EXISTING BUILDING FIRST FLOOR PLAN
SCALE: 1" = 1/16

EXISTING K-8
BUILDING SCHOOL
TOTAL BUILDING AREA : 22,300 SF



EXISTING BUILDING SECOND FLOOR PLAN
SCALE: 1" = 1/16

RECEIVED
209-194
MAR 31 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

REVISIONS

No	DATE	DESCRIPTION
1	01-23-09	RESPONSE TO ZONING AND TRAFFIC COMMENTS
2	03-15-09	DIC APPLICATION REVISION
3	03-30-09	RESPONSE TO ZONING COMMENTS

ANTHONY E. TZAMTZIS, AIA
ARCHITECT AR 09207
2421 TIGERTAIL AVENUE, MIAMI, FL 33133
PH. (305) 389-8200 FAX (305) 533-2342
EMAIL: atzamtzis@architect.net

Sheet Title: EXISTING BUILDING PLANS AND ELEVATIONS

Submittal: D.I.C. APPLICATION #Z2008000194

ARCHIMEDEAN ACADEMY, INC
CHARTER SCHOOLS
ADDITION OF GRADES 6 to 12
12425 Sunset Dr. Miami, Florida 33183

Date	01-16-09
Scale	AS NOTED
Drawn	
Job	06-1218
Sheet	A-3
Of	Sheets

DISCLOSURE OF INTEREST*

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

CORPORATION NAME:_____

NAME AND ADDRESS	Percentage of Stock

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

TRUST/ESTATE NAME _____

NAME AND ADDRESS	Percentage of Interest

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: Archimedean Properties, LLC

NAME AND ADDRESS	Percentage of Ownership
See Exhibit "C" attached	

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

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: Z08-194
DATE: OCT 06 2008
BY: SDE

NAME OF PURCHASER:_____

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

Date of contract:_____

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

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

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

Archimedean Properties, LLC.

Signature:_____
(Applicant) Lambros Katsoufis, Manager

Sworn to and subscribed before me this 1 day of October 2008. Affiant is personally know to me or has produced D/L. as identification.

_____
(Notary Public)

NOTARY PUBLIC - STATE OF FLORIDA
Linda Christian
Commission #DD651416
Expires: MAR. 23, 2011
BONDED THRU ATLANTIC BONDING CO., INC.

My commission expires:_____

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

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PROCESS #: Z08-194
DATE: OCT 06 2008
BY: SDE

MIADOCS 3017202 1
9/17/08

EXHIBIT "C"

Disclosure of Interest for Archimedean Properties, LLC:

Members of Archimedean Properties, LLC	Percentage Owned
1. George Bavelis c/o 1155 Brickell Bay Drive Suite 2810 Miami, FL 33131	2.86%
2. Passman Shipping Agency S.A. c/o 8619 Westwood Center Drive Suite 300 Vienna, Virginia 22182 Stockholders – Angelis Katsoufis – 100% Eubolas 30 11362 Kupseli Greece	31.14%
3. Pela International, S.A. c/o Arias, Fabrega & Fabrega Plaza Bancomer Building 50th Street Panama, Republic of Panama Stockholders – Angelis Katsoufis – 100% Eubolas 30 11362 Kupseli Greece	23%
4. Crec Investments S.A. c/o Arias, Fabrega & Fabrega Plaza Bancomer Building 50th Street Panama, Republic of Panama Stockholders – Christos Hatziemannouil – 100% 61 Heathcroft Hamstead Way London, NW 11 7HJ United Kingdom	3%
5. Morphosis, LLC c/o 3135 SW 3rd Avenue Miami, FL 33129 Stockholders Dr. Nikos Georgoulakis – 50% 10855 SW 72 Street Miami, Fl 33173 Kyriakos Georgoulakis – 50% 13580 SW 109 Ct. Miami, FL 33176	21.43%
6. Gus Andy 1317 Beach Dr. Cate May, New Jersey 08204	5.71%
7. Dimosthenis Kotis and Toribia Miranda 3348 SW 22 Street Miami, FL 33145	4.29%
8. Panagiotis Alexopoulos 1537 Hollywood Blvd. Hollywood, FL 33020	2.86%
9. Adis Haralambides 901 N. Venetian Dr. Miami, FL 33129	5.71%

RECEIVED
MIAMI-DADE COUNTY
PROCESS #: Z08-194
DATE: OCT 06 2008
BY: SDE

Department of Planning and Zoning
111 NW 1 Street 11th Floor
Miami, Florida 33128

CHILD CARE CHECK LIST FOR CHARTER SCHOOLS

A signed charter contract from the Miami-Dade County School Board must accompany this application which matches the location, # of students and grade levels of the proposed application

School Name: Archimedean Charter School

School Address: 12425 Sunset Drive

Tax Folio #30-4925-000-0620; and
30-4925-000-0690

Total size of site: 9.36 +/- acres

Is this an expansion to an existing school? ☒ yes ☐ no

If yes, indicate the # of students and grade levels previously approved:

800 students; K-8 and the Resolutions # Z-16-05 and Z-31-06

Number of children/students requested: 800 Grade Levels: ~~K-10~~ K-12 Ages: 5 yrs to-16 yrs

Number of classrooms: 40 Total square footage of classroom area: ~~20,000 sq. ft~~ 32 152 K

Total square footage of outdoor recreation/play area: 219,100 square feet

Number of parking spaces provided for staff, visitors, and transportation vehicles: 171

Days and hours of operation: Monday through Friday; 7:30 AM to 3:00 PM

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

Signed, sealed, executed and acknowledged on this 27 day of March, 2009 at Miami-Dade County, Florida.

WITNESSES:

Archimedean Properties, LLC

By: _____
Lambros Katsoufis, Manager

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I hereby certify that on this 27 day of March, 2009, before me personally appeared Lambros Katsoufis, as Manager of Archimedean Properties, LLC, to me known to be the person described in and who executed the foregoing instrument and he/she acknowledge to me the execution thereof to be his/her free ct for the uses and purposes therein mentioned.

NOTARY PUBLIC - STATE OF FLORIDA
Linda Christian
Commission #DD651416
Expires: MAR. 23, 2011
BONDED THRU ATLANTIC BONDING CO., INC.

My Commission Expires
MIADOCS 3387325 1

CFN 2007R0802192
OR Bk 25853 Pgs 4991 - 5006; (16pgs)
RECORDED 08/14/2007 10:15:48
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

EXISTING

This instrument was prepared by:

Name: Leila Batties
Address: Holland & Knight LLP
701 Brickell Avenue
Suite 3000
Miami, Florida 33131

A|9

(Space reserved for Clerk of Court)

DECLARATION OF RESTRICTIONS

Amendment and Restatement of the Declaration of Restrictions Recorded at Official Records Book 23679, Pages 4935-4943

THIS DECLARATION OF RESTRICTIONS is made this 23 day of August, 2006, by **ARCHIMEDEAN PROPERTIES, LLC** a Florida limited liability company (the "Owner"), in favor of Miami-Dade County, a political subdivision of the State of Florida (the "County").

WITNESSETH:

WHEREAS, the Owner holds fee simple title to that certain property lying, being and situated in Miami-Dade County, Florida, to-wit:

See attached Exhibit "A"

hereinafter referred to as the "Property;"

WHEREAS, a Declaration of Restrictions (hereinafter referred to as the "Declaration") in favor of Miami-Dade County, was recorded in the Public Records of Miami-Dade County in Official Records Book 23679, at Pages 4935 to 4943, which placed certain restrictions and conditions on the use of the Property;

37

WHEREAS, Public Hearing No. 2006-55 (the "Application") was held before the Board of County Commissioners (the "Board") on August 24, 2006, and deferred to September 14, 2006, at which hearing the Board adopted Resolution No. Z-31-06 (the "Resolution"), a copy of which is attached as Exhibit "B;"

WHEREAS, the Resolution approved the modification of Paragraphs 3, 9, and 12 of the Declaration as follows:

Paragraph No. 3

FROM:

"3. The use of the Property shall be established and maintained substantially in accordance with that certain plan entitled 'Archimedean Academy Charter School,' as prepared by Civica, dated stamped received on April 19, 2005, consisting of nine (9) sheets (including the cover page)."

TO:

"3. The use of the Property shall be established and maintained substantially in accordance with that certain plan entitled 'Archimedean Academy Charter School,' as prepared by Civica, dated stamped received on June 7, 2006, consisting of eleven (11) sheets (including the cover page)."

Paragraph No. 9

FROM:

"9. That the Charter School use shall be limited to Kindergarten (K) through Eight (8th) grades for a maximum of five hundred and forty (540) students (unless a different enrollment and/or grade levels are approved in the future by the County following an application by the Owner, as provided in the Code of Miami-Dade County and provided the Declaration is modified as provided herein, all subject to any conditions in the approving resolution)."

TO:

"9. That the Charter School use shall be limited to Kindergarten (K) through Eighth (8th) grades for a maximum of eight hundred (800) students (unless a different enrollment and/or grade levels are approved in the future by the County following an application by the Owner, as provided in the Code of Miami-Dade County and provided the Declaration is modified as provided herein, all subject to any conditions in the approving resolution)."

Paragraph No. 12

FROM:

"12. The Owner shall comply with all of the applicable conditions, requirements recommendations, requests and other provisions of the various Departments as contained in the Developmental Impact Committee ("DIC") report."

TO:

"12. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained in the Departmental memoranda, which are part of the record of this application and incorporated herein by reference."

WHEREAS, the Owner and the County desire that the covenants herein amend, restate and supersede those of the Declaration;

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 covering and running with the Property:

1. Prior to the submittal of an application for building permit and/or Certificate of Use in connection with the Property, the Owner shall submit a site plan (the "Site Plan") to the Department and meet with the approval of the Director of the Department. The Site Plan shall include, without limitation, the location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, walls, fences, and landscaping.

2. The Site Plan shall be in a form which is substantially similar to the Site Plan previously submitted with the Application.

3. The use of the Property shall be established and maintained substantially in accordance with that certain plan entitled "Archimedean Academy Charter School," as prepared by Civica, dated stamped received on June 7, 2006, consisting of eleven (11) sheets (including the cover page).

4. Prior to the issuance of a building permit for the Charter School, the Owner shall submit to the Department for its review and approval a landscaping plan that indicates the type and size of plant material to be used on the Property. The plant material shall have been installed in accordance with such landscaping plan prior to the issuance of a certificate of use.

5. Upon compliance with all terms and conditions of the building permit applicable to the Property, the Owner shall obtain a certificate of use from (and promptly renew the same annually with) the Department. Such certificate of use shall be subject to cancellation upon violation of any of the conditions contained within the building permit.

6. No outside speakers, other than in connection with emergency systems, shall be permitted on the Property.

7. 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, provided that such pick-up shall not be performed during the arrival and dismissal times.

8. The Charter School gates shall be opened at least thirty (30) minutes prior to the arrival and dismissal times.

9. The Charter School shall have staggered start and dismissal times as follows:

7:30 a.m. – 1:30 p.m.	Grades K – 1	(178 students)
7:30 a.m. – 2:30 p.m.	Grades 2 – 3	(178 students)
8:00 a.m. – 3:00 p.m.	Grades 4 – 5	(178 students)
8:30 a.m. – 3:30 p.m.	Grades 6 – 8	(266 students)

10. That the Charter School use shall be limited to grades K through 8th with the expansion from 600 to 800 students as follows:

Year 1	2006-07 School Year	Addition of 80 students (620 students)
Year 2	2007-08 School Year	Addition of 60 students (680 students)
Year 3	2008-09 School Year	Addition of 60 students (740 students)
Year 4	2009-10 School Year	Addition of 60 students (800 students)

11. That night activities and/or functions at the Charter School shall be limited to ten (10) events per year and shall end no later than 10:00 p.m.

12. 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.

13. In addition to the foregoing provisions, the Owner agrees to comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained in the Departmental memoranda, which are part of the record of the Application and incorporated herein by reference.

[SIGNATURE PAGES FOLLOW]

IN WITNESS WHEREOF, ARCHIMEDEAN PROPERTIES, LLC, has caused these present to be signed in its name on this 23 day of August, 2006.

WITNESSES:

Leila Batties
Witness

Leila Batties
Printed Name

Witness

PAMELA JACKSON
Printed Name

ARCHIMEDEAN PROPERTIES, LLC
a Florida limited liability company

By: _____
Lambros Katsoufis, Manager

STATE OF FLORIDA)
) SS:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 23 day of August, 2006, by Lambros Katsoufis, as manager of Archimedean Properties, LLC, a Florida limited liability company, on behalf of said company, who is personally known to me or has produced F.D.L. LICENSE as identification.

My Commission Expires:

PAMELA JACKSON
MY COMMISSION # DD 478385
EXPIRES: December 17, 2009
Bonded Thru Notary Public Underwriters

Notary Public - State of Florida

PAMELA JACKSON
Printed Name

EXHIBIT "A"
LEGAL DESCRIPTION OF SUBJECT PROPERTY

The east 1/2 of the SE 1/4 of the SW 1/4 of the SW 1/4, less the south 50' and the west 1/2 of the SW 1/4 of the SE 1/4 of the SW 1/4, all in Section 25, Township 54 South, Range 39 East.

4140762_v1

EXHIBIT "B" (1 OF 8)

Approved: _____ **Mayor**

Veto: _____

Override: _____

RESOLUTION NO. Z-31-06

WHEREAS, **ARCHIMEDEAN PROPERTIES L. L. C.** applied for the following:

(1) SPECIAL EXCEPTION to permit the expansion of a charter school from 540 students to 1,080 students in grades K-8.

(2) MODIFICATION of Conditions #3 & #11 of Resolution Z-16-05, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Archimedean Academy Charter School,' as prepared by Civica, consisting of 10 sheets, dated stamped received April 19, 2005, except as herein modified to include 540 students only."

"11. That the charter school use shall be limited to Grades K-8th for a maximum of 540 students."

TO: "3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Archimedean Academy Charter School,' as prepared by Civica, consisting of ~~10~~ 11 sheets, dated stamped received ~~April 19, 2005~~ June 7, 2006, ~~except as herein modified to include 1,080 students only~~."

"11. That the charter school use shall be limited to Grades K-8th for a maximum of ~~540~~ 1,080 students."

(3) Deletion of Condition #9 of Resolution # Z-16-05 passed and adopted by the Board of County Commissioners, and reading as follows:

"9. That night activities and/or functions at the charter school shall be limited to 10 events per year and shall end no later than 10:00 p.m."

(4) MODIFICATION of Paragraphs #3, #9 & #12 of a Declaration of Restrictions recorded in Official Records Book 23679, Pages 4935 – 4943, reading as follows:

FROM: "3. The use of the property shall be established and maintained substantially in accordance with that certain plan entitled 'Archimedean Academy Charter School,' as prepared by Civica, dated stamped received on April 19, 2005, consisting of nine (9) sheets (including the cover page)."

"9. That the Charter School use shall be limited to Kindergarten (K) through Eighth (8th) grades for a maximum of five hundred and forty (540) students (unless a different enrollment and/or grade levels are approved in the future by the County following an application by the Owner, as provided in the Code of Miami-Dade County and provided the Declaration is modified as provided herein, all subject to any conditions in the approving resolution)."

"12. The Owner shall comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained in the Developmental Impact Committee ("DIC") report."

TO: "3. The use of the property shall be established and maintained substantially in accordance with that certain plan entitled 'Archimedean Academy Charter School,' as prepared by Civica, dated stamped received on ~~April 19, 2005~~ June 07, 2006, consisting of ~~nine (9)~~ eleven (11) sheets (including the cover page)."

"9. That the Charter School use shall be limited to Kindergarten (K) through Eighth (8th) grades for a maximum of ~~five hundred and forty (540)~~ one thousand eighty (1080) students (unless a different enrollment and/or grade levels are approved in the future by the County following an application by the owner, as provided in the Code of Miami-Dade County and provided the declaration is modified as provided herein, all subject to any conditions in the approving resolution)."

"12. ~~The Owner shall comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained in the Developmental Impact Committee ("DIC") report."~~ That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained in the Departmental memoranda which are part of the record of the application and incorporated herein by reference."

(5) Deletion of Paragraph #10 of Declaration of Restrictions recorded in Official Record Book 23679, Pages 4935 – 4943, reading as follows:

"10. That night activities and/or functions at the Charter School shall be limited to ten (10) events per year and shall end no later than 10:00 PM."

The purpose of these requests is to allow the applicant to submit revised plans for the previously approved charter school, to increase the number of students, to ensure that the current departmental memos to the DIC be incorporated as part of the approval of this application, and to have no limit on the number of night functions that could occur at the school.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 - #5 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing.

The aforementioned plans are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

SUBJECT PROPERTY: The east ½ of the SE ¼ of the SW ¼ of the SW ¼, less the south 50′ and the west ½ of the SW ¼ of the SE ¼ of the SW ¼, all in Section 25, Township 54 South, Range 39 East.

LOCATION: 12425 S.W. 72 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter and to the recommendation of the Developmental Impact Committee, it is the opinion of this Board that the requested special exception to permit the expansion of a charter school from 540 students to 1,080 students in grades K-8 be approved on a modified basis to permit a gradual expansion during a five year period to a maximum of 800 students in grades K - 8 (Item #1) would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance, and that the requested modifications of Conditions #3 & #11 of Resolution Z-16-05, passed and adopted by the Board of County Commissioners (Item #2), and of Paragraphs #3, #9 & #12 of a Declaration of Restrictions recorded in Official Records Book 23679, Pages

4935 – 4943 (Item #4) with Item 4 pertaining to the site plan and on a modified basis pertaining to a gradual expansion to 800 students during a five year period would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance, and that the requested special exception to permit a gradual expansion to 800 students in grades K-8 (Item #1) on a modified basis would not have an adverse impact upon the public interest and should be approved, and that the requested deletions of Condition #9 of Resolution Z-16-05 passed and adopted by the Board of County Commissioners (Item #3) and of Paragraph #10 of Declaration of Restrictions recorded in Official Record Book 23679, Pages 4935 – 4943 (Item #5) would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and

WHEREAS, a motion to approve Items #1, 2, and 4 on a modified basis and deny Items #3 and 5 without prejudice was offered by Commissioner Sen. Javier D. Souto, seconded by Commissioner Bruno A. Barreiro, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	aye	Dennis C. Moss	aye
Jose "Pepe" Diaz	aye	Dorrin D. Rolle	aye
Audrey M. Edmonson	absent	Natacha Seijas	absent
Carlos A. Gimmenez	aye	Katy Sorenson	aye
Sally A. Heyman	absent	Rebecca Sosa	aye
Barbara J. Jordan	aye	Sen. Javier D. Souto	aye

Chairperson Joe A. Martinez aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the requested special exception to permit a gradual expansion of a charter school during a five-year period to a maximum of 800 students in grades K - 8 (Item #1), the requested modifications of Conditions #3 & #11 of Resolution Z-16-05, passed and adopted by the Board of County Commissioners (Item #2), and of Paragraphs #3, #9 & #12 of a Declaration of Restrictions recorded in Official Records Book 23679, Pages 4935 – 4943 (Item #4) with Item #4

pertaining to the site plan and on a modified basis pertaining to a gradual expansion of 800 students during a five year period, be and the same are hereby approved, subject to the following conditions:

1. That all of the conditions of Resolution Z-16-05 remain in full force and effect except as herein modified.

2. That the charter school use shall be limited to grades K through 8th with the expansion from 600 to 800 students as follows:

Year 1	2006-2007 School Year	addition of 80 students (620 Students)
Year 2	2007-2008 School Year	addition of 60 students (680 Students)
Year 3	2008-2009 School Year	addition of 60 students (740 Students)
Year 4	2009-2010 School Year	addition of 60 students (800 Students)

3. That a revised Declaration of Restrictions be submitted to the Department within 90 days of approval of this application unless a time extension is granted for good cause shown.

4. That the number of night-time activities at the school be limited to 10 events per year and that the time of such activities do not exceed 10:00 pm.

5. That the proffered covenant be amended to include all the conditions and requirements of the Public Works Department

BE IT FURTHER RESOLVED, that the requested modification of Conditions #3 & #11 of Resolution Z-16-05, passed and adopted by the Board of County Commissioners (Items #2) on a modified basis, as modified shall read as follows:

3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Archimedean Academy Charter School,' as prepared by Civica, consisting of 11 sheets, dated stamped received June 7, 2006.

11. That the charter school use shall be limited to Grades K-8th for a maximum of 800 students.

BE IT FURTHER RESOLVED, that the requested modification of Paragraphs #3, #9 & #12 of a Declaration of Restrictions recorded in Official Records Book 23679, Pages 4935 – 4943 (Items #4) on a modified basis, as modified shall read as follows:

3. The use of the property shall be established and maintained substantially in accordance with that certain plan entitled 'Archimedean Academy Charter School,' as prepared by Civica, dated stamped received on June 07, 2006, consisting of eleven (11) sheets (including the cover page)."

9. That the Charter School use shall be limited to Kindergarten (K) through Eighth (8th) grades for a maximum of eight hundred (800) students (unless a different enrollment and/or grade levels are approved in the future by the County following an application by the owner, as provided in the Code of Miami-Dade County and provided the declaration is modified as provided herein, all subject to any conditions in the approving resolution)."

12. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained in the Departmental memoranda which are part of the record of the application and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the requested deletions of Condition #9 of Resolution Z-16-05 passed and adopted by the Board of County Commissioners (Item #3) and of Paragraph #10 of Declaration of Restrictions recorded in Official Record Book 23679, Pages 4935 – 4943 (Item #5) be and the same are hereby denied without prejudice.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

EXHIBIT "B" (7 of 8)

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 14th day of September, 2006, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 06-8-CC-3
ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By [redacted]
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 6TH DAY OF OCTOBER, 2006.

EXHIBIT "B" (8 of 8)

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

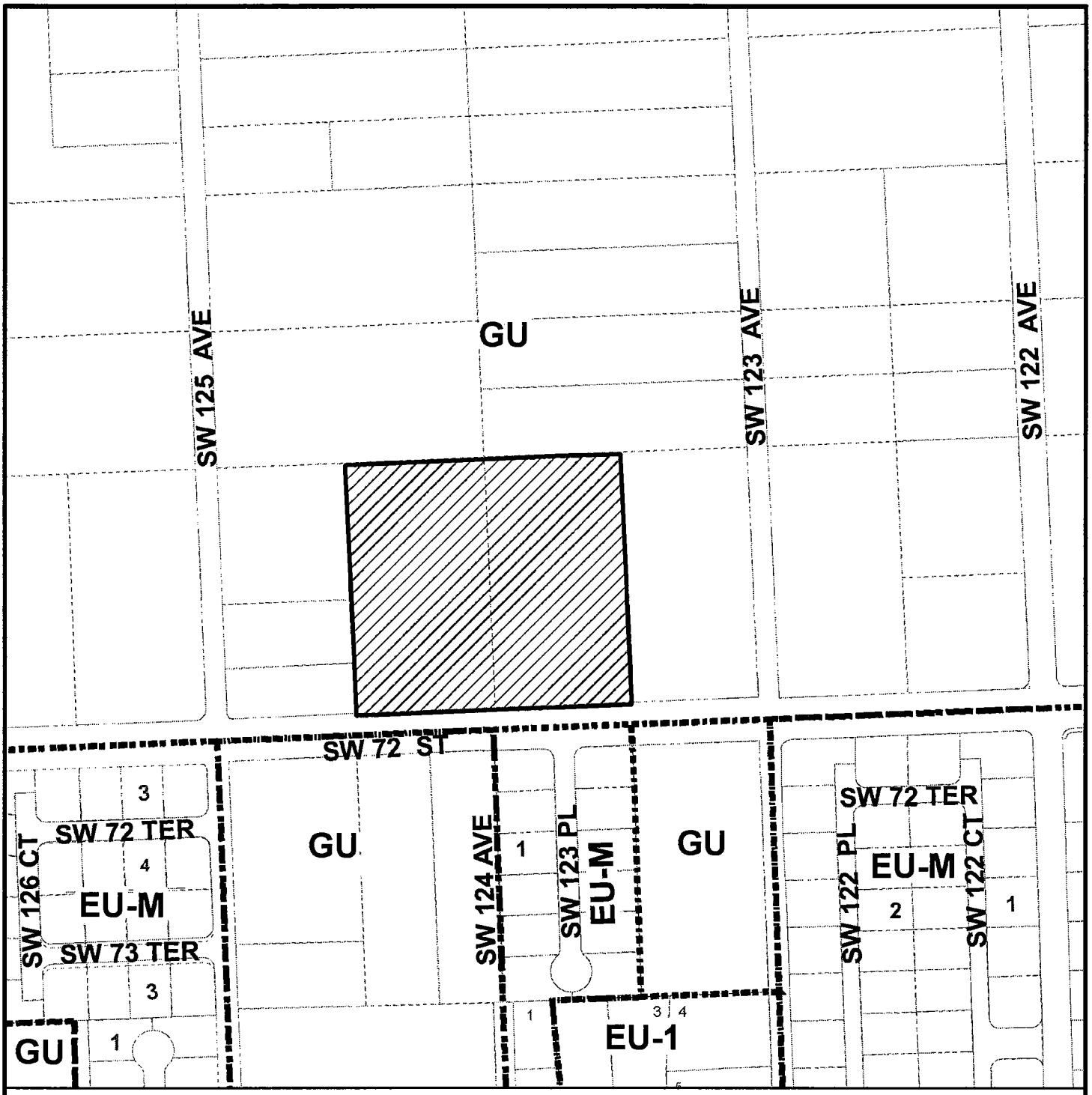
I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-31-06 adopted by said Board of County Commissioners at its meeting held on the 14th day of September, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 6th day of October, 2006.

Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL

52



MIAMI-DADE COUNTY
HEARING MAP

Process Number
08-194

Section: 25 Township: 54 Range: 39
Applicant: ARCHIMEDEAN PROPERTIES, LLC
Zoning Board: C11
Commission District: 10
Drafter ID: KEELING
Scale: NTS
---------- Zoning

SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 11/07/08

REVISION	DATE	BY
		53

MIAMI-DADE COUNTY

AERIAL YEAR 2008

Process Number

08-194

Section: 25 Township: 54 Range: 39
Applicant: ARCHIMEDEAN PROPERTIES, LLC
Zoning Board: C11
Commission District: 10
Drafter ID: KEELING
Scale: NTS
---------- Zoning

SUBJECT PROPERTY

N
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MIAMI-DADE COUNTY

SKETCH CREATED ON: 11/07/08

REVISION	DATE	BY

ITEM (A) ARCHIMEDEAN PROPER
08-194

PLANNING AND ZONING
AGENDA OFFICE

2009 JUL -9 P 12:46

This instrument was prepared by:

Name: Ryan D. Bailine, Esq.
Address: Shutts & Bowen LLP
1500 Miami Center
201 S. Biscayne Boulevard
Miami, Florida 33131

Received by
Zoning Agenda Coordinator

JUL 0 9 2009

(Space reserved for Clerk of Court)

DECLARATION OF RESTRICTIONS

Amendment and Restatement of that certain Declaration of Restrictions dated August 23, 2006 Recorded in Official Records Book 25853, Pages 4991 through 5006, which amended and restated the Declaration of Restrictions dated August 15, 2005, Recorded in Official Records Book 23679, Pages 4935 through 4943

THIS DECLARATION OF RESTRICTIONS ("Declaration") is made this ___ day of _____, 2009, by **ARCHIMEDEAN PROPERTIES, LLC,** a Florida limited liability company ("Owner"), in favor of Miami-Dade County, a political subdivision of the State of Florida ("County").

WITNESSETH:

WHEREAS, the Owner holds fee simple title to that certain property lying, being and situated in Miami-Dade County, Florida ("County"), more particularly described on the attached **Exhibit "A"** hereinafter referred to as the "Property;"

WHEREAS, a Declaration in favor of the County dated August 15, 2005, was recorded by the Owner in the County's Public Records in Official Records Book 23679, at Pages 4935 through 4943 ("2005 Declaration"), which placed certain restrictions and conditions on the use of the Property;

WHEREAS, an Amended and Restated Declaration in favor of the County dated August 23, 2006, was recorded by the Owner in the County's Public Records in Official Records Book

25853, at Pages 4991 through 5006 ("2006 Declaration"), which Amended and Restated the 2005 Declaration and placed certain restrictions and conditions on the use of the Property;

WHEREAS, Public Hearing No. 2009-__ ("Hearing") was held before the Board of County Commissioners ("Board") on July __, 2009, in connection with Public Hearing Application Z-08-194, during which Hearing the Board adopted Resolution No. Z-__-09 ("Resolution"), a copy of which is attached as **Exhibit "B;"**

WHEREAS, the Resolution approved the modification of the 2006 Declaration as follows:

Paragraph No. 3

From:

"3. The use of the Property shall be established and maintained substantially in accordance that certain plan entitled "Archimedean Charter School," as prepared by Civica, dated stamped received on June 7, 2006, consisting of eleven (11) sheets (including the cover page)."

To:

"3. That the use of the Property be established and maintained substantially in accordance with that certain plan entitled "Archimedean Academy, Inc. Charter Schools Addition of Grades 9 -12," as prepared by Anthony E. Tzmantzis, AIA, dated January 16, 2009, consisting of four (4) sheets, dated stamped received March 20, 2009."

Paragraph No. 9

From:

"9. That the Charter School shall have staggered start and dismissal times as follows:

7:30 a.m.-1:30 p.m.	Grades K-1	(178 students)
7:30 a.m.- 2:30 p.m.	Grades 2-3	(178 students)
8:00 a.m.- 3:00 p.m.	Grades 4-4	(178 students)
8:30 a.m. – 3:30 p.m.	Grades 6-8	(266 students)"

To:

"9. The Charter shall have staggered start and dismissal times as follows:

8:00 a.m.-3:00 p.m.	Grades K-5	(Wednesdays 8:00 a.m. – 2:00 p.m.)
8:40 a.m.-4:00 p.m.	Grades 6-8	(Wednesdays 8:40 a.m. – 3:00 p.m.)
7:30 a.m.-3:30 p.m.	Grades 9-12	(Wednesdays 7:30 a.m. – 2:30 p.m.)"

Paragraph No. 10

From:

"10. That the Charter School use shall be limited to grades K through 8th with the expansion from 600 to 800 students as follows:

Year 1 2006-07 School Year Addition of 80 students (620 students)
Year 2 2007-08 School Year Addition of 60 students (680 students)
Year 3-2008-09 School Year Addition of 60 students (740 students)
Year 4-2009-10 School Year Addition of 60 students (800 students)"

To:

"10. The Charter School use shall be limited to grades K through 12th with the expansion to 800 students as follows:

2009-10 School Year Addition of 60 students (800 students)"

Paragraph No. 11

From:

"11. That the night activities and/or function at the Charter School shall be limited to ten (10) events per year and shall end no later than 10:00 p.m."

To:

"11. Night activities and/or special functions at the Charter School shall be limited to twenty-four (24) events per year, which shall end no later than 10:00 p.m."

WHEREAS, the Resolution approved the following addition to the Declaration:

Paragraph No. 14

"14. Students will not be permitted to drive to, and park at the Charter School."

WHEREAS, the Owner and the County desire that the covenants herein amend, restate and supersede those within the 2005 Declaration and the 2006 Declaration;

NOW THEREFORE, to assure the County that the representations made during the Board's consideration and approval of the Application will be abided by, the Owner freely, voluntarily and without duress makes the following declaration of restrictions covering and running with the Property:

1. Prior to the submittal of an application for building permit and/or Certificate of Use in connection with the Property, the Owner shall submit a site plan (the "Site Plan") to the Department and meet with the approval of the Director of the Department. The Site Plan shall include, without limitation, the location of structure or structures, types, sizes and location of signs, light standards, off street parking areas, exits and entrances, drainage, walls, fences, and landscaping.

2. The Site Plan shall be in a form which is substantially similar to the Site Plan submitted with the Application.

3. That the use of the Property be established and maintained substantially in accordance with that certain plan entitled "Archimedean Academy, Inc. Charter Schools Addition of Grades 9 -12," as prepared by Anthony E. Tzmantzis, AIA, dated January 16, 2009, consisting of four (4) sheets, dated stamped received March 20, 2009.

4. Prior to the issuance of a building permit for the Charter School, the Owner shall submit to the Department for its review and approval a landscaping plan that indicates the type and size of plant material to be used on the Property. The plant material shall have been installed in accordance with such landscaping plan prior to the issuance of a certificate of use.

5. Upon compliance with all terms and conditions of the building permit applicable to the Property, the Owner shall obtain a certificate of use from (and promptly renew the same annually with) the Department. Such certificate of use shall be

subject to cancellation upon violation of any of the conditions contained within the building permit.

6. No outside speakers, other than in connection with emergency systems, shall be permitted on the Property.

7. 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, provided that such pick-up shall not be performed during the arrival and dismissal times.

8. The Charter School gates shall be opened at least thirty (30) minutes prior to the arrival and dismissal times.

9. The Charter School shall have staggered start and dismissal times as follows:

8:00 a.m.-3:00 p.m.	Grades K-5	(Wed. 8:00 a.m. – 2:00 p.m.)
8:40 a.m.-4:00 p.m.	Grades 6-8	(Wed. 8:40 a.m. – 3:00 p.m.)
7:30 a.m.-3:30 p.m.	Grades 9-12	(Wed. 7:30 a.m. – 2:30 p.m.)

10. The Charter School use shall be limited to grades K through 12th with the expansion to 800 students as follows:

2009-10 School Year Addition of 60 students (800 students)

11. Night activities and/or functions at the Charter School shall be limited to twenty-four (24) events per year and shall end no later than 10:00 p.m.

12. If the Charter School fails after establishment, the Owner, within thirty-six (36) months of the Charter School's 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 use not otherwise permitted within the zoning district applicable to the Property.

13. In addition to the foregoing provisions, the Owner agrees to comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained in the Departmental memoranda, which are part of the record of the Application and incorporated herein by reference.

14. Students will not be permitted to drive to, and park at the Charter School.

15. That at the time of Certificate of Use renewal, the applicant shall submit to the Department of Planning and Zoning a letter from the principal of the school detailing the number of students and the grade levels that are currently enrolled in said facility.

[SIGNATURE PAGES FOLLOW]

IN WITNESS WHEREOF, ARCHIMEDEAN PROPERTIES, LLC, has caused these present to be signed in its name on this 9th day of June, 2009.

WITNESSES:

Witness

Mark Davis
Printed Name

Soraya Rodriguez
Witness

Soraya Rodriguez
Printed Name

ARCHIMEDEAN PROPERTIES, LLC
a Florida limited liability company

By: _____
Lambros Katsoufis, Manager

STATE OF FLORIDA)
)SS:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 9th day of June, 2009, by Lambros Katsoufis, as manager of Archimedean Properties, LLC, a Florida limited liability company, on behalf of said company, who is personally known to me or has produced _____ as identification.

ALESIA KOUSH
MY COMMISSION #DD823122
EXPIRES: SEP 15, 2012
Bonded through 1st State Insurance

My Commission Expires:

Notary Public – State of Florida

Alesia Koush
Printed Name

MIADOCS 3419929 2

EXHIBIT "A"
LEGAL DESCRIPTION OF SUBJECT PROPERTY

The east 1/2 of the SE 1/4 of the SW 1/4 of the SW 1/4, less the south 50' and the west 1/2 of the SW 1/4 of the SE 1/4 of the SW 1/4, all in Section 25, Township 54 South, Range 39 East.

EXHIBIT "B"
Resolution No Z- -09

OPINION OF TITLE

To: Miami-Dade County

With the understanding that this Opinion of Title is furnished to Miami-Dade County, as inducement for acceptance of a Right-of-Way Dedication, Declaration of Use, Unity of Title, Declaration of Restrictions, Development Agreement or in compliance with Chapter 28, and as an inducement for acceptance of a proposed final subdivision plat covering the real property, hereinafter described, it is hereby certified that I have examined Attorneys' Title Insurance Fund, Inc. Title Search Report #01-2009-006749; and Attorneys' Title Insurance Fund, Inc. Title Search Report Update #01-2009-006749 covering the period from the beginning to June 11, 2009, at the hour of 11:00 P.M., inclusive, of the following described property:

> The East ½ of the Southeast ¼ of the Southwest ¼ of the Southwest ¼, less the South 50 feet thereof, in Section 25, Township 54 South, Range 39 East; and the West ½ of the Southwest ¼ of the Southeast ¼ of the Southwest ¼, of Section 25, Township 54 South, Range 39 East; and the South ½ of the South ½ of the Northwest ¼ of the Southeast ¼ of the Southwest ¼ of Section 25, Township 54 South, Range 39 East, Miami-Dade County, Florida

I am of the opinion that on the last mentioned dated, the fee simple title to the above-described real property was vested in:

Archimedean Properties, LLC, a Florida limited liability company

NOTE: Lambros Katsoufis is the Manager of Archimedean Properties, LLC and is authorized to execute instruments on behalf of the company.

Subject to the following encumbrances, liens and other exceptions:

1. **RECORDED MORTGAGES:** None of Record

2. **RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:**

   None of Record.

3. **GENERAL EXCEPTIONS:**

a. Taxes for the year 2009 and taxes or special assessments which are not shown as existing liens by the public records.

b. Rights or claims of parties in possession not shown by the public records.

c. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and/or inspection of the premises.

d. Easements or claims of easements not shown by the public records.

e. Any lien, or right to lien for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.

4. **SPECIAL EXCEPTIONS:**

a. Grant of Easement recorded in Official Records Book 13403, Page 2446.

b. Easement recorded in Official Records Book 12905, Page 848.

c. Application and Acceptance of Conditional Building Permit recorded in Official Records Book 12765, Page 2379.

d. Agreement for the Construction of Water and Sanitary Sewage Facilities recorded in Official Records Book 12696, Page 2945.

e. Covenant recorded in Official Records Book 12642, Page 1961.

f. Covenant running with the land in favor of Metropolitan Dade County recorded in Official Records Book 12471, Page 2583; and Official Records Book 12471, Page 2581.

g. Easement recorded in Official Records Book 16842, Page 3001.

h. Covenant Running with the Land in favor of Metropolitan Dade County recorded in Official Records Book 17068, Page 3449.

i. Declaration of Restrictions recorded in Official Records Book 16001, Page 617.

j. Agreement recorded in Official Records Book 4669, Page 6.

k. Declaration of Restrictions recorded in Official Records Book 23679, Page 4935, Amendment and Restatement of Declaration of Restrictions recorded in Official Records Book 25853, Page 4991.

1. Covenant Running with the Land in favor of Miami-Dade County recorded in Official Records Book 26767, Page 0937

ALL OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

I HEREBY CERTIFY that I have reviewed all the aforementioned encumbrances and exceptions.

Therefore, it is my opinion that the following party(ies) must join in the agreement in order to make the agreement a valid and binding covenant on the lands described herein.

Name	Interest	Special Exception Number
Archimedean Properties, LLC	Fee Simple	N/A

The following is a description of the aforementioned abstract and its continuations:

Number	Company Certifying	Period Covered
01-2009-006749	Attorneys Title Insurance Fund, Inc. Title Search Report	4/27/74 through 5/29/09
01-2009-007339	Attorneys Title Insurance Fund, Inc. Title Search Report Update	5/29/09 through 6/11/09

I HEREBY CERTIFY that the legal description contained in this Opinion of Title coincides with, and is the same as, the legal description in the proffered, recordable agreement.

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

Respectfully submitted this 8 day of July, 2009.

Received by
Zoning Agenda Coordinator
JUL 0 9 2009

Ryan D. Bailine, Esq.
Florida Bar No. 0616850
Shutts & Bowen LLP
Suite 1500
201 South Biscayne Boulevard
Miami, Florida 33131

PLANNING AND ZONING
AGENDA OFFICE

2009 JUL -9 P 12:46

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 8 day of July, 2009, by Ryan D. Bailine, who is personally known to me or has produced _____, as identification

Linda Christian
Notary Public

LINDA CHRISTIAN
Print Name

My Commission Expires:

NOTARY PUBLIC - STATE OF FLORIDA
Linda Christian
Commission #DD651416
Expires: MAR. 23, 2011
BONDED THRU ATLANTIC BONDING CO., INC.

Received by
Zoning Agenda Coordinator
JUL 0 9 2009

Received by
Zoning Agenda Coordinator
JUL 0 9 2009

1. IGLESIA CRISTIANA EL BUEN SAMARITANO, INC.
(Applicant)

07-7-CZ15-1 (06-277)
BCC/District 9
Hearing Date: 7/23/09

Property Owner (if different from applicant) **Same.**

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

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
	No History			

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

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 15
MOTION SLIP

1

APPLICANT'S NAME: IGLESIA CRISTIANA EL BUEN SAMARITANO, INC.

REPRESENTATIVE: **MELQUIADES URGELLES (Pastor)**

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
07-7-CZ15-1 (06-277)	JULY 31, 2007	CZAB15	17	07

REQ: (1) RU-1 to GU
(2) SPECIAL EXCEPTION to permit a cemetery with mausoleums and ancillary chapel.

REC: DWOP

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

☐ DEFER: ☐ INDEFINITELY ☐ TO:_____ ☐ W/LEAVE TO AMEND

■ DENY: ☐ WITH PREJUDICE ■ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

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

☐

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		Paul J. MORROW (C.A.)		X	
MS.	M	Diane RICHARDSON	X		
MR.		Bobby D. STEWART	X		
MS.	S	Gale L. WIMBLEY	X		
MADAME CHAIR		Patricia FORBES	X		
		VOTE:	4	1	

EXHIBITS: ■ YES ☐ NO COUNTY ATTORNEY: **LEIGH MACDONALD**

2

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS

APPLICANT: Iglesia Cristiana El Buen Samaritano, Inc. **PH:** Z06-277 (07-7-CZ15-1)

SECTION: 26-56-39 **DATE:** July 23, 2009

COMMISSION DISTRICT: 9 **ITEM NO.:** 1

==========

A. INTRODUCTION

- **REQUESTS:**

The applicant is appealing the decision of the Community Zoning Appeals Board #15, which denied without prejudice the following:

(1) RU-1 to GU

(2) SPECIAL EXCEPTION to permit a cemetery with mausoleums and an ancillary chapel.

Plans are on file and may be examined in the Zoning Department entitled "Public Hearing Iglesia Del Buen Samaritano," as prepared by Nestor J. Cifuentes, Sheets A-1 & A-2 dated stamped received 2/23/07 and the remaining 4 sheets, dated stamped received 2/16/07 for a total of 6 sheets. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:**

The applicant is appealing the decision of the Community Zoning Appeals Board #15, which denied without prejudice the requests will allow the applicant to change the zoning on the subject property from RU-1, Single-Family Residential District, to GU, Interim District, and a Special Exception in order to permit a cemetery with mausoleums and ancillary chapel.

- **LOCATION:**

Lying east of S.W. 137 Avenue and between S.W. 258 Street and S.W. 260 Street, Miami-Dade County, Florida.

- **SIZE:** 6.7 Acres

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 subject property is located approximately ½ mile east of and inside the Urban Development Boundary (UDB) line. The residential densities allowed in this category shall range from a minimum of 2.5 to a maximum of 6.0 units per gross acre. This density category is generally characterized by single family housing,

e.g., single family detached, cluster 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. Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan Density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this CDMP titled "Concepts and Limitations of the Land Use Plan Map." The limitation referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.

3. **Public Facilities.** Large-scale public facilities, institutional and communications uses, and utilities are specifically identified in the Institutions, Utilities, and Communications category on the Plan map. Small-scale uses and the facilities intended to serve the immediate needs of the residential community may be permitted on compatible sites in Residential Communities subject to adequate design and buffering. These facilities include fire stations, electrical sub-stations and distribution facilities, cell antenna, natural gas, telephone, fiber optic, cable, water and sewer facilities. They are preferably located in activity nodes, transition areas, and along major thoroughfares, and also at section centers if designed to serve the immediate neighborhood. Larger uses and facilities which are designed to serve more than a local area are preferably located in or adjacent to Industrial and Office, or Business and Office areas. **Cemeteries** may also be permitted in Residential Communities where direct access to a Major or Minor Roadway is provided or where traffic would not disrupt adjacent residential areas.

4. Neighborhood or community-serving institutional uses, cell towers and utilities including schools, libraries, sanitary sewer pump stations and fire and rescue facilities in particular, and **cemeteries** may be approved where compatible in all urban land use categories, in keeping with any conditions specified in the applicable category, and where provided in certain Open Land sub-areas. Compatibility shall be determined in accordance to **Policy LU-4A**. Co-location of communication and utility facilities are encouraged. Major utility and communication facilities should generally be guided away from residential areas; however, when considering such approvals, the County shall consider such factors as the type of function involved, the public need, existing land use patterns in the area and alternative locations for the facility. All approvals must be consistent with the goals, objectives and policies of the Comprehensive Development Master Plan.

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.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
RU-1; vacant	Low Density Residential, 2.5 to 6 dua
Surrounding Properties:	
NORTH: AU; church	Low Density Residential, 2.5 to 6 dua
SOUTH: RU-2; townhouse residences	Low Density Residential, 2.5 to 6 dua
EAST: AU; single-family residence	Low Density Residential, 2.5 to 6 dua
WEST: NCUC; vacant	Residential Density, 8 to 18 dua

The subject property is located east of S.W. 137 Avenue and between S.W. 258 Street and S.W. 260 Street. The area where the subject property lies is predominately developed with a church and single-family and townhouse residences. Vacant parcels of land are also found within the area.

E. SITE AND BUILDINGS:

Site Plan Review:	(Plan submitted.)
Scale/Utilization of Site:	**Unacceptable**
Location of Buildings:	**Unacceptable**
Compatibility:	**Unacceptable**
Landscape Treatment:	**Unacceptable**
Open Space:	**Unacceptable**
Buffering:	**Unacceptable**
Access:	**Acceptable**
Parking Layout/Circulation:	**Unacceptable**
Visibility/Visual Screening:	**Unacceptable**
Energy Considerations:	**N/A**
Roof Installations:	**N/A**
Service Areas:	**N/A**
Signage:	**N/A**
Urban Design:	**N/A**

F. PERTINENT REQUIREMENTS/STANDARDS:

In evaluating an application for a **district boundary change, Section 33-311** provides that the Board take into consideration, among other factors, the extent to which:

(1) conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;

(2) will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;

(3) will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;

(4) will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;

(5) will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses. The Board shall hear an application for and grant or deny **special exceptions**; that is, those exceptions permitted by regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.

G. NEIGHBORHOOD SERVICES:

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

*Subject to conditions indicated in their memoranda.

H. ANALYSIS:

On July 31, 2007, the Community Zoning Appeals Board – 15 (CZAB-15) denied without prejudice this application by a vote of 4 to 1, pursuant to Resolution #CZAB15-17-07. On August 6, 2007, the applicant appealed the CZAB-15's decision to the Board of County Commissioners (BCC) citing that the application is consistent with the Comprehensive Development Mater Plan (CDMP) and compatible with the surrounding area and that the Board's decision to deny the requests to rezone the property and to permit a cemetery with mausoleums and ancillary chapel was not based on substantial competent evidence introduced on the record. Staff notes that all existing uses and zoning are consistent with the CDMP. As such, the CZAB-15's decision to deny this application and retain the existing RU-1 zoning on the property is **consistent** with the CDMP.

The subject property is located east of S.W. 137 Avenue and between S.W. 258 Street and S.W. 260 Street, approximately ½ mile east of and inside the Urban Development Boundary (UDB) line. The area where the subject property lies is predominately developed with a church and single-family and townhouse residences, with some vacant parcels scattered throughout the area. The applicant is seeking a district boundary change from RU-1, Single-Family Residential District, to GU, Interim District (request #1), and to permit a cemetery with mausoleums and an ancillary meditation chapel (request #2). The applicant has submitted a site plan showing the development of the cemetery with 22 mausoleum buildings standing at heights of 30' and a 26.5' high chapel located internal to the site. Access to the site is provided by two private drives leading from S.W. 137 Avenue and S.W. 260 Street. These private drives converge in the southeast portion of the site and end in a cul-de-sac located in the northwest portion of the site close to the side street (west) property line by SW 137 Avenue. The majority of the mausoleums are situated on the northern half of the subject property and the small meditation chapel and parking areas are located on the southern portion of the site. Landscaping is provided throughout the site in the form of Royal Palms, Shady Lady and Mahogany trees. The applicant has voluntarily proffered a covenant restricting the development of the site to the submitted plan.

As previously mentioned, the applicant is seeking approval of request #1, to permit a zone change from RU-1 to GU, in order to establish the proposed cemetery use. Staff notes that the current zoning district does not allow the proposed use and said use is only permitted in the GU and AU zoning districts upon approval as a special exception at a public hearing, as provided in Section 33-23 of the Miami-Dade County Zoning Code. Staff further notes that request #2, to permit a cemetery with mausoleums and an ancillary meditation chapel, is germane to request #1.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. However, the applicant will have to comply with all DERM's requirements as set forth in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application. The Department indicates in their memorandum that the gates must remain open during hours of operation. Additionally, this property requires platting and road dedications and improvements will be accomplished through the recording of a plat.

Approval of this application will allow the applicant to provide burial services for the community within 22 mausoleums. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the 6.7-acre subject site for **Low Density Residential** use, which permits a minimum of 2.5 to a maximum of 6 units per gross acre. The interpretative text of the CDMP indicates that **cemeteries** may also be permitted in Residential Communities where direct access to a Major or Minor Roadway is provided or where traffic would not disrupt adjacent residential areas. Staff notes that the subject property abuts SW 137 Avenue, a Section Line Road. However, the interpretative text of the CDMP also indicates that neighborhood or community-serving institutional uses, cell towers and utilities including schools, libraries, sanitary sewer pump stations and fire and rescue facilities in particular, and **cemeteries** may be approved where compatible in all urban land use categories, in keeping with any conditions specified in the applicable category, and where provided in certain Open Land sub-areas. Compatibility shall be determined in accordance with **Policy LU-4A,** which indicates that when evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable. Staff does not support this application because, in staff's opinion, the use is not compatible with the surrounding area. As indicated in Policy LU-4A, height, bulk and scale of the architectural elements must be taken into consideration when evaluating compatibility with proximate land uses. As previously mentioned, the site plans submitted for the proposed cemetery use show 22 proposed 30' high mausoleum structures in addition to a proposed 3,600 sq. ft. chapel for a total of 23 buildings on the subject property. Additionally, although the applicant is not exceeding the lot coverage permitted by the proposed GU zone of 15%, the proposed 32,225 sq. ft. of buildings on the site, resulting in a lot coverage of 14% is, in staff's opinion, an over-utilization of the site which does not match the scale and bulk of the neighboring residential development in the area. Single-family and townhouse residences characterize the properties to the south and east of the subject property. The properties to the west of the subject site are located within the Naranja Community Urban Center (NCUC) and are designated for single-family, duplex or rowhouse residences. Additionally, staff opines that the traffic generated by the proposal will negatively impact the surrounding area as burial services are usually accompanied by automobile processions. Furthermore, staff is of the opinion that the introduction of this use into this residential area will disrupt the overall tranquility of the neighborhood. Staff further opines that the subject property does not have enough land to buffer and mitigate any negative impact generated by the proposed use. As such, staff is of the opinion that, in accordance to Policy LU-4A, the proposed zone change to GU in order to permit a cemetery with mausoleums and ancillary chapel is **incompatible** with the area and, therefore, **inconsistent** with the interpretative text of the CDMP.

When considering district boundary changes, the Board shall consider if the development will conform to the CDMP, if the proposed development will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts, the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment, and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development, if it will efficiently utilize or unduly burden water,

sewer, solid waste disposal, recreation, education, public transportation facilities which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways. Staff is of the opinion that the rezoning of the subject site will not have an unfavorable impact on the environment since the Department of Environmental Resources Management (DERM) has no objections to this application. Additionally, the development of the subject property will not unduly burden water, sewer, solid waste disposal, or other necessary public facilities. Further, the Board shall take into consideration whether the development conforms to the CDMP. As previously mentioned, the proposed development, if granted, would be **inconsistent** with the interpretative text of the Comprehensive Development Master Plan for Miami-Dade County. The approval of the rezoning to GU would allow the applicant to construct a cemetery with mausoleums and ancillary chapel which will provide memorial services for the community. However, staff is of the opinion that the proposed development on this 6.7-acres parcel of land would be overly intensive for this area as the subject property lacks sufficient area to properly buffer and mitigate any negative impact generated by the proposed use. Although the Miami-Dade County Zoning Code does not require a minimum amount of acres to permit cemeteries, Section 497.263(2)(g) of the Florida Statutes requires that, in order to obtain the required license from the State of Florida, any proposed cemetery must contain at least 30 contiguous acres. While Section 497.260 proffers exceptions to the acreage and other statutory requirements, the applicant has not proffered any documentation to indicate that it would fall within one of the enumerated statutory exceptions. Moreover, as noted above, the introduction of the proposed use into this residential area will disrupt the overall welfare of the neighborhood, would be out of character with this area, would be **incompatible** with neighboring developments, and could generate similar requests for other uses that would further affect the integrity of this residential neighborhood. As such, staff recommends denial without prejudice of the zone change from RU-1 to GU (request #1).

When analyzing request #2 under Section 33-311(A)(3), Standards For Special Exceptions, Unusual Uses And New Uses, the standards provide that the request for the proposed cemetery with mausoleums and ancillary chapel be compatible with the area when considering the necessity for and reasonableness of the applied for exception in relation to the present and future development of the area, and that it would not generate or result in excessive traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways, or provoke excessive overcrowding or concentration of people or population. Although staff opines that the proposed use at this location will not result in excessive traffic as the LOS of the area roadways will not be exceeded, and that it will not cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads or highways, staff is of the opinion that it will provoke excessive overcrowding and concentration of people that may attend memorial services at the subject site. Additionally, staff opines that this request will not maintain the basic intent and purpose of the zoning regulations and without sufficient area to properly buffer and mitigate any negative impact generated by the proposed use, it will be **incompatible** with the surrounding residential communities. As such, staff recommends denial without prejudice of request #2 under Section 33-311(A)(3) (Special Exceptions, Unusual Uses and New Uses).

Accordingly, staff recommends denial without prejudice of this appeal and the application.

I. RECOMMENDATION:

Denial without prejudice of the appeal and the application.

J. CONDITION: None.

DATE INSPECTED: 06/12/07
DATE TYPED: 06/28/07
DATE REVISED: 06/29/07; 07/12/07; 07/13/07; 07/19/07; 06/17/09
DATE FINALIZED: 06/17/09
MCL:NN:JV

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

NAN

PLANNING AND ZONING
AGENDA OFFICE
2009 JUL 10 P 3:36

Memorandum

MIAMI-DADE COUNTY

Date: March 23, 2007

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

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

Subject: C-15 #Z2006000277-Revised
Iglesia Cristiana El Buen Samaritano
Northeast Corner of S.W. 137th Avenue and 258th Street
District Boundary Change from RU-1 to GU and Special Exception
to Permit a Mausoleum, Cemetery and Ancillary Chapel
(RU-1) (6.7 Acres)
26-56-39

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.

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.

Existing public water and 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 in 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

A Surface Water Management General Permit from DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to site development, final plat or Miami-Dade County Public Works Department approval of paving and

drainage plans. The applicant is advised to contact the DERM Water Control Section for further information regarding permitting procedures and requirements.

All stormwater shall be retained on-site utilizing properly designed seepage or infiltration drainage structures. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 25-year/3-day storm.

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.

Wetlands
The subject property does not contain jurisdictional wetlands, as defined in 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.

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.

Operating Permits
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 the requested use of the subject property may require operating permits from DERM. It is, therefore, suggested that the applicant contact DERM concerning operating permit requirements.

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

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application. The applicant is advised to contact DERM staff for additional information regarding permitting procedures and requirements prior to site development.

Enforcement History
DERM has found no open or closed enforcement record for the subject property.

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 CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency, subject to the comments and conditions contained herein.

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

This memorandum shall constitute 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

REVISION 1

PH# Z2006000277
CZAB - C15

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: IGLESIA CRISTIANA EL BUEN SAMARITANO, INC.

This Department has no objections to this application.

Gates are to must remain open during hours of operation.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements will be accomplished thru the recording of a plat.

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

Raul A Pino, P.L.S.
12-MAR-07

PLANNING AND ZONING
AGENDA OFFICE

2009 JUN 24 A 8:54

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

CHECKED BY GAH AMOUNT OF FEE 4785.24

RECEIPT # I200723459

DATE HEARD: 7/13/07

BY CZAB # 151707

206-277

RECEIVED
AUG 06 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY GAH
DATE RECEIVED STAMP

****

This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. Z06-277 (07-7-CZ15-1)

Filed in the name of (Applicant) Iglesia Cristiana El Buen Samaritano

Name of Appellant, if other than applicant _____

Address/Location of APPELLANT'S property: 25795 SW 137 Ave
Princeton, FL 33033

Application, or part of Application being Appealed (Explanation): 1. Denial with prejudice of rezoning from RU-1 to GU and 2. special exception to permit mausoleums with an ancillary chapel.

Appellant (name): Iglesia Cristiana El Buen Samaritano
hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:
(State in brief and concise language)

Applicant is appealing the denial of their application with prejudice. The re-zoning requested by applicant is more consistent with Miami-Dade County's Comprehensive Plan that the current zoning designation, and the Board's decision of denial with prejudice was not supported by competent substantial evidence. Furthermore, the Applicant believes that the Chairman of the Board acted in an unethical manner.

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AUG - 6 2007
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BY_____

APPELLANT MUST SIGN THIS PAGE

Date: 1 day of Agosto, year: 2007

Signed _____

_____
Print Name

_____
Mailing Address

_____ _____
Phone Fax

REPRESENTATIVE'S AFFIDAVIT

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

Iglesia Cristiana El Buen Samaritano
Representing

_____
Signature

Helquiades Urgelles
Print Name

25795 SW 137 Ave
Address

Princeton FL 33032
City State Zip

305-258-0162 305-562-8086
Telephone Number

Subscribed and Sworn to before me on the 1 day of August, year 2007

Maria Collado
Notary Public

(stamp/seal)

Commission expires

MARIA COLLADO
MY COMMISSION # DD325989
EXPIRES: JULY 03, 2008
NOTARY PUBLIC STATE OF FLORIDA

16

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MIAMI-DADE PLANNING AND ZONING DEPT
BY

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

STATE OF Florida

COUNTY OF Miami-Dade

Before me the undersigned authority, personally appeared Iglesia Cristiana El Buen Samaritano (Appellant) who was sworn and says that the Appellant has standing to file the attached appeal of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community Zoning Appeals Board matter because of the following:

(Check all that apply)

✓ 1. Participation at the hearing
✓ 2. Original Applicant
____ 3. Written objections, waivers or consent

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

Further Appellant says not.

Witnesses:

Signature

Isabel C Williams
Print Name

Maria Collado
Signature

MARIA Collado
Print Name

Appellant's signature

Melquiades Urgelles
Print Name President of the corporation

Sworn to and subscribed before me on the 1 day of August, year 2007

Appellant is personally know to me or has produced None as identification.

Maria Collado
Notary
(Stamp/Seal)

Commission Expires:

MARIA COLLADO
MY COMMISSION EXPIRES JUN 03, 2008
#DD325989
Bonded through 1st State Insurance
NOTARY PUBLIC, STATE OF FLORIDA

[b:forms/affidapl.sam(11/03)]

RESOLUTION NO. CZAB15-17-07

WHEREAS, **IGLESIA CRISTIANA EL BUEN SAMARITANO, INC.** applied for the following:

(1) RU-1 to GU

(2) SPECIAL EXCEPTION to permit a cemetery with mausoleums and ancillary chapel.

Plans are on file and may be examined in the Zoning Department entitled "Public Hearing Iglesia Del Buen Samaritano," as prepared by Nestor J. Cifuentes, Sheets A-1 & A-2 dated stamped received 2/23/07 and the remaining 4 sheets, dated stamped 2/16/07 for a total of 6 sheets.

SUBJECT PROPERTY: The east ½, of the NW ¼ of the NW ¼ of the SW ¼ , of Section 26, Township 56 South, Range 39 East.

LOCATION: Lying east of S.W. 137 Avenue, between S.W. 258 Street and S.W. 260 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 15 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to GU (Item #1) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and the requested special exception to permit a cemetery with mausoleums and ancillary chapel (Item #2) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and that the requested special exception (Item #2) would have an adverse impact upon the public interest and should be denied, and

WHEREAS, a motion to deny the entire application without prejudice was offered by Diane Richardson, seconded by Gale L. Wimbley, and upon a poll of the members present, the vote was as follows:

Paul J. Morrow	nay	Bobby D. Stewart	aye
Diane Richardson	aye	Gale L. Wimbley	aye

Patricia Forbes aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 15, that the requested district boundary change to GU (Item #1) be and the same is hereby denied without prejudice.

BE IT FURTHER RESOLVED that the requested special exception to permit a cemetery with mausoleums and ancillary chapel (Item #2) be and the same is hereby denied without prejudice.

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

PASSED AND ADOPTED this 31st day of July, 2007.

Hearing No. 07-7-CZ15-1
ls

Memorandum

Date: 02-JUL-07

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

From: Herminio Lorenzo, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2006000277

Fire Prevention Unit:

Approval. Fire Engineering and Water Supply Bureau has no objection to Site plan date stamped February 22, 2007. Any changes to the vehicular circulation must be resubmitted for review and approval. This plan has been reviewed to assure copliance with MDFR Access Road Requirements for zoning hearing applications. Please be advised that during the plattong and permitting stages of this project, the proffered site plan must adhere to corresponding MDFR requirements.

Service Impact/Demand:

Development for the above Z2006000277
located at THE NORTHEAST CORNER OF S.W. 137 AVENUE AND S.W. 260 STREET, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 2462 is proposed as the following:

_____ residential	dwelling units	_____ industrial	square feet
_____ Office	square feet	3,599 institutional	square feet
_____ Retail	square feet	_____ nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 2.30 alarms-annually.
The estimated average travel time is: 7:31 minutes

Existing services:

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

Station 5 Goulds 13150 SW 238 St Rescue, BLS Engine

Planned Service Expansions:

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

Station 70 Coconut Palm SW 248 St and SW 114 Place

Fire Planning Additional Comments:

None

DATE: 06/26/09
REVISION 4

TEAM METRO

ENFORCEMENT HISTORY

IGLESIA CRISTIANA EL BUEN SAMARITANO, INC.

APPLICANT

Lying east of SW 137 Ave between SW 258 St. & SW 260 St.

ADDRESS

Z2006000277

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

Current case history;
Case 200901005699 was opened based on enforcement history request for folio #30 6926 000 0510 and inspected on 6-25-09. No violations were observed and the case was closed.
Case 200901005700 was opened based on enforcement history request for folio #30 6926 000 0650 and inspected on 6-25-09. No violations were observed and the case was closed.
Previous case history;
Case 200801001169 was opened based on an illegal dumping case complaint and inspected on 3-19-08. A warning notice was issued for Ch 19-13(a), miscellaneous junk and trash on property. A re-inspection was conducted on 4-16-08 and the property was found to be in compliance and the case was closed.
Case 200601005181 was opened based on an anonymous complaint and inspected on 11-07-06. No violations were observed and the 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].

CORPORATION NAME: Iglesia Cristiana El Buen Samaritano
A Non-Profit organization

NAME AND ADDRESS	Percentage of Stock
Melquiades Urgelles 25851 SW 133 Ct. Princeton, FL 33032	Non profit
Aureo Roman Holguin 25071 SW 124 PL Princeton, FL 33032	Non profit
Rosa Figueroa 1451 NE 10 St. Homestead, FL 33033	Non profit
Juan Jose De Jesus 18700 SW 294 Terr. Princeton, FL 33032	Non profit
Francisca Arnal 13340 SW 257 Terr. Princeton, FL 33032	Non profit
Melquis Urgelles 20254 SW 131 St. Miami, FL 33177	Non profit

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: _____

NAME AND ADDRESS	Percentage of Interest

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: _____

NAME AND ADDRESS	Percent of Ownership

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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: _____

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:

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BY _____

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: Iglesia Cristiana El Buen Samaritano/
(Applicant)

Sworn to and subscribed before me this 1 day of August, 2007. Affiant is personally known to me or has produced None as identification.

Maria Collado
(Notary Public)

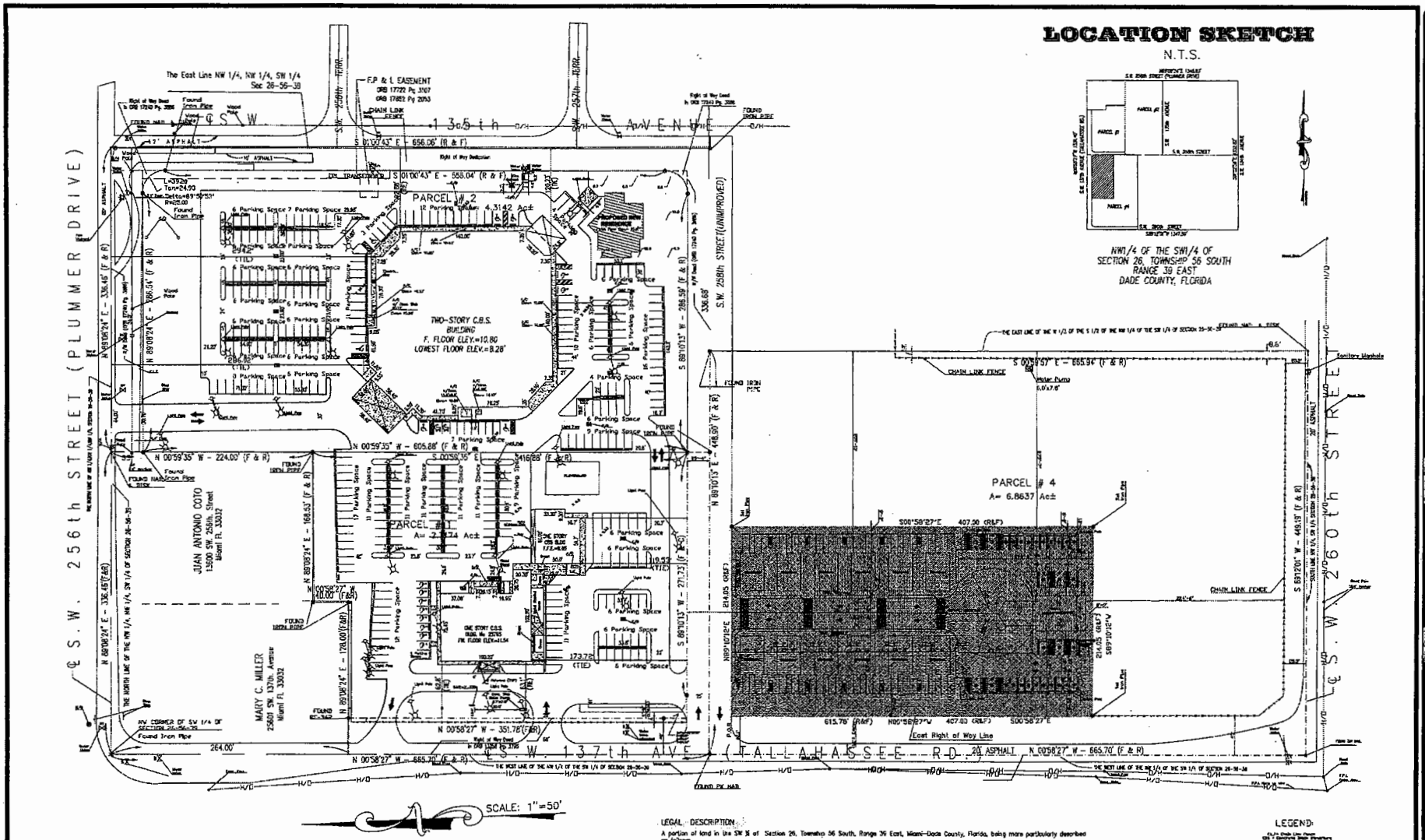
MARIA COLLADO
MY COMMISSION EXPIRES JUN 03, 2008
#DD325989
Bonded through 1st State Insurance
NOTARY PUBLIC, STATE OF FLORIDA

My commission expires June 3, 2008

*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.

LOCATION SKETCH

N.T.S.



NW1/4 OF THE SW1/4 OF
SECTION 26, TOWNSHIP 56 SOUTH
RANGE 39 EAST
DADE COUNTY, FLORIDA

LEGAL DESCRIPTION:

A portion of land in the SW ¼ of Section 26, Township 56 South, Range 39 East, Miami-Dade County, Florida, being more particularly described as follows:

Commence at the NW Corner of the SW ¼ of said Section 26; thence run S00°58'27"E along the West Line of the SW ¼ of said Section 26, for a distance of 665.70 feet to a point; thence run N89°10'12"E along the North Line of the SW ¼ of the NW ¼ of the SW ¼ of said Section 26 for a distance of 40.00 feet to a point on the East Right of Way Line of SW 137th Avenue; said Point also being the land hereinafter described; thence continue N89°10'12"E for a distance of 214.05 feet to a point; thence run Due West Line of the SW ¼ of said Section 26 for a distance of 407.00 feet to a point; thence run North Line of the SW ¼ of the NW ¼ of the SW ¼ of said Section 26 for a distance of 214.05 feet to a point on the East Right of Way Line of SW 137th. Avenue; thence run N00°58'27"W along the East Right of Way Line of SW 137th. Avenue for a distance of 407.00 feet to the Point of Beginning.

Said land lying and being in Miami-Dade County, Florida, and containing 2.000 Acres more or less.

LEGEND:

RECEIVED
MAY 15 2008

Nestor J. Cifuentes P.E.

24

NESTOR J. CIFUENTES
8800 SW 93 TERR.
Miami, Florida 33155
FLORIDA REGISTER # 29450 PE

ARCHITECH DESIGN GROUP

PROJECT TITLE: EL BUEN SAMARITANO "MAUSOLEUM PUBLIC HEARING"

ADDRESS: 25795 SW 137th AVE, PRINCETON, FL 33032

GENERAL SITE PLAN

THESE DRAWINGS AND DESIGNS ARE THE PROPERTY OF NESTOR J. CIFUENTES, P.E. AND SHALL NOT BE REPRODUCED WITHOUT HIS WRITTEN CONSENT.

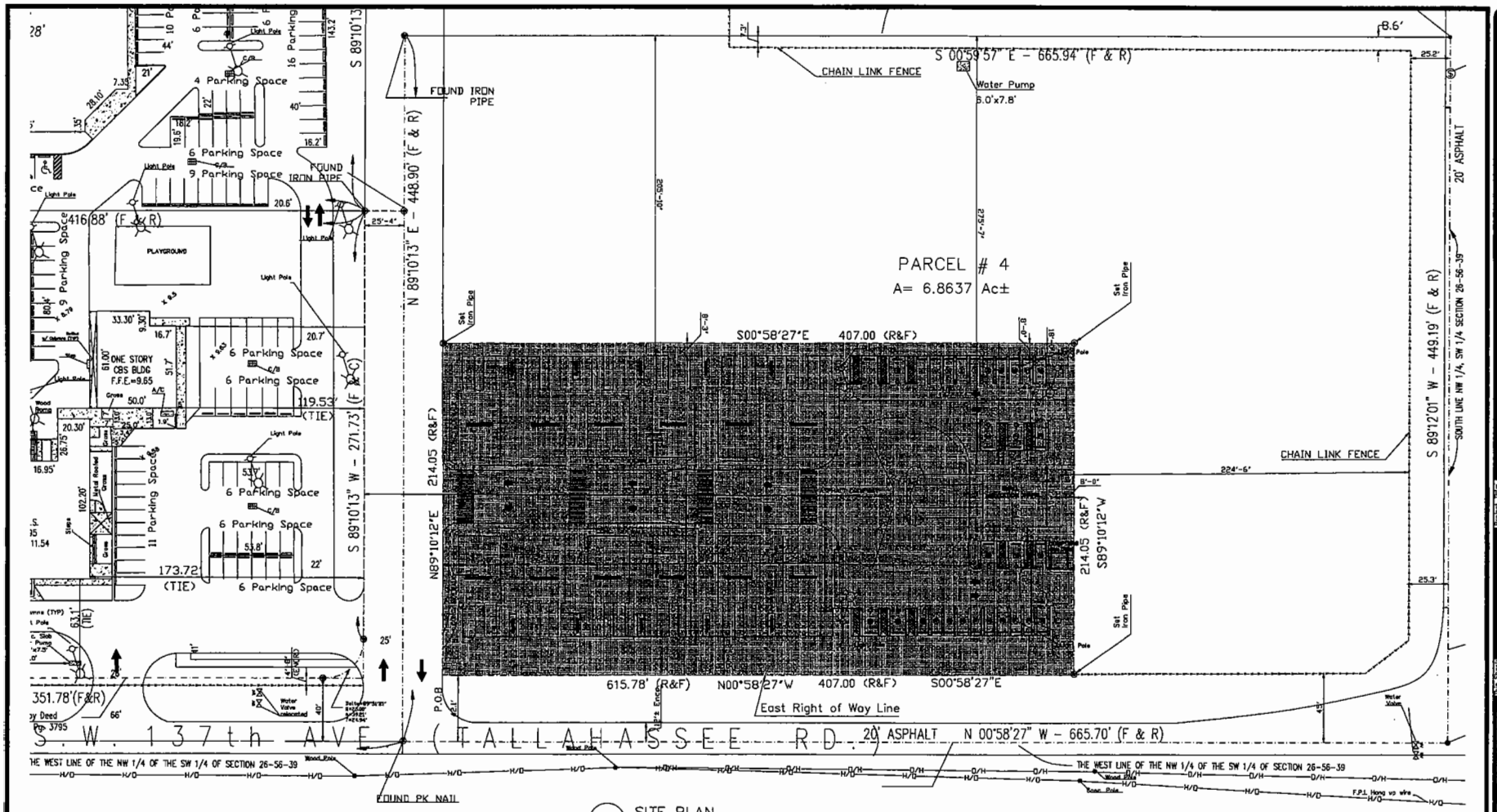
REVISIONS
02-25-2009

DESCRIPTION
Project No. 2007-098
Date: 10-31-07
Drawn By: A.D.G.
Approved By: N.C.

SEAL

SHEET NO.
SP-1

1 of 7



FIRE REQUIREMENTS

1- ALL FIRE DEPARTMENT ACCESS ROADS SHALL BE 20' FEET (TWO WAY ROAD) CLEAR WIDTH AND NOT LESS THAN 13'-6" VERTICAL UNOBSTRUCTED CLEARANCE NFPA 1 18.2.2.3.1
2-A MINIMUM OF 50 FEET CENTERLINE RADIUS CLR-DC-SAC OF WICH MUST BE SUITABLE SURFACE FOR THE TURNING AROUND OF THE FIRE APARATUS APPROVED BY THE AHJ.
3- GATES SHALL BE A MINIMUM OF 20 FEET CLEAR WIDTH.
4- FIRE DEPARTMENT ACCESS TO GATED DEVELOPMENTS SHALL BE BY KNOX KEY SWITCH MODEL 3302 ONLY OR KNOX PADLOCK MODEL 3751 ON MANUAL GATES WHERE PERMITTED.
5- FIRE DEPARTMENT ACCESS ROADS SHALL BE DESIGNED AND MAINTAINED TO SUPPORT A MINIMUM OF 12 TONS AND SHALL BE PROVIDED WITH A SURFACE SUITABLE FOR ALL WEATHER DRIVING CAPABILITIES NFPA 1 18.2.2.3.2
6-ALL BUILDING WILL BE SPRINKLERED AND LOCATED AT LESS THAN 450 FEET FROM ANY FIRE DEPARTMENT ACCESS ROAD AS SHOWN ON SITE PLAN.

NATIONAL FLOOD INSURANCE DATA:

Community-Panel No.: 120635-0354-J
Flood Zone: X
Base Flood Elevation: N/A
Firm Date : 7/17/95

ZONING LEGEND

ZONING: GU
HEIGHT (TO RIDGE OF ROOF) 30.0' (ALLOWED 30')
NET LAND AREA 87120.0 SF (2.0 ACRES)
GROSS LAND AREA 104423.2 SF (2.39 ACRES)
LOT COVERAGE ALLOWED: 15% OF GROSS LAND AREA
LOT COVERAGE (EVERYTHING UNDER ROOF) 21,730 SQ. FT. (20.8% OF GROSS LAND AREA)
TOTAL LOT IMPERVIOUS AREA 87,053.4 SQ. FT. (84.2% OF GROSS LAND AREA)
TOTAL LANDSCAPING AREA 20,206.6 SQ. FT. (23.5% OF NET LAND AREA)

GENERAL

SETBACKS	REQUIRED	PROVIDED
TO RIGHT-OF-WAY	50'	25.0'
NORTH INT. SIDE	25'	10' (411' TO NON CONTIGUOUS PROPERTY)
SOUTH INT. SIDE	25'	8.06' (249.87' TO NON CONTIGUOUS PROPERTY)
REAR EAST P.L.	25'	8.25' (205.8' TO NONCONTIGUOUS PROPERTY)

CHART

SETBACKS	REQUIRED	PROVIDED
TO RIGHT-OF-WAY	50'	25.0'
NORTH INT. SIDE	25'	328.75' (798.17' TO NON CONTIGUOUS PROPERTY)
SOUTH INT. SIDE	25'	8.06' (249.87' TO NON CONTIGUOUS PROPERTY)
REAR EAST P.L.	25'	78.25' (275.87' TO NONCONTIGUOUS PROPERTY)

SETBACKS ARE DIMENSIED FROM BUNDLE TO THE PROPERTY LINES AND CLOSEST RIGHT OF WAY. THE DEAD SHALL NOT BE BURIED ON PLACES CLOSER THAN TWENTY FIVE (25) FEET TO ANY ROADWAY THE RIGHT OF WAY WIDTH OF WHICH IS LESS THAN SEVENTY (70) FEET AND NO CLOSER THAN TWENTY FIVE (25) FEET TO ANY OTHER PROPERTY LINE. (SEC.23-C3.-CEM. MAIN-TANCE ORDINANCE)

LOT WILL BE GRADED SO AS TO PROVIDE DIRECT DRAINAGE ORDINANCE OR DRAIN WATER OVER ADJACENT PROPERTY. APPLICANT WILL PROVIDE CERTIFICATION PRIOR TO FINAL INSPECTION.

ANY APPLICABLE RESOLUTIONS:

NOTICE

IN ADDITION TO THE REQUIREMENTS OF THIS PERMIT THERE MAY BE ADDITIONAL RESTRICTIONS APPLICABLE TO THIS PROPERTY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. (SECTION 163.3167(5), FLORIDA STATUTES, SYSTEMS 17/10/91).

A SEPARATE PERMIT WILL BE REQUIRED FOR ALL DRIVEWAY APPROACHES OVER PUBLIC RIGHT OF WAY. CONTACT PUBLIC WORKS DEPARTMENT.

THE HEIGHT OF FENCES, WALL AND HEDGES SHALL NOT EXCEED 2.5 FEET IN HEIGHT WITHIN 10 FEET OF THE EDGE OF ANY DRIVEWAY LEADING TO A RIGHT OF WAY.

THE HEIGHT OF FENCES IN REAR MEASURED FROM GRADE. GRADE = ELEVATION OF PUBLIC SIDEWALK OR CROWN OF ROAD

SP-2 SITE PLAN

Esc 1"=30'-0"

PARKING REQUIREMENTS

Chapter 33 Sec.33-122

(1) PARKING SPACE FOR EACH 50 SQUARE FEET OF THE SEATING AREA

SEATING AREA = 1,450.0 SQ. FT.

	REQUIRED	PROVIDED
PARKING SPACES	29	30

LEGAL DESCRIPTION:

A portion of land in the SW ¼ of Section 26, Township 56 South, Range 39 East, Miami-Dade County, Florida, being more particularly described as follows:

Commence at the NW Corner of the SW ¼ of said Section 26; thence run S00°58'27"E along the West Line of the SW ¼ of said Section 26, for a distance of 665.70 feet to a point; thence run N89°10'12"E along the North Line of the SW ¼ of the NW ¼ of the SW ¼ of said Section 26 for a distance of 40.00 feet to a point on the East Right of Way Line of SW 137th Avenue; said Point also being the land hereinafter described; thence continue N89°10'12"E for a distance of 214.05 feet to a point; thence run the West Line of the SW ¼ of said Section 26 for a distance of 407.00 feet to a point; thence run North Line of the SW ¼ of the NW ¼ of the SW ¼ of said Section 26 for a distance of 214.05 feet to a point on the East Right of Way Line of SW 137th Avenue; thence run N00°58'27"W along the East Right of Way Line of SW 137th Avenue for a distance of 407.00 feet to the Point of Beginning.

Said land lying and being in Miami-Dade County, Florida, and containing 2.000 Acres more or less.

Nestor J. Cifuentes P.E.

SITE NOTES

1. PROVIDE ALL SITE CLEARING, EXCAVATION, FILL, BACKFILL MODIFICATIONS, GRADING, SUB-GRADES AND COMPACTING.
2. TREES TO REMAIN AND/OR RELOCATE AS SELECTED BY OWNER, SHALL BE PROTECTED AS REQUIRED.
3. TREES TO BE REMOVED SHALL BE CUT AS DIRECTED BY THE OWNER. ALL SITE CLEARING DEBRIS AND TREE STUMPS SHALL BE REMOVED FROM THE JOB SITE.
4. COORDINATE WITH MECHANICAL, ELECTRICAL, PLUMBING, AND LANDSCAPING CONTRACTORS AS WELL AS LOCAL UTILITIES PRIOR TO CONSTRUCTION FOR WATER LINES, DRAINAGE PIPES, UNDERGROUND ELECTRICAL CONDUITS, IRRIGATION SYSTEMS AND ANY CONCEALED INSTALLATIONS WHICH MAY REQUIRE ADVANCE PLANNING OR BE DAMAGED.
5. MAINTAIN BUILDING SITE CLEAN OF CONSTRUCTION DEBRIS THROUGH THE DURATION OF THE PROJECT.
6. IF SIDEWALK IS TO BE PROVIDED, IT SHALL BE DIRECTED BY THE CORRESPONDING PUBLIC WORKS DEPARTMENT.
7. CONTRACTOR TO VERIFY LOCATION OF UTILITIES PRIOR TO SUBMITTING BIDS.

RECEIVED MAR 16 2009

25

NESTOR J. CIFUENTES
8600 SW 33 TERR.
Miami, Florida 33155
FLORIDA REGISTERED # 29450 PE

ARCHITECH DESIGN GROUP

Project Title: EL BUEN SAMARITANO "MAUSOLEUM PUBLIC HEARING"

Address: 25795 SW 137th AVE, PRINCETON, FL 33032

Title Sheet: SITE PLAN

THESE DRAWINGS AND DESIGNS ARE THE PROPERTY OF NESTOR J. CIFUENTES P.E. AND SHALL NOT BE REPRODUCED WITHOUT HIS WRITTEN CONSENT.

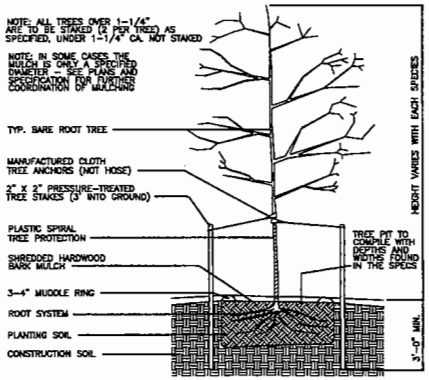
REVISIONS
02-25-2009

DESCRIPTION
Project No. 2007-098
Date: 10-31-07
Drawn By: A.D.G.
Approved By: N.C.

SEAL: NESTOR J. CIFUENTES LICENSED PROFESSIONAL ENGINEER STATE OF FLORIDA

SHEET NO. SP2

2 of 7



BARE ROOT DECIDUOUS TREE PLANTING DETAIL
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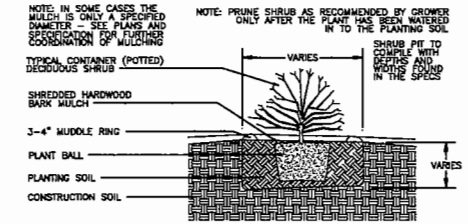
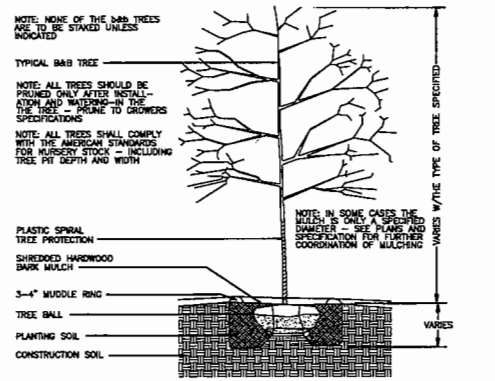


CONTANER SHRUB PLANTING DETAIL
N.T.S.



BALLED & BURLAPPED DECIDUOUS TREE DETAIL
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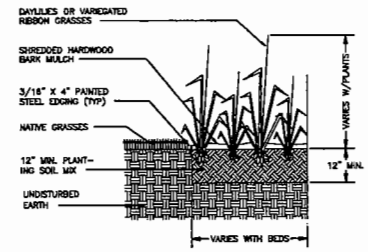

PERENNIAL BED PLANTING DETAIL
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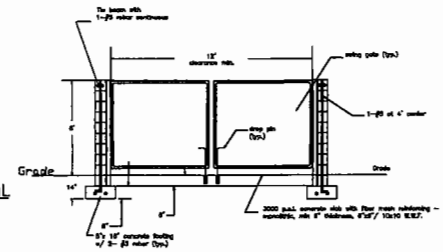

ELEVATION
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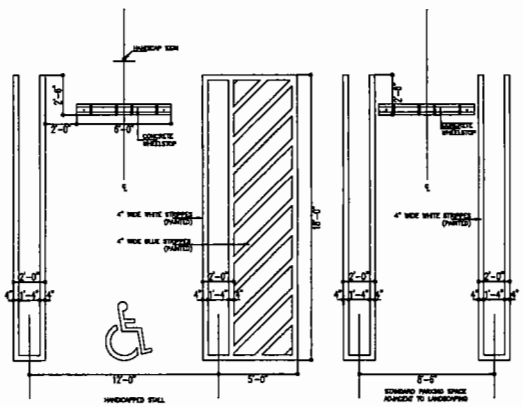

HANDICAPPED AND STANDAR PARKING DETAIL
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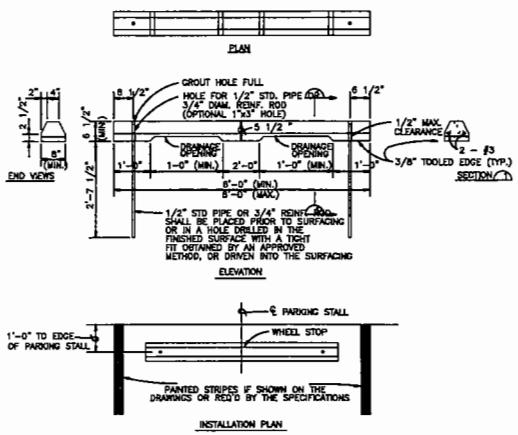

PRECAST CONCRETE WHEEL STOP DETAILS
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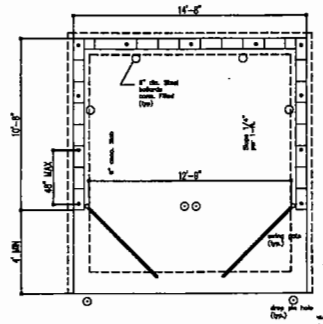

DUMPTERS DETAIL
N.T.S.

RECEIVED
MAR 13 2025
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

Nestor J. Cifuentes P.E.

Digitally signed by Nestor J. Cifuentes P.E.
DN: cn=Nestor J. Cifuentes P.E., o=The seal and signature appearing on this document are authorized by Nestor J. Cifuentes P.E. 29450, ou=N.J.C. 29450, email=nc@archdesgroup.com, c=US
Date: 2025.03.12 14:07:16 -05'00'

NESTOR J. CIFUENTES
8001 SW 24 TERR.
Miami, Florida 33155
FLORIDA REGISTER # 29450 PE

ARCHITECT DESIGN GROUP

Project Title: EL BUEN SAMARITANO "MAUSOLEUM PUBLIC HEARING"

Address: 25795 SW 137th AVE, PRINCETON, FL 33032

Title Sheet: SITE DETAILS

THESE DRAWINGS AND DESIGNS ARE THE PROPERTY OF NESTOR J. CIFUENTES, P.E. AND SHALL NOT BE REPRODUCED WITHOUT HIS WRITTEN CONSENT.

REVISIONS
02-17-2009

DESCRIPTION
Project No. 2007-098
Date: 10-31-07
Drawn By: A.D.G.
Approved By: N.C.

SEAL
NESTOR J. CIFUENTES LICENSE STATE OF FLORIDA PROFESSIONAL ENGINEER

SHEET NO. A-4

7 of 7

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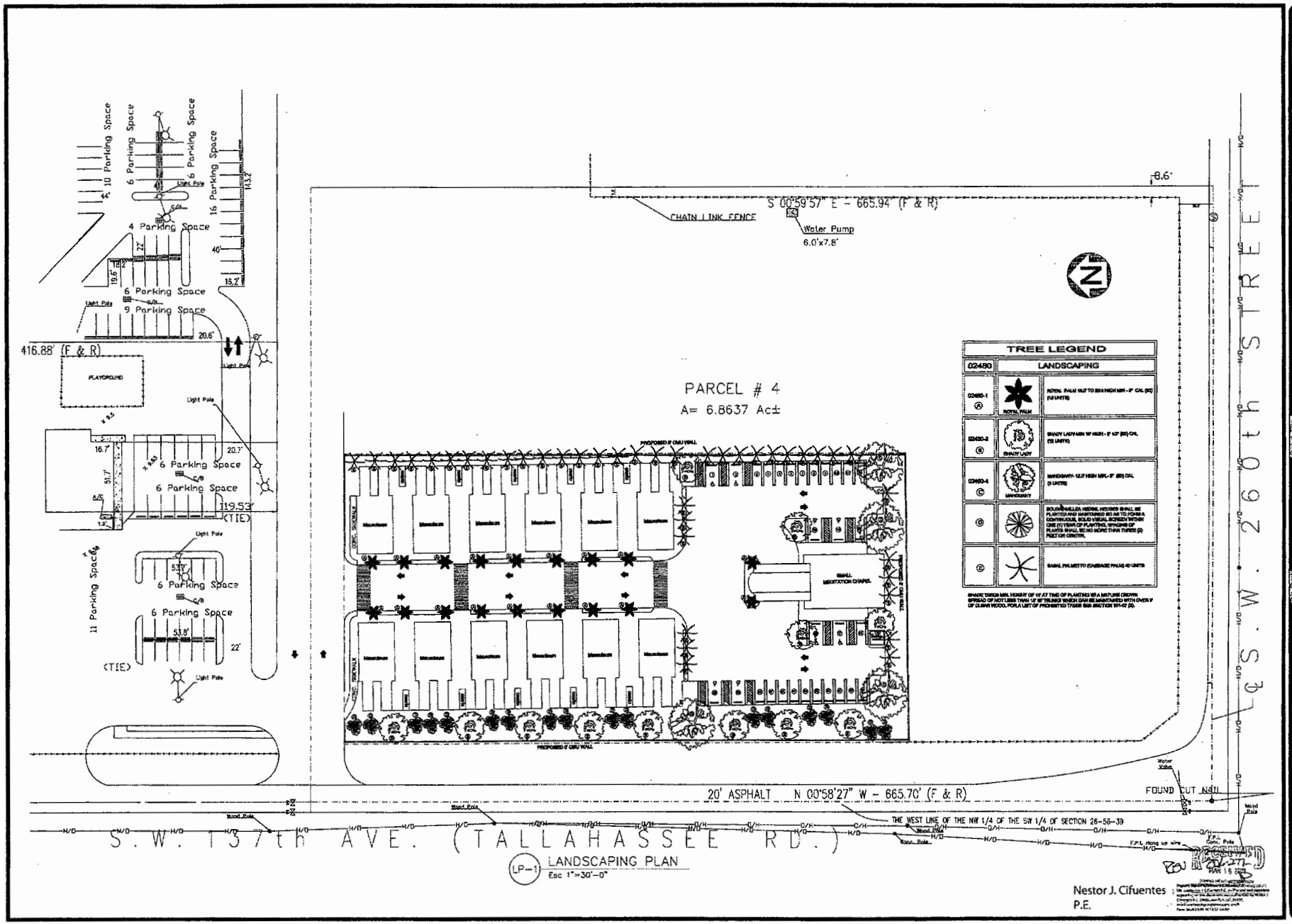
27



Nestor J. Cifuentes
P.E.

NESTOR J. CIFUENTES
8600 SW 33 TERR.
Miami, Florida 33155
FLORIDA REGISTRATION # 29450 PE

ARCHITECH DESIGN GROUP

Project Title: EL BUEN SAMARITANO "MAUSOLEUM PUBLIC HEARING"

Address: 25795 SW 137th AVE, PRINCETON, FL 33032

Drawing Title: LANDSCAPING PLAN

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REVISIONS
02-25-2009

DESCRIPTION	
Project No.	2007-098
Date:	10-31-07
Drawn By:	A.G.G.
Approved By:	N.C.

SEAL: NESTOR J. CIFUENTES LICENSE STATE OF FLORIDA PROFESSIONAL ENGINEER

SHEET NO. LP-1

3 of 7

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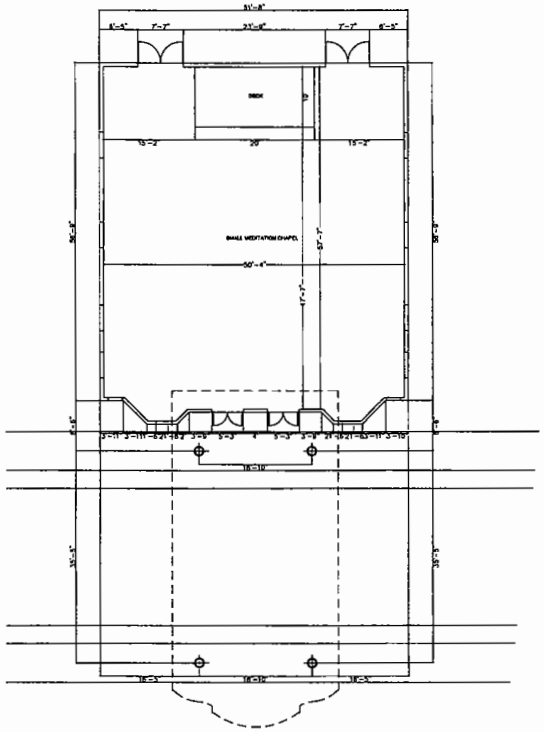
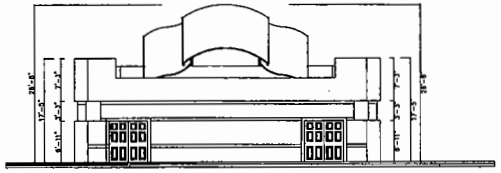


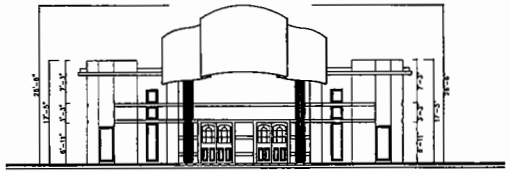
A-4 FLOOR PLAN FUNERAL
Exc 1"=10'-0"

56'9" x 51'8" = 2932.27
18'10" x 55'5" = 666.95
3599.22

6



A-4 Back View Elevation
Exc 1"=10'-0"



A-4 Front View Elevation
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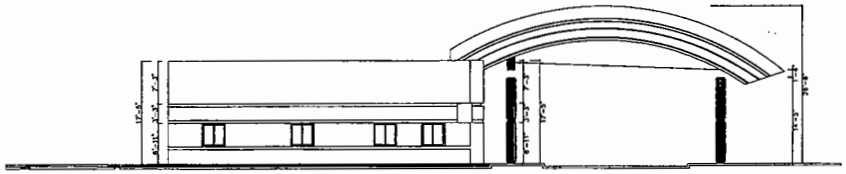

A-4 Left View Elevation
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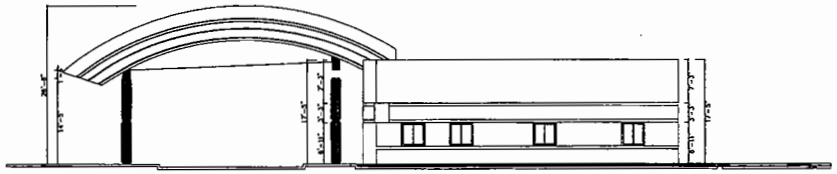

A-4 Right View Elevation
Exc 1"=10'-0"

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FEB 1 8 2007
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT

REVISIONS

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PUBLIC HEARING "IGLESIA DEL BUEN SAMARITANO"
MELQUIADES URGELLES
25795 SW 137 AVE, PRINCETON, FL. 33032

SHEET TITLE
FLOOR PLANS & ELEVATIONS

FLORIDA REGISTER
29450 PE

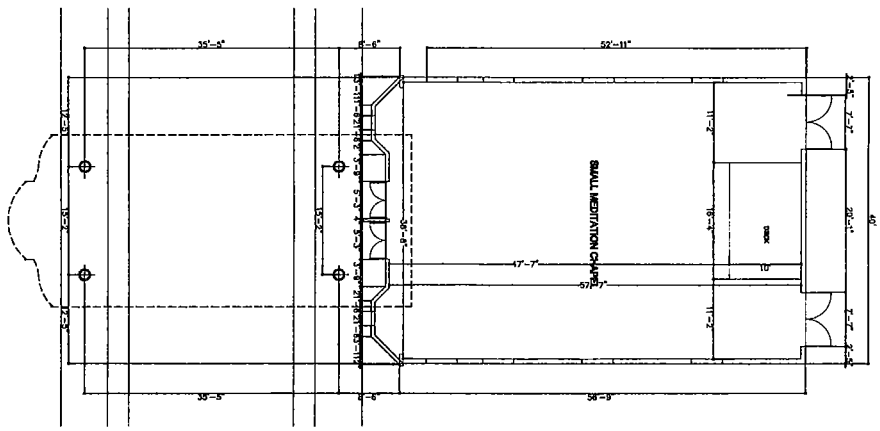
NESTOR J. CIFUENTES P.E.
8600 SW 33 TERR.
Miami, Florida 33155

FLORIDA REGISTER
29450 PE

DATE	02-16-07
DRAWN BY:	E.F.
CHECKED BY:	N.C.
SCALE:	AS SHOWN

A-3

SHEET NUMBER 3



FLOOR PLAN MEDITATION CHAPEL
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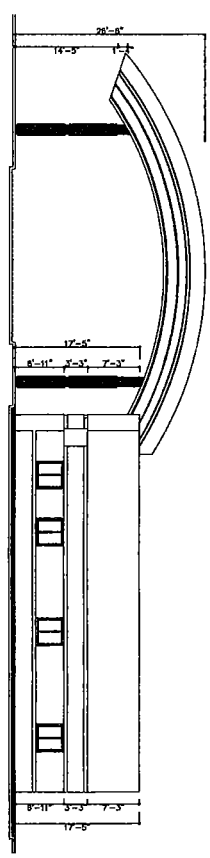

Right View Elevation
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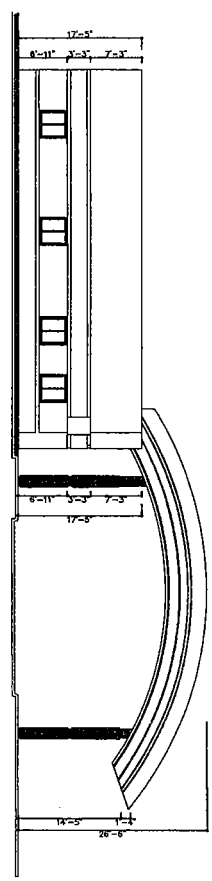

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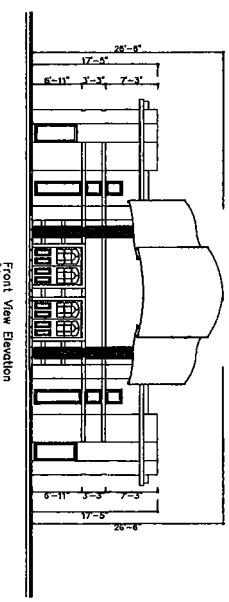

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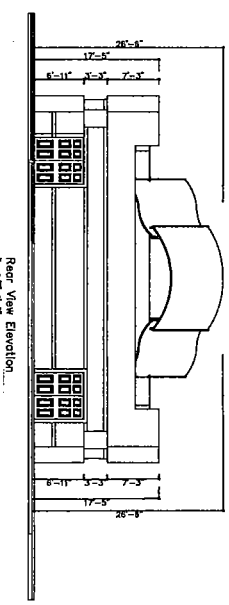


Rear View Elevation
Sec 1/8"=1'-0"

Nestor J.
Cifuentes P.E.

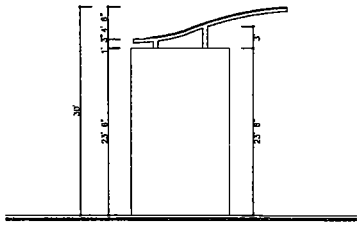
29

DESCRIPTION Project No. 2007-098 Date: 10-31-07 Drawn By: A.D.G. Approved By: N.C. SEAL SHEET NO. A-1 4 of 7	REVISIONS 02-17-2009	This Sheet: FLOOR PLANS & ELEVATIONS THESE DRAWINGS AND DESIGNS ARE THE PROPERTY OF NESTOR J. CIFUENTES, P.E. AND SHALL NOT BE REPRODUCED WITHOUT HIS WRITTEN CONSENT.	Project Title: EL BUEN SAMARITANO "MAUSOLEUM PUBLIC HEARING" Address: 25795 SW 137th AVE, PRINCETON, FL 33032

NESTOR J. CIFUENTES
8000 SW 137 TERR.
Miami, Florida 33165
FLORIDA REGISTER
21450 PE

ARCHITECH DESIGN GROUP

30



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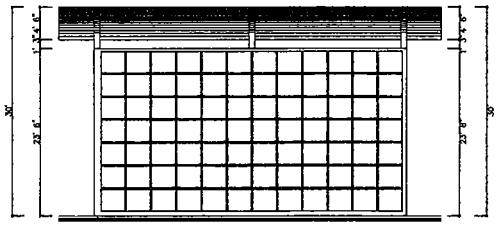

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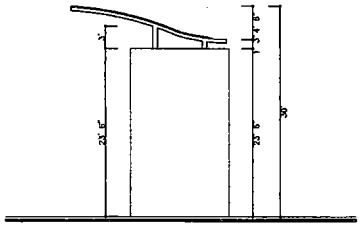

Right View Elevation Type A
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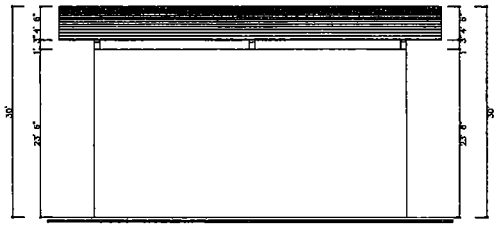

Back View Elevation Type A
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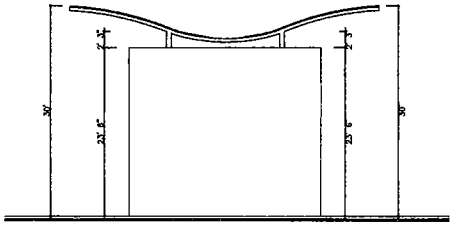

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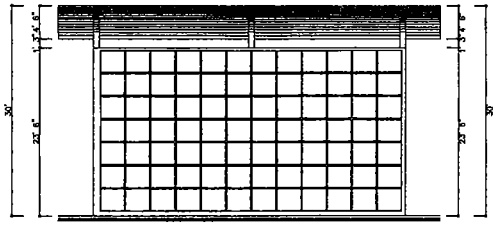

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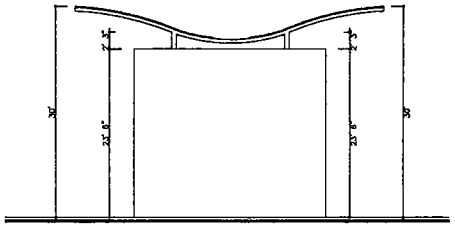

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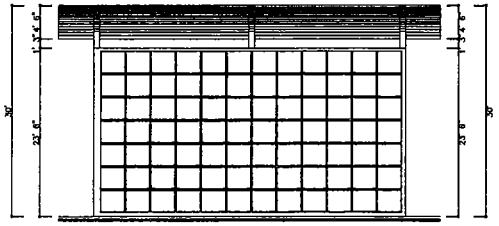

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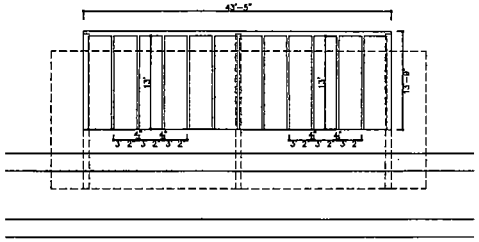

Floor Plan Type A
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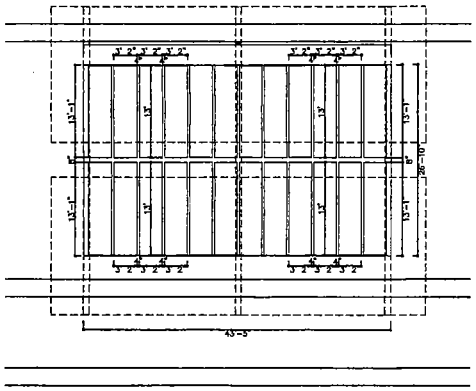


Floor Plan Type B
Esc 1/8"=1'-0"

RECEIVED
MAR 13 2009

Nestor J.
Cifuentes P.E.

NC
NESTOR J. CIFUENTES
8600 SW 30 TERR.
Miami, Florida 33155
FLORIDA REGISTER
29450 PE

ARCHITECH DESIGN GROUP

Project Title: EL BUEN SAMARITANO "MAUSOLEUM PUBLIC HEARING"

Address: 25795 SW 137th AVE, PRINCETON, FL 33032

Dwg. Sheet: FLOOR PLANS & ELEVATIONS

THESE DRAWINGS AND DESIGNS ARE THE PROPERTY OF NESTOR J. CIFUENTES AND SHOULD NOT BE REPRODUCED WITHOUT HIS WRITTEN CONSENT.

REVISIONS
02-17-2009

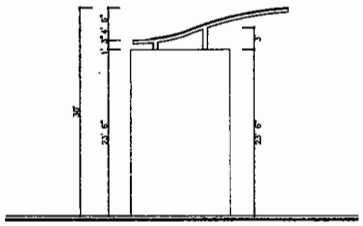
DESCRIPTION
Project No. 2007-098
Date: 10-31-07
Drawn By: A.D.G.
Approved By: N.C.

SEAL
NESTOR J. CIFUENTES
LICENSE
STATE OF FLORIDA
PROFESSIONAL ENGINEER

SHEET NO.
A-2

5 of 7

31



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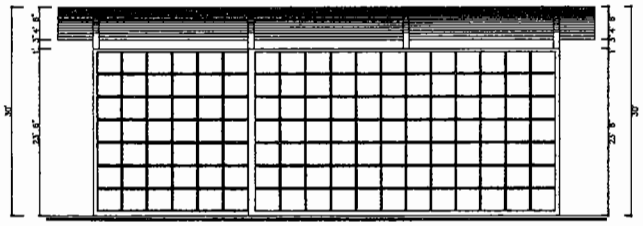

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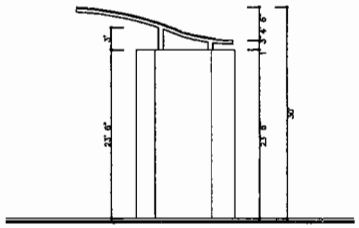

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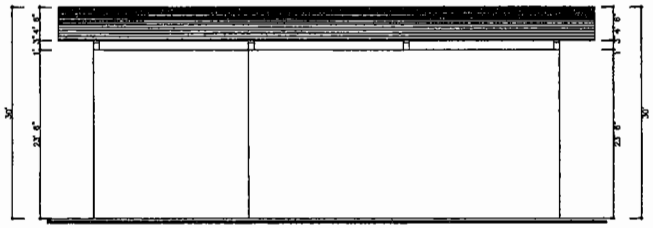

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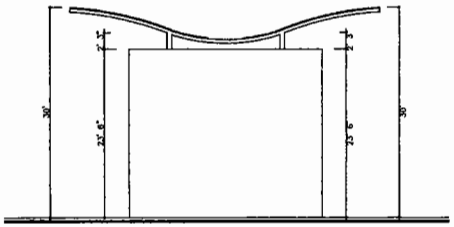

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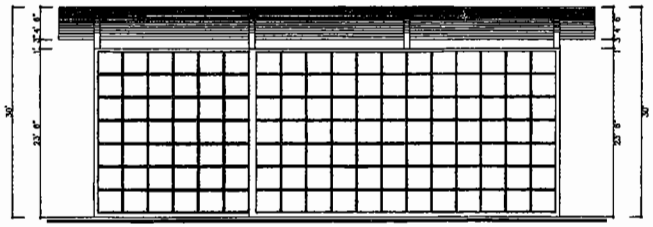

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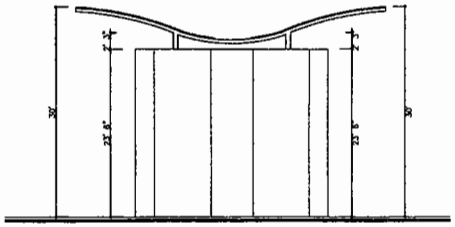

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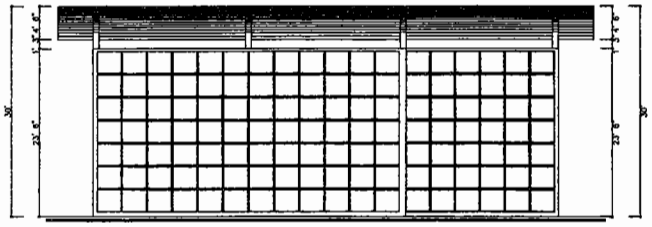

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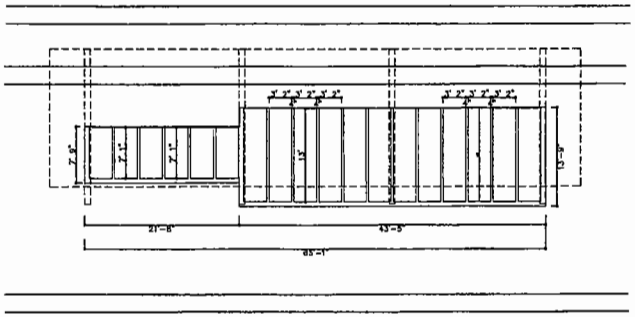

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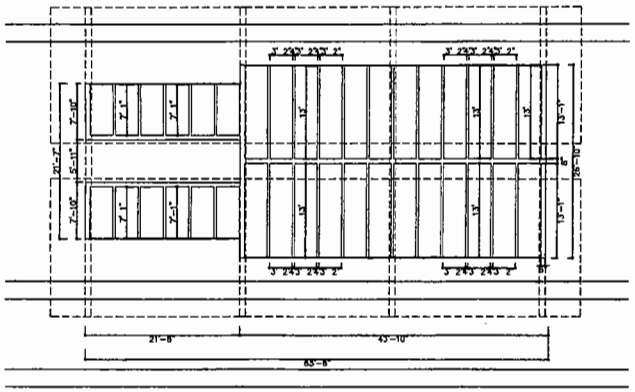

Floor Plan Type D
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RECEIVED
MAR 15 2009

Nestor J.
Cifuentes P.E.

Digitally signed by Nestor J. Cifuentes P.E.
DN: cn=Nestor J. Cifuentes P.E., c=The world
wide web, o=Nestor J. Cifuentes P.E. 29450,
ou=P.E.LIC. 29450, email=nicfuentes@bellsouth.net
Date: 2009.03.13 14:23:34 -05'00'

NESTOR J. CIFUENTES
8600 SW 23 TERR.
Miami, Florida 33155
FLORIDA REGISTER
29450 PE

ARCHITECH DESIGN GROUP

Project Title: EL BUEN SAMARITANO "MAUSOLEUM PUBLIC HEARING"

Address: 25795 SW 137th AVE, PRINCETON, FL 33032

Title Sheet: FLOOR PLANS & ELEVATIONS

THESE DRAWINGS AND DESIGNS ARE THE PROPERTY OF NESTOR J. CIFUENTES P.E. AND SHALL NOT BE REPRODUCED, WITHOUT PRIOR WRITTEN CONSENT.

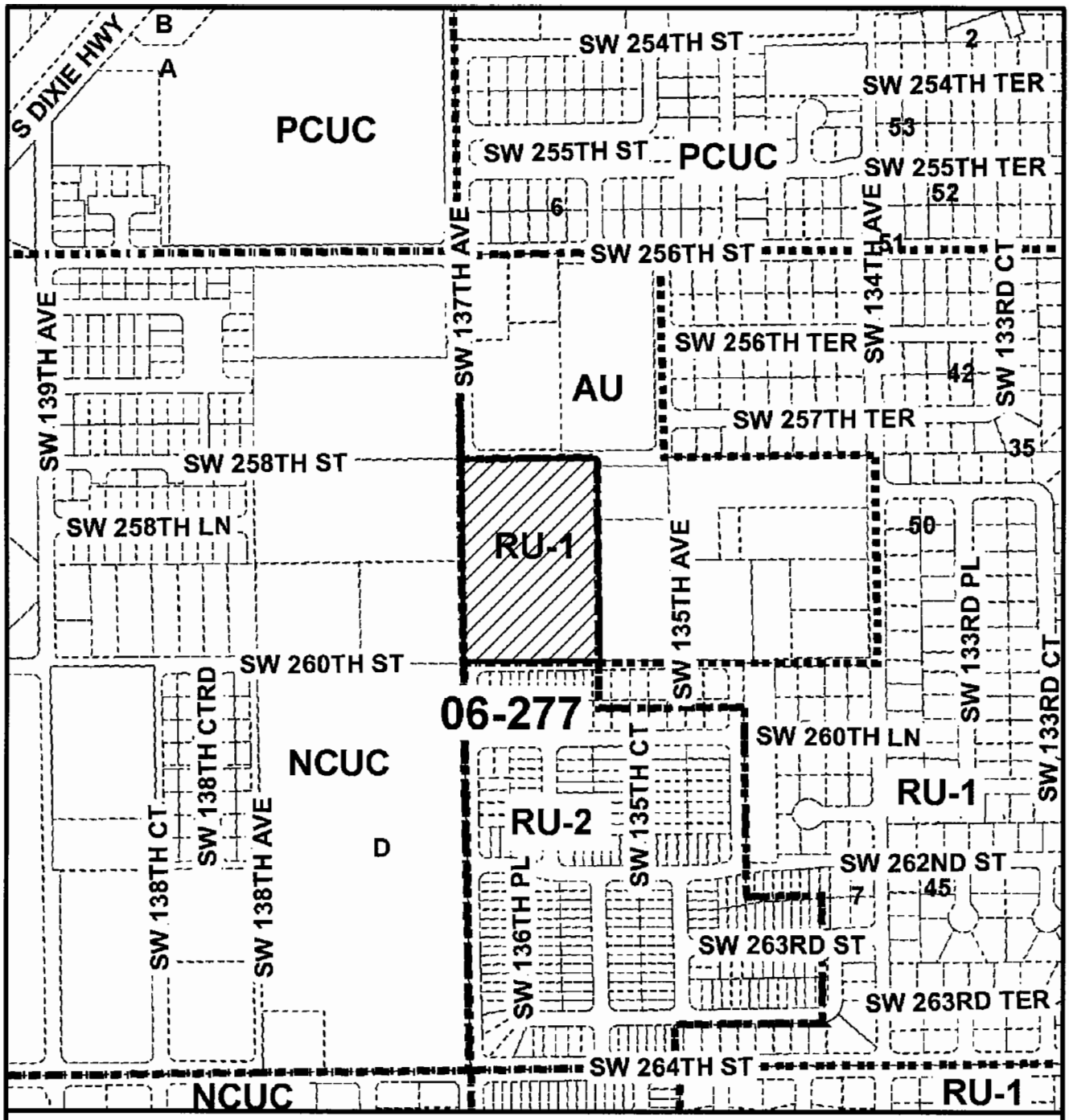
REVISIONS
02-17-2009

DESCRIPTION
Project No. 2007-098
Date: 10-31-07
Drawn By: A.D.G.
Approved By: N.C.

SEAL
NESTOR J. CIFUENTES
LICENSE
STATE OF FLORIDA
PROFESSIONAL ENGINEER

SHEET NO.
A-3

6 of 7



MIAMI-DADE COUNTY

HEARING MAP

S C A L E 0 NTS

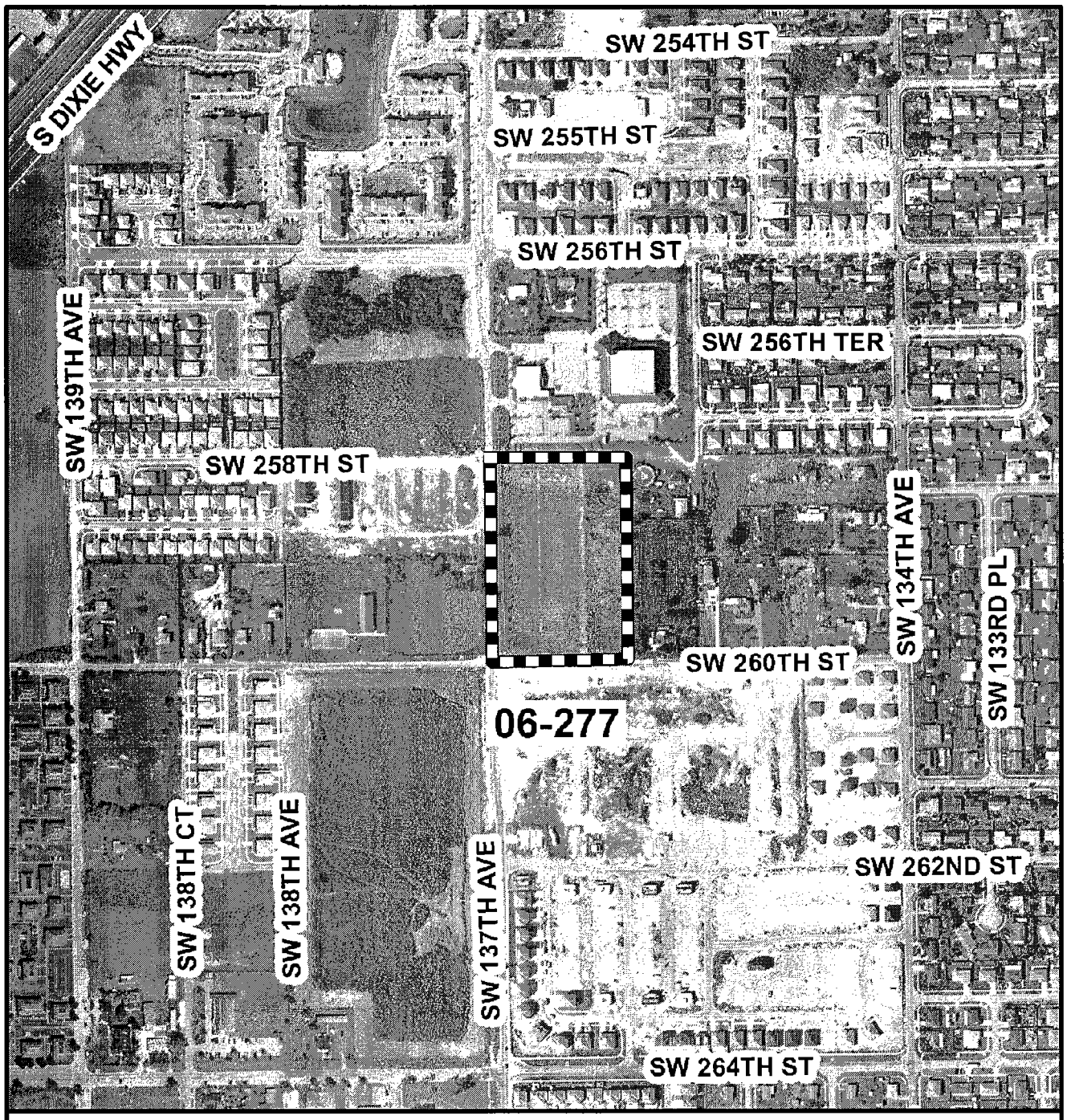
N

SUBJECT PROPERTY

Section: 26 Township: 56 Range: 39
Process Number: 06-277
Applicant: IGLESIA CRISTIANA EL BUEN SAMARITANO
Zoning Board: BCC
District Number: 09
Cadastral: ALFREDO
Scale: NTS

MIAMI-DADE COUNTY

GEOMATICS 06-277 10/06.AFT
REVISION 10/24/06 JP
REVISION-BOARD 08/30/07.AFT



MIAMI-DADE COUNTY

AERIAL

S C A L E
0 NTS

N

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MIAMI-DADE COUNTY

GEOMATICS 06-277 10/06.AFT
REVISION 10/24/06 JP
REVISION-BOARD 08/30/07.AFT

1
COMMUNITY ZONING APPEALS BOARD 15
2 SOUTH DADE GOVERNMENT CENTER - ROOM 203
10710 SW 211 STREET, MIAMI
3 Tuesday, July 31, 2007 at 7:00 p.m.
4
5
6 ITEM
7 **IGLESIA CRISTIANA EL BUEN SAMARITANO, INC.**
(06-277)
8
9
10
11 Members of the Board
(Present)
12
Patricia Forbes, Acting Chair
13 Diane Richardson
Gale L. Wimbley
14 Bobby D. Stewart
Paul J. Morrow
15
16
17 County Attorney's Office
18 Leigh MacDonald
Assistant County Attorney
19
20
21
22
Staff
23
Lou Salvat, Clerk
24 Maria Victoria Valdez, Zoning Specialist
Carl Harrison, Evaluator
25

I N D E X

CHAIRWOMAN FORBES: 3-4, 8-9, 11, 13-14, 32-36, 38-39, 43-45, 47, 49, 52-53, 55-57, 59, 61-63, 67-68, 70, 72-73, 75, 77-78, 84, 88-89.
BOARD MEMBER WIMBLEY: 3, 73, 80-82, 84-88.
BOARD MEMBER STEWART: 78, 88.
BOARD MEMBER RICHARDSON: 3, 59, 75-78, 88.
BOARD MEMBER MORROW: 3, 78-80, 89.

S T A F F

MS. MACDONALD: 4-10, 13-15, 30, 32-35, 43-44, 60, 71-73, 76, 82, 84-85, 88.
THE CLERK: 3, 8-9, 88-89.
SERGEANT-AT-ARMS BRITO: 4, 8, 10, 14-15.
MS. VALDEZ: 11-13.

ON BEHALF OF THE APPLICANT

PASTOR MELQUIS URGELLES: 15-32, 43, 70, 75-79.

SUPPORTERS

CRUZ MUNOZ: 33-34.
MIRIAM ESTEVEZ: 34-35.
PABLO URGELLES: 35-36.
HECTOR CATANO: 36-37, 71-72.
SHADRACH NAPOLEON: 37-38.
JUAN DE JESUS: 38-39.
ANIBAL BURGOS: 39-40.
DAVID VIZCAY: 40-41.
ALFREDO ALVAREZ: 42-43.

OBJECTORS

IGNACIO FERNANDEZ: 44-45.
MIRIAM ZUFRIATEGUI: 45-49.
MARIA RODRIGUEZ: 49.
CAROLYN EDGECOMB: 49-52.
EMILY TUCKER: 52-53.
PHILLIP MURRAY: 53-55.
FITZGERALD LLOYD: 55-57, 73-75.
SALLIE J. HARRIS: 57-59.
NIKKI VITALE: 59-61.
ALFRED DWIGHT: 61-62.
OSCAR WOLFF: 62-63.
IRENE SEVILLA: 63-67.
DONNA HOLCOMB: 67-68.
JULIAN CONSUEGRA: 69-70.

1 CHAIRWOMAN FORBES: Good evening,
2 Ladies and Gentlemen, the Community
3 Council Zoning meeting has now come to
4 order. Let us stand for the pledge.
5 (Pledge of Allegiance).
6 CHAIRWOMAN FORBES: You may be
7 seated.
8 To all present here tonight, with
9 cellphones, beepers, pagers and/or any
10 other electronic device, I'm asking at
11 this time that you please put them on
12 silence or vibrate or just plain shut them
13 off, so as not to interrupt our hearing
14 here tonight. Thank you.
15 Staff, you may call the roll.
16 THE CLERK: Mr. Morrow?
17 BOARD MEMBER MR. MORROW: Here.
18 THE CLERK: Ms. Richardson?
19 BOARD MEMBER MS. RICHARDSON: Here.
20 THE CLERK: Mr. Stewart?
21 Ms. Wimbley?
22 BOARD MEMBER MS. WIMBLEY: Here.
23 THE CLERK: Madam Chair Forbes?
24 CHAIRWOMAN FORBES: Here.
25 THE CLERK: You have a quorum.

1 CHAIRWOMAN FORBES: Okay. To those
2 of you present and wish to speak
3 tonight -- I need to ask staff as to how
4 -- since we have an overflow of a lot of
5 people here, I need to ask staff how to --
6 the attorney, how to handle this.
7 MS. MACDONALD: As you can see, there
8 are more of you than there are seats in
9 the room, and we want to be sure to
10 provide due process tonight, such that
11 everybody has the opportunity to hear and
12 be heard.
13 After I tell you all what we're going
14 to say, then the police officers are going
15 to help me in telling the folks outside
16 the same idea.
17 Anyone who wishes to speak in favor
18 or in opposition to either of the
19 applications tonight will have an
20 opportunity to do so.
21 We will -- after we take folks from
22 inside, supporters, because they'll call
23 -- the Chair will call for supporters
24 first and then will call for objectors,
25 the same request will be made outside on

1 each of the floors, I supposed, since we
2 have people on the first and second floor.
3 Is there anyone -- how many are here
4 to speak on the first application? The
5 first application, the first.
6 SERGEANT-AT-ARMS BRITO: We attempted
7 to locate people from the first
8 application out here and below, nobody has
9 come forward. So I guess everybody else
10 here is for the second one.
11 MS. MACDONALD: Then you might move
12 to take them out of turn. No one's here
13 for the first application? No one?
14 Barbara McClendon Rollins? No. Okay.
15 So what we'll ask for tonight is just
16 your patience. The Board certainly wants
17 to accord all the process that's due and
18 to provide a fair proceeding.
19 Does everyone plan to speak, everyone
20 in the room?
21 Okay. One thing that you might
22 consider doing, who -- are you going to be
23 the applicant's representative, sir?
24 UNIDENTIFIED SPEAKER: No.
25 MS. MACDONALD: Who's going to speak

1 on behalf of the applicant?
2 PASTOR URGELLES: (Raises hand).
3 MS. MACDONALD: I'm sorry, what's
4 your name, sir?
5 PASTOR URGELLES: My name is Melquis
6 Urgelles. I'm the pastor, principal
7 pastor of the church.
8 MS. MACDONALD: One thing that the
9 applicant might do in order to better
10 facilitate the process is -- should I go
11 slower? One thing that the applicant
12 might do to better facilitate the process
13 -- she's translating for him, I believe,
14 or we can -- an official translator.
15 MR. HARRISON: Use the microphone.
16 MS. MACDONALD: One thing that the
17 applicant might do --
18 UNIDENTIFIED SPEAKER: Sorry, who's
19 translating him or me?
20 MS. MACDONALD: He is, the official
21 translator.
22 (Thereupon, the Translator is
23 translating for everyone in the meeting
24 room the following:
25 MS. MACDONALD: -- in order to better

1 facilitate the process, is to ask those
2 who intend to speak to come into the room
3 and ask those who do not intend to speak
4 to exit the room. That's certainly up to
5 you, but that would afford you the
6 opportunity -- oh, sorry. But it would
7 afford you the opportunity to have those
8 who do plan to speak hear everything.
9 You could also -- one more thing.
10 You could also ask for a show of hands.
11 PASTOR URGELLES: I have the people
12 that are going to talk. But I've been
13 coming to all the hearings and thought
14 that all the people could be here.
15 We're in agreement, that the ones
16 that are opposed, that are going to talk,
17 to come in, and we leave -- we'll have the
18 same number of people leave from the ones
19 that are going to speak. I think it's
20 fair that the people who came in early sat
21 down. If you tell me how many they are,
22 there is no problem. The ones that are
23 not going to speak, our people is quiet,
24 good people. We don't have any problem
25 with that.

1 MS. MACDONALD: The people who do
2 plan to speak in opposition to the
3 application do need to be able to hear the
4 presentation.
5 SERGEANT-AT-ARMS BRITO: They're
6 outside.
7 MS. MACDONALD: All of them are
8 outside?
9 SERGEANT-AT-ARMS BRITO: Yes.
10 MS. MACDONALD: Another opportunity
11 -- I understand that your parishioners are
12 here today, and you -- everyone wants to
13 have it resolved today, but it might be
14 worth considering, and that's up to the
15 Board, whether the application should be
16 deferred until a date certain with a
17 bigger facility, because we're required to
18 provide due process to the applicant, and
19 to the supporters and to the objectors.
20 THE CLERK: Madam Chair, Madam Chair,
21 if I may, just for the record, we need to
22 record that Mr. Stewart is present and he
23 will be, you know, participating in the
24 hearing.
25 CHAIRWOMAN FORBES: Yes.

1 THE CLERK: Thank you.
2 MS. MACDONALD: I would mention to
3 the Board and the Chair, you have two
4 pages of folks who have signed in to speak
5 in opposition to the application also. So
6 it looks as though you really do have a
7 lot of folks who wish to speak.
8 And, Madam Chair, I will tell you,
9 that your first applicant is here now,
10 which is good. Your first applicant is
11 here now, which is good.
12 CHAIRWOMAN FORBES: The first
13 applicant is here.
14 MS. MACDONALD: So I think now we --
15 if the Chair wishes and the Board wishes,
16 we'll hear the first application.
17 In the interim, the Sergeant-At-Arms
18 is going to find out how many people wish
19 to speak in opposition of the two pages
20 that have signed up, and maybe we'll get a
21 better handle on things, but -- and do
22 that prior to the time that we call
23 application Number 2.
24 CHAIRWOMAN FORBES: Okay.
25 MS. MACDONALD: Or application -- I

1 guess it's one, because we're calling A
2 now.
3 Okay, let's finish. We did -- staff
4 did call the roll, right? Isn't that
5 where we stopped?
6 So now we're going to do swearing in.
7 So let's swear in in the room, and then if
8 you can swear in on the second floor, and
9 you guys can call for anybody that's going
10 to be speaking and then swear in on the
11 first floor.
12 SERGEANT-AT-ARMS BRITO: No, they're
13 all up here.
14 MS. MACDONALD: Everybody is here?
15 SERGEANT-AT-ARMS BRITO: Yes.
16 MS. MACDONALD: That's good. That's
17 good.
18 So we're going to swear the witnesses
19 now, this room first.
20 (Thereupon, all interested
21 individuals present in the meeting room
22 and present outside of the meeting room on
23 the second floor seeking to present
24 testimony in these proceedings were duly
25 sworn to tell the truth, the whole truth

1 and nothing but the truth, after which the
2 following transpired:)
3 CHAIRWOMAN FORBES: Is there anyone
4 present this evening who wishes to defer
5 an application, please come forward at
6 this time, state your name and your
7 address, for the record.
8 None.
9 Okay, staff, you may read the
10 Department introductory statement.
11 MS. VALDEZ: In accordance with the
12 Code of Miami-Dade County, all items to be
13 heard tonight have been legally advertised
14 in the newspapers, notices have been
15 mailed and the properties have been
16 posted. Additional copies of the agenda
17 are available here at the meeting. Items
18 will be called up to be heard by agenda
19 number and name of applicant.
20 The record of the hearing on each
21 application will include the records of
22 the Department of Planning & Zoning. All
23 these items are physically present
24 tonight, available to all interested
25 parties and available to the Members of

1 the Board, who may examine items from the
2 record during the hearing. Parties have
3 the right of cross-examination.
4 This statement, along with the fact
5 that all witnesses have been sworn, should
6 be included in any transcript of all or
7 any part of this proceeding.
8 In addition, the following
9 departments have representatives present
10 here at the meeting to address any
11 questions: The Department of Public
12 Works, the Department of Planning & Zoning
13 and the County Attorney's Office.
14 All exhibits used in presentation
15 before the Board become part of the public
16 records and will not be returned unless an
17 identical letter-size copy is submitted
18 for the file.
19 Any person making impertinent or
20 slanderous remark or who become boisterous
21 while addressing the Community Zoning
22 Appeal Board shall be barred from further
23 audience before the Board by the presiding
24 officer unless permission to continue or
25 again address the Board be granted by the

1 majority vote of the Board members
2 present.
3 The number of filed protests and
4 waivers on each application will be read
5 into the record at the time of hearing as
6 each application is called. Those items
7 not heard prior to the ending time of this
8 meeting will be deferred for the next
9 available zoning hearing meeting date for
10 this Board.
11 (Thereupon, an unrelated item was
12 heard by the Board, after which the
13 following item, Item No. 06-277, Iglesia
14 Cristiana El Buen Samaritano, Inc., was
15 called up to be heard, and the proceedings
16 transpired as follows:)
17 MS. MACDONALD: Madam Chair, I think
18 I'd like to get a feel for what's
19 happening outside. They're a little loud,
20 and I'm concerned about it.
21 CHAIRWOMAN FORBES: Okay.
22 (Brief recess).
23 MS. MACDONALD: Sergeant-At-Arms --
24 Madam Chair, the Sergeant-At-Arms
25 explained to me that it looks as though

1 the applicant and the folks who are here
2 to speak in opposition have, I guess, kind
3 of reached an agreement to let people come
4 in, and some of the applicant's
5 representatives are going to go out.
6 CHAIRWOMAN FORBES: Okay.
7 MS. MACDONALD: And it's my
8 understanding, although I'd like to take a
9 second to go out and confirm it, that
10 there is no one who wishes to speak who
11 will not be inside. I think it's
12 important we confirm that, because if --
13 (Brief recess).
14 MS. MACDONALD: Could you just state
15 your name for us, and state your position,
16 and explain to the group and state for the
17 record that you have gone outside and
18 spoken to the group and there is no one
19 who wishes to speak.
20 SERGEANT-AT-ARMS BRITO: The name is
21 George Brito. I'm a Sergeant-At-Arms with
22 the Board of County Commission.
23 With regards to this item, the folks
24 awaiting outside in the hallway were
25 explained in both languages by myself,

1 Spanish and English, regarding speaking on
2 this item, in favor and against this item.
3 There was a lady organizing the group
4 speaking against the item that put
5 together a list of 11 individuals that
6 want to speak against the item. However,
7 we allowed 15 from the individuals
8 opposing the item to come into the room.
9 The remaining outside, no one has
10 indicated that they want to speak either
11 in favor or against the item.
12 Is that enough?
13 MS. MACDONALD: Perfect. Thank you.
14 And here are the sign-in sheets, too.
15 MS. VALDEZ: Item Number 1,
16 07-7-CZ15-1, Iglesia Cristiana El Buen
17 Samaritano, Inc., 06-277, 486 protests,
18 3,100 waivers.
19 PASTOR URGELLES: Good evening,
20 everybody present, all members of the
21 Board, all my respects, to an evening like
22 this.
23 My name is Melquis Urgelles. I live
24 at 25851 Southwest 133rd Court, in
25 Princeton, Florida 33032. I'm the Pastor,

1 the principal Pastor, of the Iglesia Buen
2 Samaritano.
3 I come in front of this Board today
4 to present the project that will benefit
5 our entire community, especially the
6 people with low income.
7 With me, 15 percent of our
8 congregation. Perhaps we've got more than
9 300 people here. And I only want to ask
10 the people that are in favor to stand up.
11 (Complying).
12 Thank you. Only nine people are
13 going to speak, short and simple.
14 Now, I want to be brief and explain
15 what it means El Buen Samaritano Church.
16 We've been in the same place for 26 years.
17 And 22 years ago, we are duly registered
18 in the State of Florida, with all the
19 rights as a non-profit organization. And
20 I want this -- the Board to be aware of
21 all this.
22 Our church, El Buen Samaritano, is an
23 organization dedicated to serve in the
24 community. We work with the needy people,
25 taking them food, clothing, shoes. And

1 all this we pick up from the food bank, we
2 pay with our money and we give it away.
3 We have given away millions of pounds of
4 food, like just here, just as well as
5 South and Central America.
6 We've been recognized as a missionary
7 church. During the Hurricane Andrew
8 disaster, our church helped to the
9 reconstruction of over 200 homes, with
10 roofs, wood, support, labor. All this we
11 received, and that's the way we work with
12 this wonderful job.
13 Today our church works with over 200
14 youths of the community, over 200 of these
15 young people. We have two gangs,
16 dangerous, and our church work with those
17 youths, that not even their parents work
18 with them, with the only -- just to get
19 them out of that life and bring them back
20 to society. We have an organization that
21 supports us in Hialeah that recuperates or
22 saves people from the drugs and we send
23 them over there. We keep them and we
24 support them.
25 I'm telling you what our church is.

1 We have a nightly program to educate
2 people that don't know how to read, and
3 there's dozens and dozens of people that
4 have already learned how to read and
5 write. This was accomplished with
6 volunteer professors that take their time,
7 to volunteer their time. We donate -- we
8 put the building. We pay all the
9 expenses. We don't receive any help from
10 anybody. We only do this because we're a
11 missionary church.
12 Our church has dedicated a space of
13 2400 square feet to the elections. The
14 police uses it, the community uses it,
15 without paying one cent of expenses. And
16 today, we have a building totally
17 dedicated to this thing.
18 We have certified that we have
19 received from the mayor of the city, from
20 Commissioner Dennis Moss and from all the
21 persons and authorities from the city,
22 they have recognized our right as a
23 church. I want you to have a copy of the
24 certificate.
25 Being that we are people that work

1 for the community, we have a program for
2 the last 20 years, to help for funerals.
3 Our church is a big church. We don't have
4 rich people, only working people.
5 And when someone has a problem in the
6 community, comes to us, specially the
7 funerals. Everybody knows that it's very
8 high cost. I have in my hand a document
9 where the City of Miami gets together to
10 find solutions to this thing. It's the
11 third most expensive expense. After the
12 housing is the funerals.
13 And we -- a long time ago, we made a
14 fund of thousands of dollars, and every
15 time someone passes away, we would help
16 them with two or more -- 2,000 or more
17 dollars, but in one month seven people
18 passed away, and they weren't from our
19 congregation and the funds were dry. So
20 we decided to start working how to build a
21 mausoleum. Not a cemetery, not a funeral
22 home. We're not interested in that. A
23 place where we can give them honor to the
24 people that need it, that don't have
25 $15,000 or $12,000 to pay for a funeral.

1 This way, our church has prepared
2 this mausoleum to help the needy, the
3 homeless, the people that don't have
4 funds, that have to be cremated with pain,
5 we're going to put in there for free.
6 We're also going to put for free this
7 place, the pastors of Miami. It doesn't
8 matter what the denomination. It could be
9 a Muslim, any religion, is going to have a
10 right. What I'm saying here today, it
11 could become law in our church, because
12 our church is a missionary church, don't
13 have -- non-profit.
14 The rest of the community, even if
15 they have enough money, they're only going
16 to pay the cost. And when I say cost, I'm
17 saying below cost of what a funeral --
18 regular funeral cost. I've been spending
19 a lot of years in this investigation, and
20 I have the costs.
21 There's not going to be any
22 interests, because we're not a for-profit
23 organization. The person that reaches the
24 amount of cash to have a mausoleum, it
25 will be a just cost with details of

1 construction and maintenance. Also is not
2 going to pay any interest of any kind,
3 because we're a church, with a file 501C3,
4 duly registered with the Federal
5 Government, which I also want you to have
6 a copy of the 501C3 for our church.
7 We are here today, a lot less,
8 15 percent of our congregation, that had a
9 burning desire to be here, but knowing the
10 conditions, we wouldn't allow it. That's
11 why -- that's why you see so few people
12 here today. And all these people that are
13 here tonight, all the ones that are
14 outside, and all of them that are
15 downstairs, and all the ones that couldn't
16 get in and all the ones that are at home,
17 that in this case they're here to ask for
18 this honorable Board to change our zoning
19 from R1 (sic) to GU.
20 And we know that the commission
21 zoning in Miami couldn't give us a letter
22 of recommendation, because they have rules
23 that sometimes won't allow them to bring
24 the category of one property that would
25 pay taxes to become a GU, but since we're

1 non-profit, we have in our place 19 acres
2 of land, of which I want you to have
3 knowledge.
4 Here we have the temple for 2500
5 people, with the parking. We have a
6 chapel. We use it for the youth. And
7 here we have a small tabernacle, we do the
8 morning prayer, that fits 300 people.
9 That building is dedicated right now to
10 the city, to the community, to the police,
11 and to everything that is necessary for
12 the service of our community. Here we
13 have another property that's not reflected
14 here. It makes a total of 19 acres.
15 And this parcel that is in the
16 preferential way is the one that we're
17 asking for the zoning to be changed,
18 because when we bought it, since 1971, it
19 was already zoned for R1 (sic), but we're
20 not going to use it to make a profit. If
21 we wanted to make a profit, we would have
22 sold it to the Sedano's that was going to
23 give us two million dollars for that
24 property, one on top of the -- dollar on
25 top of dollar. And our answer to them was

1 no.
2 A building construction company, of
3 which we have a letter from, to send us in
4 writing that they wanted to give us four
5 million dollars, so that we sell them this
6 property for them to build houses. It
7 didn't really attract us, the money. Any
8 church, any other church, would have taken
9 advantage of -- would have taken four
10 million dollars for a piece of land, but
11 we're looking ahead. We're looking
12 forward.
13 In our church, there's no owner. I'm
14 the principal pastor and a founder. And I
15 have a board of 11 people. And there's
16 over 2,000 members, and each member is the
17 owner of that property. It cannot be
18 sold. It cannot be dissolved. And the
19 day that that happens it's to be donated.
20 That's why we have this preference.
21 We can guarantee this Board --
22 because I have read the zoning
23 recommendations, and we can guarantee you
24 that this mausoleum is not a cemetery.
25 It's not a funeral home. It's only a

1 chapel to meditate and immediately it goes
2 into the mausoleum.
3 This is not going to cause any noise
4 to the city. It's not going to disturb
5 the neighborhood for a few reasons.
6 First, because it has a huge wall in the
7 back and all around and it's got
8 extraordinary high wall around the
9 property.
10 After that, in accordance with the
11 law that I have in my possession, we can
12 show you, we have the Tallahassee road
13 that is being renovated now to make it
14 wider. It's right in front of us. Less
15 than a mile to the north, we have U.S.1.
16 Less than a mile to the south is the
17 Florida Turnpike. It's been demonstrated
18 that this is not going to produce any kind
19 of problem.
20 And here you can see the written
21 rules that is what's being asked of us for
22 a case like this. We can show you there's
23 not going to be any disturbance, any
24 problems. It could be more problems now
25 that even some 3,000 some people get

1 together on Sunday. And this is nothing,
2 within a year, there's going to be 10 --
3 five or 10,000 people going to be getting
4 together, because we're a church that
5 works for the community. We don't have
6 any inconvenience with that. We are
7 favored by this code.
8 Now, I want to show you, this is our
9 place looking at it from an aerial view.
10 This is not a funeral home. It's a chapel
11 to meditate. All these mausoleums that
12 you see, besides having a huge wall (sic)
13 around it, they have a huge wall in the
14 back, which we're in the best disposition.
15 If this honorable Board would ask us, we
16 will adjust to any condition that this
17 will be approved.
18 We also have our architect, and I
19 want to tell you what this man has done,
20 Ernesto Fernandez. Ernesto Fernandez,
21 he's our architect. And this man, besides
22 being a great architect, designed a plan
23 that is worth hundreds of thousands of
24 dollars for almost nothing. We're not
25 even talking about a quarter of what it's

1 worth. When I asked him why he would do
2 it, he told me, "You know why, because I
3 want to be part of this. I want to
4 cooperate." And this man is putting more
5 money than I am. I've just put from my
6 salary, like all the members of the
7 church, because we're not going to ask a
8 penny from anybody. And I appreciate
9 that, I thank him that he's here. For any
10 kind of adjustment that has to be made, he
11 will be present, according to what you
12 ask.
13 This is the front view of the chapel.
14 As you can see, it's not a chapel -- it's
15 not a funeral. It's a chapel meditation.
16 This is the elevation from the side. As
17 you can see, it's pretty. It's a pretty
18 building, if we could call it pretty. And
19 these are the mausoleums, looking at them
20 from different angles, different
21 elevations. Here we can see them. So,
22 therefore, we can guarantee you this is
23 not going to bring any ugliness to the
24 city. Our temple that we have built is
25 not only something to be proud in the

1 community, but for all the members also.
2 We also have the comments from DERM,
3 Public Works, Fire-Rescue and Police. And
4 I want you to see it, because I still
5 don't know why they're denying, when all
6 those departments have given their
7 approval so that this project would go. I
8 think that you should have those papers,
9 too.
10 We can also guarantee you that this
11 civic monument -- and I want you to pay a
12 lot of attention to the word monument,
13 because this is something for the
14 community, just like the community
15 dedicates a park, or any other thing in
16 favor of the community. But I can
17 guarantee you, in all of Miami, it's not
18 going to be anything built, anything like
19 this, not even with -- also with the
20 conditions that this thing is being built.
21 I want to address all the members of
22 this honorable Board. Perhaps you haven't
23 seen me, but I have been here all year
24 sitting back there. I have left some
25 activities, important, very important,

1 from my church. I have left 2000 people
2 waiting to be here, because one day I knew
3 that I would have to be here in front of
4 you. And you know the biggest surprise of
5 my life, I gathered with you, with you
6 people, with members of the Board, and I
7 say with sentiment, because I saw in this
8 Board a group of people that don't let
9 themselves be moved by the interests.
10 There's interests behind all this, because
11 I'm sure the funerals and the corporations
12 of Miami, they're trembling, because if we
13 put a -- if we do a funeral for four or
14 $5,000, with all expenses paid, no opening
15 and closing, nobody can do that. Only
16 people that God has prepared to change the
17 destiny of the things. And everything has
18 got to start by one place.
19 Many of us have a little bit of
20 liberty to take is due to a man called
21 Martin Luther King. One day he stood up
22 for everything and he did it, made it.
23 We, our congregation, we're going to stand
24 up against it, so that our community will
25 enjoy of a place like this.

I want to tell you, in the last hearing that I was here, if I could put that in the newspaper, I would have made it, because I saw the justice that you people did with the little church that didn't have money, that didn't have cash.

I know the laws of the county. I've been to five public hearings, and never had one denied, and I hope that this one doesn't either, because I'm never going to ask anything that is out of the ordinary and out of logic.

I know all of you are very human, and to see that you didn't move yourself by special interest, and you did it. And a church, that had an acre and a quarter of land, when the law says that it's two-and-a-half acres, and you, being humans, expanded the permit. You know how I went to my church? Very proud that I have people like you in here.

I also have strength to push the balance, but I would never do that, because no interests, no special interests move me. But you know what I told my

1 congregation? My family? I'm proud of
2 what I saw. And you know how I title it,
3 a Solomon decision, with knowledge.
4 Now I want, for 60 seconds, you see
5 what this church is going to do in our
6 community that is going to last for a long
7 time. I think that when you see this
8 video, you're going to say, "I think that
9 when I die, I want to be buried there."
10 MS. MACDONALD: Could you just turn
11 the cart, so that the people in the
12 audience could see also, or we could show
13 it twice.
14 (Complied).
15 (Thereupon, the video was played, and
16 after its completion, the following
17 proceedings transpired:)
18 PASTOR URGELLES: Now, I want to tell
19 you all, that around us, there's ugly
20 houses, there's shacks, old houses and
21 nobody complains about that. This is not
22 a bar. This is not a place for a party.
23 This is an honorable place. This is a
24 place where there's not going to be any
25 crosses. It's not going to scare anybody.

It's going to be well lit at night. And daytime, you can see it real good, under a roof. It doesn't matter that it rains. We have designed the best, because we work for our community and without any kind of interest.

And this land of which we're asking for a zoning change in is never going to be built there. It's land dedicated to the community. And all the more that we can acquire, we're going to dedicate it to the community. And very soon, we're going to have a place for drug addicts to recuperate, for people that have been beaten. There's a lot that goes through our church.

For this and many more reasons, all these people that are here -- please stand up. Thank you. All the ones that are outside, you can't see them, but there's over 200 outside. We're all asking you, to this Board, to give us the change in zoning from R1 (sic) to GU. That is going to give us the ability to develop this project of which never going to regret it.

1 I can tell you, this Board has done
2 very good decisions that I've seen, but
3 this decision of today is going to be the
4 best that you have done in your entire
5 life. For all this year, this is going to
6 be the best decision. We're in your
7 hands.
8 I want you to see the pictures. You
9 can see them one at a time. This is the
10 way the project is going to look. I have
11 also 200 new signatures, together with the
12 3,100 that we already have. And these
13 people, they're members and family of the
14 members of our church. So it's not 3,100,
15 but 200 more. Thank you.
16 CHAIRWOMAN FORBES: Thank you.
17 Okay. Before I open the floor to
18 call for the opposers or --
19 PASTOR URGELLES: We have more people
20 that are going to speak in favor.
21 AUDIENCE SPEAKER: I hope it's not
22 all day.
23 AUDIENCE SPEAKER: Got to be out of
24 here at nine o'clock.
25 MS. MACDONALD: Are the additional

speakers as part of the application also or they're here to speak in support of the application?

The Chair will call for people who are going to speak in support and in opposition to the application, and at the appropriate time they should come forward.

CHAIRWOMAN FORBES: Okay. Before I call for the people who are in opposition or for the application, I'd like to say to the members in the audience, who will speak for or against this application being presented here tonight, that you are limited to two minutes to make your comments. For those who -- for those of you who have comments that have already been spoken, you may come up to the podium, and just state your name and your address, and state your position and it will be recorded.

Okay, with that being said, is there anyone here in favor of the application, I'd like you to come at this time.

MR. MUNOZ: My name is Cruz A. Munoz. I live at 27920 Southwest 132nd Court.

1 Madam Chair, I raise tonight in
2 support of this project for a very simple
3 reason. That is because it is good for
4 our community. I'm also a public servant,
5 and I've been serving this community for
6 25 years and I know the community very
7 well.
8 So I ask you, because everything has
9 been said, and I don't want to
10 inconvenience the other people that want
11 to speak, I want to ask you to reconsider
12 and support and give us the approval for
13 the construction of the facility. You're
14 going to be doing the community a very
15 good service.
16 Thank you. God bless you.
17 CHAIRWOMAN FORBES: The next person,
18 just you need to be ready to come up and
19 state your position.
20 MS. ESTEVEZ: Good evening, my name
21 is Miriam Estevez and I live at 25220
22 Southwest 124th Court.
23 MS. MACDONALD: Could I ask you to
24 pause for just a moment.
25 Is he going to step out and get some

1 water? Pause for just a moment.
2 (Pause)
3 CHAIRWOMAN FORBES: You can go ahead.
4 MS. ESTEVEZ: Again, my name is
5 Miriam Estevez and I live at 25220
6 Southwest 124th Court. I'm a member of El
7 Buen Samaritano, and I'm serving the
8 community by teaching voluntarily the
9 adults, Spanish speaking, to read and
10 write.
11 Also, I'm in favor of this project,
12 because I think that my church is always
13 working in the favor of the community.
14 And I would like, if you can, if it is
15 possible, to do whatever you can to
16 approve this project.
17 Thank you.
18 CHAIRWOMAN FORBES: Thank you.
19 MR. URGELLES: Good evening, my name
20 is Pablo Urgelles, and I'm also a member
21 and a founder of the church.
22 CHAIRWOMAN FORBES: Your address.
23 MR. URGELLES: My address is 13220
24 Southwest 262nd Street. Like I said, I'm
25 a member and a founder of this church, but

1 I'm also a neighbor and I've been in this
2 area for 26 years. And I'm in support of
3 this change of -- this project that the
4 church wants to do. It would be a great
5 thing for the community.
6 And our community needs it. You
7 know, it's going to look really nice.
8 And, in fact, been under construction.
9 Business and everything, this is also
10 going to do -- is going to help out to
11 widen 137th Avenue. It's just going to be
12 a great project for everything, and for
13 the help of the community.
14 Thank you.
15 CHAIRWOMAN FORBES: Thank you.
16 MR. CATANO: Good evening, Madam,
17 members of the Council, my name is Hector
18 Catano. My family still resides in 10807
19 Southwest 225th Street. I am a member of
20 the church, and I'm here just to ask you
21 or to let you know the great benefits for
22 our community for this funeral cemetery
23 that will enhance -- our vision as a
24 church is to create affordable, but then,
25 again, honorable place to put our loved

1 ones in difficult times.
2 I hope you consider this petition.
3 It is to benefit our community, families
4 of our community, our church, and, once
5 again, those in need as well.
6 As to quote what my pastor say, a few
7 days ago, July 27th, Miami-Dade County
8 broadcasted this, mentioning that the
9 third biggest lump sum of a family member
10 or any live person to spend in a lifetime,
11 I'm sorry with this, after mortgage and
12 after the car is a funeral arrangement.
13 I believe in the vision of my pastor
14 and my church. Please take that in
15 consideration.
16 Thank you.
17 MR. NAPOLEON: Good evening, my name
18 is Shadrach Napoleon. I live at 1260
19 Southeast 27th Street, Unit 106,
20 Homestead, Florida 33035.
21 I serve at my church as a youth
22 leader in the youth ministry, and in the
23 youth ministry, we've seen a lot of
24 children from the community that come in.
25 And I can say they used to do drugs, they

1 used to be alcoholics, they used to be
2 involved with problems, but God has used
3 the people in our church to help them and
4 in turn help our community.
5 I can say for myself, it's a good
6 thing when I can think about that's one
7 less person that's going to be a drug user
8 and one less person that's going to be an
9 alcoholic, because of something that our
10 church did in our community.
11 This mausoleum, this funeral home,
12 whatever you'd like to call it, is just
13 another positive effect on our community,
14 on your community.
15 Thank you.
16 CHAIRWOMAN FORBES: Thank you.
17 MR. DE JESUS: Good evening, my name
18 is Juan De Jesus. I live in 18700
19 Southwest 294 Terrace. I'm member of the
20 church, and I believe what we doing is
21 good for the community.
22 We see the family suffering when they
23 have somebody who die and they don't know
24 what to do. And we want to solve
25 problems. We are in the business of

1 helping people, and that's why we want you
2 to consider this and change the zoning,
3 please.
4 CHAIRWOMAN FORBES: Thank you.
5 MR. BURGOS: Good evening, my name is
6 Anibal Burgos. I live at 13441 Southwest
7 266 Street, in Homestead. I'm also an
8 ordained minister. And for 23 years, I
9 have served congregations throughout the
10 United States, from New York to California
11 and from Florida to Texas. I've been all
12 over. And I'm really, really impressed at
13 the fact that the El Buen Samaritano is a
14 congregation who cares more for the
15 community than they actually do for their
16 internal things. In other words, they
17 believe that reaching out to the community
18 is the way of doing God's work, and I
19 applaud them for that.
20 One of the reasons why I support this
21 project is because I have an 80-year old
22 mother who, thank God, is in good health
23 and is in good -- you know, good standing,
24 but I know that the law of life is that
25 eventually she will also die. I saw her

1 have to save and really sacrifice to pay
2 for her funeral services. She bought one
3 of those plans, having to live on a very
4 small budget, because of social security.
5 And when I hear that something like this
6 will benefit people like my mother, who
7 will not have to spend fortunes -- you
8 know, you can't afford to die today. It's
9 incredible, incredible.
10 And I really applaud the mission and
11 the vision of the church for doing
12 something like this. I believe it will
13 really, really benefit the whole
14 community.
15 And I think that you, as a Board,
16 will have today an opportunity to do one
17 of those decisions that will make a great
18 good for the community. So I urge you
19 today to please vote in favor of this.
20 Thank you very much.
21 MR. VIZCAY: God bless you this
22 evening, your brothers, and all the
23 Members of the Board. We also -- we want
24 peace of God to be with all of you, that
25 you always shine for the justice that you

1 give to the community.
2 When our congregation found out of
3 this beautiful project --
4 MR. HARRISON: Excuse me, Madam
5 Chair, before he goes on, could you please
6 have him state his name and address.
7 MR. VIZCAY: Oh, I'm sorry. David
8 Vizcay, 730 Northeast 18 Avenue,
9 Homestead, and I'm also a pastor of the
10 church located at that address.
11 It was a lot of -- shows a lot of
12 happiness for us, find out about this
13 project of the mausoleum. Different
14 opportunities, people come to our church,
15 to our congregation, asking for help for a
16 funeral, given that every day the cost of
17 a funeral goes up now. And when we found
18 out about this project, we really saw our
19 answer, a just prayer of the people.
20 The whole community is enjoying and
21 is waiting anxiously this beautiful
22 project. I hope that -- I wish that God
23 will bless you and that you do the
24 justice, do just.
25 Thank you.

1 MR. ALVAREZ: Good evening. My name
2 is Alfredo Alvarez. I reside at 25520
3 Southwest 127 Avenue.
4 Madam Chair, members of the Board, it
5 is an honor to be here in front of you
6 guys. I really know how it is, 'cause I
7 used to be on the other side, sitting
8 where you guys sit now. I come before
9 this Board in support of the zoning change
10 of the good samaritan church.
11 This request is to make this civic
12 monument available in our community, for
13 the benefit of our community. I have
14 called Princeton my home for the last
15 32 years. I have worked together with,
16 and I have been involved in the past in
17 local community affairs, always looking
18 out for the betterment and growth of our
19 community and the best interest of our
20 citizens.
21 This mausoleum has been very
22 carefully thought out, and it has been
23 planned with the community needs and
24 benefit in mind.
25 This is a non-profit organization,

1 and its main objective is to have
2 affordable and dignified resting place for
3 all the families of South Dade. So if you
4 can think of how many homeless people are
5 out there that have no place to be buried
6 at, we will have a place for them.
7 With all due respect and confidence I
8 have for this Board in its decision
9 making, I urge you to vote for this civic
10 monument. By voting for this monument,
11 this community has nothing to lose. On
12 the contrary, there's a whole lot to be
13 gained. Now I urge you to vote in favor
14 for your community.
15 Thank you.
16 CHAIRWOMAN FORBES: Thank you.
17 PASTOR URGELLES: This is video, a
18 copy. (Handing).
19 MS. MACDONALD: Ask whether there are
20 any additional supporters.
21 CHAIRWOMAN FORBES: Is that the end
22 of everyone in favor? Okay.
23 Now, we will have everyone who's in
24 opposition come to the podium at this
25 time. State your name and your address,

1 for the record.
2 MS. MACDONALD: One at a time.
3 CHAIRWOMAN FORBES: One at a time,
4 one at a time.
5 MR. FERNANDEZ: Good evening, members
6 of this honorable Board, my name is
7 Ignacio Fernandez. I live in 13974
8 Southwest 260 Street. The reason that I'm
9 here -- thank you for having me -- is my
10 opposition to the mausoleum cemetery in
11 that area.
12 The pastor said that he had 3500
13 signatures and he had 200 more. I would
14 like to see those signatures of those
15 people backed up by the address to the
16 area.
17 The reason to the opposition, it's
18 very clear. In an area where you build a
19 cemetery mausoleum, the property value
20 goes down.
21 The pastor says that some of the
22 houses are very destroyed, that are
23 shacks, but I've never seen them. I only
24 see the new homes that are around there
25 from 350, $450,000. He should take a

1 tour, a little bit bigger tour of the
2 area.
3 On the other hand, the pastor says
4 that his congregation is growing. Pretty
5 soon it's going to be from five to 10,000
6 members, the congregation. I found that
7 very interesting, but I started figuring
8 it out. The cost would be $5,000,
9 approximately, to help the members of the
10 congregation, the families and friends,
11 but if we figure out and we multiply 5,000
12 by 10,000 members of the congregation,
13 it's a whole lot more than Sedano's is
14 offering, much more than the builder was
15 offering. We're talking about 50 million
16 dollars.
17 Thank you.
18 CHAIRWOMAN FORBES: Thank you.
19 Okay, next. Please come up a little
20 fast.
21 MS. ZUFRIATEGUI: Good evening,
22 Ladies and Gentlemen, my name is Miriam
23 Zufriategui. My address is 13978 260
24 Street. I live at Cedar Woods Homes.
25 It's a new community, right next to the

1 cemetery. We have 165 units. I'm a board
2 member. I speak to the people that live
3 in my community, and, believe me, the
4 Board, nobody wants this to happen.
5 One of the reasons that we do not
6 like this to happen is because everybody
7 knows what's out there in the market. All
8 the property values are going down, and
9 the cemetery is not going to help us.
10 Two years ago, I came to this area,
11 and I passed by and I saw a sign, they
12 were selling houses, and I thought this
13 was a place for my kids to be raised. And
14 I said I can invest my money here, and
15 that's exactly what I did. I have some
16 other family members that came in, invest
17 their money here, because they want to
18 raise their kids here. And when we came
19 here, we saw a residential -- a
20 residential area and this is what we
21 bought.
22 And when they said they want to
23 change the zoning, that changes a lot,
24 changes everything that we came here for.
25 Now, like I said, I did -- we faxed

1 some signatures from our community and we
2 have a few more signatures that I will
3 pass down. I know I don't have all the
4 help, like you guys did, but I will get it
5 to you. I do want to -- all right. Thank
6 you. I'm sorry, guys, I am representative
7 for the whole community here.
8 CHAIRWOMAN FORBES: You only have two
9 minutes.
10 MS. ZUFRIATEGUI: Okay. He had a lot
11 of time and I'm representing 165 units in
12 my community. I do want to have the time,
13 at least two more minutes, to be able to
14 talk for. I ask the Board to please give
15 me some time.
16 I also want to mention about the fact
17 that we don't have -- I mean, we're not
18 talking about a park for our kids. This
19 is what the kids are going to be seeing.
20 I understand this church is doing
21 something good. I go to church, and I
22 think what they do is very good for the
23 community and I'm really proud to see that
24 we have a church that does this for the
25 community. When I say does this, is help

1 out, give the food to the needed and all
2 these other good things that the pastor
3 talked about.
4 But I need everybody to understand
5 that everybody that purchased their new
6 homes -- because if you do take a tour
7 around the community, like the one that
8 came here to talk previous to me, we came
9 thinking this was a residential area.
10 Also, like this gentleman mentioned,
11 and I saw the people that came up here in
12 favor of the cemetery, if you notice the
13 addresses, they're not all living around
14 here. We live here. We live here next to
15 the cemetery. This is what we're going to
16 see.
17 And I ask the Board to please take in
18 consideration that all these houses that
19 are being built, and all these houses are
20 already built and all these people that
21 live here, they don't want their
22 investments to go down like this because
23 of something like this. And that we did
24 come thinking it was a residential area.
25 Please have this in mind, and thank you

1 for your time.
2 CHAIRWOMAN FORBES: Thank you.
3 Next person in opposition.
4 MS. RODRIGUEZ: Good evening,
5 everybody, my name is Maria Rodriguez and
6 I live on 13400 Southwest 256 Street, just
7 a block from the church where this project
8 is trying to build. And I'm opposed on
9 it, because I have little kids. I don't
10 want my kids to see funerals every day. I
11 have a seven-year old and a nine-year old.
12 And besides what she already
13 mentioned, the property values is going
14 down. This is something that is your
15 home. You bought it to be living in it,
16 and you don't want something to depreciate
17 your neighborhood.
18 Thank you.
19 CHAIRWOMAN FORBES: Thank you.
20 Next person.
21 MS. EDGECOMB: Good evening.
22 CHAIRWOMAN FORBES: Good evening.
23 MS. EDGECOMB: My name is Carolyn
24 Edgecomb. I live at 13795 Southwest 268
25 Street. I'm a member of the Naranja

1 Community Advisory Committee, and I have
2 served my community in this capacity for
3 about 20 years, but I've lived in the
4 community say 60 plus years.
5 I was instrumental in organizing a
6 petition of this application. I submitted
7 440 signatures before tonight's hearing,
8 and to be a part of your information
9 package. It should be a part of your
10 information package. And I have some
11 additional signatures, about 17, to be
12 submitted.
13 I have encouraged the community
14 people to come out and voice their opinion
15 to this application, and many have done
16 just that. I don't want to have all of
17 them come and speak, but I would like for
18 them to stand and be acknowledged. There
19 are many that are outside.
20 (Complied)
21 Thank you.
22 A few of us will speak for the
23 benefit of the opposition of this
24 application.
25 My position as a community leader,

1 many developers, service providers,
2 organization, businesses, government
3 agencies and school representatives have
4 come and made presentations to inform this
5 community of their intentions on future
6 development and the impact it will have on
7 the community.
8 This applicant never advised, nor
9 sought to know how the community people
10 felt about their project. I don't need to
11 remind some of you about the many studies
12 and reports that have been done concerning
13 the community future designs and
14 priorities, because you were there and
15 participated in some of them.
16 What we all know and can agree with
17 is that a cemetery was neither a priority
18 nor a part of the master design plan. In
19 19 -- not 19, in 2001, there was a
20 community charrette and -- for our area.
21 And this was a week long -- it was a
22 week-long process, 12 hours a day and the
23 community was invited to come out and
24 share ideas as to what they believe this
25 community should look like in the future.

1 These ideas were based on the community
2 needs. After being reviewed, this plan
3 was brought before this Council, and this
4 Council recommended that the Board of
5 County Commissioners adopt and approve
6 this master plan. And with that, the
7 Board of County Commissioners approved and
8 adopted this plan. There was no one from
9 this community present to suggest that the
10 community needed a cemetery.
11 I'm asking this Council to please go
12 along with your professional staff's
13 recommendation and deny the application.
14 Thank you.
15 CHAIRWOMAN FORBES: Thank you.
16 Next person, please.
17 MR. TUCKER: Good evening. My name
18 is Emily Tucker. I reside at 26212
19 Southwest 133rd Court, and I would like to
20 reiterate on what the past speaker stated.
21 What will happen to our property
22 value? We know that if a cemetery is
23 built in our area, our property value will
24 decrease. Prior to moving into this
25 environment, I was under the impression

1 that this was a residential area, and that
2 was my reason for moving in. And we also
3 have homes that are being built and homes
4 that are already built. These homes have
5 not been filled. And if someone comes
6 around in this area and takes a look and
7 realize that a cemetery is being built
8 here, we can forget it, these homes will
9 never be filled. So I'm just asking you
10 all to please consider what we're saying.
11 Thank you.
12 CHAIRWOMAN FORBES: Thank you.
13 Next, please.
14 MR. MURRAY: Good evening, Madam
15 Chairman, Board members, my name is
16 Phillip Murray. I reside at 13248
17 Southwest 256 Terrace. I've lived in Dade
18 County since 1965. I've lived at my
19 current address for the past 11 years.
20 It's one thing that I haven't heard
21 out of all these individuals making these
22 presentations was the word compatibility.
23 And why did we not heard the word
24 compatibility? We haven't heard the word
25 compatibility, because there's nothing

there that they're proposing in the general area.

And I also use the word precedence. You have to be careful if you approve this application, because what precedence would you be setting for the other church facilities in the general area?

I agree with some of these people that just left from this podium. When I moved into this area, this type of facility was not there. You're talking about the heart of a residential community, where there's nothing wrong with having a church, but there is no mausoleum/cemetery. It has an impact on our property. It would be something different if this facility was already there and they built the houses around it, then those people buying or have an opportunity to buy would know what they were buying into. But it's -- to me, it's a disadvantage for me, and I've been there for years now and all of a sudden you're going to allow this to build this. Once again, what type of impact is this going

1 to have on my property?
2 And I have to tell you real honestly,
3 you know, no one came on my door and asked
4 me to sign no petition or asked me how I
5 felt. Personally, I disagree.
6 Thank you.
7 CHAIRWOMAN FORBES: Thank you.
8 MR. LLOYD: Good evening, my name is
9 Fitzgerald Lloyd. I live at 26434
10 Southwest 134th Court. I've been a
11 resident of that area for the past
12 13 years. And like the other constituents
13 have said, I -- when we moved in that
14 area, there was no such thing as a
15 cemetery close to us.
16 Right now I have a three-year old and
17 a four-year old kid that's very
18 inquisitive. They ask all kinds of
19 questions. Even when I leave the house,
20 they say, "Daddy, where are you going?"
21 Okay, in order for us to go places
22 now, we practically use 137th Avenue
23 constantly. Daily we go up and down that
24 street. And right now the kids will be
25 asking, Daddy, what is there? I say a

1 cemetery. Okay, what's a cemetery? A
2 cemetery is where dead people are laying.
3 What the dead people doing out there? The
4 next question when you send the kids
5 outside, they're going to be like, Daddy,
6 are dead people going to come over here?
7 They live right down the street. No. You
8 know what I mean?
9 But we, as parents, have to take into
10 consideration, oh, yes, there are other
11 cemeteries in other different places, but
12 guess what, they're not at my front door.
13 Now if they're in Richmond Heights and the
14 other place over there in Naranja, that's
15 not next door to me. You know what I
16 mean? Basically we have to take into
17 consideration when you start putting
18 things in the front of the other people's
19 houses, what are you putting there?
20 Now, just like with all these people
21 in here in black, fine and dandy, but
22 guess what, I can assure you, all of them
23 don't live in that immediate area.
24 You have a blessed day.
25 CHAIRWOMAN FORBES: Thank you.

1 Excuse me, we need to take a
2 five-minute break.
3 (Thereupon, at 8:40 p.m., a brief
4 recess was taken, after which the
5 following proceedings transpired:)
6 CHAIRWOMAN FORBES: You may now call
7 up the next person, please.
8 MS. HARRIS: Good evening. Just for
9 the record, I'm Minister Sallie J. Harris.
10 I'm one of the ministers over the First
11 St. John Baptist Church, and I'm also the
12 president of the Naranja Princeton CDC.
13 CHAIRWOMAN FORBES: Your address.
14 MS. HARRIS: Excuse me? My address
15 is 26620 Southwest 138 Avenue, Naranja,
16 33032.
17 And my first thing I'd like to say is
18 that I was -- I really was put down when I
19 heard the gentleman say that the -- about
20 the ugly houses around this project that
21 he's going to be putting there. It really
22 made me feel bad, because I didn't see any
23 ugly houses.
24 My second thing is that I do oppose
25 this, because working with the CDC, we

1 worked very hard to build this community,
2 and build in that community, as the young
3 lady spoke, there was a charrette, and we
4 are part of the Naranja Princeton.
5 Let me go to that, because I want to
6 make sure I get Princeton in there as
7 well. As we laid out plans for this
8 community, we did not lay out for
9 cemeteries, whatever the other party is
10 going to be. Because this is what we
11 wanted, to build up our community. And
12 when something like this comes in, it's
13 going to take it down, and there's no two
14 ways about it.
15 I don't live in one of the new homes.
16 I've been living at my address for the
17 last 40 years. I don't live close to it,
18 but I am one of the people that walk by at
19 five o'clock in the morning. I do see you
20 guys out there, and I know you guys are
21 there. It's a good thing you're doing for
22 the community. But my thing is that I
23 don't want to see it built there. I would
24 like to see something built there, more
25 concerning into the community. And I

1 thank you.
2 CHAIRWOMAN FORBES: Thank you.
3 Next person in opposition.
4 MS. VITALE: Good evening, members of
5 the Board and the community here, my name
6 is Nikki Vitale, and I represent Cedar
7 Parc Alliance. We are a developer that we
8 have eight tax folio numbers bordering
9 U.S.1, Southwest 260 Street and Southwest
10 139th Avenue.
11 When the Master Plan was originally
12 created, the Board ambition to create a
13 residential neighborhood --
14 BOARD MEMBER MS. RICHARDSON:
15 Address.
16 MS. VITALE: -- that portrayed a
17 friendly pedestrian neighborhood. The
18 zoning that is being requested by the
19 Iglesia Cristiana El Buen Samaritano --
20 CHAIRWOMAN FORBES: Excuse me, excuse
21 me.
22 MS. VITALE: -- is not compatible --
23 CHAIRWOMAN FORBES: Excuse me. Did
24 you give your address?
25 MS. VITALE: Oh, I can give you the

1 tax folio numbers. Our address is U.S.1
2 Southwest 260 and Southwest 139th Avenue.
3 MS. MACDONALD: Your physical, like
4 your address, your name and address.
5 MS. VITALE: Oh, I just represent the
6 developer, who owns the land.
7 MS. MACDONALD: As a speaker, you
8 need to state your name and your address,
9 for the record. Even if it's your
10 business address, it needs to be your
11 address, sorry. Thanks.
12 MS. VITALE: My address is 7270
13 Southwest 34 Street Road, Miami, Florida
14 33155.
15 As I was saying, the zoning that is
16 being requested by the Iglesia Cristiana
17 El Buen Samaritano is not compatible with
18 the residential zoning right now in place.
19 To allow a cemetery to be built, it is
20 completely against what the residents and
21 the county worked so hard for this area to
22 become.
23 We, as developers, not only
24 representing my development, but other
25 developers that have built around this

1 area, having raised the Naranja charrette
2 and have made it our mission to ensure
3 that what the Naranja charrette stands for
4 becomes a true reality.
5 On behalf of the developers of this
6 area, we ask that the Board denies this
7 request.
8 CHAIRWOMAN FORBES: Thank you.
9 MR. DWIGHT: Good evening, members of
10 the Council and everyone else, my name is
11 Alfred Dwight. My address is presently
12 17860 Southwest 111 Avenue, Miami, Florida
13 33157. I lived at the address of 13450
14 Southwest 265th Terrace in Naranja most of
15 my life. I went to the Army from there.
16 I went from elementary to high school from
17 there. I came back from the army to
18 there, but presently I live in this new
19 address.
20 The community of Naranja is still my
21 home. My father lives there. He'll be
22 80 years old next month. He's sick, so he
23 couldn't be here. So on his behalf and on
24 my behalf, I'm asking that you deny this,
25 because a community should represent life,

1 not death. There's a place for
2 cemeteries, but this is not one of them.
3 I'm asking that you deny it.
4 CHAIRWOMAN FORBES: Thank you.
5 Any other opposers?
6 MR. WOLFF: Good evening, Oscar
7 Wolff, 13835 Southwest 258 Lane.
8 As you can see, the cemetery is going
9 to be right in my back yard. That's why
10 I'm not in favor and none of the neighbors
11 are.
12 Second, it's not like the pastor
13 said, that they're shacks. In front of
14 the church, there's a development by the
15 name of Tuscany with over 2500 apartments
16 of high prices.
17 In the area where I live, there's
18 approximately 500 houses, from $350,000 to
19 $550,000. If we're not opposed to this,
20 our homes are going to go down.
21 Now, as you can see, the honorable
22 Board, the people that signed the
23 petition, the over 3,000 people the pastor
24 has, none of them live around the church.
25 The only one that lives around the church

1 is the pastor, because he's obligated.
2 All of them live from two to more than
3 10 miles away from the place.
4 Then I accept that they do their
5 cemetery next to their homes, because it's
6 not a problem, but I have to jump, because
7 it's right next to my house. And I'm
8 going to request more than 3,000, 5,000
9 signatures opposing to this, because we
10 can't live next to the cemetery. Our
11 property values will go down, because none
12 of them live around there.
13 Thank you very much.
14 CHAIRWOMAN FORBES: Thank you.
15 MS. SEVILLA: Good evening, my name
16 is Irene Sevilla and I live at 26001
17 Southwest 138 Court Road. I represent
18 also the community of Grove Cedar West.
19 This is a 30-houses community. And I know
20 I did not present this previously to you,
21 but there is a hundred percent of
22 signatures of the 30 houses that we live
23 right there in the corner of the proposed
24 project.
25 When I have a question is, you know,

1 when we bought originally, this is an
2 open, small community, it's only 30
3 houses, but I never saw, you know,
4 anything stating that it was going to be a
5 cemetery in the corner.
6 Now the pastor is stated that he has
7 been seeing the need since 20 years ago.
8 I wonder why he never proposed that.
9 Also, you know, as I see it, you
10 know, we are, I will say, low to middle
11 class, you know, community over there,
12 because he says that he serves the poor
13 people there, but also these are houses
14 that were affordable to us when they were
15 built. Because, actually, I bought my
16 house in pre-construction. If you know
17 the prices of the real estate around, you
18 know, in Miami or anywhere, it's really
19 unaffordable for people like me. You
20 know, I am an only income -- one-income
21 person, and I have my daughter that goes
22 to school, too. She helps, but, you know,
23 it's affordable.
24 Now, this value is going to go down,
25 if you built, you know, a cemetery in that

1 area. And like he said also, he has 3,000
2 signatures. None of those people live in
3 that area. I live there, 30 houses, 30
4 signatures, okay? And that's the corner,
5 that's a community. It's a new community.
6 It's not shacks. It's not falling apart.
7 They are brand new houses.
8 Now, the other thing that he
9 proposes -- and I admire, you know, that
10 the church is working so hard to, you
11 know, make good to the community. So he
12 can use that land to build maybe a child
13 center, a park or a school, even a school
14 for the people that live around that area.
15 Then also he mentioned that he was --
16 he received two million dollars' proposal
17 from a supermarket. It's funny, because,
18 I mean, I did a very simple mathematics.
19 Of course, I'm not a genius, you know.
20 And I said, okay, if he's going to charge
21 5,000, all he needs to sell is 400 lots of
22 that cemetery to recuperate the $2 million
23 that he's planning that he was going to
24 make, you know, if he gets that offer from
25 the Sedano's.

1 Now, the other thing is, that I have
2 a question for him is, again, there is,
3 you know, a housing -- a government
4 housing project in our area. I wonder if
5 that church really works there. Because I
6 see most of the people here are Hispanics
7 and they don't live in that area.
8 You know, so, I mean, I walk around
9 my neighborhood every single day. I have
10 two dogs and I walk them around. I go up
11 and down from 260, all the way from 137,
12 all the way to 139th every single day. I
13 have never seen any of these people to
14 live in that area.
15 So, you know, I'm really -- I'm
16 asking the Board and I have never
17 speaking, you know, in front of any
18 government agency or anything, so I'm just
19 asking you to please oppose this, because
20 I'm a resident there. And I have, like I
21 said, all the signatures of all the
22 residents there, and I can provide I.D.'s
23 from all of them. You have all the
24 addresses, their phones, and if it's
25 necessary, I will provide, you know, the

30 houses, because then the rest is empty lots. The corner is empty lot, the one that he has, so obviously there is no houses, but the immediate houses and the closest one is the ones our community.

So I am please asking this Board to please deny this request. Thank you.

CHAIRWOMAN FORBES: Thank you.

Is that the end of the opposers?

MR. HOLCOMB: Good afternoon, my name is Donna Holcomb. I reside at 13402 Southwest 256 Terrace, Naranja, Florida 33032, and I'm here to oppose the project that they're building.

He keeps talking about the community, the community. I live in the community. As a matter of fact, I'm right behind the church. I have been there over 13 years. No one from the church has knocked on my door and asked me -- to let me know that they had services available. As a matter of fact, seven years ago, my husband died. I would have loved to have the funeral right there on the corner. Did you all come and knock on my door and say, oh,

here, we're a community church? Here, you can have your service here?

But now you want to bring the value of my property -- I'm a widow now. The value of my property is going down. Is the church going to give me a letter guaranteed, if I can't sell my house, because nobody wants to buy it, because they don't want to live near a cemetery, that you're going to buy it? You're going to give me the money? You're going to give me whatever I may lose? No.

I have children. I've never seen the youth pastor in my area. So you're saying community, community. What community are you talking about? I live directly behind the church and I have been there over 13 years, so I came there when the church was already established there, but nobody came to see. But now you want to build a cemetery in my community, take my value down and take the money out of my and my children and my grandchildren? No, I oppose.

CHAIRWOMAN FORBES: Thank you.

1 MR. CONSUEGRA: Good evening. My
2 name is Julian Consuegra. I live in 16199
3 Saddle Club Road in Weston, Florida,
4 33326. I represent Cedar Parc Alliance, a
5 developer, and we have a project located
6 in 139th Avenue and U.S.1. It's right --
7 two blocks away from where the proposed
8 project is.
9 We have worked in this area for the
10 last five years. We have developed many
11 of the houses that are opposing this
12 project right now, and we have brought a
13 lot of hard work to this community. We
14 have brought development. We have brought
15 improvements in all of the services. And
16 we think, as developers, that this would
17 be a great setback for what it was
18 envisioned in the charrette plan, the
19 Naranja charrette plan back in 2001.
20 The activities of the church are
21 great, and we're not opposing at all of
22 anything that the pastor and his community
23 is working for and it's a great, great
24 thing to do for any community. But,
25 unfortunately, this is a different thing.

1 We're not dealing here with their
2 activities. We're dealing here with one
3 cemetery that is going to build or is
4 proposed to be built in the wrong place.
5 He mentioned here about Public Works,
6 DERM, Fire and Police Department as didn't
7 have any comments on their proposed plans.
8 He has to know that the codes and the laws
9 are the ones that regulate all this, and
10 any project can be approved or can be --
11 come out from any of these departments
12 without any objection, but zoning is the
13 only department that regulates the use of
14 the land. And this is not the right place
15 for this project. Thank you very much.
16 CHAIRWOMAN FORBES: Thank you.
17 Is that the end of the opposers?
18 Okay, I believe there's --
19 PASTOR URGELLES: We'd like to
20 rebuttal.
21 CHAIRWOMAN FORBES: I understand that
22 there was someone who wanted to oppose --
23 someone in favor who want to rebuttal an
24 opposer.
25 PASTOR URGELLES: Yes, please.

1 MS. MACDONALD: The applicant is
2 entitled to rebuttal and is also entitled
3 to cross-examine any witnesses. The
4 applicant should have one speaker who
5 would be responsible for that, so to the
6 extent the applicant wishes to
7 cross-examine someone who spoke in
8 objection.
9 MR. CATANO: Hector Catano, 10807
10 Southwest 225 Street. I'm a real estate
11 broker. There are no facts or grounds
12 that property values will go down. The
13 problems for everyone here, everyone in
14 Miami-Dade County and even the United
15 States, property values are going down
16 because of the bubble. It has nothing to
17 do with a cemetery. What a better place
18 than next to a church, an empty lot that
19 we owned many years ago.
20 And to once address the ugly houses,
21 we didn't mean to disrespect. Obviously
22 most of us live there. You can
23 cross-reference the 3300 signatures. We
24 couldn't lie that much.
25 But you have to understand that the

1 values of the properties has nothing to
2 do -- there are no facts. None of you
3 brought facts that that happens.
4 Also, the gentleman over there with
5 the 50 million dollars, we will all have
6 to die in order to make all that money.
7 Nobody wants to do that.
8 And about the shacks, ma'am, walking
9 on 160, 139th to 137th, walk seven blocks,
10 not even a block, which represents number
11 seven, 167, it is the hottest corner for
12 drugs and abuse of all kind. Seven
13 numbers, which represents probably five
14 homes, from where you're walking your
15 dogs, ma'am.
16 Thank you. Once again, I please beg
17 the Council to reconsider and move
18 forward.
19 MS. MACDONALD: Sir, we had asked
20 that the applicant have one representative
21 to speak in rebuttal and to cross-examine
22 any witnesses. Due process is accorded by
23 providing that. Okay.
24 CHAIRWOMAN FORBES: Okay, we're going
25 to close the discussion.

1 BOARD MEMBER MS. WIMBLEY: She's
2 asking if the opposers get rebuttal.
3 MS. MACDONALD: It's at the Board's
4 discretion as to whether it wants to take
5 any additional objectors. The applicant
6 is pretty much always entitled to
7 rebuttal. To the extent the Board wishes
8 to hear from one or more of the objectors,
9 it's up to the Board to determine whether
10 or not it wants to do that.
11 CHAIRWOMAN FORBES: One of the --
12 MS. MACDONALD: One of the objectors.
13 You haven't closed the public hearing, but
14 they seem to be moving toward the podium.
15 So it's your discretion. You don't have
16 to take additional -- but you've accorded
17 so much due process tonight, to the extent
18 that one objector wishes to speak on
19 behalf of all of them, it couldn't hurt
20 our record.
21 CHAIRWOMAN FORBES: Right. Could we
22 have one opposer to rebuttal.
23 MR. LLOYD: Once again, my name is
24 Fitzgerald Lloyd, 26434 Southwest 134th
25 Court.

1 Now, basically, when you say
2 developers, you have a lot of developers
3 here. He says basically he's a real
4 estate broker. Okay, now, you're a real
5 estate broker, you have a lot of
6 developers coming in that that land you're
7 talking about is basically developing
8 those lands. Now you have cemetery coming
9 in, you're going to tell me that's not
10 going to bring down the value?
11 Not only that, now you have 3300, he
12 says, people signing signatures. Somebody
13 -- somebody, one of you guys should be
14 living next to me, because right now, if
15 it's 3300, I'm in that same area. So, in
16 other words, you're right next door to me.
17 I don't think so. Ms. Clendon (phonetic)
18 is right next to me. There's no one, all
19 these people out here and pass them up
20 downstairs, you know, with 3100 people.
21 Believe me not, I should have seen some of
22 you guys, because right now I go to a lot
23 of different houses. I walk the area. I
24 even ride the kids through that same
25 neighborhood, and thus far I haven't seen

1 any. Thank you.
2 CHAIRWOMAN FORBES: Okay. Thank you.
3 PASTOR URGELLES: I need to speak one
4 minute, if possible.
5 CHAIRWOMAN FORBES: Not at this time.
6 I'm sorry. We're going to close off the
7 hearing to the public and we're going to
8 have a question and comments between the
9 Board, for the Board.
10 Anyone here have any questions?
11 BOARD MEMBER MS. RICHARDSON: I have
12 a question.
13 CHAIRWOMAN FORBES: Okay, go ahead.
14 BOARD MEMBER MS. RICHARDSON: My
15 question is, what effort has been made to
16 reach the community with this application
17 that you're presenting? What effort have
18 you made to reach the community?
19 PASTOR URGELLES: First of all, we
20 spoke to all of our members. What they
21 say is not the truth. Because the members
22 of our church, most of them live around
23 the church. And as you can understand,
24 we're not a church of three people. If
25 200 people live around the church, it's

1 more than enough for this reason.
2 When I spoke about ugly houses, I
3 wasn't referring to the houses of the
4 people, but the abandoned places that are
5 in the corner --
6 BOARD MEMBER MS. RICHARDSON: Excuse
7 me. He's not answering my question.
8 PASTOR URGELLES: In 134 and 260
9 Street, there's homes that are in bad
10 shape. Right in front of our church,
11 there are homes that are in bad shape.
12 MS. MACDONALD: Sir, I'm sorry, the
13 Board member asked you a question. If you
14 could please be responsive to the
15 question.
16 PASTOR URGELLES: Okay.
17 MS. MACDONALD: Thanks. The public
18 hearing is closed. So any dialogue that's
19 taking place now is in response to
20 questions asked by particular Board
21 members.
22 PASTOR URGELLES: Okay. We have done
23 all the possible efforts, but somebody
24 went before us to get their signatures.
25 We trusted our members of our church that

1 went all around the church asking for
2 signatures. If they already had, they
3 couldn't have given it again. That is not
4 up to our reach.
5 BOARD MEMBER MS. RICHARDSON: That
6 wasn't the question I want to ask.
7 What effort have you done to help the
8 community, to reach out to the community?
9 Not the ones who signed the petition, the
10 community.
11 PASTOR URGELLES: We're working with
12 our community around. We do visits, visit
13 the people. We give away food to the
14 needy. We've reached them, if they allow
15 us. We're not a church that knock on
16 doors. We just leave them a card. And
17 they all know that we left our calling
18 cards at their houses, inviting them to
19 the church, to participate with us. Not
20 only of this, but of everything that we're
21 going to do. And we'll go back and knock
22 on everybody's door, because we're going
23 to build a school at cost very soon.
24 CHAIRWOMAN FORBES: Does that answer
25 your question?

1 BOARD MEMBER MS. RICHARDSON: Thank
2 you.
3 PASTOR URGELLES: All right.
4 CHAIRWOMAN FORBES: Anyone else?
5 BOARD MEMBER MR. MORROW: Yeah, I got
6 a comment to make.
7 CHAIRWOMAN FORBES: Excuse me. He
8 has a question.
9 BOARD MEMBER MR. STEWART: I have a
10 problem with the way he phrases words
11 about shacks and ugly houses. What do you
12 consider shacks and ugly houses?
13 PASTOR URGELLES: I was talking about
14 three places, that they haven't noticed,
15 to ask that the society or the government
16 will change. They haven't called Team
17 Metro. Then when we try to do something
18 like this, as huge as this, they complain.
19 There's a lot of superstitions here,
20 afraid of the dead. All the cemeteries
21 are within the city limits, and everybody
22 knows that they have to die. I don't see
23 why the people are so afraid. It's not
24 going to be crosses or anything.
25 BOARD MEMBER STEWART: Okay.

1 PASTOR URGELLES: Thank you.
2 BOARD MEMBER MR. MORROW: Well, I
3 live -- I mean, I live, you know, right
4 next door to the church.
5 AUDIENCE SPEAKER: We can't hear you,
6 sir. Turn your mike on.
7 BOARD MEMBER MR. MORROW: I need to
8 speak louder.
9 Well, I live right next door to the
10 church. My address is 13495 Southwest 260
11 Street, and I've been there for
12 approximately 13 to 15 years and I can
13 appreciate the stuff that the church has
14 done there, a good church, good crowd of
15 people, but, however, we got a situation
16 here I think that the public been missing
17 from.
18 Everybody was speaking about a
19 mausoleum, and on the application they've
20 got a cemetery and everybody here talking
21 about a cemetery being built in the area,
22 which is, you know, something, two
23 different situations here.
24 So my suggestion to the church
25 probably would be to go back and try to

1 re-inform the community and try to get
2 some kind of community input, you know,
3 from one of those standpoints, because you
4 got the cemetery, and you got the
5 mausoleum and then the reverend talking
6 about the mausoleum only without the
7 cemetery. But on the report, we're going
8 to have to make a call according to what's
9 on the report right here. So it's
10 something that need to be done, and you
11 need to make some kind of suggestion about
12 which one it's going to be.
13 BOARD MEMBER MS. WIMBLEY: If I may
14 just piggyback on that, when the pastor
15 was speaking, he indicated, he said, this
16 is not a cemetery. This is not a church.
17 He said it was going to be a mausoleum.
18 Now, I can understand, because I see
19 the overcrowding of the cemeteries.
20 There's not going to be very much room --
21 am I allowed before I go any further?
22 It's not going to be very much room for --
23 in the future for us to have our people
24 buried, so it's going to have to be
25 somewhere.

1 My thing is that, when the request
2 was put through, it says special exception
3 to permit a cemetery with mausoleum. And
4 I don't want to pronounce the word wrong.
5 MR. HARRISON: Ancillary.
6 BOARD MEMBER MS. WIMBLEY: Ancillary
7 chapel. Now, we don't use ancillary
8 chapel in my church. So it sounds like to
9 me -- -
10 AUDIENCE SPEAKER: A funeral home.
11 BOARD MEMBER MS. WIMBLEY: Okay, I'm
12 not going to say funeral home, but in his
13 statement, he did say he was not putting a
14 cemetery. So in his request, basically,
15 he's just contradicting himself, okay?
16 My thing is, is what he's requesting
17 on the paper is not what he's saying to us
18 tonight.
19 And I wholeheartedly applaud the
20 church for what it's doing, and I agree we
21 do have to have places for our people to
22 be buried or in a mausoleum.
23 I just want to make sure I'm not out
24 of order, okay? Let me know if I'm out of
25 order, okay?

1 But the way it is worded here, it's
2 not what you're saying to us -- to me.
3 Let me rephrase that, to me tonight.
4 Because if we basically go with what is
5 being requested, then we're saying that he
6 can put a cemetery, and that's not what he
7 said he wanted in his statement.
8 So I, at this point, need to get a
9 clarification as to what we're doing,
10 because right now I'm a little confused.
11 I don't know whether we're putting a
12 cemetery with a mausoleum, a mausoleum, a
13 cemetery, ancillary chapel, because at
14 this point what his statement said is not
15 what it says here.
16 MS. MACDONALD: The application --
17 the first application, as you understand,
18 I'm sure, is that it's a zone change,
19 because in order to have a cemetery,
20 pursuant to our code, Section 33-23
21 requires that you be in a GU or AU
22 district. So that's what the nature of
23 the first request is, is to change the
24 zoning from RU-1 to GU, okay?
25 The second request, special exception

1 to permit a cemetery with mausoleums and
2 an ancillary chapel, if you look at the
3 code section, 33-23, which I have in front
4 of me, and I can read to you, if you like,
5 it says, "No premises shall be used or
6 occupied for the purpose of a cemetery, a
7 mausoleum or crematory in any district
8 established by this chapter, excepting in
9 a GU," which is what they're requesting,
10 "and AU districts, and then only upon
11 approval after public hearing."
12 So today they're asking for a special
13 exception, which is the approval upon
14 public hearing, to have a cemetery, which
15 is a place where the dead are buried, but
16 they have submitted to you plans
17 indicating a series of mausoleum
18 buildings, 22, if I recall correctly.
19 If you were to determine, as a Board,
20 that you wanted to approve the
21 application, the second request -- you may
22 not condition the zone change, but you may
23 condition the second request, the special
24 exception to permit the cemetery with
25 mausoleums and the chapel. You could

1 condition approval of that request on the
2 plans that they've submitted, which would
3 require them to build mausoleums.
4 CHAIRWOMAN FORBES: I see what you
5 mean.
6 MS. MACDONALD: The plans that
7 they've submitted show mausoleums.
8 BOARD MEMBER MS. WIMBLEY: Right.
9 MS. MACDONALD: And you could
10 condition the special exception on
11 building in accordance with the plans that
12 are submitted and that are part of the
13 kit. You could absolutely condition the
14 special exception on that, to the extent
15 you decided you wanted -- you found that
16 it was compatible, and all the other
17 considerations that you're taking into
18 account tonight, you can certainly
19 condition the special exception. You may
20 not condition the zone change.
21 BOARD MEMBER MS. WIMBLEY: What I was
22 asking, was this the part of the
23 discussion? Are we having discussion now?
24 MS. MACDONALD: The Board member --
25 the Board members are still in discussion.

1 The Board members should talk amongst
2 yourselves, and if you have questions,
3 feel free to ask them.
4 BOARD MEMBER MS. WIMBLEY: Okay.
5 Again, one of the opposers brought up
6 compatibility. As he or she stated, that
7 this area does not have anything in it
8 that's compatible. I don't want to say
9 concerned, but as far as the traffic is
10 concerned, if you have -- just going with
11 the statement that was given to us,
12 cemetery, mausoleum, I won't go with the
13 other part, the chapel, that will increase
14 the amount of traffic.
15 My thinking, I can't go by what's
16 going to happen, 'cause we can't tell, but
17 that would disrupt, to me, the community.
18 And a part of the statement is saying
19 that, you know, we could permit it as long
20 as it's a major thoroughfare, that you can
21 reach the request that you are asking for,
22 but as long as it does not disrupt
23 adjacent residential areas.
24 Now, you've had people say that they
25 feel that it could disrupt their

1 community. I agree wholeheartedly, 'cause
2 I'm at this point thinking, yes, it's a
3 good idea for what you're requesting, but,
4 again, I also have to think about the
5 people that are already living there, that
6 this is going to also change their lives.
7 And, yes, I don't live in the
8 community, and some of you do not live in
9 the community, so it's not going to affect
10 me. And those of you who do not live in
11 the community, it's not going to affect
12 you. But what about the families that do
13 live in the community? Did we think about
14 how much traffic? How often we're going
15 to have family members coming to see their
16 loved ones? Some people never go, some
17 people go every day. So this is a
18 concern, a disruption of a community.
19 And at this point there's nothing
20 been said to us -- to me, let me rephrase
21 that, that tells me that this will enhance
22 the community. It will help -- I'm going
23 to say, 'cause I wholeheartedly agree that
24 it is needed, 'cause there's not going to
25 be any room, as I said before, but, again,

1 I also have to think about families'
2 lives, yours, theirs, mine. And it is
3 going to be, to me, a disruption of the
4 community. And I'm reading from the
5 statement, from the Public Works
6 Department.
7 So, again, my statement, it's not
8 compatible. And that's one of the things
9 that it says that it needs to be
10 compatible with the community.
11 And basically I read through and
12 highlighted quite a bit, but I'm
13 concerned, because like a lot of people
14 did say, yes, there's a need for both, the
15 church, what they asked for. The young
16 man saying that they help the young
17 adults, what they're doing for the
18 families, the communities. But, again, I
19 also heard families saying -- and not to
20 be crass, but what have you done for me
21 lately? Okay, you didn't go to them. You
22 didn't ask them.
23 So my concern is, there's no
24 communication in the immediate area, and I
25 feel that maybe there should be a little

1 bit more communication with -- you know,
2 in this situation.
3 CHAIRWOMAN FORBES: Is that it?
4 My questions have already been
5 addressed, and my sentiments are the same.
6 With that being said, we're going to
7 close off our discussion and we're going
8 to -- we're going to entertain a motion at
9 this time.
10 I have anybody making a motion?
11 BOARD MEMBER MS. RICHARDSON: I make
12 a motion that we, with the staff
13 recommendation, deny without prejudice.
14 MS. MACDONALD: Are there any
15 second's to the motion?
16 BOARD MEMBER MS. WIMBLEY: I second.
17 THE CLERK: I have a motion for
18 denial without prejudice.
19 Ms. Richardson?
20 BOARD MEMBER MS. RICHARDSON: Yes.
21 THE CLERK: Mr. Stewart?
22 BOARD MEMBER MR. STEWART: Yes.
23 THE CLERK: Ms. Wimbley?
24 BOARD MEMBER MS. WIMBLEY: Yes.
25 THE CLERK: Mr. Morrow?

1 BOARD MEMBER MR. MORROW: No.
2 THE CLERK: Madam Chair Forbes?
3 CHAIRWOMAN FORBES: Yes.
4 THE CLERK: Motion passes 4/1.
5 CHAIRWOMAN FORBES: That concludes
6 our meeting for tonight.
7 (Thereupon, the meeting was
8 adjourned).
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1
2 CERTIFICATE OF OATH
3
4 STATE OF FLORIDA)
5 COUNTY OF DADE)
6
7 I, Lorena Ramos, Notary Public, State
8 of Florida, certify that all witnesses
9 personally appeared before me on this 31st day
10 of July 2007 and were duly sworn.
11
12 _____
13 LORENA RAMOS, NOTARY PUBLIC
14 STATE OF FLORIDA
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LORENA RAMOS
MY COMMISSION # DD 541573
EXPIRES: May 2, 2010
Bonded Thru Notary Public Underwriters

1
2 CERTIFICATE OF PROFESSIONAL REPORTER
3
4 STATE OF FLORIDA:
5 SS:
6 COUNTY OF DADE:
7
8 I, LORENA RAMOS, Registered
9 Professional Reporter and Florida Professional
10 Reporter, do hereby certify that the hearing on
11 Item No. 06-277, Iglesia Cristiana El Buen
12 Samaritano, Inc., was heard by Community Zoning
13 Appeals Board 15 on the 31st day of July 2007;
14 and that the foregoing pages, numbered from 1
15 to 89, inclusive, constitute a true and correct
16 transcription of my stenographic notes.
17 WITNESS my hand and official seal in
18 the County of Dade, State of Florida, this 19th
19 day of August 2007.
20
21
22 _____
23 LORENA RAMOS, COURT REPORTER
24
25

2. MIAMI COMMUNITY CHARTER SCHOOL, INC.
(Applicant)

09-7-CC-2 (08-164)
BCC/District 9
Hearing Date: 7/23/09

Property Owner (if different from applicant) **Same.**

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

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
No History				

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

Memorandum

MIAMI-DADE COUNTY

Date: July 23, 2009

To: The Board of County Commissioners

From: Developmental Impact Committee
Executive Council

Subject: Developmental Impact Committee Recommendation

APPLICANT: Miami Community Charter School, Inc. (Z08-164)

SUMMARY OF REQUESTS:

The applicant, Miami Community Charter School, Inc., is requesting a special exception to permit a charter school for 640 students in grades 6th through 12th and to permit a senior high school within one mile of the Urban Development Boundary. In addition, the applicant is requesting to permit parking within 25' of an official right-of-way and to permit reduced landscaping.

LOCATION: Lying on the southwest corner of SW 352 Street and SW 187 Avenue, Miami-Dade County, Florida.

COMMENTS:

This application went before the Developmental Impact Committee because the applicant is requesting approval for a charter school. Section 33-303.1(D)(7) of the Code of Miami-Dade County charges the Developmental Impact Committee (DIC) to address applications with respect to: (I) conformance with all applicable plans; (II) environmental impact; (III) impact on the economy; (IV) impact on essential services; and (V) impact on public transportation facilities and accessibility.

Charter schools are educational institutions which are authorized and maintained in accord with the provisions of Chapter 1002 and Chapter 1013.35, Florida Statutes, as same may be amended from time to time. All such public charter schools shall be additionally authorized locally by the Miami-Dade County School Board through a process established by that entity for the approval of the charter. Miami-Dade Land Use regulations relating to public charter school facilities are set forth in Sections 33-152 through 162 of the Code of Miami-Dade County which was established in 2004 pursuant to Ordinance 04-108. The purpose of this Section and relevant provisions of the CDMP are to provide standards for land use approval of public charter school facilities pursuant to said Ordinance. In addition, an Interlocal Agreement with the School Board of Miami-Dade County was also established pertaining to the siting of such facilities and is applicable in the unincorporated area.

The meeting of the DIC Executive Council was held and the attached Department memoranda were reviewed and considered by said Committee.

DIC RECOMMENDATION:

Approval with conditions, subject to the Board's acceptance of the proffered covenant as set forth in the Department of Planning and Zoning's recommendation.

In addition, as part of the motion, the Executive Council added the following conditions:

1. Owner shall improve the Subject Property with the addition of no less than 40 street trees planted along SW 353 Street and SW 188 Avenue within two (2) years following the issuance of a certificate of occupancy for the Charter School, unless Owner has first filed an application with Miami-Dade County seeking to vacate said roadways. If the application is denied, either in whole or in part, Owner shall cause the Subject Property to be improved with the planting of the additional street trees described herein within 90 days following the final order of denial, which shall include the resolution of all appeals.

2. The non-use variance from Chapter 18A, Code of Miami-Dade County, shall become null and void following the approval of a unified development program encompassing the Subject Property and Contiguous Property, as described in Exhibits A and B to Application Z2008000164, permitting for an expansion of the Charter School. Owner shall cause the unified property to be improved in compliance with Chapter 18A, Code of Miami-Dade County, prior to obtaining either a temporary certificate of occupancy or a certificate of occupancy for the second school building.

The Executive Council found that the proposed application, with the applied conditions, is in keeping with the Comprehensive Development Master Plan Land Use map designation for the subject parcel and is in compliance with Article XI - Public Charter School facilities of Chapter 33 of the Code of Miami-Dade County. In relation to the present and future development of the area, the Executive Council finds that the approval of the charter school site, with the acceptance of the proffered covenant and the applied conditions, will permit a development which is **consistent** with the Comprehensive Development Master Plan (CDMP), and will not be contrary to the public interest. In addition, the Council also finds that the development will be **compatible** with the surrounding area and would not detrimentally impact same.

APPLICATION NO. Z08-164
MIAMI COMMUNITY CHARTER SCHOOL INC

Respectfully Submited,

DIC Executive Council
June 17, 2009

Susanne M. Torriente Assistant County Manager	NAY
Manny Mena, Assistant Fire Chief Miami-Dade Fire Rescue Department	AYE
Jose Luis Mesa, Director Metropolitan Planning Organization Secretariat	Absent
Subrata Basu, Assistant Director of Planning Department of Planning and Zoning	NAY
Esther Calas, P.E., Director Public Works Department	AYE
Jose Gonzalez, P.E., Assistant Director Department of Environmental Resources Mgmt	AYE
Jorge S. Rodriguez, P.E., Assistant Director Miami-Dade Water and Sewer Department	AYE

DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO THE DEVELOPMENT IMPACT COMMITTEE

APPLICANT: Miami Community Charter School , Inc. **PH:** Z08-164 (08-06-BCC)

SECTION: 26-57-38 **DIC DATE:** June 17, 2009

COMMISSION DISTRICT: 9

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A. INTRODUCTION

- **REQUESTS:**

  (1) Special exception to permit a charter school.

  (2) Special exception to permit a senior high school within one mile of the Urban Development Boundary.

  (3) Applicants are requesting to permit parking within 25' of an official right-of-way (not permitted).

  (4) Applicants are requesting to permit 23 street trees (50 trees required), 24 lot trees (97 trees required) and 1,280 shrubs (1,470 shrubs required).

  Upon a demonstration that the applicable standards have been satisfied, approval of requests #2- #4 may be considered under Section 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 "Miami Community Charter School 6-12 Middle/High School," as prepared by Zyscovich Architects, dated stamped received 3/25/09 and consisting of 15 sheets. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:**

  The applicant, Miami Community Charter School, Inc., is requesting special exceptions to permit a charter school from grades 6th through 12th and to permit a senior high school within one mile of the Urban Development Boundary. In addition, the applicant is requesting to permit parking within 25' of an official right-of-way and to permit reduced landscaping.

- **LOCATION**: Lying on the Southwest corner of SW 352 Street and SW 187 Avenue, Miami-Dade County, Florida.

- **SIZE:** 3.47± Acres

B. ZONING HEARINGS HISTORY: None

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The adopted 2015 and 2025 Land Use Plan Map of the CDMP designates the subject property as **Residential Communities – Estate Density** and being approximately **.50 miles north of and within the Urban Development Boundary for Estate Density.** This density range is typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 dwelling units per gross acre.

2. **Residential Communities**
   Also permitted in Residential Communities are neighborhood and community services including **schools**, parks, houses of worship, day care centers, group housing facilities, and utility facilities, only when consistent with other goals, objectives and policies of the CDMP and compatible with the neighborhood.

3. **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.

4. **Educational Element Goal.** Develop, operate, and maintain a system of public education by Miami-Dade County Public Schools, in cooperation with the County and other appropriate governmental agencies, which will strive to improve the quality and quantity of public educational facilities available to the citizenry of Miami-Dade County, Florida.

5. **Objective EDU-1.** Work towards the reduction of the overcrowding which currently exists in the Miami-Dade County Public School System while striving to attain an optimum level of service. Strive to provide additional solutions to overcrowding so that countywide enrollment in Miami-Dade County's public schools does not exceed 115% of current Florida Inventory of School Houses (FISH) capacity (both permanent and relocatables). Additionally, by 2010 Miami-Dade County Public Schools shall meet state requirements for class size. This numeric objective is adopted solely as a guideline for school facility planning and shall not be used as a Level of Service Standard or as a basis for denial of development orders.

6. **Policy EDU-1C.** Cooperate with the Miami-Dade County Public School System in their efforts to develop and implement alternative educational facilities such as primary learning centers which can be constructed on small parcels of land and relieve overcrowding at elementary schools, in so far as funding and rules permit.

7. **Policy EDU-1D.** Cooperate with the Miami-Dade County Public School System in their efforts to provide public school facilities to the students of Miami-Dade County, which operate on optimum capacity, in so far as funding available. Operational activities may be developed and implemented, where appropriate, which mitigate the impacts of overcrowding while maintaining the instructional integrity of the educational program.

8. **Policy EDU-2A.** It is the policy of Miami-Dade County that the Miami-Dade County Public School System shall not purchase sites for schools nor build new schools outside of the Urban Development Boundary (UDB), and that new elementary schools constructed should be located at least ¼ mile inside the UDB; new middle schools should be located at least ½ miles inside the UDB, and; new senior high schools should be located at least one mile inside the UDB. In substantially developed areas of the County where suitable sites in full conformance with the foregoing are not available and a site or portion of a site for a new school must encroach closer to the UDB, the majority of the site should conform with the foregoing location criteria and the principal school buildings and entrances should be placed as far as functionally practical from the UDB. The same criteria of this paragraph that apply to public schools also pertain to private schools.

9. **Policy EDU-2D.** When considering a site for possible use as an educational facility, the district should review the adequacy and proximity of other public facilities and services necessary to the site such as roadway access, fire flow and potable water, sanitary sewers, and police and fire services.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
EU-M; vacant	Estate Density Residential, 1 to 2.5 dua
Surrounding Properties:	
NORTH: AU and GU; trailer park	Low Density Residential, 2.5 to 6 dua
SOUTH: EU-M; groves	Estate Density Residential, 1 to 2.5 dua
EAST: AU; groves	Low Density Residential, 2.5 to 6 dua
WEST: EU-M; single family residences, groves	Estate Density Residential, 1 to 2.5 dua

The subject property consists of 3.47± acres lying on the Southwest corner of SW 352 Street and SW 187 Avenue. Groves, a trailer park to the north and single-family residences to the west characterize the area where the subject property lies.

E. SITE AND BUILDINGS:

Site Plan Review:	(site plan submitted)
Scale/Utilization of Site:	**Acceptable**
Location of Buildings:	**Acceptable**
Compatibility:	**Acceptable**
Landscape Treatment:	**Unacceptable**

Open Space:	**Acceptable**
Buffering:	**Acceptable**
Access:	**Acceptable**
Parking Layout/Circulation:	**Acceptable**
Visibility/Visual Screening:	**N/A**
Urban Design:	**N/A**

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-314 of the Code of Miami-Dade County:

(C) The County Commission shall have jurisdiction to directly hear other applications as follows:

(12) Hear application for and, upon recommendation of the Developmental Impact Committee, grant or deny those special exceptions for public charter school facilities permitted by the regulations only upon approval after public hearing, provided the applied for special exception, in the opinion of the Board of County Commissioners, is found to be in compliance with the standards contained in Article XI and Section 33-311(A)(3) of this Code.

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

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 applicant 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 comment**
MDT	**No objection**
WASD	**No objection**
Fire Rescue	**No objection**
Police	**No comment**
Schools	**No objection**
Aviation	**No objection**

*Subject to conditions indicated in their memoranda.

H. ANALYSIS

The subject property is a 3.47± acre parcel of land lying on the southwest corner of SW 352 Street and SW 187 Avenue which is currently undeveloped. The applicant is proposing to construct a single-story charter school with 640 students in grades 6th through 12th. The site plan depicts a low-rise structure which will be developed with a gross building lot coverage of 34,360 square feet. The proposed charter school building measures 16' to the top of the parapet and it is setback approximately 381' from the west property line and 179' from the north property lines. The western portion of the subject property, which abuts an existing residential development, is reserved for green space, a basketball court, and an athletic field. Approximately 1.18 acres of the total 3,469-acre site will be open space and landscaped areas. Parking for both the students and staff is located on the northern and eastern portions of the site and consists of a total of 97 parking spaces. The applicant has proffered a covenant which, among other things, provides that the property will be developed substantially in accordance with the submitted site plans, provides use and conversion restrictions, delineates arrival and dismissal times and restricts student parking.

The subject property is designated **Residential Communities-Estate Density Residential** on the adopted 2015 and 2025 Land Use Plan (LUP) Map of the Comprehensive Development Master Plan (CDMP) and the subject property is located approximately **.50 miles north of and within the Urban Development Boundary.** This density range is

typically characterized by detached estates which utilize only a small portion of the total parcel. Clustering, and a variety of housing types may, however, be authorized. The residential densities allowed in this category shall range from a minimum of 1.0 to a maximum of 2.5 dwelling units per gross acre. Also permitted in Residential Communities are neighborhood and community services including **schools**, parks, houses of worship, day care centers, group housing facilities, and utility facilities, only when consistent with other goals, objectives and policies of this Plan and compatible with the neighborhood. Further, the CDMP provides that neighborhood or community-serving institutional uses and utilities including **schools** and fire and rescue facilities in particular, and cemeteries may be approved where compatible in all urban land use categories. As previously stated, the proposed charter school is a low-rise structure and is designed to be compatible with the nearby residences. In staff's opinion, except for the landscaping, the location of the proposed charter school, and the scale of the building is compatible with the nearby residences. As such, staff is of the opinion that the application is **compatible** with the surrounding community and is **consistent** with the Estate Density Residential LUP Map designation of the CDMP.

The Department of Environmental Resources Management **(DERM)** has **no objection** to this application. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum. Additionally, the Public Works Department **(PWD) does not object** to the application provided the applicant adheres to the recommendations indicated in their memorandum. Public Works in their memorandum has indicated that, among other things, the applicant shall remove the pedestrian crossing located at the eastern driveway along SW 352 Street and extend the walkway running along the northern side of the school building shall be extended west to SW 188 Avenue and the proposed sidewalk along SW 188 Avenue shall extend to connect with it. The Miami-Dade Transit **(MDT),** the **Miami-Dade Aviation Department** and Miami-Dade Water and Sewer **(WASD)** have **no objection** to this application. The **Miami-Dade Fire Rescue Department (MDFR) also has no objection** to this application. Their memorandum indicates that the estimated travel response time would be **10:26** minutes which does not comply with the performance objective of national industry. However, they have indicated that the planned Florida City Fire Rescue Station #72, when completed, will alleviate travel times for fire and medical emergencies. The Miami-Dade County Public School **(MDCPS)** indicates that the public schools in the surrounding area have an overall surplus of student stations in the middle and senior high levels of 834 and 1,551 respectively. Notwithstanding, the Miami-Dade County Public School analysis indicating a surplus of student stations, staff notes that charter schools are county-wide and, unlike traditional public schools, do not adhere to the feeder patterns of neighborhood schools.

When analyzing request #1 under Section 33-311(A)(3), Standards for **Special Exceptions,** Unusual Uses and New Uses staff is of the opinion that the proposed charter school will 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. The proposed charter school is accessible by private or public roads, streets or highways and will not tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population. Staff has considered the necessity for and reasonableness of such applied for

exception in relation to the present and future development of the area and the compatibility of the applied for exception with the area and its development and has deemed the proposed charter school compatible with the surrounding neighborhood The applicant is requesting to develop a charter school for grades 6th through 12th which will provide an educational alternative to the residents of the community. The school will be located on a parcel served by S.W 352 Street and S.W. 187 Avenue. The property lies at the intersection of a section-line and a half section line road and meets the criteria stated in Section 33-311(A)(3) that special exception requests should be accessible by private or public roads, streets or highways. While the students are in school, traffic will be negligible and the Public Works Department memorandum indicates that provided the applicant adheres to the requirements in their memorandum they have no objection to the application. Traffic, staff notes, will be prevalent during the morning and afternoon hours when the children are being dropped off and picked up. To relieve congestion during arrival and dismissal times, the applicant has agreed to provide staggered shifts of arrival and dismissal for students at the charter school. In staff's opinion, the applicant has adequately accommodated the charter school on the site and the buildings are to scale and **compatible** with the adjacent residential neighborhood. Staff opines that the proposed charter school will not burden County services such as water and sewer and will not negatively impact the surrounding areas. As such, staff recommends approval with conditions of request #1 of this application, subject to the acceptance of the proffered covenant under Section 33-311(A)(3) (Special Exceptions, Unusual and New Uses).

Section 33-154(c) of the Zoning Code and Policy EDU-2A of the CDMP require that, when a high school is to be located closer than one mile from the Urban Development Boundary (UDB), it must be demonstrated that within a half-mile radius of the outer boundaries of the proposed new school or expansion that: (1) the majority of the lots lying within the radius are developed or are approved for development, and (2) there are no other lots within the radius that are available for development that meet the requirements of a minimum distance of one mile from the UDB. Also, the Zoning Code requires that the majority of the site, the proposed buildings' ground floor square footage and the building and entrances into the buildings are required to be located as far as practicably possible from the UDB. The applicant has located the high school on this site in a structure that is furthest from the UDB as practically possible. The submitted plans indicate that the location of the high school classrooms will be located at the most northern portion and the furthest distance from the UDB. Additionally, staff notes that the entrances into the proposed high school are also located as far as functionally possible from the UDB in compliance with the CDMP. The subject property is approximately one-half mile north of the Urban Development Boundary. The applicant has indicated, and as shown by aerial photographs of the surrounding area, that land located within the area and within one mile from the UDB is substantially developed. Furthermore, lands located at least one mile from the UDB are within the jurisdictional limits of Florida City or east of US-1 corridor. To the west of the subject property is viable agricultural land and to the north and east are established urbanized areas. Therefore, staff opines that the request #2 to permit a charter high school within one-mile of the UDB meets the requirements of Section 33-154(c) for allowing charter high schools within a mile of the UDB and recommends approval with conditions under same.

In analyzing request #3, to permit parking within 25' of an official right-of-way, under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff is of the opinion that this

request will not affect the stability and appearance of the area, nor is it intensive or burdensome to the area. The request would not generate a negative impact on the aesthetic character of the surrounding properties nor would the approval of this request be out of character with the surrounding area. Staff is of the opinion that the approval of this request maintains the basic intent and purpose of the zoning, subdivision and other land use regulations and would be **compatible** with the surrounding area. This request would not have an adverse effect on the stability and appearance of the community. The submitted plans depict angle parking along SW 352 Street and SW 187 Avenue. The applicant has provided landscape buffering consisting of Live Oak trees along SW 352 Street and SW 187 Avenue within 25' of the right-of-way which will mitigate any negative visual impacts. As such, the parking to be located within 25' of the official right-of-way will not have a negative visual or aural effect. Staff's opinion is further supported by the Public Works memorandum which does not have any objection to this application. When analyzing request #4 to permit less landscaping than required, staff opines that the applicant should provide the required landscaping on the subject property. The subject property can easily accommodate the required street trees, lot trees and shrubs along SW 188 Avenue and SW 353 Street. In particular, the landscaping would provide much needed buffering for the single-family residences located to the west of the subject property. Based on the aforementioned, staff recommends approval of request #3 under Section 33-311(A)(4)(b) (Non-Use Variance) and denial without prejudice of request #4 under same.

When requests #3 and #4 are analyzed under the Alternative Non-Use Variance Standards, Section 33-311(A)(4)(c), the applicant would have to prove that requests #3 and #4 are due to unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. However, staff notes that the property can be developed and utilized in accordance with the Zoning Code. Therefore, the requests cannot be approved under Section 33-311(A)(4)(c), the Alternative Non-Use Variance (ANUV) Standards, and should be denied without prejudice under same.

Accordingly, staff recommends approval with conditions, of requests #1 and #2, subject to the Board's acceptance of the proffered covenant; approval of request #3 under Section 33-311(A)(4)(b) (Non-Use Variance) and denial without prejudice of same under Section 33-311(A)(4)(c) (Alternative Non-Use Variance); denial without prejudice of request #4 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311 (A)(4)(c) (ANUV).

I. RECOMMENDATION:

Approval with conditions, of requests #1 and #2, subject to the Board's acceptance of the proffered covenant; approval of request #3 under Section 33-311(A)(4)(b) (Non-Use Variance) and denial without prejudice of same under Section 33-311(A)(4)(c) (Alternative Non-Use Variance); denial without prejudice of request #4 under Section 33-311(A)(4)(b) (NUV) and denial without prejudice of same under Section 33-311(A)(4)(c) (ANUV).

J. CONDITIONS:

1. That a site plan be submitted to and meet with the approval of the Director of Planning and Zoning 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 to, 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. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled: "Miami Community Charter School 6-12 Middle/High School, as prepared by Zyscovich Architects, dated stamped received 3/25/09 and consisting of 15 sheets.

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

4. That the applicant submit to the Department of Planning and Zoning for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.

5. That the applicant obtain a Certificate of Use from and promptly renew the same annually with the Department of Planning and Zoning, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

6. That no outside loud speakers shall be permitted on the property.

7. That 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.

8. That the school gates be opened at least 30 minutes prior to the arrival and dismissal times.

9. That there be two staggered shifts at arrival and dismissal times for students at the charter school, separated by a minimum of 30 minutes. The arrival and dismissal times shall be as follows:

   8:00 a.m. – 3:00 p.m.- 6th – 8th grade proposed 320 students
   8:30 a.m. – 3:30 p.m. – 9th- 12th grade. proposed 320 students

10. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained in the Departmental memoranda which are part of the June 17, 2009 DIC record of this application and incorporated herein by reference.

11. That at time of Certificate of Use renewal, the applicant shall submit to the Department of Planning and Zoning a letter from the principal of the school detailing the number of students and the grade levels that are currently enrolled in said facility.

12. That onsite student vehicular parking shall be limited to 57 vehicles.

DATE INSPECTED:
DATE TYPED: 4/21/09
DATE REVISED: 4/22/09, 4/24/09, 5/28/09, 6/3/09, 6/4/09, 6/5/09, 6/8/09
DATE FINALIZED:

MCL:NN:CI

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

NDN

Memorandum

MIAMI-DADE COUNTY

Date: May ~~22~~ 26, 2009

To: Nicholas D. Nitti
Educational Facilities Coordinator
Department of Planning and Zoning

From: Esther Galas, P.E., Director
Public Works Department

Subject: Recommendations for Miami Community Charter School, Process Number Z2008000164

Miami Dade County Public Works Department Traffic Engineering Division recommends approval, if and only if, the recommendations, as indicated below, are incorporated into the plans and related documentation.

The Traffic Engineering Division has reviewed the Site Plans, dated 12/01/08, "Traffic Impact Analysis," revised in November 08', submitted to P&Z Department on March 25, 2008, for the proposed facility located at SW 352 Street & SW 187 Avenue and has the following recommendations and comments:

Site Specific Comments:

- Site Plan Review

  1. The pedestrian crossing located at the eastern driveway along SW 352 Street shall be removed.
  2. The walkway running along the northern side of the school building shall extend west to SW 188th Avenue and the proposed sidewalk along SW 188th Avenue shall extend to connect with it.
  3. All visitor stalls must be clearly signed or designated in the field.
  4. 15 ft turning radii along all automobile vehicle paths and smooth radii to green areas adjacent to parking stalls shall be provided. Larger radii shall be provided to fit the school bus routing.

- Traffic Impact Review Comments:

  1. The Traffic Impact Analysis must be amended to reflect the most recent site plan capacity and conditions.

- Project Requirements

  1. All off-site improvements shall be constructed prior to the opening of the school.
  2. School Speed Zone signs (florescent yellow-green material must be used where applicable), pavement markings, and flashing signals are required along SW 352 Street and SW 187 Avenue
  3. Proposed schedule of arrival and dismissal times including grade level and number of students, as indicated in Table 2 of the "Traffic Impact Analysis," are required to be provided in a covenant and/or "Letter of Intent" for this facility.
  4. As indicated in the conclusion of the "Traffic Impact Analysis," trained personnel shall be provided to manage traffic operations during arrival and dismissal periods.

5. Provide a maintenance of traffic (MOT) operation plan, including provision of any traffic control devices (e.g. – cones, delineators) for arrival and dismissal periods in a covenant/"Letter of Intent" for this facility.

- Standard Comments:

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

2. Safe sight distance clearance is required at all intersection of driveways with streets and intersections of streets with streets. No trees shall remain or be planted in any clear zones. No tree foliage or branches shall descend below 7 ft within the public right-of-way. All tree placements in sight triangles shall meet or exceed FDOT Index 546. Any proposed planting, relocation or removal of trees and other foliage including any installation of irrigation systems in the public right-of-way must be approved by the R.A.A.M. Division of this Department. Also, any relocation or removal of trees must be approved by DERM. These approvals should be applied for, and received, prior to DIC Executive Council approval of this project. A "Covenant for Maintenance" agreement, recorded in the public record, must be provided prior to permitting any of these types of installations within the public right-of-way.

3. Plans submitted for Permit shall conform to MUTCD, MDPWD and other appropriate standards for engineering design in the public right-of-way. Prior to formal submittal of plans for approval and permitting, a Dry Run Paving and Drainage submittal is required to review compliance with DIC conditions for approval and appropriate standards, and to rectify any discrepancies between existing facilities, plans, conditions for approval, or standards. Existing and proposed striping, signs, and lane widths must be shown on these plans for all adjacent roadways. Also, plans must indicate any existing or proposed private driveways across the streets adjacent to the school site.

4. All roadway improvements including, but not limited to, traffic signs, markings and signals shall be installed by the applicant adjacent to, or nearby, this facility to ameliorate any adverse vehicular impacts caused by the traffic attracted to this facility. Also, traffic control devices, e.g., crosswalks, may be required at locations remote from this site along safe routes to school to provide for pedestrian student safety. These requirements may be determined at the time of Dry Run submittal of Paving and Drainage Plans.

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

Should you need additional information or clarification on this matter, please contact Mr. Jeff Cohen at (305) 375-2030.

cc: Jeff Cohen, P.E., Assistant Chief, Traffic Engineering Division
Robert Williams, P.E., Acting Chief, Traffic Signals and Signs Division
Raul A. Pino, P.L.S., Chief, Land Development Division
David Cardenas, Chief, Right of Way and Aesthetic Assets Management Division
Harvey L. Bernstein, Educational Facilities Administrator, Traffic Engineering Division
Armando Hernandez, Concurrency Coordinator, Traffic Engineering Division
Vishnu Rajkumar, Signal Design Administrator, Traffic Engineering Division

Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Alberto M. Carvalho

Miami-Dade County School Board
Agustin J. Barrera, Chair
Perla Tabares Hantman, Vice Chair
Renier Diaz de la Portilla
Evelyn Langlieb Greer
Dr. Wilbert "Tee" Holloway
Dr. Martin Karp
Ana Rivas Logan
Dr. Marta Pérez
Dr. Solomon C. Stinson

October 6, 2008

Mr. Marc C. LaFerrier, Director
Department of Planning and Zoning
Miami-Dade County
111 NW 1 Street, 11th Floor, Suite 1110
Miami, FL 33128

RE: **08-164, Miami Community Charter School Inc. (6-12)**
Southwest Corner of SW 352 Street and SW 187 Avenue

Dear Mr. LaFerrier:

In response to your Department's request seeking information regarding traditional public and charter schools in the general area of the above-referenced charter school application, please see the attached Public School Projected Capacity Analysis (Attachment A).

As you will note under Attachment A, Campbell Drive Middle and Homestead Senior High are currently designated as the schools to serve the area of this application at the 6 through 12 grade levels. In addition, the analysis provides capacity information for traditional public schools in the surrounding area, depicting an overall surplus of student stations at the middle and senior high levels of 834 and 1,551 respectively.

As always, thank you for your consideration and continued partnership in our mutual goal to enhance the quality of life for the residents of our community.

Sincerely,

Ivan M. Rodriguez, R.A.
Director II

IMR:ir
L163
Attachments
cc: Ms. Ana Rijo-Conde
Mr. Fernando Albuerne
Ms. Vivian G. Villaamil
Ms. Corina Esquijarosa
Ms. Maria-Teresa Fojo
Mr. Nick Nitti

Facilities Planning
Ana Rijo-Conde, AICP, Planning Officer • 1450 N.E.2nd Avenue, Suite 525 • Miami, Florida 33132
305-995-7285 • FAX 305-995-4760 • Arijo@dadeschools.net

ATTACHMENT "A"
PUBLIC SCHOOL PROJECTED ANALYSIS
October 3, 2008

APPLICATION: 08-164, Miami Community Charter School, Inc.

SCHOOLS SERVING AREA OF APPLICATION

MIDDLE: Campbell Drive Middle – 900 NE 23 Ave. (Homestead)

SENIOR: Homestead Senior High – 2351 SE 12 Ave. (Homestead)

All schools are located in South Regional Center.

The following student population and available facility capacity data is based on student enrollment projections for the 2008-2009 school year as of June 2008:

Middle Schools

Cambell Drive Middle	821	1,447	57%	0	57%	626
Homestead Middle	798	848	94%	158	79%	208
					AVAILABLE STUDENT STATIONS	834

Senior High Schools

Homestead Senior High	2,331	2,977	78%	190	74%	836
South Dade Senior High	2,885	3,600	80%	0	80%	715
					AVAILABLE STUDENT STATIONS	1,551

Memorandum

MIAMI-DADE COUNTY

Date: February 19, 2009

To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

Subject: DIC No. Z2008000164-Revised
Miami Community Charter School, Inc.
Southwest Corner of S.W. 352 Street and S.W. 187 Avenue
Special Exception to Permit a Charter School, to Permit a High School within One Mile of the UDB and On-site Parking Less Than Required
(EU-M) (3.46 Acres)
26-57-38

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

A portion on the west side of the subject property is located within the Basic Wellfield Protection Area for the Florida Keys Aqueduct Authority wellfield. The site is situated within the 210-day travel time contour of the said Wellfield. Therefore, development on the subject property shall be in accordance with the requirements contained in Section 24-43 of the Code.

Since the subject request is for a non-residential land use, the owner of the property has submitted to DERM a properly executed covenant running with the land in favor of Miami-Dade County, in accordance with the requirements of Section 24-43(5) of the Code, which provides that hazardous materials shall not be used, generated, handled, discharged, disposed of or stored on that portion of the subject property located within the above-noted wellfield protection area. Accordingly, DERM may approve the application and the same be scheduled for public hearing.

Potable Water Service

The subject property is located within the franchised water service area of the Miami-Dade County Water & Sewer Department (MDWASD). The closest public water is an 8-inch water main, located approximately 150 feet east of the subject property. Connection of the proposed development to the public water supply system shall be required in accordance with Code requirements. The estimated demand for this project is 9,600 gallons per day (gpd). This figure does not include irrigation demands.

The source of water for this water main is MDWASD's Everglades Water Treatment Plant, which has adequate capacity to meet projected demands from this project. The plant is presently producing water, which meets Federal, State and County drinking water standards.

Existing public water facilities and services meet the Level of Service (LOS) standards set forth in the

Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding that adequate system capacity is available for this project, DERM will require that water conserving plumbing fixtures be installed in accordance with the requirements of the Florida Building Code in order to more efficiently use the Southeast Florida water resources.

It is recommended that the landscaping conform to xeriscape concepts. Included in these concepts is the use of drought tolerant plants, which reduce the use of turf grass together with efficient irrigation system design. *Details of xeriscape concepts are set forth in the "Xeriscape Plant Guide II" from the* South Florida Water Management District.

Sanitary Sewer Service

The subject property is located within the franchised sewer service area of MDWASD. The closest public sanitary sewer is an 8-inch force main abutting the subject property, along S.W. 188th Avenue. The force main directs flow to pump station 30-1072, and then to pump station 30-0692B. Downstream flow is directed to the South District Treatment Plant, which has adequate capacity to meet projected demands from this project. Connection of the proposed development to the public 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 sanitary sewer facilities and services meet the LOS standards set forth in the 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 be require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management

The subject application has been identified as a low lying area away from any canal with the capacity to provide any significant level of flood protection for new developments. Therefore, this project shall be required to provide areas specially set aside for the management and retention of the 100-year/3-day storm event.

A Surface Water Management General Permit from DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to site development, final plat, or public works approval of paving and drainage plans. The applicant is advised to contact DERM for further information regarding permitting procedures and requirements.

All stormwater shall be retained on-site utilizing properly designed seepage or infiltration drainage structures. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 25-year/3-day storm. Pollution Control devices shall be required at all drainage inlet structures.

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

The development criteria and the level of on-site flood protection may vary from those mentioned above if ground water stages are increased as a result of the implementation of the Comprehensive Everglades Restoration Plan.

As previously stated, a portion of the site is located within the 210-day travel time contour of the Florida Keys Aqueduct Authority Wellfield; accordingly, drainage shall comply with the requirements of Section 24-43 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 Permits
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 the requested use of the subject property may require operating permits from DERM. The Permitting Section of DERM's Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information concerning operating requirements.

Air Quality Preservation
In the event that this project includes any kind of demolition, removal or renovation of any existing structure(s), an asbestos survey from a Florida-licensed asbestos consultant is required. If said survey shows friable asbestos materials in amounts larger than prescribed by federal law (260 linear feet of pipe insulation/thermal system insulation [TSI] or 160 square feet of surfacing material), then those materials must be removed/abated by a Florida-licensed asbestos abatement contractor. A Notice of Asbestos Renovation or Demolition form must be filed with the Air Quality Management Division for both the abatement (renovation) work and the demolition activity at least 10 working days prior to starting the field operations.

Natural Forest Communities
The subject property lies north of Miami-Dade County-designated Natural Forest Community (NFC) properties. NFC are upland natural areas (Pine Rockland and Hardwood Hammocks) that, meet one or more of the following criteria: the presence of endangered, threatened, rare or endemic species; low percentage of site covered by exotic plant species; high overall plant diversity; wildlife habitat values; and geological features.

Miami-Dade County has a vested interest in maintaining this NFC area as a natural preserve. Development on parcels containing or adjacent to NFC's properties must avoid adverse impacts to the NFC properties associated with the placement of buildings, construction of infrastructure, storage of construction materials and equipment, final grade, drainage and erosion. A protective barrier approved by DERM shall be placed around all NFC areas adjacent to the referenced site prior to the commencement of any work and shall remain in place until DERM authorizes its removal. Also, in order to avoid damage to protected plants and substrate, the parking of heavy machinery, staging of construction materials and/or any other development related activities shall not be allowed inside or adjacent to the NFC property. Roads are preferable to buildable lots abutting NFC property lines.

The NFC will be maintained by the use of periodic ecological prescribed burning. This management technique reduces the wildfire threat and is beneficial to wildlife and the rare plant species harbored by this plant community. Such burning is generally performed once every three years. The subject property lies within the potential smoke dispersion corridor. Consequently, the subject property may be affected by the periodic smoke events from the prescribed burns or unexpected wildfires. According to the landscape code for Miami-Dade County, controlled species may not be planted within 500 feet of the native plant community. Please refer to the Landscape Manual of the Department of Planning and Zoning for a list of these controlled landscaping plants.

Wetlands
The subject properties do 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
An aerial review performed by DERM staff revealed that tree resources have been removed from the property with folio 30-7826-007-0010 without first obtaining the required Miami-Dade County Tree Removal Permit. According to Section 24-49 of the Code, specimen-sized trees must be preserved on site whenever reasonably possible.

The applicant is advised that based on the above, the referenced site is being referred for review for an After-the-Fact Permit and follow up enforcement action which is required to resolve this issue. In addition, a Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any other tree on the subject property. The applicant may contact the DERM Tree Program at (305) 372-6574 for further information.

Enforcement History
DERM has found no open or closed enforcement record for the subject property.

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 CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

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

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

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

Memorandum

MIAMI-DADE COUNTY

Date: December 11, 2008

To: Marc C. LaFerrier, Director
Department of Planning & Zoning

From: Herminio Lorenzo, Director
Miami-Dade Fire Rescue Department

Subject: DIC # 2008000164 - Miami Community Charter School, Inc. (Revision No. 2)
Southwest corner of SW 352 Street and SW 187 Avenue, Miami-Dade County, FL

SERVICE IMPACT/DEMAND

(A) Based on development information, this project is expected to generate approximately 23 fire and rescue calls annually.

(B) A suspected fire within this project would be designated as a building dispatch assignment. Such an assignment requires three (3) suppressions or engines, telesqurts or tankers, one (1) aerial, one (1) rescue and an accompanying command vehicle. This assignment requires twenty (20) firefighters and officers.

EXISTING SERVICES

Based on data retrieved during calendar year 2007, the average travel time to the vicinity of the proposed development was **10.26 minutes**. Performance objectives of national industry standards require the assembly of 15-17 firefighters on-scene within 8-minutes at 90% of all incidents. Travel time to the vicinity of the proposed development does not comply with the performance objective of national industry. However, it is estimated that once the planned Florida City Fire Rescue Station #72, located in the vicinity of the subject application, is operational, it will improve travel times for fire and medical emergencies in the vicinity of the proposed development.

The stations responding to a fire alarm will be:

STATION	ADDRESS	EQUIPMENT	STAFF
66	3100 SE 8 Street	ALS Engine	4
16	325 NW 2 Street	Rescue, ALS Engine, 75' ALS Ladder	11
65	1350 SE 24 Street	Rescue	3
6	15890 SW 288 Street	Rescue, BLS Tanker	7

SITE PLAN REVIEW:

(A) Fire Engineering & Water Supply Bureau has reviewed and approved the proffered plans entitled 'Miami Community Charter School,' as prepared by Zyscovich Architects, Inc., dated last revised November 19, 2008.

(B) Please be advised that during the platting and permitting stages of this project, the proffered site plan must be reviewed by the Fire Water & Engineering Bureau to assure compliance with the Florida Fire Prevention Code (FFPC) and National Fire Protection Association (NFPA) standards.

If you need additional information, please contact the Planning Section at 786-331-4540.

HL:ch

DATE: 06/22/09
REVISION 1

TEAM METRO

ENFORCEMENT HISTORY

MIAMI COMMUNITY CHARTER SCHOOL INC

APPLICANT

SW CRNR OF SW 352 st & SW 187 ave

ADDRESS

Z2008000164

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

Current case history;
Case 200901005507 was opened based on enforcement history request for folio #3078260070010 and inspected on 06-22-09. No violations were observed and case was closed.
Case 200901005550 was opened based on enforcement history request for folio #3078260070800 and inspected on 06-22-09. No violations were observed and case was closed.
Case 200901005551 was opened based on enforcement history request for folio #3078260070850 and inspected on 06-22-09. No violations were observed and case was closed.

Previous case history;
Case 200801007765 was opened based on enforcement history request and inspected on 12-22-08. No violations were observed and case was closed.

Memorandum

MIAMI-DADE COUNTY

Date: October 20, 2008

To: Nicholas D. Nitti
DIC Coordinator
Department of Planning and Zoning

From: John Garcia
Principal Planner
Miami-Dade Transit - Planning & Development Division

Subject: Review of DIC Project No. 08-164 (Miami Community Charter School, Inc.)

Project Description

The applicant is requesting a special exception to permit a charter school with 640 students in grades 6th thru 12th and to permit said school within one mile of the Urban Development Boundary line. The subject property is 3.46 acres and is located at the southwest corner of SW 352nd Street and SW 187th Avenue in Miami-Dade County, Florida.

Current Transit Service

There is direct transit service within the immediate vicinity of the application site. The closest transit service is provided by Metrobus Route 344 along SW 187th Avenue and by the Metrobus Route 70 along West Palm Drive (SW 344th Street). The service headways for the above mentioned routes (in minutes) are as follows:

Metrobus Route Service Summary
Miami Community Charter School, Inc. Application Site

Route(s)	Service Headways (in minutes)						Proximity to Bus Route (miles)	Type of Service
	Peak (AM/PM)	Off-Peak (middays)	Evenings (after 8pm)	Overnight	Saturday	Sunday		
70	30	30	60	N/A	60	60	0.8	L
344	30	60	N/A	N/A	N/A	N/A	0.0	L

Notes: *L means Metrobus local route service*
F means Metrobus feeder route service to Metrorail
E means Express or Limited-Stop Metrobus route service

Future Transportation/Transit Improvements

Currently, the 2009 Transportation Improvement Plan (TIP) does not propose any improvements in the immediate vicinity of this project. The 2030 Long Range Transportation Plan (LRTP) does not propose any improvements in the immediate vicinity of this project.

The draft 2008 ten-year Transit Development Plan (TDP), that currently is in the review/approval phase before adoption by the Board of County Commissioners does not show any programmed or planned improvements for the routes illustrated above or for new service within the immediate area of the application

MDT Comments/Recommendations

Even though Miami-Dade Transit (MDT) currently provides local bus service to the proposed school, MDT requests that easement rights be granted along SW 187th Avenue so that sufficient space will exist for a covered bus shelter compliant with any and all Americans with Disabilities Act (ADA) requirements to be installed at this bus stop. The applicant could also construct their own covered bus shelter consistent with the architectural look of the school. With a bus stop adjacent to the school, any child or transit patron waiting for a bus continuing south should be provided with this transit amenity that provides shelter from the elements.

Based on the information presented and transit's request's being approved, MDT has no objections to this project.

Concurrency

This project has been reviewed by MDT for mass transit concurrency and was found to be concurrent with the level-of-service standards established for Miami-Dade County.

Memorandum

MIAMI-DADE COUNTY

Date: October 2, 2008

To: Marc C. LaFerrier, Director
Department of Planning & Zoning

From: Sunil Harman, Director, Aviation Planning, Land-Use & Grants
Aviation Department

Subject: DIC Application #08-164
Miami Community Charter School, Inc.

As requested by the Department of Planning and Zoning, the Miami-Dade Aviation Department (MDAD) has reviewed Developmental Impact Committee (DIC) Zoning Application #08-164 for Miami Community Charter School Inc. The applicant is requesting a special exception to permit a charter school with 640 students in grades 6 through 13th and to permit said school within one mile of the Urban Development Boundary line. The subject property is 3.46 acres and is located at the southwest corner of SW 352 Street and SW 187 Avenue in Miami-Dade County, Florida.

MDAD has determined that the application is compatible with operations from Homestead General Aviation Airport. The applicant should coordinate with the Base to ensure conformity with Article XXXV Homestead Air Reserve Base Zoning (Code of Miami-Dade County §§33-292–33-301). Please be advised that MDAD does not have jurisdiction over Homestead Air Reserve Base. The contact at the Base is Major Tim Arnett, 305-224-7306, tim.arnett@homestead.af.mil.

SH/rb

C: Max Fajardo, E.I., Deputy Aviation Director
José Ramos, R.A., Chief, Aviation Planning
File DIC

Memorandum

MIAMI-DADE COUNTY

Date: October 8, 2008

To: Nicholas D. Nitti, DIC Coordinator
Department of Planning and Zoning

From: Bertha M. Goldenberg, P.E., Assistant Director
Regulatory Compliance and Planning

Subject: Miami Community Charter School Inc. - DIC Application #-Z2008000164

Below, please find the Miami-Dade Water and Sewer Department's (MDWASD) comments for the subject project. Please note that this project has a Water and Sewer service agreement with the MDWASD. All points of connections provided below are according to MDWASD Agreement No. 20275.

Application Name: Miami Community Charter School Inc.

Proposed Development: Requesting a special exception to permit a charter school with 640 students in grades 6 through 12 and to permit said school within one mile of the Urban Development Boundary Line.

Project Location: Project is bounded on the west by SW 188th Ave., on the north by SW 352nd St., on the east by SW 187th Ave., and on the south by SW 353rd St. , and it is inside the Urban Development Boundary.

Water: Said project already has a service agreement (# 20275), whereby points of connection have been specified. The subject project is located within MDWASD's service area. The nearest point of connection for water is an existing 8-inch water main on S.W. 187th Avenue and SW 352nd Street. The source of water for this project is the Everglades Water Treatment Plant (WTP). The plant is currently operating under a 20-year water use permit issued by the South Florida Water Management District on November 15, 2007. In addition, upgrades to the Everglades WTP and distribution system are currently under design and anticipated to be constructed by the end of 2009. Said upgrades will allow the project to connect to a future 12-inch water main on SW 352 Street. MDWASD will be the utility providing water services subject to the following conditions:

- Adequate transmission and Plant capacity exist at the time of the applicant's request.
- Adequate water supply is available prior to issuance of a building permit or its functional equivalent.
- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

Sewer: Said project already has a service agreement (# 20275), whereby points of connection have been specified. The subject project is located within MDWASD's service area. The nearest points of connection for sewer is an existing (8)-inch gravity sewer that runs along SW 187th Ave, just north of SW 354th Terrace. The South District Wastewater Treatment Plant

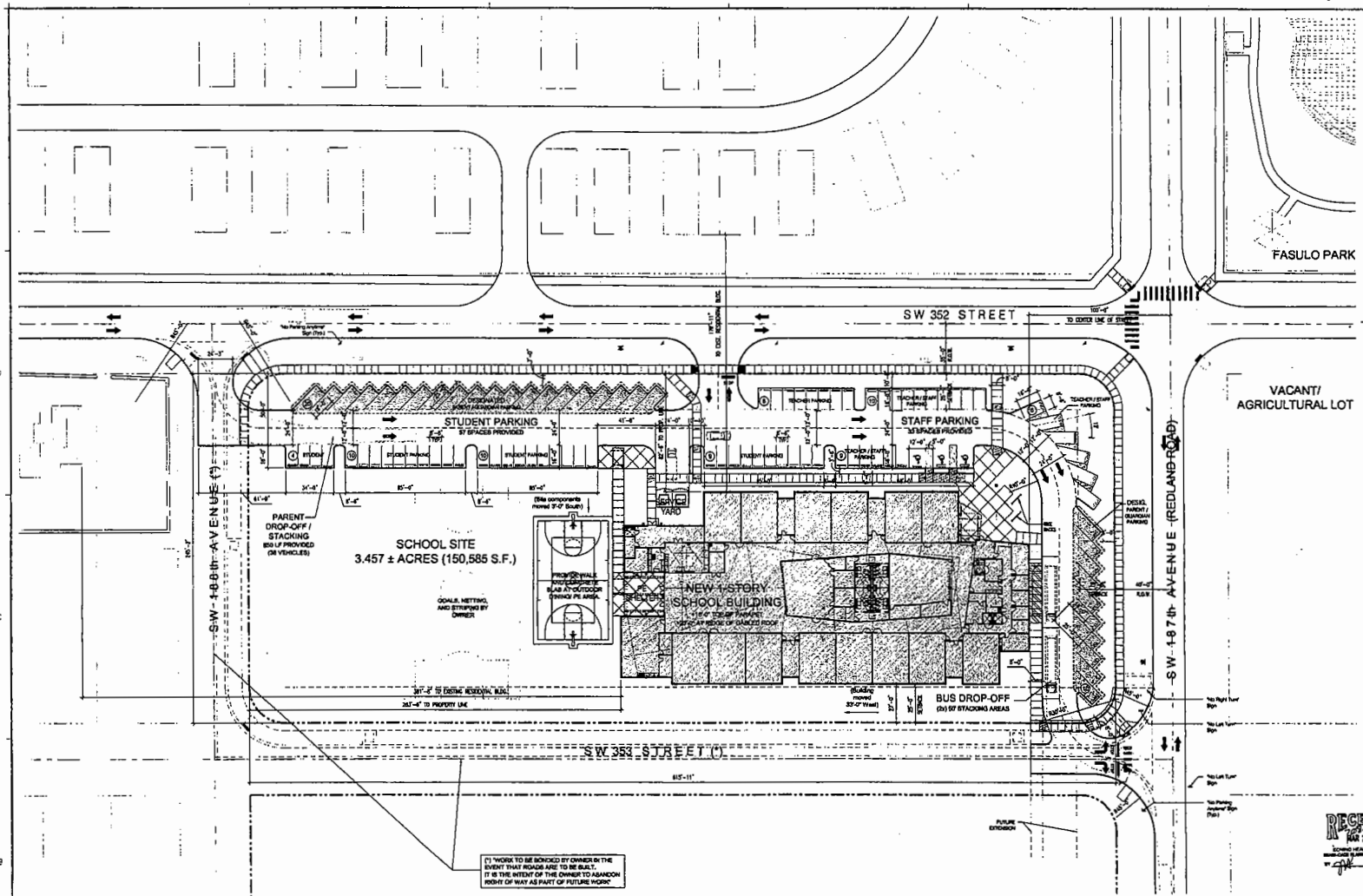
(WWTP) is the facility for treatment and disposal of the wastewater. This WWTP is currently operating under a permit from the Florida Department of Environmental Protection.

MDWASD will be the utility providing sewer services subject to the following conditions:

- Adequate transmission and plant capacity exist at the time of the owner's request. Capacity evaluations of the plant for average flow and peak flows will be required, depending on the compliance status of the United States Environmental Protection Agency (USEPA) Second and Final Partial Consent Decree.
- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

Water Conservation:
All future development for the subject area will be required to comply with the water use efficiency Ordinance 08-14 as amended by the 2nd reading and adopted by the Board of County Commissioners in September 2008. The Ordinance stipulates water conservation measures for new development(s) to achieve higher water use savings. Said Ordinance amendment clarified certain standards for plumbing fixtures and changed the effective date to January 1, 2009.

Should you have any questions, please call me at (786) 552-8120 or contact Maria A. Valdes at (786) 552-8198.



30

SITE PLAN DATA

Lots 1 through 24 inclusive, in Block 7 and the 10 foot wide alley in said Block 7, of of FLORIDA CITY HIGHLANDS, according to the plat thereof, as recorded in Plat Book 30 at Page 38 of the Public Records of Miami-Dade County, Florida.

Legal description: _____

Zoning of property: EU-M

Total net area: 151,110 Square feet and 3.469 Acres

Gross building lot coverage: 34,340 Square feet and 23% %

Total landscape area: 34,300 Square feet and 17% %

Additional % of landscape required by Chapter 33: 0

Trees required by Chapter 18A: 73 Trees required by Chapter 33: 0

Total trees required: 73 Total trees provided: 48

A note is required on nonfinish systems in all landscaped areas. (Refer to sheet L1.0)

Total parking area: 15,337 Square feet and 10% %

Total walks: 6,951 Square feet and 5% %

Total drives: 16,445 Square feet and 11% %

Parking (Section 33-124): Show the square footage of each proposed type of use, such as office, warehouse, showroom, retail sales, restaurant, lounge, open lot through area, etc. then calculate the required parking for each type of use.

Total parking spaces required: N/A Total parking spaces provided: 50

Handicapped parking spaces provided: 2

Apartments: total apartment units: N/A
one bedroom units: N/A
2 bedroom units: N/A
3 bedroom units: N/A

Density (based on net lot area): N/A Floor area ratio: N/A

Total number of buildings: 1 Number of stories in each building: 1

Total height of each building: 15'-6" (top of roof parapet) / 37'-0" (top point of roof)

Show the location, materials and details of all parking lot light standards or fixtures

ZONING ANALYSIS

SETBACKS - FOR PUBLIC ASSEMBLY BUILDINGS (MDC COUNTY CODE SECTION 33-17)

1	No building for public assemblage shall be located closer than twenty-five (25) feet to any property line which abuts on a public highway or alley, or closer than fifty (50) feet of any property line abutting a lot under different ownership than that on which the structure is to be placed, or closer than seventy-five (75) feet to an existing residential building.
4	No building for public assemblage in EU-M, EU-1 and EU-2 Districts shall be closer than seventy-five (75) feet to any property line abutting a lot under ownership other than that on which the structure is to be placed.

CHARTER SCHOOLS, MDC CODE SECTION 33-157 (I): Building setbacks. The charter school facility shall comply with the setbacks established in sections 33-17 and 33-19 (a) and (b) of this code for buildings of public assemblage.

LOT COVERAGE (Section 33-49)

District	Min. Width	Min. Lot Area	Max. Lot Coverage	Min. Bldg. Size
EU-M	120'	15,000 Sq. Ft.	30%	12,800 Cu. Ft.

BUILDING HEIGHT (Section 33-52)

Except where a greater height may be approved as a result of a public hearing, the maximum height of a building shall be thirty-five (35) feet, two (2) stories, except as specified in each district and as specified elsewhere in the Code. No accessory building, garage or servants' quarter in RU and EU-M Districts shall exceed one (1) story in height unless the principal residence on the lot is two (2) stories in height and there are two (2) or more two-story residences on other lots in the block.

PARKING CALCULATIONS

	NEEDED	PROVIDED
STAFF	20	20
TRANSIENT STAFF	5	5
SUPPORT STAFF	8	8
VISITOR	57	57**
	90	90

NOTES:
TOTAL NUMBER OF STUDENTS = 640 STUDENTS

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MAR 25 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BUS DROP-OFF

2 BUSES NEEDED FOR OPERATION	2 BUS SPACES PROVIDED

PARENT DROP-OFF

REQUIRED 5 DROP-OFF SPACES	PROVIDED 5 SPACES **

** combined stacking and visitor parking spaces
Parking provided for 5% of Student Population

PARKING (CODE REFERENCED FORMULAS)

Miami Dade County, Florida (Code of ordinances)
Chapter 33 (Zoning) / Article VII (Off-Street Parking) / Section 33.124 (Standards) / I (Schools)

	Code Reference	Area Calculation		
Middle School Portion (6-8)	"Total parking spaces shall equal one and one-quarter (1 1/4) times the combined total of personnel and transportation vehicles."	Classrooms (6) 5,352 Sq. Ft. Resource rooms (2) 604 Sq. Ft. Administration (half) 1,104 Sq. Ft.	x 3 Teachers (Per Class.) = 18 Administrative Staff (Middle) = 2 Transportation Vehicles (Middle) = 0 (2 Buses provided for High School)	20 x 1.25 = 25 Spaces
High School Portion (9-12)	"One (1) parking space per two hundred (200) square feet of classroom area, including laboratories, libraries and administrative areas."	Classrooms (8) 7,136 Sq. Ft. Resource rooms (2) 604 Sq. Ft. Da Vinci Lab 1,187 Sq. Ft. Music Classroom 1,288 Sq. Ft. Media Center 1,408 Sq. Ft. Administration (half) 1,104 Sq. Ft. Total 12,806 Sq. Ft.		12,806 / 200 = 65 Spaces

N

1 SITE PLAN
MS-100 Scale: 1"=30'-0"

CONSTRUCTION DOCUMENTS / PERMIT SET

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Civil Engineers
SCHWEIKE, SHISKIN & ASSOCIATES, INC.
11941 SW 144th Street
Miami, FL 33186
(305) 233-8010

Landscape Architecture
CURTIS + ROGERS DESIGN STUDIO, INC.
3250 Mary Street, Suite 301
Coconut Grove, Florida 33133
(305) 442-1774

Structural Engineers
DE LOS REYES ENGINEERING, INC.
8728 NW 25th Street, Suite 1 & 2
Miami, Florida 33172
(305) 477-6626

M/E/P Engineers
MEP ENGINEERING, INC.
10560 NW 27th Street, Suite 101
Doral, Florida 33172
(305) 471-0180

Client
MCCS Experience Success!

Project
MIAMI COMMUNITY CHARTER SCHOOL, INC.
MIAMI COMMUNITY CHARTER SCHOOL
6-12 MIDDLE / HIGH SCHOOL
ZI PROJECT NUMBER #0631MCCS

Architect
ZYSCOVICH ARCHITECTS
110 N. Biscayne Blvd.
27th Floor
Miami, FL 33132
Lic. # AR-0012421
voice (305) 372-0202
fax (305) 372-1421
mail@zyscovich.com

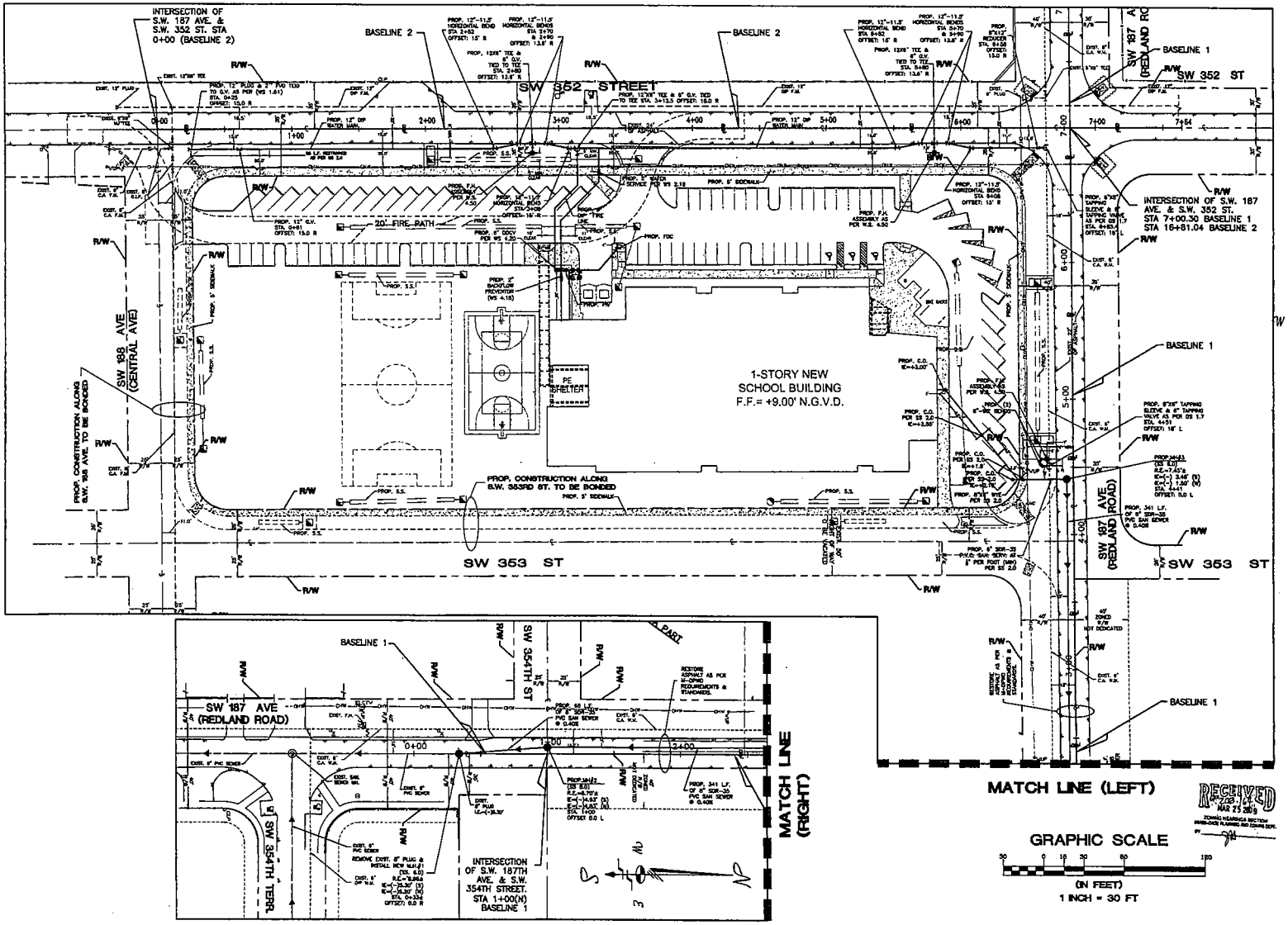
Seal
Reg. No. RA10670

Key Plan
[redacted]

Revised:
Revised:

SITE PLAN
0631MCCS 12.01.2006
MS-100

31



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3240 Corporate Way
Miramar, FL 33025
(305) 883-7010

Landscape Architecture
CURTIS + ROGERS DESIGN STUDIO, INC.
3250 Mary Street, Suite 301
Coconut Grove, Florida 33133
(305) 442-1774

Structural Engineers
DE LOS REYES ENGINEERING, INC.
8728 NW 26th Street, Suites 1 & 2
Miami, Florida 33172
(305) 477-9808

M/E/P Engineers
MEP ENGINEERING, INC.
10500 NW 27th Street, Suite 101
Doral, Florida 33172
(305) 471-0180

Client

Project

MIAMI COMMUNITY CHARTER SCHOOL
6-12 MIDDLE / HIGH SCHOOL

Architect

Seal

HERNANDO J. NAVAS, EXEC. VICE PRES.
SCHWEBKE SHISKIN & ASSO. (E.B.#67)
Reg. No. P.E. #30635

Key Plan

Revised:
CHANGES TO SITE PLAN BACKGROUND 11-18-09
D.I.C. COMMENT REVISIONS 03-08-09

Revised:

WATER & SEWER PLAN

ZPRJNO | PRJDATE

C-1

32

SW 352 STREET

SW 352 ST

SW 187 AVE (REDLAND ROAD)

REFER TO SHEET C-7 FOR OFFSITE GRADING

REFER TO SHEET C-7 FOR GRADING

20' FIRE PATH

PROP. CONSTRUCTION TO BE BONDED

SW 188 AVE (CENTRAL AVE)

PROP. CONSTRUCTION ALONG S.W. 188 AVE. TO BE BONDED

PE SHELTER

1-STORY NEW SCHOOL BUILDING F.F.= +9.00' N.G.V.D.

PROP. CONSTRUCTION ALONG S.W. 353RD ST. TO BE BONDED

SW 353 ST

SW 353 ST

PROP. CONSTRUCTION TO BE BONDED

R/W

N

S

E

W

GRAPHIC SCALE

(IN FEET)

1 INCH = 30 FT

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MAY 25 2010

ZONING HEARINGS SECTION

MIAMI-DADE PLANNING AND ZONING DEPT.

BY

EXISTING FEATURES LEGEND

DIST. WIRE ANCHOR
DIST. WOOD POWER POLE
DIST. SEWER VALVE
DIST. SIGN SUPPORT SCH
DIST. MAN HOLE
DIST. WATER METER
DIST. TELEPHONE BOX
DIST. WATER VALVE
DIST. CABLE TV BOX
DIST. FIRE HYDRANT
DIST. CATCH BASIN
DIST. A.C.
EXISTING PAVEMENT

PROPOSED FEATURES LEGEND

DENOTES CENTER LINE (TYP.)
DENOTES RIGHT OF WAY
DENOTES PROPERTY LINE

PAVING & DRAINAGE

PROPOSED ASPHALT
PROPOSED INLET
PIPE ANCHOR
PROPOSED TRENCH DRAIN
PROPOSED DRAINAGE W.W.
STRUCTURE NUMBER
EXIST. INLET WITH POLLUTION RETENTION BAFFLE (P.R.B.)
PROPOSED S.S. PIPE
SECTION NUMBER
SHEET NUMBER
DENOTES CROSS SECTION DETAIL
DENOTES ELEVATION
DENOTES MATCH EXISTING GRADE
DENOTES DIRECTION OF OVERLAND FLOW
PROPOSED CONCRETE

WATER & SEWER

DENOTES REDUCED BACKFLOW PREVENTER
DENOTES WATER METER
DENOTES DOMESTIC METER
DENOTES DOUBLE DETECTOR CHECK VALVE
DENOTES PLUG
DENOTES SANACK CONNECTION
DENOTES WHITE VALVE TIED TO TEE
DENOTES WATER VALVE
DENOTES FIRE HYDRANT
DENOTES REDUCER
DENOTES TEE
DENOTES 45° BEND
DENOTES 90° BEND
DENOTES TEE, GATE VALVE & FIRE HYDRANT
DENOTES SANITARY SEWER MANHOLE
DENOTES CLEAN OUT

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Civil Engineers
SCHWEBKE, SHISKIN & ASSOCIATES, INC.
3240 Corporate Way
Miramar, FL 33025
(305) 858-7010

Landscape Architecture
CURTIS + ROGERS DESIGN STUDIO, INC.
3250 Mary Street, Suite 201
Coconut Grove, Florida 33133
(305) 443-1774

Structural Engineers
DE LOS REYES ENGINEERING, INC.
8726 NW 25th Street, Suite 1 & 2
Miami, Florida 33172
(305) 477-8505

M/E/P Engineers
MEP ENGINEERING, INC.
10560 NW 27th Street, Suite 101
Doral, Florida 33172
(305) 471-0180

Client

Project

MIAMI COMMUNITY CHARTER SCHOOL

6-12 MIDDLE / HIGH SCHOOL

Architect
ZYSCOVICH ARCHITECTS
102 N. Biscayne Blvd
27th Floor
Miami, FL 33132
Tel. # (305) 371-1421
Voice (305) 371-5420
Fax (305) 377-4401
mail@zyscovich.com

Seal
HERNANDO E. NAVAL
EXEC. VICE PRES.
SCHWEBKE SHISKIN & ASSO. (E.S.P.S.)
Reg. No. P.E. #50035

Key Plan

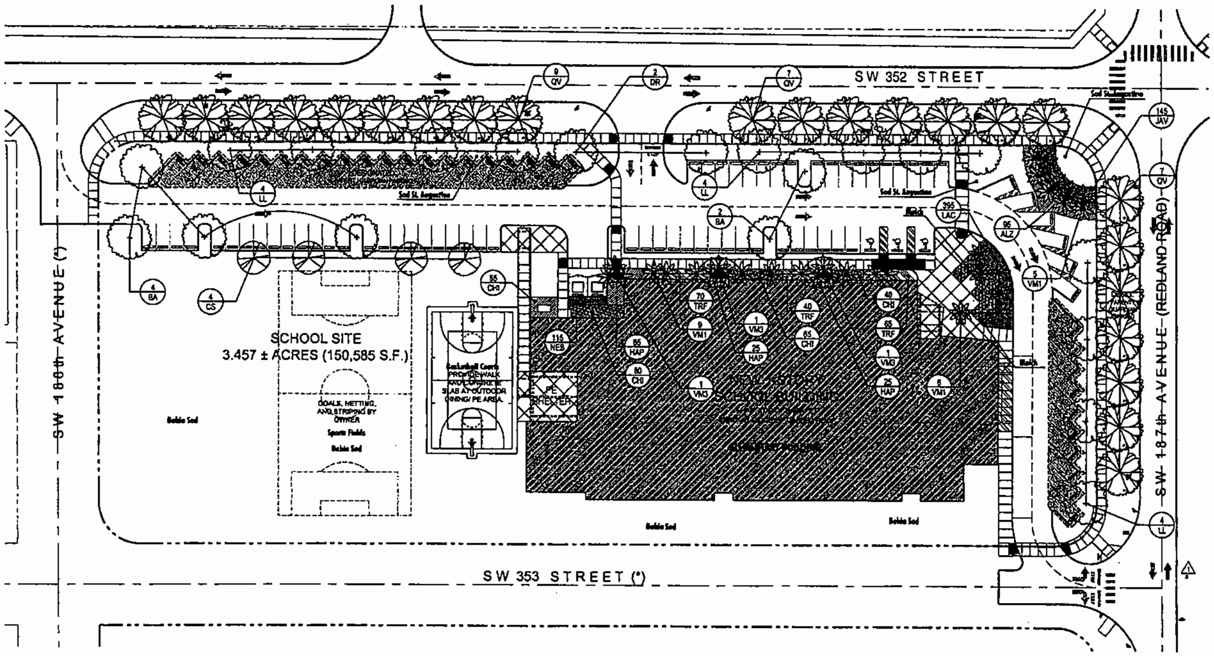
[redacted]

Revised:
CHANGES TO SITE PLAN BACKGROUND 11-19-08
B.C.C. COMMENT REVISIONS 03-09-09

Revised:

OFF-SITE GRADING PLAN

C-2



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SCALE IN FEET
NORTH

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MAR 25 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

LANDSCAPE LEGEND (This information is required to be permanently affixed to the plan.)
Zoning District: RU-1 Net Lot Area: 3.449 acres 157,110 square feet
minus sports fields 28,789 square feet = 128321 square feet

OPEN SPACE	REQUIRED	PROVIDED
A. Square feet of open space required by Chapter 33, as indicated on site plan: Net lot area = 128321 square feet x 20 % = 0 square feet	24064	25300
B. Square feet of parking lot open space required by Chapter 18A, as indicated on site plan: The number of parking spaces 75 x 10 square feet per parking space =	900	1000
C. Total square feet of landscaped open space required by Chapter 33 = A + B =	24964	26300
LAWN AREA CALCULATION		
A. Total square feet of landscaped open space required by Chapter 33 =	24964	26300
B. Maximum lawn area (St. Augustine sod) permitted = 50 % x 128321 square feet =	64160	9000
TREES		
A. The number of trees required per net lot acre less the existing number of trees that meet minimum requirements (minus) = 9 trees x net lot acreage =	32 / 0 / 0	24trees + 23palms(11trees) = 35 / 0
B. 30% palm trees allowed (two palms = one tree) Palms provided =	21	23 palms
C. Percentage of native trees required = the number of trees provided x 30% =	10	24trees + 5palms(9trees) = 24
D. Street trees (max. average spacing of 25' o.c.): 813 linear feet along street , 25 = Palms as street trees (max. average spacing 25' o.c.): linear feet along street , 25 =	23	22
E. Street trees located directly beneath power lines (maximum average spacing of 25' o.c.): linear feet along street div. by 25 =		
F. Total number of trees provided =	32	24trees + 23palms(11trees) = 35
SHRUBS		
A. The total number of trees required x 10 = the number of shrubs required	320	1155
B. The number of shrubs required x 30% = the number of native shrubs required	96	390
IRRIGATION PLAN x Required by Chapter 33. Auto irrigation will be provided.		

Symbol		Quantity	Plant Name		Native		Caliper	Height	Spread	Clear T.
Symbol		Quantity	Scientific	Common	Yes	No	Installed	Installed	Installed	Installed
VM1		15	Veitchia montgomeryana	Montgomery Palm		X	—	SG 6-12' Staggered	5-8'	
VM2		5	Veitchia montgomeryana	Montgomery Palm		X	—	TR 6-10' Matched	6-12'	
VM3		3	Veitchia montgomeryana	Montgomery Palm		X	—	TR 8-10' Matched	10-14'	
QV		23	Quercus virginiana	Live Oak	X		2"	12-14'	6'	4' CT
CS		4	Cordia sebestena	Orange Geiger Tree	X		2"	8-10'	5'	
DR		2	Delonix regia	Royal Poinciana		X	3"	14-12'	7'	
BA		6	Bursera simaruba	Gumbo Limbo	X		3"	14-12'	7'	
LL		12	Lysiloma latisiliqua	Wild Tamarind	X		3"	10-12'	5-7'	
ALZ		95	Alpinia zerumbet	Variegated Shell Ginger		X	3 gal., 24"ht, full, 36"O.C.			
CHI		240	Chrysobalanus icaco	Cocoplum	X		3 gal., 24" ht., full, 24"O.C.			
HAP		115	Hamelia patens	Fire Bush	X		3 gal., 20" ht., full, 30"O.C.			
TRF		175	Tripsacum floridana	Dwarf Fakahatchee Grass	X		3 gal., 20" ht., full, 24"O.C.			
LAC		395	Lantana camara 'Gold Mound'	Gold Mound Lantana		X	1 gal., 15" ht., full, 18"O.C.			
NEB		115	Nephrolepis exaltata 'Bostoniensis'	Boston Fern	X		1 gal., 18" ht., full, 16"O.C.			
FIM		0	Ficus microcarpa	Green Island Ficus	X		1 gal., 18" ht., full, 18"O.C.			
JAV		145	Jasminum Volubile	Wax Jasmine		X	1 gal., 20" ht., full, 24"O.C.			
	Sod	9,000 s.f.	Stenotaphrum secundatum	St. Augustine Sod	X		Solid Sod (site)			
		55,000 s.f.	Bahia	Bahia sod		X	Solid Sod (Bahia)			

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CONSTRUCTION DOCUMENTS / PERMIT SET

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11941 SW 144th Street, Miami, FL 33186
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(305) 471-8626

MEP Engineers
MEP ENGINEERING, INC.
10580 NW 27th Street, Suite 101, Doral, Florida 33172
(305) 471-0160

Miami-Dade County Public Schools
giving our students the world

Project
MIAMI COMMUNITY CHARTER SCHOOL, INC.
MIAMI COMMUNITY CHARTER SCHOOL
6-12 MIDDLE / HIGH SCHOOL
ZI PROJECT NUMBER #0831MCCS

Architect
ZYSCOVICH ARCHITECTS

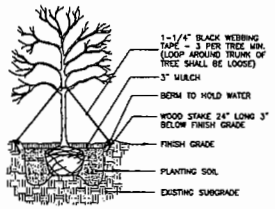
Seal
Reg. No. LC C000241

Key Plan

Revised: 03-05-2009 DRC COMMENT REVISIONS

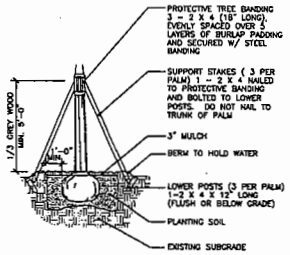
Planting Plan
0831MCCS 03.06.2009
L1.0

34



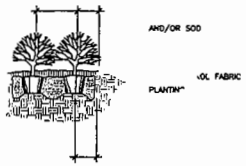
TREE PLANTING DETAIL

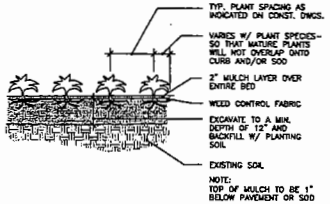
N.T.S.



PALM PLANTING DETAIL - SHRUB AREA

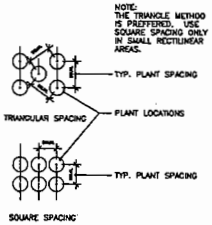
N.T.S.





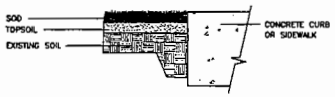
GROUNDCOVER PLANTING DETAIL

N.T.S.



SHRUB AND GROUNDCOVER SPACING

N.T.S.



SOD ADJACENT TO CONCRETE DETAIL

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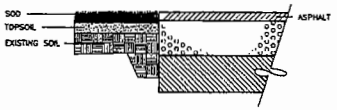

SOD ADJACENT TO ASPHALT DETAIL

N.T.S.

GENERAL PLANTING NOTES:

1. All plantings shall be installed as per plans and specifications.
2. Plant quantities are for convenience only. Contractor responsible for verifying all quantities prior to starting work. In the event of quantity discrepancies the drawing shall take precedence.
3. All plant material shall meet or exceed the size requirements as specified in the plant list. No substitutions shall be accepted without the Landscape Architect's approval.
4. Plant locations may be adjusted by Landscape Architect due to unforeseen conditions.
5. Contractor shall schedule with Landscape Architect a time in which to view plant material in the nursery prior to installation. The Landscape Architect may choose to attach its seal to each plant or to a representative sample. In the event that a nursery visit is not feasible, the Contractor shall submit pictures of proposed plant material.
6. Contractor is responsible for verifying all underground and overhead utilities and obtaining the necessary clearances prior to planting.
7. Contractor shall examine subgrade and rough grade before planting and alert Landscape Architect of any conditions which would be detrimental to plant development.
8. All planting areas shall be free of grass and weeds.
9. After grass and weeds have been removed form all planting areas, contractor shall treat area with pre-emergent herbicide. Contractor shall wait 7 days prior to planting.
10. Planting soil shall consist of a mixture of 60% sand and 40% muck by volume. Before planting materials are installed, test planting soil and amend planting soil as recommended by the Testing Laboratory such that planting soil pH falls within the range of 5.5 to 6.5 ph and have an Infiltration Rate (K-sat) of 8-16 inches/hour.
11. Soil moisturizer shall be added to all planted areas. Soil moisturizer shall be "Terrasorb" , as manufactured by Industrial Services, International or equal. Proportions shall be as follow:
    a. For trees and palms up to 36 inches diameter root ball, use one 3 oz. packet,
    b. For trees and palms with root ball larger than 36 inches in diameter , use two 3 oz. packets,
    c. For bedding areas use one 3 oz. packet for every 20 square feet of planting areas, with packets thoroughly mixed in planting soil.
12. Planting soil shall be amended by the addition of biostimulants. Biostimulants shall be Die Hard Transplant containing miccorhizal fungi or approved equal. Proportions shall be as follow:
    a. For trees and palms up to 36 inches diameter root ball, use one 8 oz. packet,
    b. For trees and palms with root balls larger than 36 inches in diameter, use two 8 oz. packets,
    c. For shrubs and groundcovers, follow manufacturer's recommendations.
13. All planted areas shall be mulched in accordance with details. Mulch shall be shredded Grade "A" Eucalyptus as manufactured by AACTION Nursery Products or approved equal.
14. All trees and palms shall be staked or guyed immediately after planting. Guying and staking shall be done in accordance with enclosed details and local practices.
15. Weed control fabric shall be Pro-5 Weed Barrier by Dewitt or approved equal.
16. All areas within the project limits not covered with buildings, pavement, shrubs or groundcovers shall be sodded with St. Augustine sod.
17. All new plant material shall be watered immediately after planting, in accordance with the following schedule:
    a. First three weeks - 5 times per week,
    b. Second nine (9) weeks- 3 times per week,
    c. Next twenty-four (24) weeks- twice per week
    d. Next sixteen (16) weeks - once a week.
18. All guying and staking shall be removed six months after final acceptance or after hurricane season of the corresponding year which ever occurs later.
19. An automatic irrigation system shall be installed.
20. Irrigation system shall be designed for 100% coverage with 5% overlap.
21. A rain sensor shall be installed to shut the system down when it is raining.

RECEIVED TO: MAR 23 2009
ZONING VARIANCE SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY: [illegible]

CONSTRUCTION DOCUMENTS / PERMIT SET

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Miami, FL 33186
(305) 233-8210

Landscape Architecture
CURTIS + ROGERS DESIGN STUDIO, INC.
3250 Mary Street, Suite 301
Coconut Grove, Florida 33133
(305) 442-1774

Structural Engineers
DE LOS REYES ENGINEERING, INC.
8726 NW 25th Street, Suites 1 & 2
Miami, Florida 33172
(305) 477-6606

M/E/P Engineers
MEP ENGINEERING, INC.
10500 NW 27th Street, Suite 101
Doral, Florida 33172
(305) 471-0160

Client
Miami-Dade County Public Schools
giving our students the world

Project
MIAMI COMMUNITY CHARTER SCHOOL, INC.
MIAMI COMMUNITY CHARTER SCHOOL
6-12 MIDDLE / HIGH SCHOOL
ZI PROJECT NUMBER #0831MCCS

Architect
ZYSCOVICH ARCHITECTS
1024 Biscayne Blvd.
First Floor
Miami, FL 33132
U.S. # 415-576-1121
Voice (305) 579-0500
Fax (305) 577-1021
mail@zyscovich.com

Seal
Reg. No. LC C000241

Key Plan

Revised:
02-06-2009
ZIO DOCUMENT REVISIONS

Revised:

Planting Details

0831MCCS | 03.06.2009

L1.1

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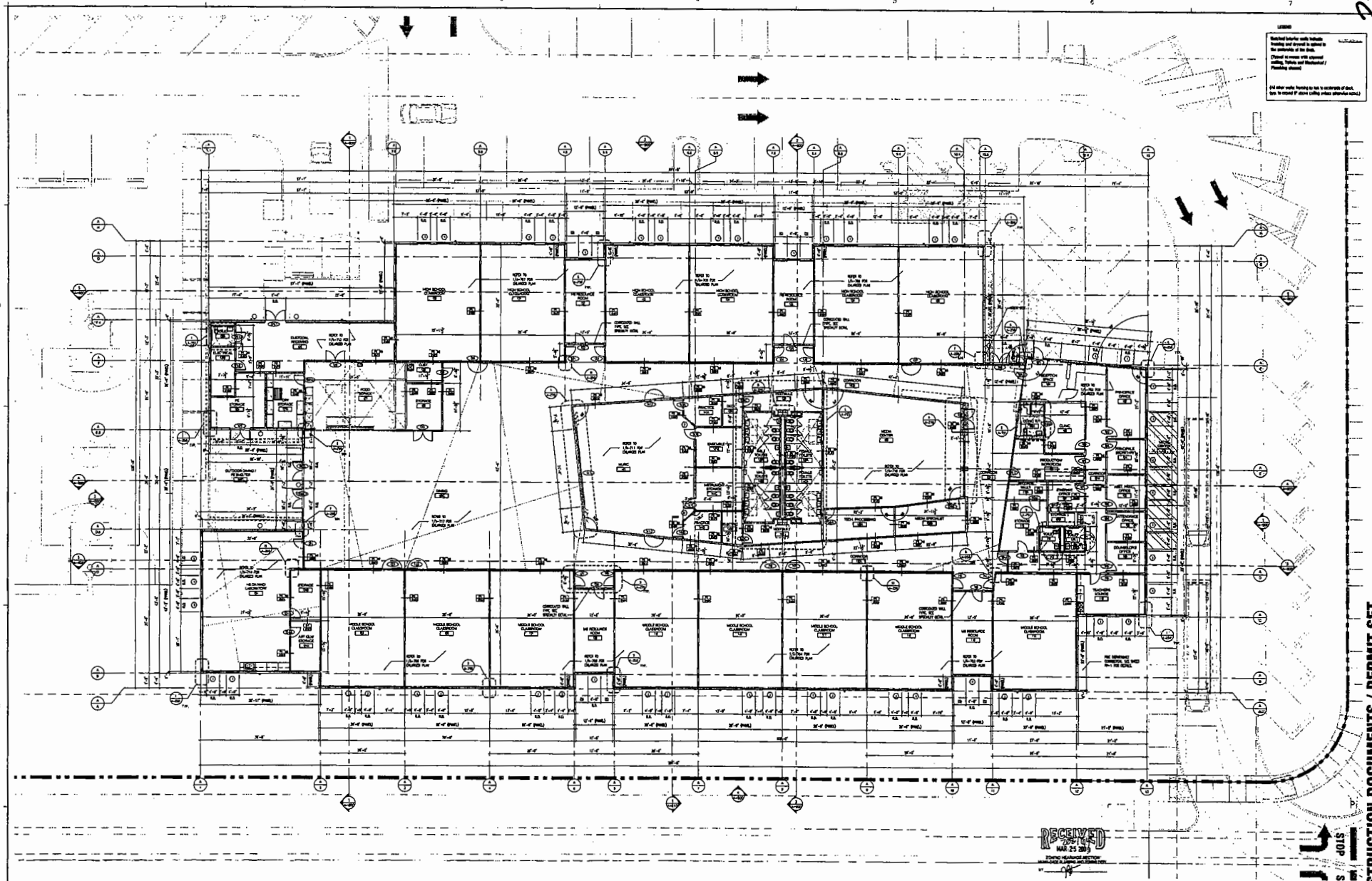

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MAR 25 2009
ZONING HEARINGS SECTION

1 FIRST FLOOR PLAN
A-201 Scale: 3/32" = 1'-0"

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(305) 233-6210

Landscape Architecture
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3250 Mary Street, Suite 201
Coconut Grove, Florida 33133
(305) 443-1774

Structural Engineers
DE LOS REYES ENGINEERING, INC.
6780 NW 25th Street, Suite 1 & 2
Miami, Florida 33172
(305) 477-8626

M/E/P Engineers
MEP ENGINEERING, INC.
10560 NW 27th Street, Suite 101
Doral, Florida 33172
(305) 471-0100

Client
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Project
MIAMI COMMUNITY CHARTER SCHOOL, INC.

MIAMI COMMUNITY CHARTER SCHOOL

6-12 MIDDLE / HIGH SCHOOL

ZI PROJECT NUMBER #0631MCCS

Architect
ZYSCOVICH ARCHITECTS
100 N. Biscayne Blvd.
11th Floor
Miami, FL 33132
Lic. # AR-0001431
Voice (305) 373-6000
Fax (305) 577-1021
www.zyscovich.com

Seal
Reg. No. RA10670

Key Plan
[redacted]

Re-issued:
Revised:

FIRST FLOOR PLAN

0631MCCS | 12.01.2008

A-201

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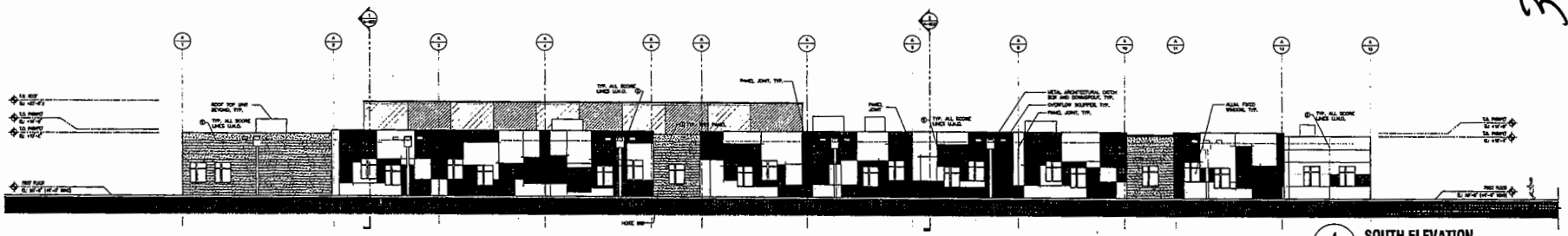

4 SOUTH ELEVATION
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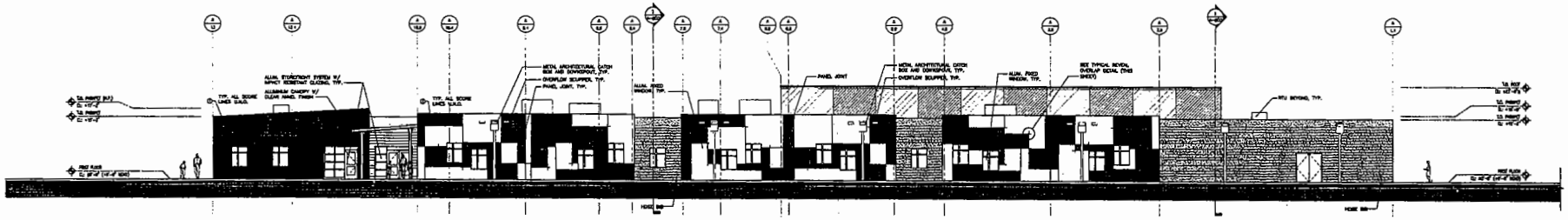

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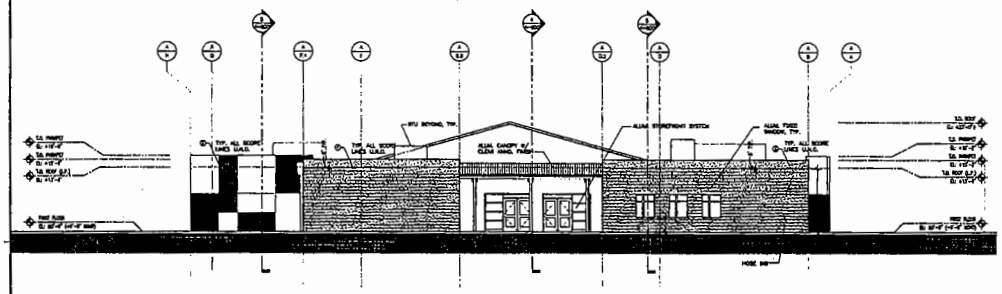

2 WEST ELEVATION
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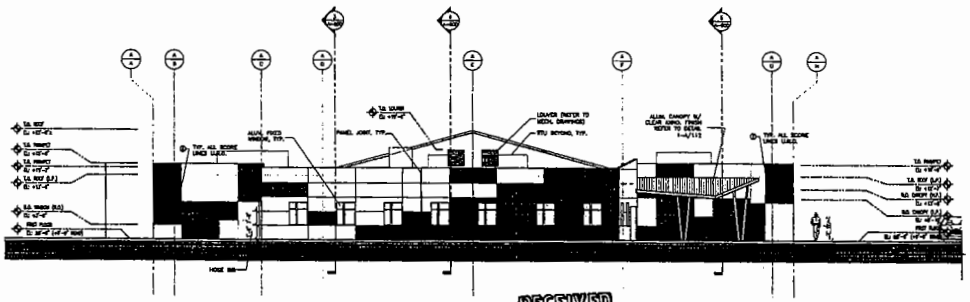

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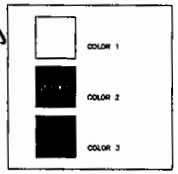
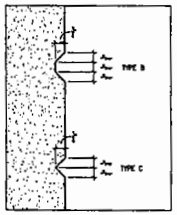
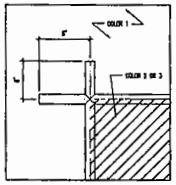
PAINT LEGEND



REVEAL TYPOLOGY



REVEAL OVERLAP DETAIL (TYP.)



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Project
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MIAMI COMMUNITY CHARTER SCHOOL
6-12 MIDDLE / HIGH SCHOOL
ZI PROJECT NUMBER #0831MCCS

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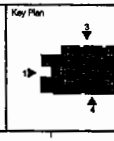
120 N. Biscayne Blvd.
27th Floor
Miami, FL 33132
Lic. # AR-001401
voice (305) 372-8812
fax (305) 577-4821
mail@zyscovich.com

Seal
Reg. No. RA10670

Key Plan



Revised:

Revised:

ELEVATION

0831MCCS | 12.01.2008

A-500

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MIAMI-DADE COUNTY
PROCESS #: 208-164
DATE: AUG 20 2008
BY: BBL

DISCLOSURE OF INTEREST*

If a **CORPORATION** owns or leases the subject property, list principal stockholders and percent of stock [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].

CORPORATION NAME: **Not applicable.**

NAME AND ADDRESS _____ Percentage of Stock _____

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: **Not applicable.**

NAME AND ADDRESS _____ Percentage of Stock _____

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: **Not applicable.**

NAME AND ADDRESS _____ Percentage of Stock _____

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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].

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MIAMI-DADE COUNTY
PROCESS #: Z08-164
DATE: AUG 20 2008
BY: BJL

NAME OF PURCHASER: MIAMI COMMUNITY CHARTER SCHOOL, INC., a Florida non-profit corporation

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Stock
LLOYD, VALARIE 101 SW REDLAND RD. HOMESTEAD FL 33034	*
ATILUS, ROSITA 101 SW REDLAND RD. HOMESTEAD FL 33034	
DIAZ, MICHELLE 101 SW REDLAND RD. HOMESTEAD FL 33034	
TORRES, ANA 101 SW REDLAND ROAD HOMESTEAD FL 33034	
THORNTON, MATTHEW 101 SW REDLAND ROAD HOMESTEAD FL 33034	
SANCHEZ, RICKY 101 SW REDLAND ROAD HOMESTEAD FL 33034	

*A Florida non-profit; no percentage of interest required

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.

EXECUTION PAGE TO FOLLOW

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MIAMI-DADE PLANNING AND ZONING DEPT.
BY:_____

This [illegible] is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

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MIAMI-DADE COUNTY
PROCESS #: Z08-164
DATE: AUG 20 2008
BY: BJL

MIAMI COMMUNITY CHARTER SCHOOL, INC.,
a Florida non-profit corporation

BY: _____
Ana Torres, Director

Sworn to and subscribed before me this 14 day of Aug, 2008. Affiant is personally known to me or has produced as identification.

_____
(Notary Public)

My commission expires _____

OSVALDO J. ALMEIDA
Notary Public, State of Florida
Commission# DD664733
Expires Aug. 19, 2011

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

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BY_____

MIAMI 1623427.1 7825630707
8/14/08 2:40 PM

Department of Planning and Zoning
111 NW 1 Street 11th Floor
Miami, Florida 33128

CHILD CARE CHECK LIST FOR CHARTER SCHOOLS

A signed charter contract from the Miami-Dade County School Board must accompany this application which matches the location, # of students and grade levels of the proposed application.

School Name: Paragon Charter School School Address: Intersection of SW 187 Avenue and SW 352 Street

Tax Folio # 30 78260070010 Total size of site: 4.773 acres

Is this an expansion to an existing school? ____ Yes X No

If yes, indicate the # of students and grade levels previously approved:

_____ and the Resolution # _____

Number of children/students requested: 640 Grade Levels: 6-12 Ages: 11-19

Number of classrooms: 16 Total square footage of classroom area: 15,450 Sq. Ft.

Total square footage of non-classroom area (offices, bathrooms, kitchens, etc.) 19,180 Sq. Ft.

Total square footage of outdoor recreation/play area: 46,034 Sq. Ft. / 1.056 Acres

Number of parking spaces provided for staff, visitors, and transportation vehicles: 90

Days and hours of operation: Monday-Friday; 7am - 5pm

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

Signed, sealed, executed and acknowledged on this 18 day of August, 2008 at Miami-Dade County, Florida.

WITNESSES:

Joe Valencia, Zyscovich Architects

Joseph Benesh, Zyscovich Architects

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208-164
MAR 25 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

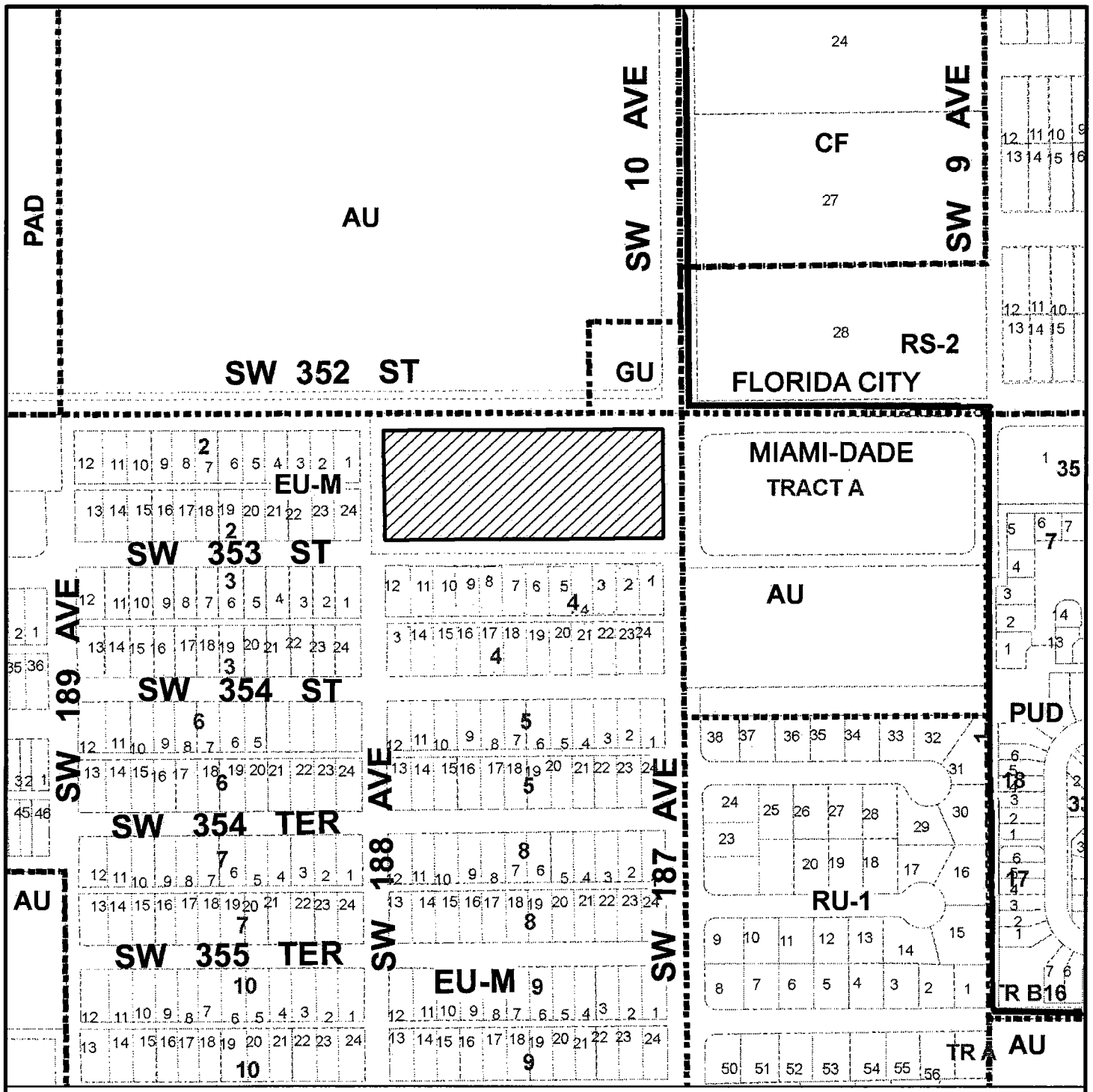
STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I hereby certify that on this 18th day of November, 2008, before me personally appeared Jose Murguido, to me known to be the person described in an who executed the foregoing instrument and he/she acknowledge to me the execution thereof to be his/her free act for the uses and purposes therein mentioned.

My Commission Expires 9/4/2010

LISETTE MARIE SIERRA
MY COMMISSION # DD 590520
EXPIRES: September 4, 2010
Bonded Thru Notary Public Underwriters

4/1/08



MIAMI-DADE COUNTY

HEARING MAP

Process Number

08-164

Section: 26 Township: 57 Range: 38

Applicant: MIAMI COMMUNITY CHARTER SHOOL INC

Zoning Board: C15

Commission District: 9

Drafter ID: JEFFER

Scale: NTS

---------- Zoning

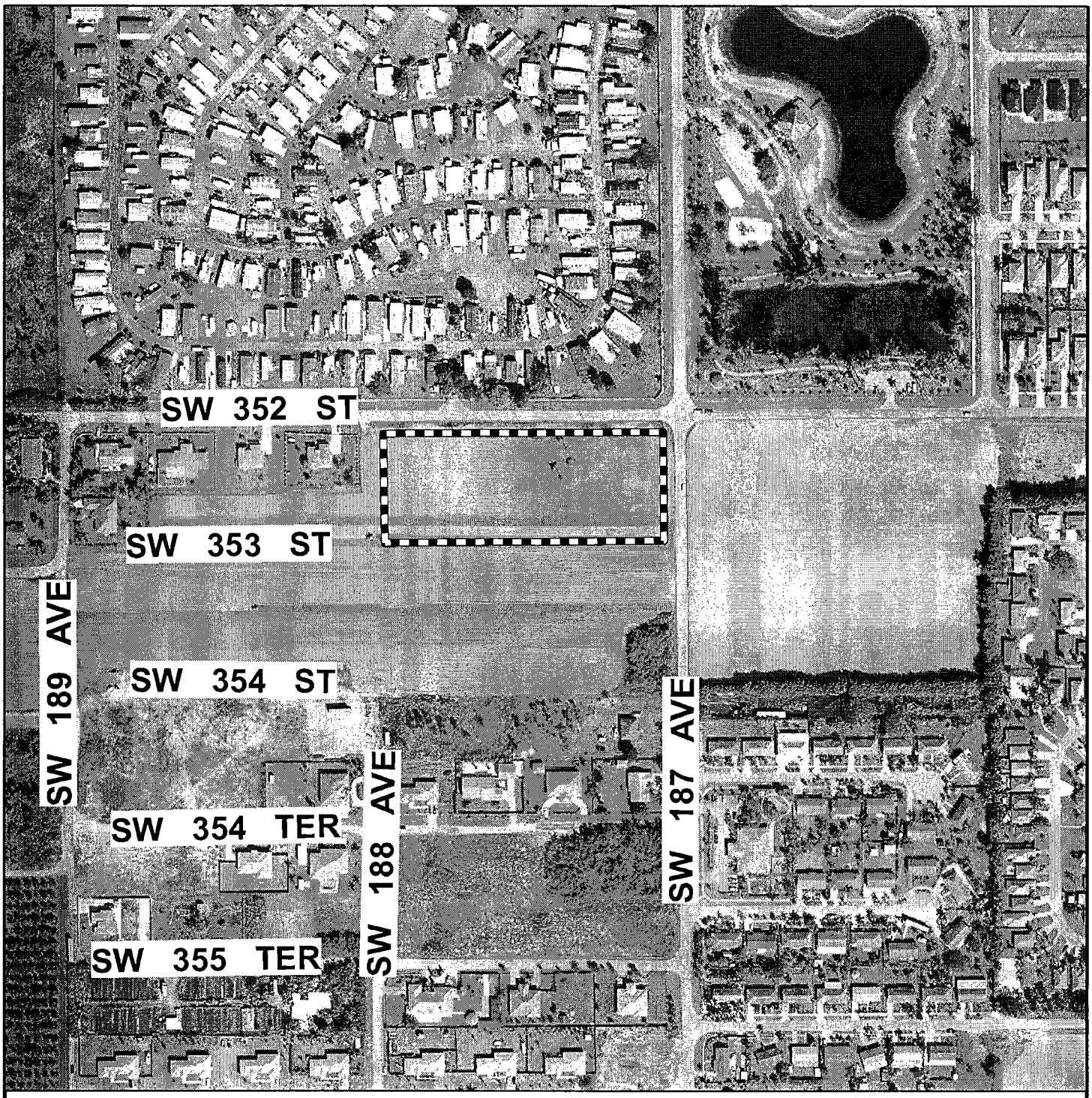
SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 09/12/08

REVISION	DATE	BY
		41



MIAMI-DADE COUNTY
AERIAL YEAR 2008
Section: 26 Township: 57 Range: 38
Applicant: MIAMI COMMUNITY CHARTER SHOOL INC
Zoning Board: C15
Commission District: 9
Drafter ID: JEFFER
Scale: NTS
---------- Zoning

Process Number
08-164

SUBJECT PROPERTY

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 09/12/08

REVISION	DATE	BY

3. RIVER CITIES COMMUNITY CHARTER SCHOOL, INC. **09-7-CC-3 (08-201)**
(Applicant) **BCC/District 12**
Hearing Date: 7/23/09

Property Owner (if different from applicant) **Same.**

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

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1995	Vida Abundante Inc.	- Multiple Non-Use Variances for a religious facility.	C05	Approved in Part w/conds

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

Memorandum

MIAMI-DADE COUNTY

Date: July 23, 2009

To: The Board of County Commissioners

From: Developmental Impact Committee
Executive Council

Subject: Developmental Impact Committee Recommendation

APPLICANT: River Cities Community Charter School, Inc. (Z08-201)

SUMMARY OF REQUESTS:

The applicant, River Cities Community Charter School, Inc., is requesting a special exception to permit a charter school in order to serve 250 students in grades 6th through 8th.

LOCATION: 6300 NW 77 Court, Miami-Dade County, Florida.

COMMENTS:

This application went before the Developmental Impact Committee because the applicant is requesting approval for a charter school. Section 33-303.1(D)(7) of the Code of Miami-Dade County charges the Developmental Impact Committee (DIC) to address applications with respect to: (I) conformance with all applicable plans; (II) environmental impact; (III) impact on the economy; (IV) impact on essential services; and (V) impact on public transportation facilities and accessibility.

Charter schools are educational institutions which are authorized and maintained in accord with the provisions of Chapter 1002 and Chapter 1013.35, Florida Statutes, as same may be amended from time to time. All such public charter schools shall be additionally authorized locally by the Miami-Dade County School Board through a process established by that entity for the approval of the charter. Miami-Dade Land Use regulations relating to public charter school facilities are set forth in Sections 33-152 through 162 of the Code of Miami-Dade County which was established in 2004 pursuant to Ordinance 04-108. The purpose of this Section and relevant provisions of the CDMP are to provide standards for land use approval of public charter school facilities pursuant to said Ordinance. In addition, an Interlocal Agreement with the School Board of Miami-Dade County was also established pertaining to the siting of such facilities and is applicable in the unincorporated area.

The meeting of the DIC Executive Council was held and the attached Department memoranda were reviewed and considered by said Committee.

DIC RECOMMENDATION:

Denial without prejudice.

The Executive Council found that the proposed application is not in keeping with the Comprehensive Development Master Plan Land Use map designation for the subject parcel and is not in compliance with Article XI - Public Charter School facilities of Chapter 33 of the Code of Miami-Dade County. In relation to the present and future development of the area,

the Executive Council finds that the approval of the charter school site will be **inconsistent** with the Comprehensive Development Master Plan (CDMP), and will be contrary to the public interest. In addition, the Council also finds that the development will be **incompatible** with the surrounding area and would detrimentally impact same.

APPLICATION NO. Z08-201
RIVER CITIES COMMUNITY CHARTER SCHOOL, INC.

Respectfully Submited,

DIC Executive Council
June 17, 2009

Susanne M. Torriente Assistant County Manager	AYE
Manny Mena, Assistant Fire Chief Miami-Dade Fire Rescue Department	AYE
Jose Luis Mesa, Director Metropolitan Planning Organization Secretariat	Absent
Subrata Basu, Assistant Director of Planning Department of Planning and Zoning	AYE
Esther Calas, P.E., Director Public Works Department	AYE
Jose Gonzalez, P.E., Assistant Director Department of Environmental Resources Mgmt	AYE
Jorge S. Rodriguez, P.E., Assistant Director Miami-Dade Water and Sewer Department	AYE

DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO THE DEVELOPMENT IMPACT COMMITTEE

APPLICANT: River Cities Community Charter School, Inc. **PH:** Z08-201 (08- 06 -BCC)

SECTION: 15-53-40 **DIC DATE:** June 17, 2009

COMMISSION DISTRICT: 12

==========

A. INTRODUCTION

- **REQUESTS:**

(1) SPECIAL EXCEPTION to permit a charter school.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "River Cities Charter School," as prepared by HJB Designs and Architecture, dated stamped received 3/24/09 and consisting of 3 pages with site plan dated last revised 6/1/09. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:**

The applicant, River Cities Community Charter School, is requesting a special exception to permit a charter school.

- **LOCATION**: 6300 NW 77 Court, Miami-Dade County, Florida.

- **SIZE:** 2.25 Acres

B. ZONING HEARINGS HISTORY:

In 1995, pursuant to Resolution #5-ZAB-461-95, non-use variances were granted to permit less lot area for a religious facility, less setbacks than required and permit fewer parking spaces than required.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being approximately **4 mile east of and within the Urban Development Boundary for Industrial and Office use.** Manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility, plants, public facilities, hospitals and medical buildings. The full range of telecommunication facilities, including switching and transmission facilities, satellite telecommunications facilities, microwave towers, radar stations and cell towers is also allowed. Very limited commercial uses to serve the firms and workers in the industrial and office area are allowed dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Freestanding

retail and personal services uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Freestanding retail and personal service uses and shops that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses, and others with unusual siting requirements may also be considered at appropriate locations. Quarrying activities and ancillary uses may also be approved in areas designated Industrial and Office where compatible with the surrounding area and environment. The specific range and intensity of uses appropriate in a particular Industrial and Office area vary by location as a function of the availability of public services and access and, among other factors, compatibility with neighboring development. Through the zoning review process, use of particular sites or areas may be limited to something less than the maximum allowed in this category. Moreover, special limitations may be imposed where necessary to protect environmental resources.

2. **Educational Element Goal.** Develop, operate, and maintain a system of public education by Miami-Dade County Public Schools, in cooperation with the County and other appropriate governmental agencies, which will strive to improve the quality and quantity of public educational facilities available to the citizenry of Miami-Dade County, Florida.

3. **Objective EDU-1.** Work towards the reduction of the overcrowding which currently exists in the Miami-Dade County Public School System while striving to attain an optimum level of service. Strive to provide additional solutions to overcrowding so that countywide enrollment in Miami-Dade County's public schools does not exceed 115% of current Florida Inventory of School Houses (FISH) capacity (both permanent and relocatables). Additionally, by 2010 Miami-Dade County Public Schools shall meet state requirements for class size. This numeric objective is adopted solely as a guideline for school facility planning and shall not be used as a Level of Service Standard or as a basis for denial of development orders.

4. **Policy EDU-1D.** Cooperate with the Miami-Dade County Public School System in their efforts to provide public school facilities to the students of Miami-Dade County, which operate on optimum capacity, in so far as funding available. Operational activities may be developed and implemented, where appropriate, which mitigate the impacts of overcrowding while maintaining the instructional integrity of the educational program.

5. **Policy EDU-2D.** When considering a site for possible use as an educational facility, the district should review the adequacy and proximity of other public facilities and services necessary to the site such as roadway access, fire flow and potable water, sanitary sewers, and police and fire services

6. **Policy LU-2A.** All development orders authorizing new, or significant expansion of existing, urban land uses shall be contingent upon the provision of services at or above the Level of Service (LOS) standards specified in the Capital Improvement Element (CIE).

7. **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.

8. **Objective LU-5.** Upon the adoption of this plan, all public and private activities regarding the use, development and redevelopment of land and the provision of urban services and infrastructure shall be consistent with the goal, objectives and policies of this Element, with the adopted Population Estimates and Projections, and with the future uses provided by the adopted Land Use Plan (LUP) map and accompanying text titled "Interpretation of the Land Use Plan Map", as balanced with the Goals, Objectives and Policies of all Elements of the Comprehensive Development Master Plan.

9. **Policy LU-5B.** All development orders authorizing a new land use or development, or redevelopment, or significant expansion of an existing use shall be contingent upon an affirmative finding that the development or use conforms to, and is consistent with the goals, objectives and policies of the CDMP including the adopted LUP map and accompanying "Interpretation of the Land Use Plan Map". The Director of the Department of Planning and Zoning shall be the principal administrative interpreter of the CDMP.

10. **Policy LU-9B.** Miami-Dade County shall continue to maintain, and enhance as necessary, regulations consistent with the CDMP which govern the use and development of land and which, as a minimum, regulate:

    i) Land use consistent with the CDMP Land Use Element and CDMP Level of Service Standards;
    ii) Subdivision of land;
    iii) Protection of potable water wellfields;
    iv) Areas subject too seasonal or periodic flooding;
    v) Stormwater management
    vi) Signage; and
    viii) On-site traffic flow and parking to ensure safety and convenience and that no avoidable off-site traffic flow impediments are caused by development.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
IU-3; church	Industrial and Office
Surrounding Properties:	
NORTH: IU-3; warehouse building	Industrial and Office
SOUTH: IU-3; two story warehouse building	Industrial and Office

EAST: IU-1; Palmetto Expressway	Industrial and Office
WEST: IU-3; warehouse building	Industrial and Office

The subject property consists of 2.25 acres located at 6300 NW 77 Court, Miami-Dade County. Industrial uses characterize the area where the subject property lies. State Road 826 (The Palmetto Expressway) lies to the east of the subject property.

E. SITE AND BUILDINGS:

Site Plan Review:	(site plan submitted)
Scale/Utilization of Site:	**Unacceptable**
Location of Buildings:	**Unacceptable**
Compatibility:	**Unacceptable**
Landscape Treatment:	**Unacceptable**
Open Space:	**Acceptable**
Buffering:	**Unacceptable**
Access:	**Acceptable**
Parking Layout/Circulation:	**Acceptable**
Visibility/Visual Screening:	**N/A**
Urban Design:	**N/A**

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-314 of the Code of Miami-Dade County:

(C) The County Commission shall have jurisdiction to directly hear other applications as follows:

(12) Hear application for and, upon recommendation of the Developmental Impact Committee, grant or deny those special exceptions for public charter school facilities permitted by the regulations only upon approval after public hearing, provided the applied for special exception, in the opinion of the Board of County Commissioners, is found to be in compliance with the standards contained in Article XI and Section 33-311(A)(3) of this Code.

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 regulation 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.

G. NEIGHBORHOOD SERVICES:

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

*Subject to conditions indicated in their memoranda.

H. ANALYSIS

The subject property is a 2.25-acre parcel of land located at 6300 NW 77 Court. The applicant is proposing to utilize the site for a charter school for grades 6th through 8th with a maximum enrollment of 250 students. The site plan submitted by the applicant depicts a warehouse building with six bays and a one story existing building located at the eastern portion of the property. The one story building was granted variances to permit a religious facility in 1995. The three bays located at the western portion of the subject property are currently occupied by a mail distribution enterprise, a film production company and a car export business. The bay occupied by the car export business is being proposed for future expansion of the charter school. The remaining three bays are 5000 sq. feet each and are adjacent to the one-story building. The site plan also depicts the entrances located on NW 77th Court. The site plan indicates there is 10,937 sq. feet of open space and the contiguous adjacent vacant lot located at the southern portion of the subject property will provide 81 parking spaces for faculty and visitors.

The Department of Environmental Resources Management **(DERM)** has **no objection** to this application. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum. Additionally, the Public Works Department **(PWD) does not object** to the application provided the applicant adheres to the conditions listed in their memorandum. The Miami-Dade Transit **(MDT),** the **Miami-Dade Aviation Department** and Miami-Dade Water and Sewer **(WASD)** have **no objections** to this application. The **Miami-Dade Fire Rescue Department (MDFR)** also has **no objection** to this application. Their memorandum indicates that the estimated travel response time would be **6:26** minutes which complies with the performance objective of national industry. Additionally, the Miami-Dade County Public School **(MDCPS)** indicates that the middle public schools in the surrounding area have and overall surplus of 528 student stations.

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Industrial and Office** use. Manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers, and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility, plants, public facilities, hospitals and medical buildings. The full range of telecommunication facilities, including switching and transmission facilities, satellite telecommunications facilities, microwave towers, radar stations and cell towers is also allowed. Very limited commercial uses to serve the firms and workers in the industrial and office area are allowed dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Freestanding retail and personal services uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Freestanding retail and personal service uses and shops that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses, and others with unusual siting requirements may also be considered at appropriate locations. Quarrying activities and ancillary uses may also be approved in areas designated Industrial and Office where compatible with the surrounding area and environment. The specific range and intensity of uses appropriate in a particular Industrial and Office area vary by location as a function of the availability of public services and access and, among other factors, **compatibility** with neighboring development. Through the zoning review process, use of particular sites or areas may be limited to something less than the maximum allowed in this category. Moreover, special limitations may be imposed where necessary to protect environmental resources.

The CDMP provides that neighborhood- or community-serving institutional uses and utilities **including schools** and fire and rescue facilities in particular, and cemeteries may be approved where compatible in all urban land use categories, in keeping with any conditions specified in the applicable category, and where provided in certain Open Land subareas. The proposed school is located in the IU-3, Unlimited Industrial Manufacturing District which permits schools. However, staff opines that the school is not compatible with the current neighborhood development since the current area is entirely industrial and there are no similar uses in the surrounding area. Additionally, a school operating during peak business hours would create excessive traffic impacts in the surrounding area. Furthermore, the potential for future hazardous development near the school could create a public safety hazard for the children and faculty of the school. While staff acknowledges that the subject property was formerly a religious facility, a school which operates at least five days a week and during peak business hours would not be compatible with the current industrial uses surrounding the property and is, therefore, **incompatible** with the surrounding neighborhood and **inconsistent** with the objectives of the CDMP.

When analyzing the request for a special exception to permit a charter school under Section 33-311(A)(3), Standards for **Special Exceptions,** Unusual Uses and New Uses, and under the Section 33-159, Plan Review Standards for Charter Schools, staff is of the opinion that the proposed charter school will generate additional traffic to the area. While the Public Works Department does not object to this application, provided the applicant adheres to the various conditions of their memorandum, as previously stated, the addition of 250 students

and faculty and visitors during normal business operating hours would create excessive traffic impacts in the surrounding area. The charter school will not cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation and, transportation. However, the two streets which border the proposed charter school, NW 63 Street and NW 77 Court are not section or half-section line roads and NW 77 Court is a two-line road. As previously mentioned, the proposed charter school will be operating at least five days a week during peak business hours and the additional traffic caused by the charter school will negatively impact the traffic on NW 77 Court. Staff does not opine that the proposed charter school will create a fire or other equally or greater dangerous hazards but opines the siting of a school in an area which is predominately industrial is not in keeping with the Code which states that when considering the necessity for and the reasonableness of the applied for exception, the relation to the present and future development in the area and compatibility for the applied for exception with area and its development must be considered. The area is zoned for IU-3 which is the most liberal industrial district and allows very intense uses such as explosives, lead oxide, atomic reactors, dynamite storage and rendering and storage of dead animals, offal, garbage and waste products. There is no indication that the future development of the area will be any thing other than its current use. Additionally, in the future, more hazardous uses such as those referenced above, which are permitted in the IU-3 zone designation, could potentially locate near the proposed charter school, creating a potential hazard to the students and faculty of the school. The addition of over 250 people into this industrial neighborhood may cause the concentration of people or population in an area which is currently sparsely populated. Staff opines it will negatively impact the surrounding area by creating traffic congestion, a concentration of people in the area and the siting of the school in an industrial could present future safety concerns for the school. In addition, Section 33-159 provides that plan review standards where schools are proposed in or adjacent to, industrial or commercial areas, it shall be clearly demonstrated in graphic form and otherwise, how the impact on the commercial or industrial area has been minimized through the design techniques or operational modifications. The applicant has proffered a covenant which, among other things, provides for standard charter school conditions such as limiting the number of students, use of outside speakers and the Public Works requirements, but it does not provide for conditions to mitigate the impacts of the school's location in an industrial area. In staff's opinion, the applicant has provided only the minimal landscaping and has not mitigated the potential negative impacts through any extraordinary design techniques. The site will remain essentially unchanged from the previous use as a church and the school operation hours are during peak hours for the industrial uses in the area. As such, staff recommends denial without prejudice of this application under Section 33-311(A)(3) (Special Exceptions, Unusual and New Uses).

I. RECOMMENDATION:

Denial without prejudice.

J. CONDITIONS: None

DATE INSPECTED: 5/12/09
DATE TYPED: 4/24/09
DATE REVISED: 4/29/09, 5/8/09, 5/11/09, 5/29/09, 5/30/09, 6/5/09, 6/11/09
DATE FINALIZED:
MCL:NN:JV:CI

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

NDN

Memorandum

MIAMI-DADE COUNTY

Date: May 27, 2009

To: Nicholas D. Nitti
Educational Facilities Coordinator
Department of Planning and Zoning

From: Esther Calas, P.E., Director
Public Works Department

Subject: Recommendations for River Cities Charter School Process No.: Z2008000201

The following is a list of conditions relative to the Site Plans received by P&Z Department on 3/24/09 and the Traffic Impact Analysis Addendum, dated March 9 2009, for the proposed facility located at 6300 NW 77 Court, all of which must be complied with for approval:

Site Specific Comments:

- Site Plan Review

    1. Vehicles shall not stack within pedestrian crosswalks; therefore the total auto stacking spaces shown on plans must be reduced by one.
    2. A five foot paved "back out" apron must be provided adjacent to the last parking stalls of the "dead end" parking aisle located on the site's southwest corner.
    3. The north driveway at NW 77 Court shall be offset a minimum of 5' from site's north property line.
    4. All utility poles and concrete barriers must be offset a minimum of 4 feet behind curb and gutter.
    5. Fifteen-foot turning radii must be provided along all passenger car vehicle paths. Hence, the proposed northbound turn aisle used to circulate the parking lot's vehicular traffic must be altered to incorporate necessary turning radii. The conflict between existing utility pole and mandatory turning radius must be resolved.
    6. The applicant shall demonstrate an access agreement(s) for any parcel employed in the site plan outside of the applicant's ownership. If no agreement can be demonstrated, the applicant shall: operate the driveway immediately adjacent to the south side of the school building as two-way driveway, maintain a one-way counter clockwise flow around the central parking area, and limit vehicular access to the areas outside of property.
    7. Plans must be dated.

- Traffic Impact Review

    1. Any proposed traffic signal timing modifications shall be approved by the Miami Dade County Traffic Signals and Signs Division.

- Project Requirements

    1. School Speed Zone signs (florescent yellow-green material must be used where applicable), pavement markings, and flashing signals are required along NW 77 Court adjacent to the site. A school speed zone and flashing signals will not be required, if and only if, a school policy explicitly stating that all students must be driven in motorized vehicles to the school is provided within a covenant for this facility and published as school policy. If in the future, the school changes policy, then the school administration will be responsible to pay for and provide such traffic control devices.
    2. Proposed Schedule of arrival and dismissal times including grade level and number of students, as indicated in Table 4 of the "Traffic Impact Analysis," are required to be provided in a covenant for this facility.
    3. As indicated in the conclusion of the Traffic Impact Analysis, trained personnel should be provided to manage traffic operations during dismissal periods, and possibly, arrival periods onsite.
    4. A Maintenance of Traffic (MOT) operation plan for arrival and dismissal periods must be provided in a covenant for this facility. The MOT operation plan shall include the following provision: "The school shall supply staff to direct any vehicles which may stack in through lanes or non-designated parking areas in the public rights of way onto the school site."

    5. All visitor stalls must be clearly signed or designated in the field.

- Standard Comments:

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

    2. Safe sight distance clearance is required at all intersection of driveways with streets and intersections of streets with streets. No trees shall remain or be planted in any clear zones. No tree foliage or branches shall descend below 7 ft within the public right-of-way. All tree placements in sight triangles shall meet or exceed FDOT Index 546. Any proposed planting, relocation or removal of trees and other foliage including any installation of irrigation systems in the public right-of-way must be approved by the R.A.A.M. Division of this Department. Also, any relocation or removal of trees must be approved by DERM. These approvals should be applied for, and received, prior to DIC Executive Council approval of this project. A "Covenant for Maintenance" agreement, recorded in the public record, must be provided prior to permitting any of these types of installations within the public right-of-way.

    3. Plans submitted for Permit shall conform to MUTCD, MDPWD and other appropriate standards for engineering design in the public right-of-way. Prior to formal submittal of plans for approval and permitting, a Dry Run Paving and Drainage submittal is required to review compliance with DIC conditions for approval and appropriate standards, and to rectify any discrepancies between existing facilities, plans, conditions for approval, or standards. Existing and proposed striping, signs, and lane widths must be shown on these plans for all

adjacent roadways. Also, plans must indicate any existing or proposed private driveways across the streets adjacent to the school site.

4. All roadway improvements including, but not limited to, traffic signs, markings and signals shall be installed by the applicant adjacent to, or nearby, this facility to ameliorate any adverse vehicular impacts caused by the traffic attracted to this facility. Also, traffic control devices, e.g., crosswalks, may be required at locations remote from this site along safe routes to school to provide for pedestrian student safety. These requirements may be determined at the time of Dry Run submittal of Paving and Drainage Plans.

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

Should you need additional information or clarification on this matter, please contact me at (305) 375-2030.

cc: Jeff Cohen, P.E., Assistant Chief, Traffic Engineering Division
Robert Williams, P.E., Acting Chief, Traffic Signals and Signs Division
Raul A. Pino, P.L.S., Chief, Land Development Division
David Cardenas, Chief, Right of Way and Aesthetic Assets Management Division
Harvey L. Bernstein, Educational Facilities Administrator, Traffic Engineering Division
Armando Hernandez, Concurrency Coordinator, Traffic Engineering Division
Vishnu Rajkumar, Signal Design Administrator, Traffic Engineering Division

Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Alberto M. Carvalho

Miami-Dade County School Board
Agustin J. Barrera, Chair
Perla Tabares Hantman, Vice Chair
Renier Diaz de la Portilla
Evelyn Langlieb Greer
Dr. Wilbert "Tee" Holloway
Dr. Martin Karp
Ana Rivas Logan
Dr. Marta Pérez
Dr. Solomon C. Stinson

April 29, 2009

Mr. Marc C. LaFerrier, Director
Department of Planning and Zoning
Miami-Dade County
111 NW 1 Street, 11th Floor, Suite 1110
Miami, FL 33128

RE: **08-201, River Cities Community Charter School, Inc. (Grades 6-8)**
6300 NW 77 Court

Dear Mr. LaFerrier:

In response to your Department's request seeking information regarding traditional public and charter schools in the general area of the above-referenced charter school application, please see the attached Public School Projected Capacity Analysis (Attachment A).

As you will note under Attachment A, Doral Middle School, Eugenia B. Thomas K-8 Center and Dr. Rolando Espinosa K-8 Center are currently designated as the schools to serve the area of this application at the 6 through 8 grade levels. The analysis provides capacity information for traditional public schools in the surrounding area, depicting an overall surplus of student stations at the middle school level of 528.

As always, thank you for your consideration and continued partnership in our mutual goal to enhance the quality of life for the residents of our community.

Sincerely,

Ivan M. Rodriguez, R.A.
Director II

IMR:ir
L 424
Attachments

cc: Ms. Ana Rijo-Conde
Mr. Fernando Albuerne
Ms. Vivian G. Villaamil
Ms. Maria-Teresa Fojo
Mr. Nick Nitti

Facilities Planning
Ana Rijo-Conde, AICP, Planning Officer • 1450 N.E.2nd Avenue, Suite 525 • Miami, Florida 33132
305-995-7285 • FAX 305-995-4760 • Arijo@dadeschools.net

ATTACHMENT "A"
PUBLIC SCHOOL PROJECTED ANALYSIS
April 29, 2009

APPLICATION: 08-201, River Cities Community Charter School, Inc.
6300 NW 77 Ct.

SCHOOLS SERVING AREA OF APPLICATION

MIDDLE SCHOOL LEVEL: Doral Middle School – 5005 NW 112 Ave.
Eugenia B. Thomas K-8 Center – 5950 NW 114 Ave.
Dr. Rolando Espinosa K-8 Center – 11250 NW 86 St.

Schools are located in the North Central Regional Center.

The following student population and available facility capacity data is based on student enrollment as of October 2008:

Middle Schools

Doral Middle	1,114	1,039	107%	0	107%	-75
Eugenia B. Thomas K-8 Center	1,358	1,421	96%	176	85%	239
Dr. Rolando Espinosa K-8 Center	1,159	1,497	77%	0	77%	338
Henry H. Filer Middle	1,181	1,128	105%	79	98%	26
					AVAILABLE STUDENT STATIONS	528

Memorandum

MIAMI-DADE COUNTY

Date: May 27, 2009

To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

Subject: DIC #Z2008000201-1st Revision
River Cities Community Charter School, Inc.
6300 N.W. 77 Court
Special Exception to Permit a Charter School in the IU-3 Zoning District
(IU-3) (2.25 Acres)
15-53-40

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.

Potable Water Service

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.

Existing public water and 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 in 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 alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Pollution Control

Due to the nature of uses allowed in the existing zoning classification, the applicant may be required to obtain DERM approval for management practices to control the potential discharge and spillage of pollutants associated with some land uses. The Industrial Facilities Section of DERM should be

contacted for further information on required management practices for certain land uses permitted under the existing zoning classification.
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 the requested use of the subject property may require operating permits from DERM. The Permitting Section of DERM□s Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information concerning operating requirements.
Section 24-45 of the Code outlines regulations for any proposed or existing underground storage facilities. The regulations provide design, permitting, installation, modification, repair, replacement and continuing operation requirements and criteria. In addition, monitoring devices, inventory control practices and pressure testing of fuel storage tanks is required. The applicant is advised to contact the Storage Tank Section of DERM concerning permitting requirements for fuel storage facilities.

Stormwater Management
Water Control Section has no objection to the approval of this application.

Pollution Remediation
The Pollution Control Division (PCD) has reviewed the relevant information regarding the above referenced sites. A Geoview query indicates that there are no records of current contamination assessment/remediation issues on these properties or abutting these properties. Additionally, there are no historical records of contamination assessment/remediation issues regarding non-permitted sites associated with these properties or abutting these properties. The information included in this review is based on the information available in the PEN database at the time of the review.

Air Quality Preservation
In the event that this project includes any kind of demolition, removal or renovation of any existing structure(s), an asbestos survey from a Florida-licensed asbestos consultant is required. If said survey shows friable asbestos materials in amounts larger than prescribed by federal law (260 linear feet of pipe insulation/thermal system insulation [TSI] or 160 square feet of surfacing material), then those materials must be removed/abated by a Florida-licensed asbestos abatement contractor. A NOTICE OF ASBESTOS RENOVATION or DEMOLITION form must be filed with the Air Quality Management Division for both the abatement (renovation) work and the demolition activity at least 10 working days prior to starting the field operations.

Wetlands
The subject properties do not contain jurisdictional wetlands as defined by Chapter 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

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

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

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

The applicant is advised to contact DERM staff for additional information regarding permitting procedures and requirements prior to site development.

Enforcement History
DERM has reviewed the Permits and Enforcement database and the Enforcement Case Tracking system and has found no open or closed enforcement records for the subject property(s) identified on the Miami-Dade County Department of Planning and Zoning, Zoning Hearing preliminary notice.

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 CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

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

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

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

cc: Nick Nitti, DIC Coordinator

Memorandum

MIAMI-DADE COUNTY

Date: February 6, 2009

To: Marc C. LaFerrier, Director
Department of Planning & Zoning

From: Herminio Lorenzo, Director
Miami-Dade Fire Rescue Department

Subject: DIC # 2008000201 – River Cities Community Charter School, Inc.
6300 NW 77 Court
Miami-Dade County, Florida

SERVICE IMPACT/DEMAND

(A) Based on development information, this project is expected to generate approximately 17 fire and rescue calls annually resulting in a minimal impact to existing fire rescue service.

(B) A suspected fire within this project would be designated as a building dispatch assignment. Such an assignment requires three (3) suppressions or engines, telesqurts or tankers, one (1) aerial, one (1) rescue and an accompanying command vehicle. This assignment requires twenty (20) firefighters and officers.

EXISTING SERVICES

Based on data retrieved during calendar year 2008, the average travel time to the vicinity of the proposed development was **6:26** minutes. Performance objectives of national industry standards require the assembly of 15-17 firefighters on-scene within 8-minutes at 90% of all incidents. Travel time to the vicinity of the proposed development complies with the performance objective of national industry.

The stations responding to a fire alarm will be:

STATION	ADDRESS	EQUIPMENT	STAFF
17	7050 NW 36 Street	ALS Ladder, Haz Mat Unit	6
35	201 Westward Drive	Rescue, Engine	7
45	9710 NW 58 Street	ALS Engine, Rescue 69*	7
28	8790 NW 103 Street	Rescue	3

ALS= Advanced Life Support
*Rescue 69 is housed at Station 45 pending construction of Station 69

SITE PLAN REVIEW:

(A) Fire Engineering & Water Supply Bureau has reviewed and approved the plans entitled River Cities Charter School' as prepared by HJB Design & Architecture, dated stamp received 1/16/09.

(B) This plan has been reviewed to assure compliance with the MDFR Access Road Requirements for DIC applications. Please be advised that during the platting and permitting stages of this project, the proffered site plan must be reviewed by the Fire Water & Engineering Bureau to assure compliance with the Florida Fire Prevention Code (FFPC) and National Fire Protection Association (NFPA) standards.

If you need additional information, please contact Mr. Carlos Heredia, Planning Section Supervisor, at 786-331-4540.

HL:ch

Memorandum

MIAMI-DADE COUNTY

Date: January 27, 2009

To: Marc C. LaFerrier, Director
Department of Planning & Zoning

From: Sunil Harman, Director, Aviation Planning, Land-Use & Grants
Aviation Department

Subject: DIC Application #08-201
River Cities Community Charter
Determination Number DN-09-01-105.

As requested by the Department of Planning and Zoning, the Miami-Dade Aviation Department (MDAD) has reviewed Developmental Impact Committee (DIC) Zoning Application #08-201, River Cities Community Charter. The applicant is requesting to permit a charter school in the IU-3 zone as allowed in IU-1. The subject property is 2.25 acres and is located at 6300 NW 77 Court, Miami-Dade County, Florida.

Based on the available information, MDAD has determined that the proposed land use is compatible with operations from Miami International Airport.

SH/JR/RB/cf

C: M. Fajardo
J. Ramos
R. Bergeron
Nick Nitti, DIC Coordinator, Department of Planning & Zoning

DATE: 06/24/09

TEAM METRO

ENFORCEMENT HISTORY

RIVER CITIES COMMUNITY CHARTER SCHOOL, INC.

APPLICANT

6300 NW 77 COURT, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2008000201

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

NO CURRENT ZONING VIOLATIONS OBSERVED

RIVER CITIES COMMUNITY CHARTER SCHOOL, INC

SNEZANZ CORDOBA

Memorandum

MIAMI-DADE COUNTY

Date: February 12, 2009

To: Nicholas D. Nitti
DIC Coordinator
Department of Planning and Zoning

From: John Garcia
Principal Planner
Miami-Dade Transit - Transit Planning Section

Subject: Review of DIC Project No. 08-201 (River Cities Community Charter School)

Project Description

The applicant is requesting a special exception to permit a charter school with 250 students in grades 6 to 8th. The subject property is 2.25 acres and is located at 6300 NW 77th Court in Miami-Dade County, Florida.

Current Transit Service

There is no direct transit service within the immediate vicinity of the application site. The closest transit service is provided by Metrobus Route 87 along NW 84th Avenue. The service headways for the above mentioned route (in minutes) is as follows:

Metrobus Route Service Summary
River Cities Community Charter School Application Site

Route(s)	Service Headways (in minutes)						Proximity to Bus Route (miles)	Type of Service
	Peak (AM/PM)	Off-Peak (middays)	Evenings (after 8pm)	Overnight	Saturday	Sunday		
87	30	40	30	N/A	40	40	0.8	F

Notes: *L means Metrobus local route service*
F means Metrobus feeder service to Metrorail
E means Express or Limited-Stop Metrobus service

Future Transportation/Transit Improvements

Currently, the 2009 Transportation Improvement Plan (TIP) does not propose any improvements in the immediate vicinity of this project. The 2030 Long Range Transportation Plan (LRTP) does not propose any improvements in the immediate vicinity of this project.

The 2008 ten-year Transit Development Plan (TDP) does not identify in its 2018 Recommended Service Plan any improvements/adjustments on the existing route serving the vicinity of the project:

MDT Comments/Recommendations

Miami-Dade Transit (MDT) does not currently provide local bus service to the school. Based on the information presented, MDT has no objections to this project.

Concurrency

This project has been reviewed by MDT for mass transit concurrency and was found to be concurrent with the level-of-service standards established for Miami-Dade County.

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MIAMI DADE POLICE DEPARTMENT

60A - Part I and II by Grids Year Comparison

Report Year: 2008

GRID 0906

UCR Part Indicator	UCR Code & Description	Current Year 2008	Last Year 2007
PART 1	1200 - ROBBERY	1	1
	130A - AGGRAVATED ASSAULT	0	2
	2200 - BURGLARY	3	6
	230C - SHOPLIFTING	1	0
	230F - SHOPLIFTING FROM A MOTOR VEHICLE	15	5
	230G - SHOPLIFTING ALL OTHERS	26	29
	2400 - MOTOR VEHICLE THEFT	6	6
	PART 1 Total:	**52**	**49**
PART 2	130B - SIMPLE ASSAULT	1	1
	260A - FRAUD CON/SWINDLE/FALSE PRET.	4	2
	260B - FRAUD CREDIT CARD/ATM	12	0
	260D - IMPERSONATION	3	1
	350A - NARCOTIC BUY/SELL/POSS/IMPORT/MANUF	0	2
	PART 2 Total:	**20**	**6**
	Grid 0906 Total:	**72**	**55**
Grand Total:		**72**	**55**

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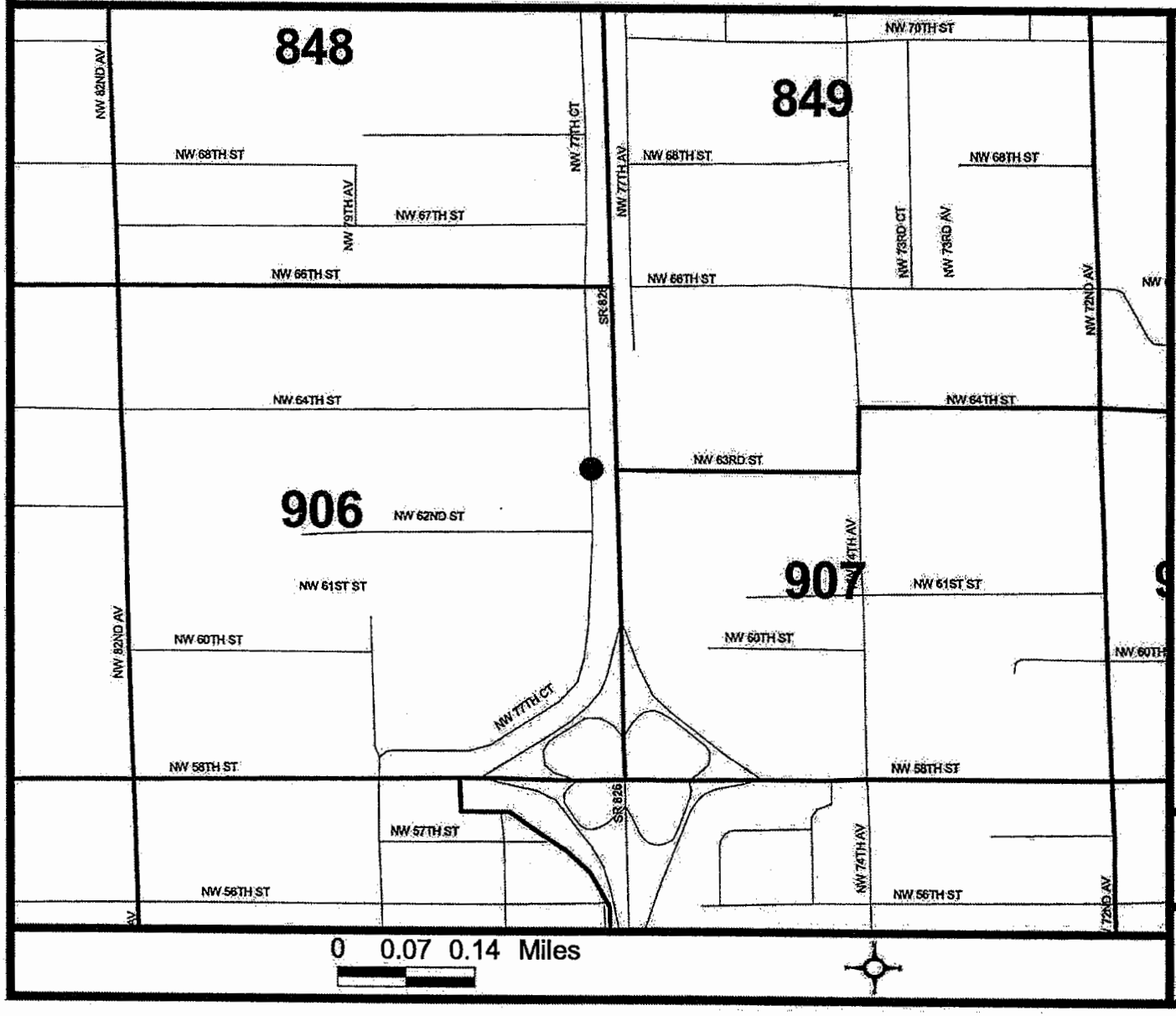
MIAMI DADE POLICE DEPARTMENT

72 - Dispatch Sumarized Calls by Grid and Signal

Report Between Jan 1, 2008 and Oct 30, 2008

Grid Code	CAD Signal Code	CAD Signal Code Description	Event Number	Total Reported	Total No Reported
0906	13 - SPECIAL INFORMATION/ASSIGNMENT		27	0	27
	14 - CONDUCT INVESTIGATION		36	17	19
	15 - MEET AN OFFICER		10	0	10
	16 - D.U.I.		1	1	0
	17 - TRAFFIC ACCIDENT		66	45	21
	18 - HIT AND RUN		6	6	0
	19 - TRAFFIC STOP		40	0	40
	20 - TRAFFIC DETAIL		7	0	7
	21 - LOST OR STOLEN TAG		8	6	2
	22 - AUTO THEFT		10	8	2
	25 - BURGLAR ALARM RINGING		153	133	20
	26 - BURGLARY		38	35	3
	27 - LARCENY		12	9	3
	28 - VANDALISM		4	4	0
	29 - ROBBERY		2	2	0
	32 - ASSAULT		9	5	4
	34 - DISTURBANCE		16	4	12
	37 - SUSPICIOUS VEHICLE		4	1	3
	39 - PRISONER		1	1	0
	41 - SICK OR INJURED PERSON		11	1	10
	43 - BAKER ACT		1	1	0
	44 - ATTEMPTED SUICIDE		1	0	1
	49 - FIRE		4	2	2
	52 - NARCOTICS INVESTIGATION		1	1	0
	54 - FRAUD		22	19	3
Total for Grid 0906			**490**	**301**	**189**
Grand Total:			**490**	**301**	**189**

Miami-Dade Police Department
Target Area: 6300 NW 77 Court
River Cities Community Charter - HEARING # 08-201



Police Grids Boundaries

Police Grid # 906

MDPD Crime Analysis System
November 26, 2008
Data in this document represents successfully geocoded attributes.

Memorandum

MIAMI-DADE COUNTY

Date: January 20, 2009

To: Nicholas D. Nitti, DIC Coordinator
Department of Planning and Zoning

From: Bertha M. Goldenberg, P.E., Assistant Director
Regulatory Compliance and Planning

Subject: River Cities Community Charter School - DIC Application # - Z2008000201

Below, please find the Miami-Dade Water and Sewer Department's (MDWASD) comments for the subject project.

Application Name: River Cities Community Charter School.

Proposed Development: Requesting authorization to utilize the property located at 6300 N.W. 77 Court, to operate a Charter Middle School that serves up to 250 students, ages 11-14, in grades, 6,7 and 8.

Project Location: 6300 NW 77 Court, Miami, Florida 33166.

Water: The subject project is located within MDWASD's service area. The existing facility is currently being serviced by MDWASD. If additional connections to the water system are required, there are abutting twelve (12)-inch water mains on NW 77th Court and NW 64th Street. The source of water for this project is the Hialeah/Preston Water Treatment Plant. MDWASD will be the utility providing water services subject to the following conditions:

- Adequate transmission and Plant capacity exist at the time of the applicant's request.
- Adequate water supply is available prior to issuance of a building permit or its functional equivalent.
- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

Sewer: The subject project is located within MDWASD's service area. The existing facility is currently being serviced by MDWASD. If additional connections to the sewer system are required, there are abutting eight (8)-inch gravity sewer lines on NW 77th Court and NW 64th Street. The Central District Wastewater Treatment Plant (WWTP) is the facility for treatment and disposal of the wastewater. This WWTP is currently operating under a permit from the Florida Department of Environmental Protection. MDWASD will be the utility providing sewer services subject to the following conditions:

- Adequate transmission and plant capacity exist at the time of the owner's request. Capacity evaluations of the plant for average flow and peak flows will be required,

depending on the compliance status of the United States Environmental Protection Agency (USEPA) Second and Final Partial Consent Decree.

- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

Water Conservation:
All future development for the subject area will be required to comply with the water use efficiency Ordinances 8-14 & 08-100 effective January 1, 2009.

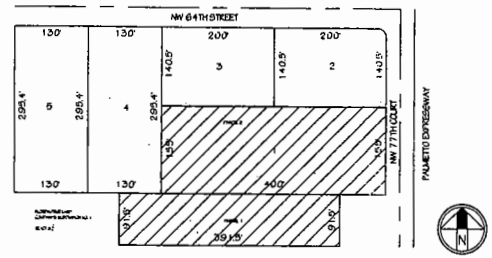
Should you have any questions, please call me at (786) 552-8120 or contact Maria A. Valdes at (786) 552-8198.

32

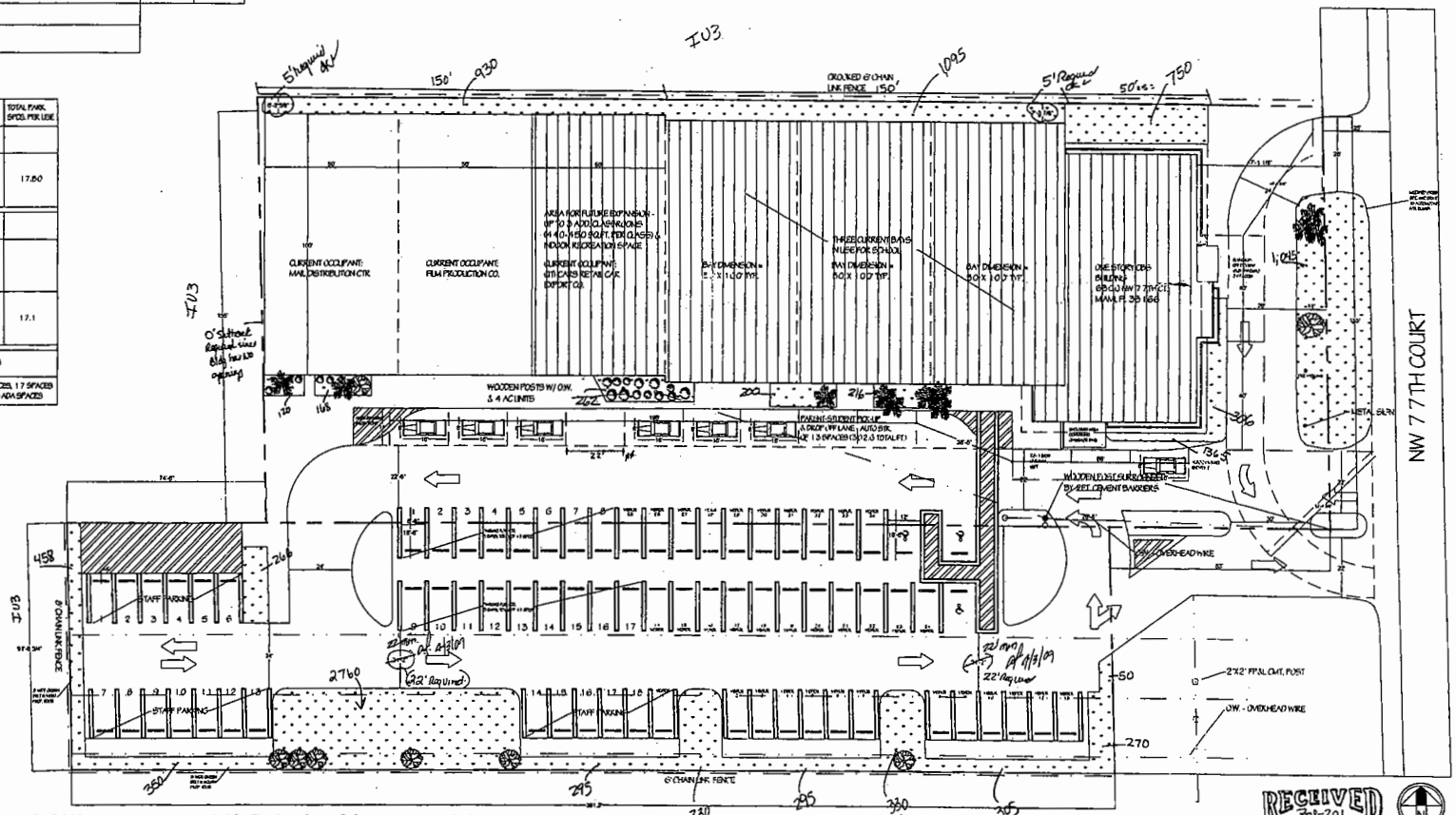
LANDSCAPE LEGEND		
ZONING DISTRICT: U-3 NET LOT AREA: 2.25 ACRES 98,000 SQ.FT		
OPEN SPACE	REQUIRED	PROVIDED
A. SQUARE FEET OF OPEN SPACE REQUIRED BY CHP. 33 AS INDICATED ON SITE PLAN NET LOT AREA= 98,000 SQ.FT. X .10 = 9,800 SQ.FT.	9800	10,939.5
B. SQ.FT. OF PARKING LOT OPEN SPACE REQUIRED BY CHAPTER 1.0A AS INDICATED ON SITE PLAN THE NUMBER OF PARKING SPACES 61 X 10 SQ.FT. PER PARKING SPACE= 610	720	4900.5
C. TOTAL SQ.FT. OF LANDSCAPED OPEN SPACE REQUIRED BY CHAPTER 33=A+B= 10,520	10,520	10,939.5
LAWN AREA CALCULATION		
A. TOTAL SQ.FT. OF LANDSCAPED OPEN SPACE REQUIRED BY CHAPTER 33= 10,810	10,810	
B. MAXIMUM LAWN AREA EST. ALLOWABLE SOD PERMITTED= 20 % X 10,810 SQ.FT.= 2,170	2170	10012
TREES		
A. THE NUMBER OF TREES REQUIRED PER NET LOT ACRE	65.25	9
LESS THE EXISTING NUMBER OF TREES THAT MEET MINIMUM REQUIREMENTS = 5.44 TREES X NET LOT ACREAGE (2.25)= 14.76	5.44	
B. 30% PALM TREES ALLOWED (TWO PALMS = ONE TREE - PALMS PROVIDED = 1.1 ACTUAL/ 5.5 TOTAL	14.76	
C. PERCENTAGE OF native TREES REQUIRED = NUMBER OF TREES PROVIDED X 30% = 0	10.1	35 Varies by
D. STREET TREES (MAX. AVERAGE OF 35' O.C.) 155 LINEAR FT. ALONG STREET DIV. X 35 = 4.43 PALMS AS STREET TREES (MAX. AVERAGE SPACING 25' O.C.) 155 LIN.FT. ALONG STREET DIV. BY 25 = 6.20	5.7	8
E. STREET TREES (LOCATED DIRECTLY BENEATH POWER LINES (MAX. AVERAGE SPACING OF 25' O.C.) 0 155 LIN. FT. ALONG STREET DIV. X 25 = 6.2	4.43	1 Varies by
F. TOTAL NUMBER OF TREES PROVIDED = 13.5	6.2	3
	62	0 Varies by
	33.75	135
SHRUBS	10 trees/acre	
A. THE TOTAL NUMBER OF TREES REQUIRED X 10 = THE NUMBER OF SHRUBS REQUIRED = 337.5	100	
B. THE NUMBER OF SHRUBS REQUIRED X 30% = THE NUMBER OF NATIVE SHRUBS REQUIRED = 101.25	33.75	20 Varies
	101.25	20
IRRIGATION PLAN		
REQUIRED BY CHAPTER 33. AUTO IRRIGATION _____ OR HOSE BIB X PROVIDED.		

PARKING LEGEND	PERSONNEL VEHICLES	TRANSPORT VEHICLES	TOTAL PARK. SPCS. PER USE
RIVER CITIES CHARTER SCHOOL	11 CARS	3 BUSES	
MIAMI-DADE CITY CODE= 1.25 X TOTAL PERSONNEL & TRANSPORT VEHICLES	13.75	3.75	17.50
	WAREHOUSE SQ.FT.	OFFICE SQ.FT.	
3 WAREHOUSE BAYS @ 30,000SF EACH HEAD HOUSE CONTAINS 47,000SF OF BAY SPACE AND 3,000SF OF OFFICE SPACE	141,000SF	9,000SF	
MIAMI-DADE CITY CODE= 1 PARK. SPC. FOR 1,000SF OF WAREHOUSE SPC. & 1 PARK. SPC. FOR 300SF OF OFFICE SPC.	14.1	3	17.1
TOTAL PARKING REQUIRED FOR SITE	34.60 OR 35		
TOTAL PARKING PROVIDED	72 SPACES THAT INCLUDE: 18 STAFF SPACES, 17 SPACES FOR OTHER BAYS, 34 VISITOR SPACES & 3 ADA SPACES		

EXISTING TREES ON THE SUBJECT PROPERTY, AS SHOWN ON THE SITE PLAN, WILL NOT BE REMOVED OR IMPACTED



LOCATION SKETCH 1"=100'



SITE PLAN - RIVER CITIES CHARTER SCHOOL 1"=20'

PROPOSED
SITE
PARKING LOADING & UNLOADING ZONE
GRASS
CHAIN LINK FENCE
OVERHEAD POWERLINE
SITE LINE

93,000 X 10% = 9,300 required open space
5 required street trees
72 X 10 = 720
10,520 (required open space)
10,939.5 provided ok

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Zoning-201
MAR 24 2009
RIVER CITIES

HJB
Design & Architecture
5160 NW 101 Place
Miami, FL 33178
Tel: 305-477-9501

River Cities Charter School
6300 NW 77th Court, Miami, FL. 33166
Folio: 30-3015-012-0010 &
Folio: 30-3015-001-0586

Date | Issue | By

Project Title
Drawing Title

#__ OF #__

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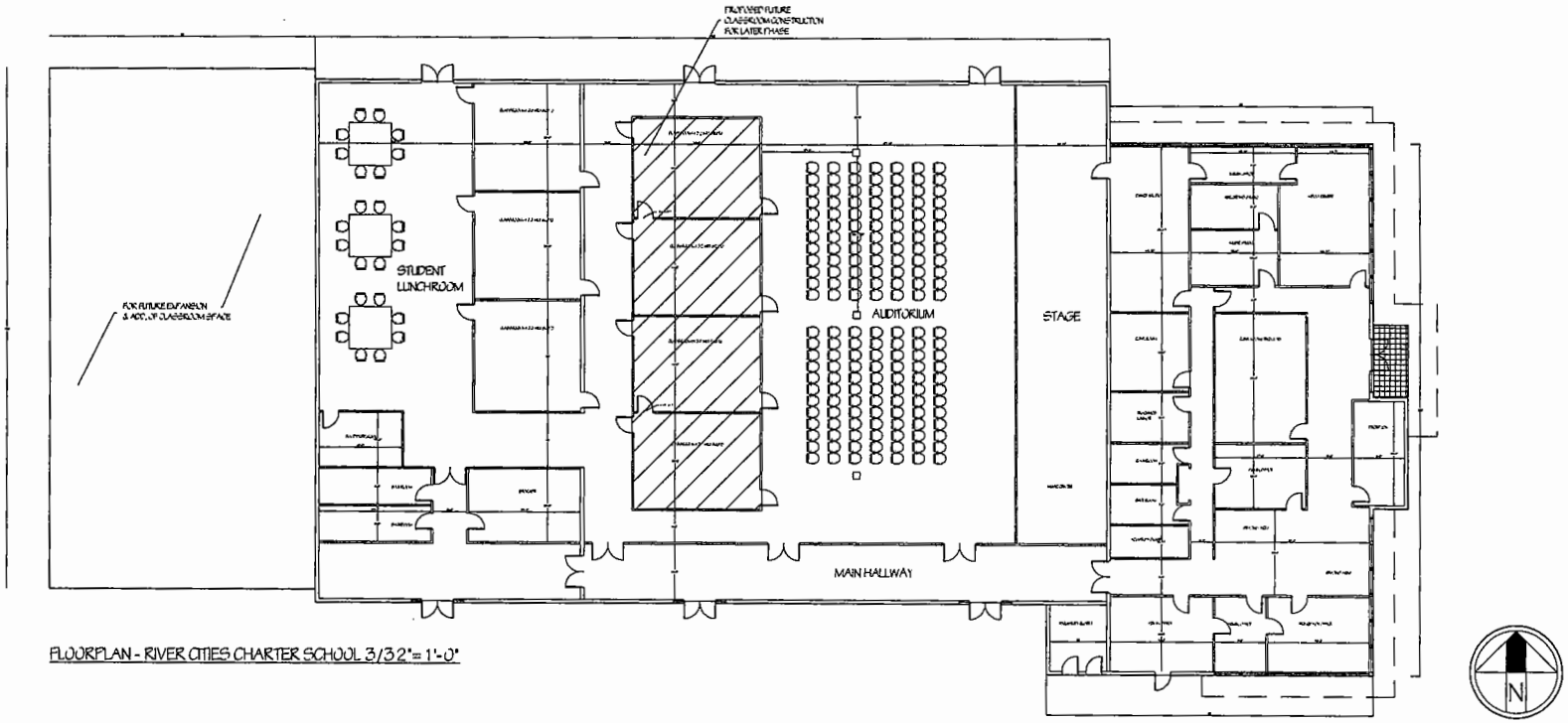

FLOORPLAN - RIVER CITIES CHARTER SCHOOL 3/32"= 1'-0"

HJB
Design & Architecture
5160 NW 101 Place
Miami, FL 33178
Tel: 305-477-9501

River Cities Charter School
6300 NW 77th Court, Miami, FL. 33166
Folio: 30-3015-012-0010 &
Folio: 30-3015-001-0586

Date	Issue	By

Project Title

Drawing Title

OF

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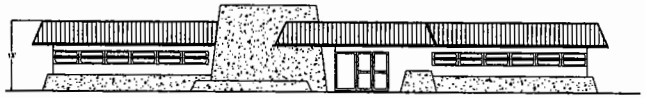
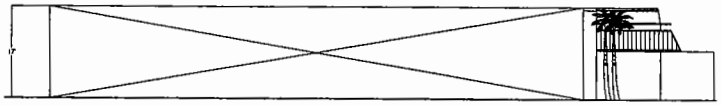
MIAMI-DADE COUNTY
PROCESS #: [illegible]
DATE: MAR 24 2009
BY: JVIDAL

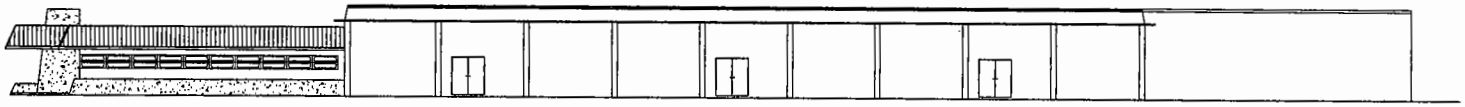


EAST ELEVATION 3/32"= 1'-0"



WEST ELEVATION 3/32"= 1'-0"

SOUTH ELEVATION 3/32"= 1'-0"



NORTH ELEVATION 3/32"= 1'-0"

34

HJB
Design & Architecture
5160 NW 101 Place
Miami, FL 33178
Tel: 305-477-9501

River Cities Charter School
6300 NW 77th Court, Miami, FL. 33166
Folio: 30-3015-012-0010 &
Folio: 30-3015-001-0586

Date	Issue	By

Project Title

Drawing Title

#__ OF #__

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: Sabayrac Warehouse, LLC

NAME AND ADDRESS	Percentage of Stock
Carlos Properties, Ltd.	50%
Peter T. Carlos	50%

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

TRUST/ESTATE NAME _____

NAME AND ADDRESS	Percentage of Interest

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percentage of Ownership

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

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208-201
OCT 08 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

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OCT 08 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

NAME OF PURCHASER: _____

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

Date of contract: _____

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

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

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

Signature: Thomas P. Carlos, Pres.
(Applicant)

Sworn to and subscribed before me this 6 day of OCT, 2008. Affiant is personally know to me or has produced _____ as identification.

(Notary Public)

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXPIRES May 30, 2012
#DD 788304
Bonded Thru Atlantic Bonding Co., Inc.

My commission expires: _____

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

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208-201
OCT 08 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY: _____

36

Department of Planning and Zoning
111 NW 1 Street 11th Floor
Miami, Florida 33128

CHILD CARE CHECK LIST FOR CHARTER SCHOOLS

A signed charter contract from the Miami-Dade County School Board must accompany this application which matches the location, # of students and grade levels of the proposed application.

School Name: River Cities Community Charter School School Address: temporary location: 1211 Marseille Drive, Miami Beach FL 33141, proposed permanent site: subject property

Tax Folio # 30-3015-012-0010 Total size of site: _____ acres
30-3015-001-0586

Is this an expansion to an existing school? _____ Yes X No

If yes, indicate the # of students and grade levels previously approved:

_____ and the Resolution # _____

Number of children/students requested: 250 Grade Levels: 6, 7, 8th Ages: 11-14

Number of classrooms: existing - 7 (including auditorium) (future) to be added 7 new classrooms Total square footage of classroom area: existing. 10,513 sq. ft.

Total square footage of non-classroom area (offices, bathrooms, ~~kitchens~~ food serving area no kitchen, etc.) 5,500 sq ft.

Total square footage of outdoor recreation/play area: not ~~provided~~ required

Number of parking spaces provided for staff (14), visitors (52), and transportation vehicles (2): 106 total parking spaces including 5 for ADA

Days and hours of operation: regular school hrs. 8:30-3:30pm - Afterschool program - 3:30-6:00 pm. Monday - Friday

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

Signed, sealed, executed and acknowledged on this 6th day of October at Miami-Dade County, Florida

River Cities Community Charter School, Inc

WITNESSES:

By Doretta Crooks
Doretta Crooks
Governing Board Chairperson

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

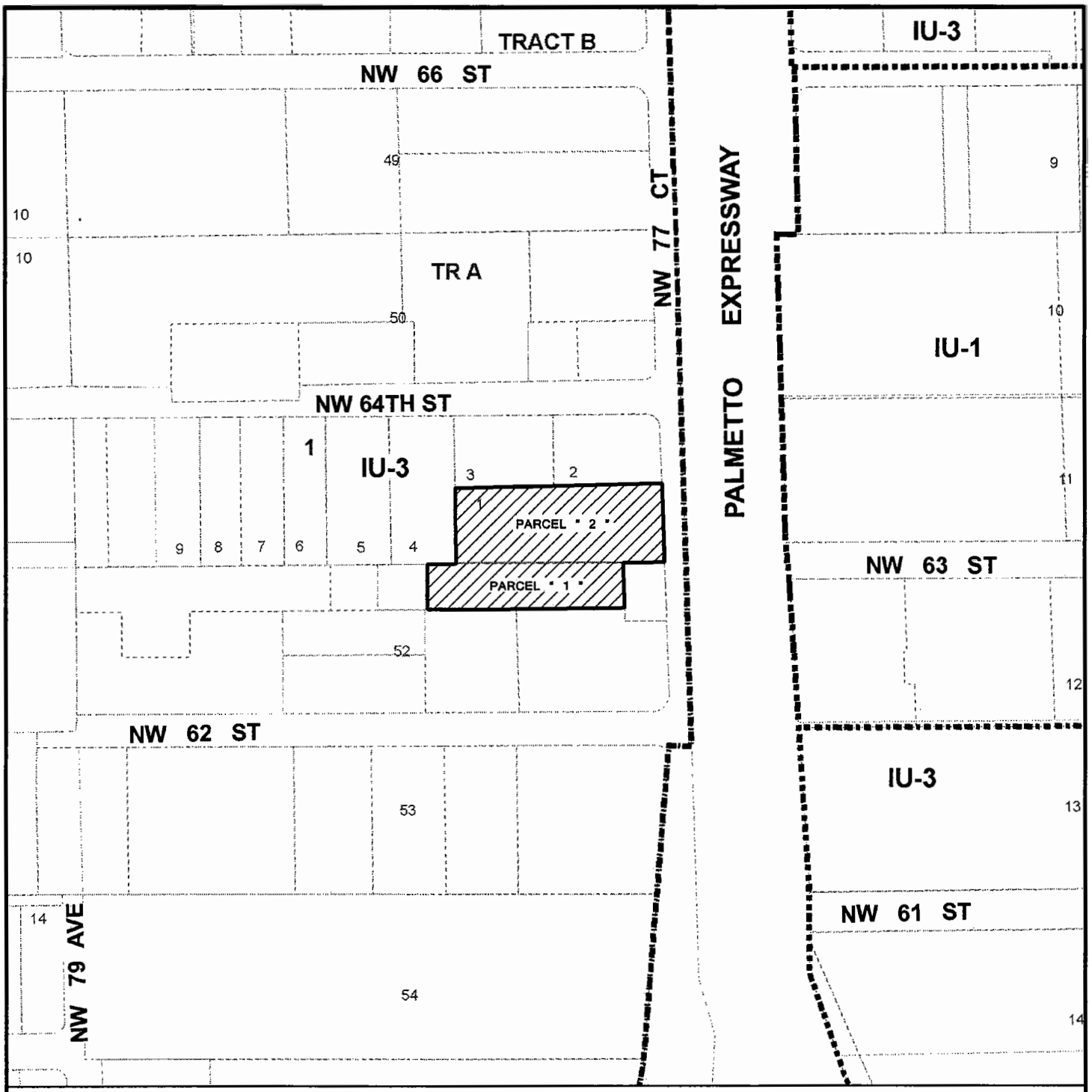
I hereby certify that on this 6th day of October, 2008, before me personally appeared Doretta Crooks, to me known to be the person described in an who executed the foregoing instrument and he/she acknowledge to me the execution thereof to be his/her free act for the uses and purposes therein mentioned.

My Commission Expires _____

NOTARY PUBLIC STATE OF FLORIDA
Comm# DD0393059
Expires: 2/26/2009
Bonded thru (800)432-4254
Florida Notary Assn., Inc.

RECEIVED
208-201
OCT 08 2008
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

4/1/08



MIAMI-DADE COUNTY

HEARING MAP

Process Number

08-201

Section: 15 Township: 53 Range: 40
Applicant: RIVER CITIES COMMUNITY CHARTER
Zoning Board: BCC
Commission District: 12
Drafter ID: JEFFER
Scale: NTS
---------- Zoning

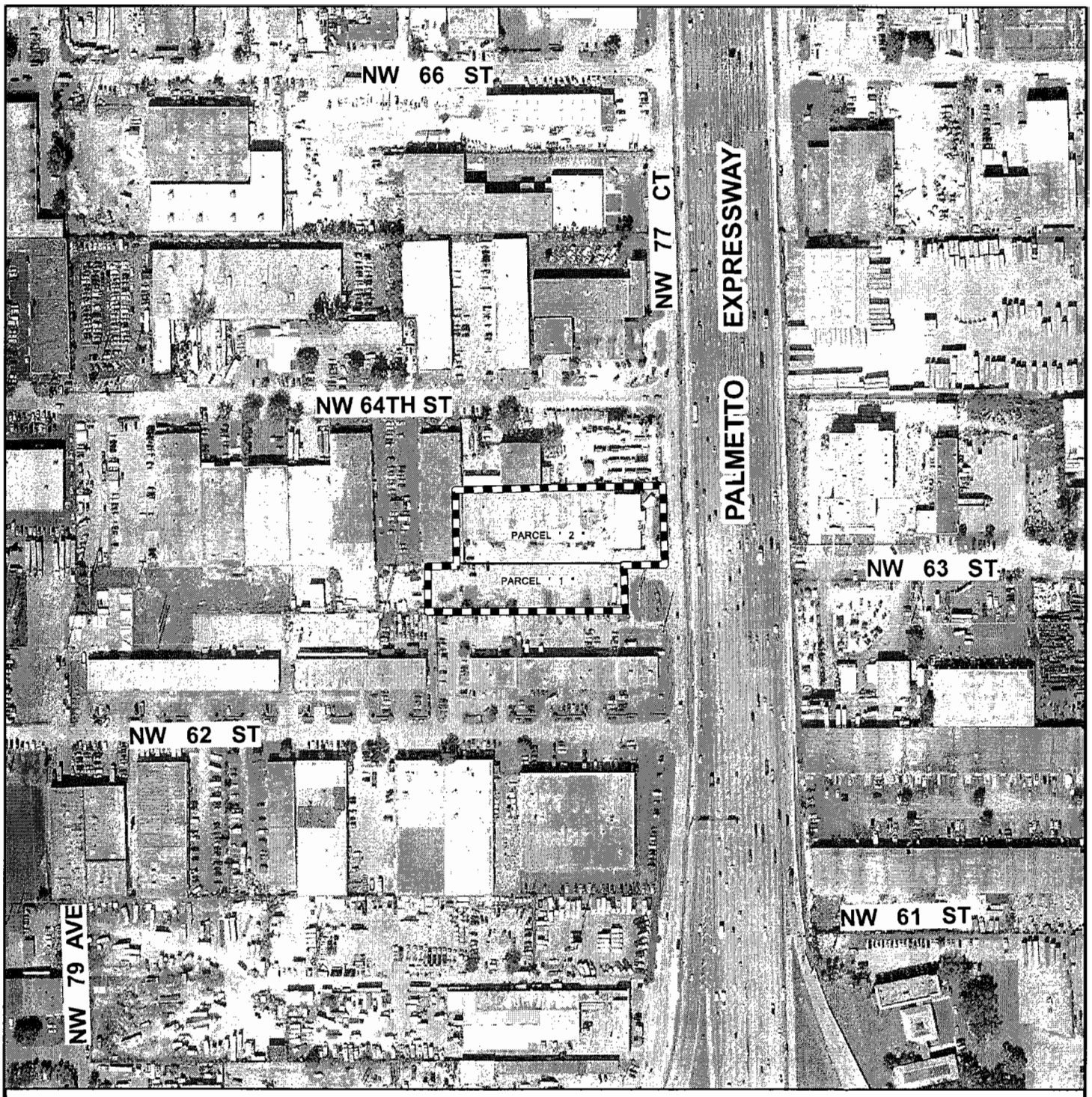
SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 10/15/08

REVISION	DATE	BY
		38



MIAMI-DADE COUNTY

AERIAL YEAR 2008

Process Number

08-201

Section: 15 Township: 53 Range: 40
Applicant: RIVER CITIES COMMUNITY CHARTER
Zoning Board: BCC
Commission District: 12
Drafter ID: JEFFER
Scale: NTS
---------- Zoning

SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 10/15/08

REVISION	DATE	BY

This instrument was prepared by:

Name: Juan J. Mayol, Jr., Esq.
Address: Holland & Knight LLP
701 Brickell Avenue
Suite 3000
Miami, Florida 33131

Received by
Zoning Agenda Coordinator

JUL 10 2009

(Space reserved for Clerk of Court)

DECLARATION OF RESTRICTIONS FOR CHARTER SCHOOL

THIS DECLARATION OF RESTRICTIONS is made this 9th day of July, 2009, by **SABAYRAC WAREHOUSE, LLC,** a Florida limited liability company, (the "Owner") and **RIVER CITIES COMMUNITY CHARTER SCHOOL, INC.,** a Florida not-for-profit corporation (the "Charter School"), in favor of **MIAMI-DADE COUNTY**, a political subdivision of the State of Florida (the "County").

WITNESSETH:

WHEREAS, the Owner holds fee simple title to that certain 2.25-acre parcel in unincorporated Miami-Dade County, which is more particularly described as follows:

SEE ATTACHED EXHIBIT "A"

hereinafter referred to as the "Property;"

WHEREAS, the Property is currently improved with a building of public assemblage, which was approved by the County pursuant to Resolution No. 5-ZAB-461-95;

WHEREAS, the Owner submitted to Miami-Dade County Public Hearing No. 2008-201 (the "Application") seeking a special exception to permit the use of the Property for a charter school, to be known as RIVER CITIES COMMUNITY CHARTER SCHOOL, serving 250 students in grades 6 – 8;

WHEREAS, the Owner desires to lease to the Charter School that portion of the Property with addresses of 6300, 6302, 6304, 6306 and 6308 NW 77 Court;

NOW, THEREFORE, IN ORDER TO ASSURE the County that the representations made during consideration of the Application will be abided by, the Owner and the Charter

Section-Township-Range: 15-53-40
Folio Nos. 30-3015-012-0010 & 30-3015-001-0586

School freely and voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

1.. A full set of plans shall be submitted to and meet with the approval of the Director of the Department of Planning and Zoning (the "Department") upon the submittal of an application for a building permit and/or Certificate of Use for the Charter School; said plan shall include among other things, but not be limited to, the 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. In the approval of the plan, the same shall be substantially in accordance with that submitted for the hearing entitled "River Cities Charter School," prepared by HJB Designs, dated stamped received 3/24/09, and consisting of 3 sheets, with the site plan last revised 6/1/09 (the "Plan"), as may be modified at the public hearing on the Application.

3. The Charter School use shall be established and maintained in accordance with the Plan.

4. The Charter School 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 for the Charter School.

5. The Charter School 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.

6. Waste pick-up the Charter School shall be performed by a private commercial entity. Waste pick-up shall be prohibited during arrival and dismissal times.

7. If applicable, the Charter School gates shall be opened at least 30 minutes prior to the arrival and dismissal times.

8. The Charter School shall comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various departments as contained in the Departmental memoranda, which are part of the DIC record on the Application, as considered by DIC's Executive Council on June 17, 2009, and are incorporated herein by reference.

9. The Charter School shall be limited to 250 students in grades 6 – 8.

10. The arrival time for grades 6 - 8 shall be 8:30 a.m., and the dismissal time for grades 6 – 8 shall be 3:30 p.m. During the arrival and dismissal times, the Charter School shall have personnel facilitating traffic operations in order to ensure passenger vehicles are not stacked in through lanes or parked in non-designated parking areas in the public rights of way.

11. Notwithstanding the vehicular circulation and traffic signs for the Property depicted in the Plan, the traffic circulation and traffic signage on the Property may be modified by the Charter School, subject to review and approval by the Director of the Public Works Department.

12. 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.

13. At the time of Certificate of Use renewal, the Charter School shall submit to the Department a letter from the principal of the Charter School detailing the number of students and the grade levels that are then currently enrolled in said facility.

14. The Charter School shall provide written notice to the parents or guardians (as applicable) of each prospective student prior to enrollment that the Property, as well as the surrounding area, are zoned IU-3, which zoning classification permits, as of right, a number of heavy industrial uses. The Charter School shall maintain on the premises, and make available upon the request of the parents or guardians of any existing or prospective student, a copy of the IU-3 zoning district regulations currently in effect. A copy of each such notice shall be maintained at the Charter School and shall be made available to the County upon request.

15. The Charter School shall not permit any student to walk to or from the Property. To ensure compliance with this requirement, the Charter School shall require from the parents or guardians (as applicable) of each student who is enrolled at the Charter School written assurances that arrangements have been made for the transportation of the student to and from the Charter School. A copy of said communication from the parents or guardians of each of the students at the

Charter School shall be maintained at the Charter School and shall make available to the County upon request.

16. Notwithstanding the approval of the Application, the Charter School shall cease to operate on the Property within ten (10) years following the final approval of the Application. However, if the tenth anniversary of the final approval of the Application falls on a day following the commencement of the school year, the Charter School shall cease operations at the end of said school year. Nothing in this Paragraph or in this Declaration shall limit the ability of the Owner and/or the Charter School to seek a modification of this Paragraph, as provided below, to extend the operation of the Charter School beyond the tenth anniversary of the final approval of the Application.

17. **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 by a written instrument executed by the then owner(s) of that portion of the Property covered under said modification, amendment, or release, 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 of the Department, 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 Charter School use, any further permits, and to refuse to

make any inspections or grant any approvals with respect to the Charter School, 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 of the Charter School 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 Pages Follow]

IN WITNESS WHEREOF, the parties have caused these present to be signed in its name.

WITNESSES:

Signature

DIONE Carlos

Printed Name

Signature

DENISE D. LOVELL

Printed Name

SABAYRAC WAREHOUSE, LLC,
a Florida limited liability company

By: Thomas P. Carlos

Signature

Thomas P. Carlos Manager

Printed Name / Title

STATE OF FLORIDA)
) SS:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 9th day of July, 2009, by THOMAS P CARLOS, as manager of SABAYRAC WAREHOUSE, LLC, on behalf of said limited liability company, who is personally known to me or has produced _____ as identification.

My Commission Expires:

BERNARD L SANDREW
MY COMMISSION # DD 886486
EXPIRES: June 22, 2013
Bonded Thru Notary Public Underwriters

Bernard L Sandrew

Notary Public – State of Florida

BERNARD L. SANDREW

Printed Name

Section-Township-Range: 15-53-40
Folio Nos. 30-3015-012-0010 & 30-3015-001-0586

WITNESSES:

Signature

Pedro Garcia

Printed Name

Signature

Maria Garcia

Printed Name

RIVER CITIES COMMUNITY CHARTER SCHOOL, INC. a Florida not-for-profit corporation

By: X Signature

Lissette Piedra

Printed Name / Title

STATE OF FLORIDA)
) SS:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 2nd day of July, 2009, by Lissette Piedra, as Co-Chairperson of **RIVER CITIES COMMUNITY CHARTER SCHOOL, INC.**, on behalf of said not-for-profit corporation, who is personally known to me or has produced _____ as identification.

My Commission Expires:

SIUBY FLEITES
MY COMMISSION # DD 858036
EXPIRES: April 16, 2013
Bonded Thru Notary Public Underwriters

Notary Public – State of Florida

SIUBY FLEITES

Printed Name

6334609_v11

PLANNING AND ZONING
AGENDA OFFICE
2009 JUL 10 P 4: 38

Section-Township-Range: 15-53-40
Folio Nos. 30-3015-012-0010 & 30-3015-001-0586

EXHIBIT

"A"

LEGAL DESCRIPTION

PARCEL I:

The North 91.5 feet of the West 474.5 feet of the East 624.5 feet of Tract 52 of Florida Fruit Lands Company's Subdivision of Section 15, Township 53 South, Range 40 East, according to the Plat thereof as recorded in Plat Book 2, Page 17, of the Public Records of Dade County, Florida; less and except the East 83.00 feet thereof.

Folio # 30-3015-001-0586

AND

PARCEL II:

The West 400 feet of the East 550.00 feet of the South 155.00 feet of Tract 51, Florida Fruit Lands Company's subdivision of Section 15, Township 53 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 2 at Page 17 of the Public Records of Dade County, Florida, also described as Lot 1, Block 1, BEVERLY ANN INDUSTRIAL PARK, according to the Plat thereof recorded in Plat Book 114 at Page 31 of the Public Records of Miami-Dade County, Florida. Together with any and all interest that the grantor has in and to any license agreement with Florida Power and Light Company covering lands immediately adjacent to those lands herein described.

Folio # 30-3015-012-0010

MIAMI-DADE COUNTY

OPINION OF TITLE

TO: MIAMI-DADE COUNTY, a political subdivision of the State of Florida

With the understanding that this Opinion of Title is furnished to MIAMI-DADE COUNTY, FLORIDA, as an inducement for acceptance of a Declaration of Restrictions, it is hereby certified that I have examined Commonwealth Title Insurance Company Policy No. 411-937759 (the "Policy"), which Policy covers the period from the BEGINNING through April 28, 1989, at 5:00 p.m.; and an Attorney's Title Insurance Fund computer title update, which covers the period of time from the Policy through June 14, 2009 at 11:00 p.m., inclusive, of the following described real property located and situated in Miami-Dade County, Florida:

SEE EXHIBIT "A" ATTACHED HERETO

I am of the opinion that on the last mentioned date, the fee simple title to the above-described property was vested in:

SABAYRAC WAREHOUSE, LLC, a Florida limited liability company

Subject to the following encumbrances, liens and other exceptions:

1. RECORDED MORTGAGES:

   NONE

2. RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:

   NONE

3. GENERAL EXCEPTIONS:

   (a) All taxes for current and subsequent years.

   (b) Rights of persons other than the above owners who are in possession.

   (c) Facts that would be disclosed upon accurate survey.

   (d) Any unrecorded labor, mechanics' or materialmen's liens.

   (e) Zoning and other restrictions imposed by governmental authority.

4. SPECIAL EXCEPTIONS:

(a) Conditions, restrictions and easements as set forth in Plat, filed in Plat Book 114, Page 31, of the Public Records of Miami-Dade County, Florida (as to Parcel I).

(b) Restrictive Covenants filed December 27, 1982, in Official Records Book 11652, Page 2314, of the Public Records of Miami-Dade County, Florida (as to Parcel I).

(c) Reservations for oil, gas and minerals as set forth in Deed from the Board of Commissioners of Everglades Drainage District, filed July 14, 1950, in Official Records Book 3309, Page 576, of the Public Records of Miami-Dade County, Florida. The Everglades Drainage District has executed a Non-Use Commitment filed January 2, 1981, in Official Records Book 10975, Page 855, of the Public Records of Miami-Dade County, Florida (as to Parcel I).

(d) Easement of electric lines across the North 91.5 feet of Tract 52, as set forth in instrument filed December 6, 1985, in Official Records Book 12721, Page 896, of the Public Records of Miami-Dade County, Florida (as to Parcel II).

(e) Easement reservations in Deed from Florida Power & Light Company filed April 12, 1988, in Official Records Book 13652, Page 2595, of the Public Records of Miami-Dade County, Florida (as to Parcel II).

ALL RECORDING INFORMATION REFERS TO THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

It is my opinion that the following party must join in the agreement in order to make the agreement a valid and binding covenant on the lands described herein.

Name	Interest	Special Exception Number
SABAYRAC WAREHOUSE, LLC	Owner	

*** Both Mr. Thomas P. Carlos and Peter T. Carlos, are authorized to sign on behalf of Sabayrac Warehouse, LLC., may sign on behalf of said limited liability company.**

I HEREBY CERTIFY that the legal description contained in this Opinion of Title coincides with, and is the same as, the legal description in the proffered, recordable agreement.

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

Respectfully submitted this 8 day of July, 2009.

Very truly yours,

HOLLAND & KNIGHT, LLP
701 Brickell Avenue, Suite 3000
Miami, Florida 33131
(305) 374-8500

By: _____
Juan J. Mayol, Jr., Esq.
Florida Bar No.: 0739693

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 8 day July, 2009, by Juan J. Mayol, Jr., who is personally known to me.

_____
Notary Public, State of Florida
My Name, Commission No. & Expiration:

SIUBY FLEITES
MY COMMISSION # DD 858036
EXPIRES: April 16, 2013
Bonded Thru Notary Public Underwriters

8675638_v1

PLANNING AND ZONING
AGENDA OFFICE
2009 JUL 10 P 4: 38

LEGAL DESCRIPTION

PARCEL I:

The North 91.5 feet of the West 474.5 feet of the East 624.5 feet of Tract 52 of Florida Fruit Lands Company's Subdivision of Section 15, Township 53 South, Range 40 East, according to the Plat thereof as recorded in Plat Book 2, Page 17, of the Public Records of Dade County, Florida; less and except the East 83.00 feet thereof.

Folio # 30-3015-001-0586

AND

PARCEL II:

The West 400 feet of the East 550.00 feet of the South 155.00 feet of Tract 51, Florida Fruit Lands Company's subdivision of Section 15, Township 53 South, Range 40 East, according to the Plat thereof, as recorded in Plat Book 2 at Page 17 of the Public Records of Dade County, Florida, also described as Lot 1, Block 1, BEVERLY ANN INDUSTRIAL PARK, according to the Plat thereof recorded in Plat Book 114 at Page 31 of the Public Records of Miami-Dade County, Florida. Together with any and all interest that the grantor has in and to any license agreement with Florida Power and Light Company covering lands immediately adjacent to those lands herein described.

Folio # 30-3015-012-0010

4. PALMETTO KTP, LLC
(Applicant)

09-7-CC-4 (09-054)
BCC/District 13
Hearing Date: 7/23/09

Property Owner (if different from applicant) **PALMETTO KTP, LLC & MY LITTLE SCHOOL ACADEMY.**

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

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1969	G.B.B. Investments, Inc.	- Zone change from AU, RU-1 & BU-1A to BU-2	BCC	Approved w/conds.
1969	G.B.B. Investments, Inc.	- Zone change from AU, RU-1 & BU-1A to BU-2	ZAB	Recommended for Approval

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

Memorandum

MIAMI-DADE COUNTY

Date: July 23, 2009

To: The Board of County Commissioners

From: Developmental Impact Committee
Executive Council

Subject: Developmental Impact Committee Recommendation

APPLICANT: Palmetto KTP, LLC (Z09-054)

SUMMARY OF REQUESTS:

The applicant, Palmetto KTP, LLC, is requesting a special exception to permit a charter school in order to serve 452 students in grades kindergarten to 5th grade.

LOCATION: Northeast corner of NW 59 Avenue and NW 171 Street, Miami-Dade County, Florida.

COMMENTS:

This application went before the Developmental Impact Committee because the applicant is requesting approval for a charter school. Section 33-303.1(D)(7) of the Code of Miami-Dade County charges the Developmental Impact Committee (DIC) to address applications with respect to: (I) conformance with all applicable plans; (II) environmental impact; (III) impact on the economy; (IV) impact on essential services; and (V) impact on public transportation facilities and accessibility.

Charter schools are educational institutions which are authorized and maintained in accord with the provisions of Chapter 1002 and Chapter 1013.35, Florida Statutes, as same may be amended from time to time. All such public charter schools shall be additionally authorized locally by the Miami-Dade County School Board through a process established by that entity for the approval of the charter. Miami-Dade Land Use regulations relating to public charter school facilities are set forth in Sections 33-152 through 162 of the Code of Miami-Dade County which was established in 2004 pursuant to Ordinance 04-108. The purpose of this Section and relevant provisions of the CDMP are to provide standards for land use approval of public charter school facilities pursuant to said Ordinance. In addition, an Interlocal Agreement with the School Board of Miami-Dade County was also established pertaining to the siting of such facilities and is applicable in the unincorporated area.

The meeting of the DIC Executive Council was held and the attached Department memoranda were reviewed and considered by said Committee.

DIC RECOMMENDATION:

Approval with conditions, subject to the Board's acceptance of the proffered covenant as set forth in the Department of Planning and Zoning's recommendation.

The Executive Council found that the proposed application, with the applied conditions, is in keeping with the Comprehensive Development Master Plan Land Use map designation for

the subject parcel and is in compliance with Article XI - Public Charter School facilities of Chapter 33 of the Code of Miami-Dade County. In relation to the present and future development of the area, the Executive Council finds that the approval of the charter school site, with the acceptance of the proffered covenant and the applied conditions, will permit a development which is **consistent** with the Comprehensive Development Master Plan (CDMP), and will not be contrary to the public interest. In addition, the Council also finds that the development will be **compatible** with the surrounding area and would not detrimentally impact same.

APPLICATION NO. Z09-54
PALMETTO KTP, LLC

PLANNING AND ZONING
AGENDA OFFICE

2009 JUL -9 A 8:27

Respectfully Submited,

DIC Executive Council
July 08, 2009

Susanne M. Torriente Assistant County Manager	AYE
Manny Mena, Assistant Fire Chief Miami-Dade Fire Rescue Department	AYE
Irma San Roman, Deputy Director Metropolitan Planning Organization Secretariat	AYE
Subrata Basu, Assistant Director of Planning Department of Planning and Zoning	AYE
Esther Calas, P.E., Director Public Works Department	Absent
Carlos Espinosa, P.E., Director Department of Environmental Resources Mgmt	AYE
John W. Renfrow, P.E., Director Miami-Dade Water and Sewer Department	Absent

DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO THE DEVELOPMENT IMPACT COMMITTEE

APPLICANT: Palmetto KTP, LLC **PH:** Z09-054 (09-06-BCC)

SECTION: 12-52-40 **DIC DATE:** July 8, 2009

COMMISSION DISTRICT: 13

==========

A. INTRODUCTION

- **REQUESTS:**

  SPECIAL EXCEPTION to permit a charter school.

  Plans are on file and may be examined in the Department of Planning and Zoning entitled "Plans for Proposed Tenant Improvements Of: The Advanced Learning Academy" as prepared by Consulting & Specialty Engineering Services, Inc., consisting of 12 sheets, dated stamped received 06-16-09. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:**

  The applicant, Palmetto KTP LLC, is requesting a special exception to permit a charter school.

- **LOCATION**: Northeast corner of NW 59 Avenue and NW 171 Street, Miami-Dade County, Florida.

- **SIZE:** 3.15 Acres

B. ZONING HEARINGS HISTORY:

In September and October 1969, pursuant to Resolutions 4-ZAB-489-69 and Z-288-69 the Zoning Appeals Board (ZAB) and the Board of County Commissioners (BCC) granted a district boundary change for the subject property from AU, Agricultural District, RU-1, Single-family Residential District, and BU-1A, Limited Business District, to BU-2, Special Business District.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The adopted 2015 and 2025 Land Use Plan designates the subject property as being approximately **4.5 miles east of and within the Urban Development Boundary for Business and Office**. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities such as cell towers and satellite telecommunication facilities (earth stations for satellite communication carriers, satellite

terminal stations, communications telemetry facilities and satellite tracking systems. These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential uses.

2. **Educational Element Goal.** Develop, operate, and maintain a system of public education by Miami-Dade County Public Schools, in cooperation with the County and other appropriate governmental agencies, which will strive to improve the quality and quantity of public educational facilities available to the citizenry of Miami-Dade County, Florida.

3. **Objective EDU-1.** Work towards the reduction of the overcrowding which currently exists in the Miami-Dade County Public School System while striving to attain an optimum level of service. Strive to provide additional solutions to overcrowding so that countywide enrollment in Miami-Dade County's public schools does not exceed 115% of current Florida Inventory of School Houses (FISH) capacity (both permanent and relocatables). Additionally, by 2010 Miami-Dade County Public Schools shall meet state requirements for class size. This numeric objective is adopted solely as a guideline for school facility planning and shall not be used as a Level of Service Standard or as a basis for denial of development orders.

4. **Policy EDU-1D.** Cooperate with the Miami-Dade County Public School System in their efforts to provide public school facilities to the students of Miami-Dade County, which operate on optimum capacity, in so far as funding available. Operational activities may be developed and implemented, where appropriate, which mitigate the impacts of overcrowding while maintaining the instructional integrity of the educational program.

5. **Policy EDU-2D.** When considering a site for possible use as an educational facility, the district should review the adequacy and proximity of other public facilities and services necessary to the site such as roadway access, fire flow and potable water, sanitary sewers, and police and fire services

6. **Policy LU-2A.** All development orders authorizing new, or significant expansion of existing, urban land uses shall be contingent upon the provision of services at or above the Level of Service (LOS) standards specified in the Capital Improvement Element (CIE).

7. **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.

8. **Objective LU-5.** Upon the adoption of this plan, all public and private activities regarding the use, development and redevelopment of land and the provision of urban services and infrastructure shall be consistent with the goal, objectives and policies of this Element, with the adopted Population Estimates and Projections, and with the future uses provided by the adopted Land Use Plan (LUP) map and accompanying text titled "Interpretation of the Land Use Plan Map", as balanced with the Goals, Objectives and Policies of all Elements of the Comprehensive Development Master Plan.

9. **Policy LU-5B.** All development orders authorizing a new land use or development, or redevelopment, or significant expansion of an existing use shall be contingent upon an affirmative finding that the development or use conforms to, and is consistent with the goals, objectives and policies of the CDMP including the adopted LUP map and accompanying "Interpretation of the Land Use Plan Map". The Director of the Department of Planning and Zoning shall be the principal administrative interpreter of the CDMP.

10. **Policy LU-9B.** Miami-Dade County shall continue to maintain, and enhance as necessary, regulations consistent with the CDMP which govern the use and development of land and which, as a minimum, regulate:

    i) Land use consistent with the CDMP Land Use Element and CDMP Level of Service Standards;
    ii) Subdivision of land;
    iii) Protection of potable water wellfields;
    iv) Areas subject too seasonal or periodic flooding;
    v) Stormwater management
    vi) Signage; and
    viii) On-site traffic flow and parking to ensure safety and convenience and that no avoidable off-site traffic flow impediments are caused by development.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
BU-2; vacant one-story commercial building	Business and Office
Surrounding Properties:	
NORTH: BU-2; commercial building	Business and Office
SOUTH: BU-2; car dealership parking lot	Business and Office

EAST: BU-2; commercial building	Business and Office
WEST: BU-2; office building	Low Density Residential, 2.5 to 6 dua

The subject property consists of 3.15 acres located at the northeast corner of NW 171 Street and NW 59 Avenue, Miami-Dade County. The surrounding area is commercial with a big box warehouse retail building, a major retailer building and an auto dealership.

E. SITE AND BUILDINGS:

Site Plan Review:	(site plan submitted)
Scale/Utilization of Site:	**Acceptable**
Location of Buildings:	**Acceptable**
Compatibility:	**Acceptable**
Landscape Treatment:	**Acceptable**
Open Space:	**Acceptable**
Buffering:	**Acceptable**
Access:	**Acceptable**
Parking Layout/Circulation:	**Acceptable**
Visibility/Visual Screening:	**Acceptable**
Urban Design:	**Acceptable**

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-314 of the Code of Miami-Dade County:

(C) The County Commission shall have jurisdiction to directly hear other applications as follows:

(12) Hear application for and, upon recommendation of the Developmental Impact Committee, grant or deny those special exceptions for public charter school facilities permitted by the regulations only upon approval after public hearing, provided the applied for special exception, in the opinion of the Board of County Commissioners, is found to be in compliance with the standards contained in Article XI and Section 33-311(A)(3) of this Code.

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 regulation 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.

G. NEIGHBORHOOD SERVICES:

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

*Subject to conditions indicated in their memoranda.

H. ANALYSIS

The subject property is a 3.15-acre parcel of land located at the northeast corner of NW 59 Avenue and NW 171 Street which is currently a vacant one story commercial building. The applicant is seeking a special exception for a charter school to be developed to serve 452 students in grades kindergarten to 5th grade. The site plans depict a 137,567 sq. ft. site with a 20,680 sq. ft. proposed charter school (Building B), an adjacent 5,959 sq. ft. proposed daycare facility which is located to the east of the charter school and a one-story building (Building A) to the north of the charter school which is proposed as an office building to be built at a later date. The site plan for the charter school depicts 20 classrooms, two dining areas, two administrative offices, a nurse station and a staff lounge. Staff notes that there is no designated recreation area for the charter school on the site plan. The childcare checklist submitted for the daycare facility indicates there will be 103 students ranging in age from 1 to 5 years of age. The proposed daycare center contains five (5) classrooms and a 2,377 sq. ft. recreation area located adjacent to the daycare center. A landscape buffer encompasses the entire perimeter of the site, however, these areas cannot be credited and utilized as outdoor play areas because they satisfy the open space requirements for the underlying zoning district regulations. There are three entry and exit points with one located at the southeastern portion of the site along NW 171 Street and two at the northwestern portion of the site along NW 59 Avenue. Parking for the charter school is interspersed throughout the site on the northern, southern and western portions of the site and consists of 150 parking spaces for the proposed charter school, daycare facility and future office building (Building A). The applicant has proffered a covenant which, among other things, assures the County that the use of the property shall be established and maintained substantially in accordance with the plan submitted with the application, that the school will consist of grades K-5 for a total of 350 students in the 2009-2010 school year and a total of 452 students in the 2010-2011 school year. In addition, the covenant indicates that trained personnel will be on site to manage traffic operations and delineates the staggered arrival and dismissal times.

The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Business and Office** use. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities such as cell towers and satellite telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking systems. These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. The CDMP's Education Element Policy EDU-1D states that the County and the Miami-Dade Public School System shall cooperate in their efforts to provide public school facilities to the students of Miami-Dade County, which operate at optimum capacity, in so far as funding is available. Operational activities may be developed and implemented, where appropriate, which mitigate the impacts of overcrowding while maintaining the instructional integrity of the educational program. Although the neighborhood schools in the area are not overcrowded, as indicated by the School Board memorandum, Chapter 1002.33 of the Florida Statutes states that charter schools must meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state's public school system. The proposed charter school facility will serve a need by helping to accommodate some of the student population generated by residential development in Miami-Dade County. Staff notes that the interpretative text of the Business and Office LUP map designation allows service facilities such as the proposed charter school. The CDMP provides that neighborhood or community-serving institutional uses and utilities **including schools** may be approved where compatible **in all urban land use categories,** in keeping with any conditions specified in the applicable category.

As previously stated, the surrounding area is commercial and the proposed charter school will not negatively impact the surrounding community. The proposed charter school is bounded by an office building to the west, a wholesale retail club to the east, a major retailer's repair center to the north and a parking lot for a car dealership to the south. In staff's opinion the proposed charter school is in keeping with the established intensity and uses currently near the site. The proposed facility is designed with classrooms, ancillary rooms and administrative areas that more than adequately accommodate the projected 452 students and staff requested by this application. The proposed charter school is a community-serving institutional use and therefore may be approved where compatible in all urban land use categories. Based on the aforementioned, staff opines that the proposed special exception to permit a charter school use on the subject property is

compatible with the surrounding area and **consistent** with the Business and Office LUP map designation of the CDMP.

The Department of Environmental Resources Management **(DERM)** has **no objection** to this application. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum. In addition, the Public Works Department **(PWD) does not object** to the application. Their memorandum does provide various conditions including that the days and hours of operations noted on the site plan must include the approved arrival and dismissal schedule shown on page 2 of the Technical Memorandum and the maximum number and type of vehicles must be revised to show the operation of 2 school buses during the arrival and dismissal operations. The Miami-Dade Transit **(MDT),** the **Miami-Dade Aviation Department** and Miami-Dade Water and Sewer **(WASD)** have **no objections** to this application. The **Miami-Dade Fire Rescue Department (MDFR)** also has **no objection** to this application. Their memorandum indicates that the estimated travel response time would be **5.52** minutes which complies with the performance objective of national industry. Additionally, the Miami-Dade County Public School **(MDCPS)** indicates that the public schools in the surrounding area have a surplus of 210 student stations at the elementary school level. Notwithstanding their memorandum, it should be noted that charter schools are county-wide and, unlike traditional public schools, do not adhere to the feeder patterns of neighborhood schools.

When analyzing the request for a special exception to permit a charter school under Section 33-311(A)(3), Standards for **Special Exceptions,** Unusual Uses and New Uses, and under the Section 33-159, Plan Review Standards for Charter Schools, staff is of the opinion that the proposed charter school will 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 in relation to the present and future development of the area and the compatibility of the applied for exception with the area and its development. The applicant is requesting to provide grades kindergarten through 5th grade (K-5) and will provide an educational alternative to the residents of the community. As previously noted, the subject property also includes a daycare facility to accommodate 103 students. The review conducted by the Department of Public Works, in conjunction with the submitted traffic study, has taken into account the proposed daycare facility and the additional traffic that would be generated by said facility. Public Works has no objection to this application provided the applicant adheres to the conditions outlined in their memorandum. Staff opines that, although the charter school will increase the population in the area, as previously noted, this is a commercial area and the impact will be minimal. Additionally, the charter school has been designed in such a way to minimize traffic impacts by providing more than adequate means of ingress and egress and the site's traffic circulation works well for the school and daycare facility. Traffic, staff notes, will be prevalent during the morning and afternoon hours at the arrival and dismissal times. As such, the applicant has agreed to adhere to staggered arrival and dismissal times to alleviate potential traffic congestion in the surrounding community. In staff's opinion, the applicant has adequately accommodated the charter school on the site, although staff

notes that the proposed charter school is not providing outdoor recreational space which is not required by Code. As such, staff recommends approval with conditions of this application, subject to the acceptance of the proffered covenant, under Section 33-311(A)(3) (Special Exceptions, Unusual and New Uses).

I. RECOMMENDATION:

Approval with conditions, subject to the acceptance of the proffered covenant.

J. CONDITIONS:

1. That a site plan be submitted to and meet with the approval of the Director of Planning and Zoning 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 to, 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. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled: "Plans for Proposed Tenant Improvements Of: The Advanced Learning Academy," as prepared by Consulting & Specialty Engineering Services Inc., consisting of 12 sheets, dated stamped received 06-16-09.

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

4. That the applicant submit to the Department of Planning and Zoning for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.

5. That the applicant obtain a Certificate of Use from and promptly renew the same annually with the Department of Planning and Zoning, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

6. That no outside loud speakers shall be permitted on the property.

7. That 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.

8. That the school gates be opened at least 30 minutes prior to the arrival and dismissal times.

9. That the charter school use be limited to grades Kindergarten through 5th and be limited to a maximum of 452 students.

10. That there will be staggered shifts at arrival and dismissal times for students at the charter school, separated by a minimum of 20 minutes. The arrival and dismissal times shall be as follows:

    8:00 a.m. – 2:30 p.m. (Kindergarten thru 1st grade)
    8:20 a.m.- 2:50 p.m. (2nd grade thru 3rd grade)
    8:40 a.m. – 3:10 p.m. (4th grade thru 5th grade)

11. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained in the Departmental memoranda which are part of the record of the July 8, 2009 DIC of this application and incorporated herein by reference.

12. That at time of yearly renewal of Certificate of Use, the applicant shall submit to the Department of Planning and Zoning a letter from the principal of the school detailing the number of students and the grade levels that are currently enrolled in said facility.

DATE INSPECTED: 03/31/09
DATE TYPED: 5/1/09
DATE REVISED: 5/5/09, 5/6/09, 5/7/09, 5/11/09, 6/01/09, 6/5/09, 6/22/09, 6/23/09, 6/29/09
DATE FINALIZED:
MCL:NN:JV:CI

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

Memorandum

MIAMI-DADE COUNTY

Date: June 17, 2009

To: Nicholas D. Nitti
Educational Facilities Coordinator
Department of Planning and Zoning

From: Esther Calas, P.E., Director
Public Works Department

Subject: Recommendations for Palmetto KTP, LLC, Proccess number: Z2009000054

Miami Dade County Public Works Department Traffic Engineering Division recommends approval, if and only if, the recommendations, as indicated below, are incorporated into the plans and related documentation.

The Traffic Engineering Division has reviewed the following documents: Site Plan revised on 06/11/09 and submitted to Department of Planning & Zoning on 06/16/09, Traffic Impact Analysis dated 04/09/09 and submitted on 04/14/09, Traffic Impact Study - Supplemental Analysis dated 05/20/09 and submitted 05/29/09, and Technical Memorandum dated 05/28/09, submitted on 05/29/09, for the proposed facility located at 5855 NW 171 Street and has the following requirements and comments:

Site Specific Comments:

- Site Plan Review

  1. The days and hours of operations noted on site plan must include the approved arrival and dismissal schedule shown on page 2 of the Technical Memorandum.
  2. The "maximum number and type of vehicles in conjunction with the operation of the facility" noted on the site plan must be revised to show the operation of 2 school busses during the arrival and dismissal operations.

- Project Requirements

  1. School Speed Zone signs (florescent yellow-green material must be used where applicable), pavement markings, and flashing signals are required along the major roadways adjacent to the site. A school speed zone and flashing signals will not be required, if and only if, a school policy explicitly stating that all students must be driven in motorized vehicles to the school is provided within a covenant for this facility and published as school policy. If in the future, the school changes policy, then the school administration will be responsible to pay for and provide such traffic control devices.
  2. Proposed schedule of arrival and dismissal times including grade level and number of students, as stated on page 2 of the Technical Memorandum, are required to be provided in a covenant and/or "Letter of Intent" for this facility.
  3. Trained personnel shall be provided to manage traffic operations during arrival and dismissal periods.
  4. A Maintenance of Traffic (MOT) operation plan for arrival and dismissal periods must be provided in a covenant for this facility. The MOT operation plan shall include the following

provision: "The school shall supply staff to direct any vehicles which may stack in through lanes or non-designated parking areas in the public rights of way onto the school site."

5. All visitor stalls must be clearly signed in the field.

- Standard Comments:

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

2. Safe sight distance clearance is required at all intersection of driveways with streets and intersections of streets with streets. No trees shall remain or be planted in any clear zones. No tree foliage or branches shall descend below 7 ft within the public right-of-way. All tree placements in sight triangles shall meet or exceed FDOT Index 546. Any proposed planting, relocation or removal of trees and other foliage including any installation of irrigation systems in the public right-of-way must be approved by the R.A.A.M. Division of this Department. Also, any relocation or removal of trees must be approved by DERM. These approvals should be applied for, and received, prior to DIC Executive Council approval of this project. A "Covenant for Maintenance" agreement, recorded in the public record, must be provided prior to permitting any of these types of installations within the public right-of-way.

3. Plans submitted for Permit shall conform to MUTCD, MDPWD and other appropriate standards for engineering design in the public right-of-way. Prior to formal submittal of plans for approval and permitting, a Dry Run Paving and Drainage submittal is required to review compliance with DIC conditions for approval and appropriate standards, and to rectify any discrepancies between existing facilities, plans, conditions for approval, or standards. Existing and proposed striping, signs, and lane widths must be shown on these plans for all adjacent roadways. Also, plans must indicate any existing or proposed private driveways across the streets adjacent to the school site.

4. All roadway improvements including, but not limited to, traffic signs, markings and signals shall be installed by the applicant adjacent to, or nearby, this facility to ameliorate any adverse vehicular impacts caused by the traffic attracted to this facility. Also, traffic control devices, e.g., crosswalks, may be required at locations remote from this site along safe routes to school to provide for pedestrian student safety. These requirements may be determined at the time of Dry Run submittal of Paving and Drainage Plans.

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

Should you need additional information or clarification on this matter, please contact me at (305) 375-2030.

cc: Jeff Cohen, P.E., Assistant Chief, Traffic Engineering Division
Robert Williams, P.E., Acting Chief, Traffic Signals and Signs Division
Raul A. Pino, P.L.S., Chief, Land Development Division
David Cardenas, Chief, Right of Way and Aesthetic Assets Management Division
Harvey L. Bernstein, Educational Facilities Administrator, Traffic Engineering Division
Armando Hernandez, Concurrency Coordinator, Traffic Engineering Division
Vishnu Rajkumar, Signal Design Administrator, Traffic Engineering Division

6/23/09

Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Alberto M. Carvalho

Miami-Dade County School Board
Agustin J. Barrera, Chair
Perla Tabares Hantman, Vice Chair
Renier Diaz de la Portilla
Evelyn Langlieb Greer
Dr. Wilbert "Tee" Holloway
Dr. Martin Karp
Ana Rivas Logan
Dr. Marta Pérez
Dr. Solomon C. Stinson

April 29, 2009

Mr. Marc C. LaFerrier, Director
Department of Planning and Zoning
Miami-Dade County
111 NW 1 Street, 11th Floor, Suite 1110
Miami, FL 33128

RE: **09-054, Palmetto KTP, LLC (Grades K-5)**
Northeast Corner of NW 29 Avenue and NW 171 Street

Dear Mr. LaFerrier:

In response to your Department's request seeking information regarding traditional public and charter schools in the general area of the above-referenced charter school application, please see the attached Public School Projected Capacity Analysis (Attachment A).

As you will note under Attachment A, the following elementary schools are currently designated as the schools to serve the area of this application at the K through 5 grade levels: Carol City, Joella C. Good, Lake Stevens, North Glade and Charles David Wyche Jr. Elementary Schools. The analysis provides capacity information for traditional public schools in the surrounding area, depicting an overall surplus of student stations at the elementary school level of 210.

As always, thank you for your consideration and continued partnership in our mutual goal to enhance the quality of life for the residents of our community.

Sincerely,

Ivan M. Rodriguez, R.A.
Director II

IMR:ir
L 425
Attachments

cc: Ms. Ana Rijo-Conde
Mr. Fernando Albuerne
Ms. Vivian G. Villaamil
Ms. Maria-Teresa Fojo
Mr. Nick Nitti

RECEIVED
MAY 07 2009
MIAMI-DADE COUNTY
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING

Facilities Planning
Ana Rijo-Conde, AICP, Planning Officer • 1450 N.E.2nd Avenue, Suite 525 • Miami, Florida 33132
305-995-7285 • FAX 305-995-4760 • Arijo@dadeschools.net

ATTACHMENT "A"
PUBLIC SCHOOL PROJECTED ANALYSIS
April 29, 2009

APPLICATION: 09-054 – Palmetto KTP, LLC
Northeast corner of NW 29 Ave and NW 171 Street

SCHOOLS SERVING AREA OF APPLICATION

MIDDLE SCHOOL LEVEL: Carol City Elementary – 4375 NW 173 Dr.
Joella C. Good Elementary – 6350 NW 188 Terr.
Lake Stevens Elementary – 5101 NW 183 St.
North Glade Elementary – 5000 NW 177 St.
Charles David Wyche Jr. Elementary – 5241 NW 195 Dr.

Schools are located in the North Regional Center.

The following student population and available facility capacity data is based on student enrollment as of October 2008:

Elementary Schools

	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELOCATABLE	DEFICIT OR SURPLUS CAPACITY
Carol City Elementary	570	796	72%	36	69%	262
Joella C. Good Elementary	871	933	93%	36	90%	98
Lake Stevens Elementary	394	494	80%	18	77%	118
North Glade Elementary	437	508	86%	18	83%	89
Charles David Wyche Jr. Elementary	934	937	100%	0	100%	3
					AVAILABLE STUDENT STATIONS	210

Memorandum

MIAMI-DADE COUNTY

Date: June 17, 2009

To: Marc C. LaFerrier, AICP, Director
Department of Planning and Zoning

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

Subject: DIC #Z2009000054-1st Revision
Palmetto KTP, LLC
Northeast Corner of N.W. 59 Avenue and N.W. 171 Street
Special Exception to Permit a Charter School
(BU-2) (3.15 Acres)
12-52-40

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.

Potable Water Service

The subject property is located within the franchised water service are of the Miami-Dade County Water and Sewer Department (MDWASD). Public water in the form of an 8-inch water main presently serves the subject property. Connection of the proposed development to the public water supply system shall be required in accordance with the Code requirements. The estimate demand for this project is6705 gallons per day (gpd). This figure does not include irrigation demands

The source of water for this water main is MDWASD's Hialeah-Preston Water Treatment Plan, which had adequate capacity to meet project demands from this project. The plant is presently producing water, which meets Federal, State and County drinking water standards.

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

Notwithstanding that adequate system capacity is available for this project; DERM will require that water conserving plumbing fixtures be installed in accordance with the requirements of the Florida Building Code in order to more efficiently use the Southeast Florida water resources.

It is recommended that the landscaping conform to xeriscape concepts. Included in these concepts is the use of drought tolerant plants, which reduce the use of turf grass together with the efficient irrigation system design. Details of xeriscape concepts are set forth in the "Xeriscape Plan Guide II" from the South Florida Water Management District.

Sanitary Sewer Service

The subject property is located within the franchised water service are of the Miami-Dade County Water and Sewer Department (MDWASD). The closest public sanitary sewer is an 8-inch gravity main abutting the subject property along N.W. 171st Street and N.W. 58th Avenue; this main directs the flow to pump station 30-0401, then to pump station 30-3000 or pump station 30-1310, which direct the flow to the North District Sewage Treatment Plant, which has adequate capacity to meet projected demands from this project. Connection of the proposed development to the sanitary sewer system shall be required in accordance with the Code requirements.

Existing public sanitary sewer facilities and services meet the LOS standards set forth in the CDMP. Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required 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 connection can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development order 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 be require the approval of alternative means of sewage disposal. Use of 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

A Surface Water Management General Permit No. 13-03337-P is in effect.

All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage system. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 25-year/3 day storm. Pollution Control devices shall be required at all drainage inlet

Site grading and development shall comply with 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 Level of Service standards for flood protection set forth in the CDMP subject to compliance with the conditions required by DERM for this proposed development order.

Wetlands

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

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

Tree Preservation

The subject property contains tree resources within the right of way. Section 24-49 of the Code provides for the preservation and protection of tree resources. A Miami-Dade County Tree Removal

Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of Chapter 24. Said permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

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

The applicant is advised to contact DERM staff for additional information regarding permitting procedures and requirements prior to site development.

Enforcement History
DERM has found no open or closed enforcement records for the subject property.

Additionally, the following comments are offered in light of the nature of some land uses that are permitted due to the underlying zoning district.

Hazardous Materials Management
Due to the nature of uses allowed in the existing zoning classification, the applicant may be required to obtain DERM approval for management practices to control the potential discharge and spillage of pollutants associated with some land uses permitted in the requested zoning district. The applicant is advised to contact the Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305) 372-6600 concerning permitting requirements for fuel storage facilities.

Operating Permits
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 the requested use of the subject property may require operating permits from DERM. The Permitting Section of DERM's Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information concerning operating requirements.

Fuel Storage Facilities
Section 24-45 of the Code outlines regulations for any proposed or existing underground storage facilities. The regulations provide design, permitting, installation, modification, repair, replacement and continuing operation requirements and criteria. In addition, monitoring devices, inventory control practices and pressure testing of fuel storage tanks is required. The applicant is advised to contact the Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305) 372-6600 concerning permitting requirements for fuel storage facilities.

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 CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

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

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

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

Memorandum

MIAMI-DADE COUNTY

Date: May 21, 2009

To: Marc C. LaFerrier, Director
Department of Planning & Zoning

From: Herminio Lorenzo, Director
Miami-Dade Fire Rescue Department

Subject: DIC # 2009000054 – Palmetto KTP, LLC (Revision No. 1)
Lying on the northeast corner of NW 29th Avenue and NW 171st Street
Miami-Dade County, Florida

SERVICE IMPACT/DEMAND

(A) Based on development information, this project is expected to generate approximately **6** fire and rescue calls annually. The estimated number of alarms results in a minimal impact to existing fire and rescue service. However, the existing stations serving this area will be able to handle the expected number of alarms.

(B) A suspected fire within this project would be designated as a building dispatch assignment. Such an assignment requires three (3) suppressions or engines, telesqurts or tankers, one (1) aerial, one (1) rescue and an accompanying command vehicle. This assignment requires twenty (20) firefighters and officers.

EXISTING SERVICES

Based on data retrieved during calendar year 2008, the average travel time to the vicinity of the proposed development was **5:52 minutes**. Performance objectives of national industry standards require the assembly of 15-17 firefighters on-scene within 8-minutes at 90% of all incidents. Travel time to the vicinity of the proposed development complies with the performance objective of national industry.

The stations responding to a fire alarm will be:

STATION	ADDRESS	EQUIPMENT	STAFF
11	18705 NW 27 Avenue	Rescue, ALS Aerial	7
38	575 NW 199 Street	Rescue, ALS Aerial	7
51	4775 NW 199 Street	Rescue, ALS Engine	7
54	15250 NW 27 Avenue	Rescue, ALS Engine, Battalion	8

ALS= Advanced Life Support

SITE PLAN REVIEW:

(A) Fire Engineering & Water Supply Bureau has reviewed and approved the revised plans entitled 'The Advanced Learning Academy,' as prepared by NWCS Consulting, dated stamp received 5/13/09.

(B) This plan has been reviewed to assure compliance with the MDFR Access Road Requirements for DIC applications. Please be advised that during the platting and permitting stages of this project, the proffered site plan must be reviewed by the Fire Water & Engineering Bureau to assure compliance with the Florida Fire Prevention Code (FFPC) and National Fire Protection Association (NFPA) standards.

If you need additional information, please contact Mr. Carlos Heredia, Planning Section Supervisor, at 786-331-4540.

HL:ch

DATE: 06/24/09

TEAM METRO

ENFORCEMENT HISTORY

PALMETTO KTP, LLC

APPLICANT

THE NORTHEAST CORNER OF NW 59 AVENUE AND NW 171 STREET, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2009000054

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

NO CURRENT ZONING VIOLATIONS OBSERVED

PALMETTO KTP,LLC

SYLVIA WILLIAMS

Memorandum

MIAMI-DADE COUNTY

Date: June 16, 2009

To: Nicholas D. Nitti, DIC Coordinator
Department of Planning and Zoning

From: Bertha M. Goldenberg, P.E., Assistant Director
Regulatory Compliance and Planning

Subject: Palmetto KTP L.L.C - DIC Application #-Z2009000054 (Previous # 09-026)

Below, please find the Miami-Dade Water and Sewer Department's (MDWASD) comments for the subject project.

Application Name: Palmetto KTP L.L.C

Proposed Development: Requesting to permit a charter school for 452 students in grades K-5. The project total water demand is 4,910 gpd.

Project Location: Located at the northeast corner of N.W. 59 Avenue and N.W. 171 Street in Miami-Dade County Florida.

Water: The subject project is located within MDWASD's service area. The existing facility is currently being serviced by MDWASD. If additional connections to the water system are required, there are abutting (12)-inch water mains on NW 59 Avenue and NW 171 Street. The source of water for this project is the Hialeah Preston Water Treatment Plant. The plant is currently operating under a 20-year water use permit issued by the South Florida Water Management District on November 15, 2007. MDWASD will be the utility providing water services subject to the following conditions:

- Adequate transmission and Plant capacity exist at the time of the applicant's request.
- Adequate water supply is available prior to issuance of a building permit or its functional equivalent.
- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

Sewer: The subject project is located within MDWASD's service area. The existing facility is currently being serviced by MDWASD. If additional connections to the sewer system are required, there are abutting eight (8)-inch gravity sewer lines on NW 59 Avenue and NW 171 Street. The North District Wastewater Treatment Plant (WWTP) is the facility for treatment and disposal of the wastewater. This WWTP is currently operating under a permit from the Florida Department of Environmental Protection. MDWASD will be the utility providing sewer services subject to the following conditions:

- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.
- Adequate transmission and plant capacity exist at the time of the owner's request. Capacity evaluations of the plant for average flow and peak flows will be required,

depending on the compliance status of the United States Environmental Protection Agency (USEPA) Second and Final Partial Consent Decree.

Water Conservation: All future development for the subject area will be required to comply with water use efficiency techniques for indoor water use in accordance with Section 8-31, 32-84 and 8A-381 of the Code of Miami Dade County.

Should you have any questions, please call me at (786) 552-8120 or contact Maria A. Valdes at (786) 552-8198.

Memorandum

MIAMI-DADE COUNTY

Date: March 17, 2009

To: Marc C. LaFerrier, Director
Department of Planning & Zoning

From: José A. Ramos, R.A., Chief of Aviation Planning Section
Aviation Department

Subject: DIC Application #09-026
Palmetto KTP L.L.C.
Determination Number DN-09-03-117

As requested by the Department of Planning and Zoning, the Miami-Dade Aviation Department (MDAD) has reviewed Developmental Impact Committee (DIC) Zoning Application #09-026. The applicant is requesting a special exception to permit a charter school with 400 students in grades Kindergarten through 5th. The subject property is 3.16 acres and is located at the northeast corner of N.W. 59 Avenue and N.W. 171 Street in Miami-Dade County Florida.

MDAD has determined that this application is compatible with operations from Opa-locka Executive Airport.

JR/AH/cf

C: M. Fajardo
S. Harman
A. Herrera
R. Bergeron

Memorandum

MIAMI-DADE COUNTY

Date: March 26, 2009

To: Nicholas D. Nitti
DIC Coordinator
Department of Planning and Zoning

From: John Garcia
Principal Planner
Miami-Dade Transit - Transit Planning Section

Subject: Review of DIC Project No. 09-026 (Palmetto KTP, LLC)

Project Description

The applicant is requesting a special exception to permit a charter school with 400 students in grades Kindergarten through 5th. The subject property is 3.16 acres and is located at the northeast corner of NW 59th Avenue and NW 171st Street in Miami-Dade County, Florida.

Current Transit Service

There is direct transit service within the immediate vicinity of the application site. The closest transit service is provided by Metrobus Route 75 along NW 173rd Drive and along NW 57th Avenue by Routes 75 and 95. The service headways for the above mentioned routes (in minutes) are as follows:

Metrobus Route Service Summary
Palmetto KTP, LLC

Route(s)	Service Headways (in minutes)						Proximity to Bus Route (miles)	Type of Service
	Peak (AM/PM)	Off-Peak (middays)	Evenings (after 8pm)	Overnight	Saturday	Sunday		
75	30	30	30	N/A	45	60	0.1	L
95	30	N/A	N/A	N/A	N/A	N/A	0.2	L / E

Notes: *L means Metrobus local route service*
F means Metrobus feeder service to Metrorail
E means Express or Limited-Stop Metrobus service

Future Transportation/Transit Improvements

The 2009 Transportation Improvement Program (TIP) does not propose any improvements in the immediate vicinity of this project. The 2030 Long Range Transportation Plan (LRTP) also does not propose any improvements in the immediate vicinity of this project.

The 2008 ten-year Transit Development Plan (TDP) identifies in its 2018 Recommended Service Plan the following improvements/adjustments on the existing routes serving the vicinity of the project:

Route 75: Discontinue evening service

Route 95: Introduce weekend service

No new service is proposed in the immediate vicinity of this project within the 2018 Recommended Service Plan.

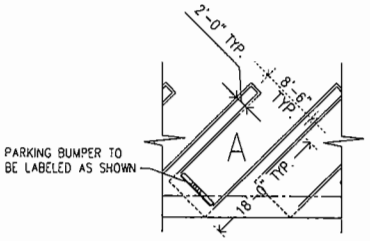
MDT Comments/Recommendations

Miami-Dade Transit (MDT) currently provides local bus service in close proximity to the application site/school. Even though little to no impact is expected to be generated by an elementary school to the existing service, we recommend that the applicants be mindful that foot traffic or vehicular access may interact with existing Metrobus service. Based on the information presented, MDT has no objections to this project.

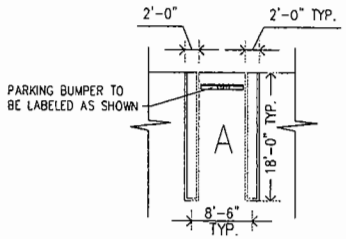
Concurrency

This project has been reviewed by MDT for mass transit concurrency and was found to be concurrent with the level-of-service standards established for Miami-Dade County.

30



2 / A1.00 45 DEGREE PARKING SPACE DETAIL (TYP.)
1/8" = 1'-0"



3 / A1.00 90 DEGREE PARKING SPACE DETAIL (TYP.)
1/8" = 1'-0"

LOCATION SKETCH
N.T.S.

LEGAL DESCRIPTION:

TRACT "A", SILVIA SUBDIVISION, ACCIRDING TO THE PLAT THEREOF, AS RECORDEO IN PLAT BOOK 158, PAGE 99 OF THE PUBLIC RECORDS OF MIAMI OADE COUNTY, FLORIDA.

NW 56th AVENUE &
NW 171st STREET
MIAMI – FL
FOLIO N° 30-2012-039-0010

ZONING DATA

NET LOT AREA	137,508 SQ. FT.
SITE ZONING DESIGNATION	BU-2

ZONING REQUIREMENTS:
5 RESERVED SPACES EACH FOR CHARTER SCHOOL AND DAYCARE

	REQUIRED / ALLOWED	PROVIDED
NUMBER OF FLOORS	1 STORY	1 STORY
HEIGHT	UNLIMITED	16'-0"
FRONT SETBACK – NW 171ST ST	20'-0"	75'-4"
SIDE SETBACKS – NW 59TH AVE	15'-0"	53'-7"
REAR SETBACK – PROPERTY LINE	0'-0"	53'-4"
BLDG. FOOTPRINT MAX. 40% LOT AREA	55,003 SQ. FT.	45,996 SQ. FT.
GROSS FLOOR AREA	55,003 SF	45,996 SQ. FT.
**F.A.R. (.40)	55,003 SF	45,996 SQ. FT.
GREEN SPACE 16% X 137,566 =	23,501 SQ. FT.	23,802 SQ. FT.
PARKING	105 SPACES	*150 SPACES

*INCLUDES 6 HDCP SPACES
** F.A.R. DOES NOT INCLUDE ELECTRICAL ROOMS

PARKING SPACES LABELED "A" ARE FOR FACULTY STAFF USE OF ADVANCED LEARNING ACADEMY ONLY. 37 PARKING SPACES HAVE BEEN DESIGNATED, SEE BREAKDOWN BELOW.

PARKING SPACES LABELED "B" ARE FOR USE OF ADJACENT DAYCARE ONLY; 19 PARKING SPACES HAVE BEEN DESIGNATED, SEE BREAKDOWN BELOW.

PARKING SPACES LABELED "C" ARE FOR PROPOSED "BLDG A": 63 PARKING SPACES HAVE BEEN DESIGNATED

PARKING SPACES LABELED "V" ARE FOR VISITOR PARKING: 25 PARKING SPACE HAVE BEEN DESIGNATED

HANDICAP PARKING SPACES ARE LABELED LABELLED ACCORDINGLY WITH APPROPRIATE SYMBOLS: 6 PARKING SPACES PROVIDED

PARKING CALCULATIONS:

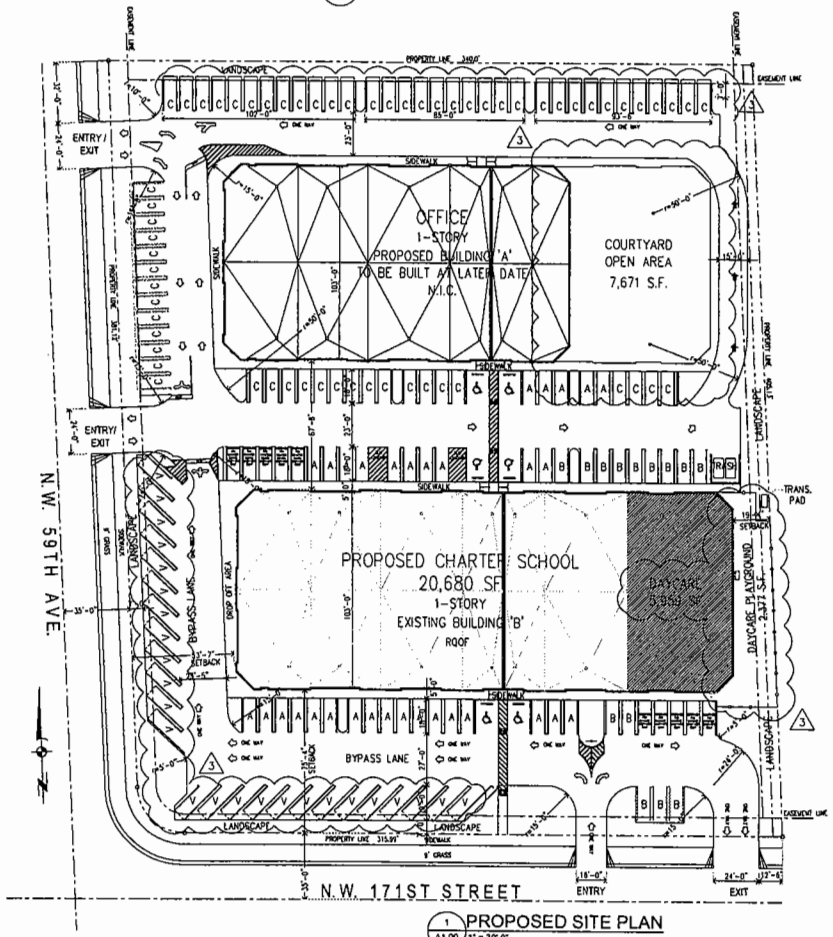
CHARTER SCHOOL: "31 SPACES NEEDEO"
AS PER SEC. 33-123 (1)
TOTAL PARKING SPACES SHALL EQUAL THE COMBINED TOTAL OF PERSONNEL AND TRANSPORTATION VEHICLES.
20 TEACHERS
4 ADMINISTRATORS
2 STAFF
5 "DROP-OFF A"
31 TOTAL SPACES PROVIDED
5 OF THE 37 SPACES WILL BE LABELCO RESERVED FOR DROP OFF AREA, PLEASE SEE DESIGNATED AREA ON SITE PLAN.

DAYCARE: "19 SPACES NEEDEO"
AS PER SEC. 33-123 (1)
TOTAL PARKING SPACES SHALL EQUAL THE COMBINED TOTAL OF PERSONNEL AND TRANSPORTATION VEHICLES.
14 PERSONNEL
5 "DROP-OFF B"
19 TOTAL SPACES PROVIDED
5 OF THE 19 SPACES WILL BE LABELCO RESERVED FOR DROP OFF AREA, PLEASE SEE DESIGNATED AREA ON SITE PLAN.

PROPOSED BLDG. A: "63 SPACES NEEDEO"
AS PER SEC. 33-123 (M)
(1) PARKING SPACE FOR EACH THREE HUNFRED (300) SQUARE FEET(SF) OF GROSS FLOOR AREA(GFA).
18,874 SF GFA/300 SF GFA = 62.91 SPACES
63 TOTAL SPACES PROVIDED

AS PER SECTION 33-155

-TOTAL SIZE OF SITE: 137,567 SF
-MAXIMUM NUMBER OF STUDENTS TO BE SERVED: 452
-MAXIMUM NUMBER OF TEACHERS AND ADMINISTRATIVE AND CLERICAL PERSONNEL:
20 TEACHERS
4 ADMINISTRATORS
2 STAFF
-MAXIMUM NUMBER OF CLASSROOMS AND TOTAL SF OF CLASSROOM SPACE:
20 CLASSROOMS
11,149 SF OF CLASSROOM SPACE
-TOTAL SQAURE FOOTAGE OF NON CLASSROOM SPACE:
4,323 SF COMMON AREAS
1,172 SF ADMINISTRATIVE OFFICES
535 RESTROOMS
267 KITCHEN
1272 DINING AREA
508 STORAGE
95 NURSE STATION
95 STAFF ROOM
46 MECHANICAL ROOM
33 ELECTRICAL ROOM
28 JANITOR CLOSET
-AMOUNT AND LOCATION OF EXTERIOR RECREATION/PLAY AREA IN SF:
PLAY AREA IS NOT REQUIRED
NO PLAY AREA HAS BEEN DESIGNATED
-MAXIMUM NUMBER AND TYPE OF VEHICLES IN CONJUNCTION WITH THE OPERATION OF THE FACILITY:
NO VEHICLES WILL BE USED IN CONJUNCTION WITH THE FACILITY
-NUMBER OF PARKING SPACES PROVIDED:
26 STAFF PARKING
5 "DROP-OFF"
-GRADES OR AGE GROUPS THAT WILL BE SERVED:
KINDERGARDEN THROUGH 5TH GRADE
-DAYS AND HOURS OF OPERATION:
M-F 7:00AM – 3:00PM
DAYS OF OPERATION TO FOLLOW THE DCPS CALENDAR
-ACTIVITIES CONDUCTED OUTSIDE HOURS OF OPERATION:
NONE



1 / A1.00 PROPOSED SITE PLAN
1" = 30'-0"

CONSULTING & SPECIALTY ENGINEERING SERVICES, INC.
FBPE C.A. # 6655
250 Catalonia Avenue, Suite 405
Coral Gables, Florida 33134
Phone: (305) 445-4449
Fax: (305) 445-4449
E-Mail: mecconsultinc@msn.com

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PROJECT:

PLANS FOR PROPOSED TENANT IMPROVEMENTS OF:
THE ADVANCED LEARNING ACADEMY
5855 NORTHWEST 171ST STREET
MIAMI, FLORIDA 33015

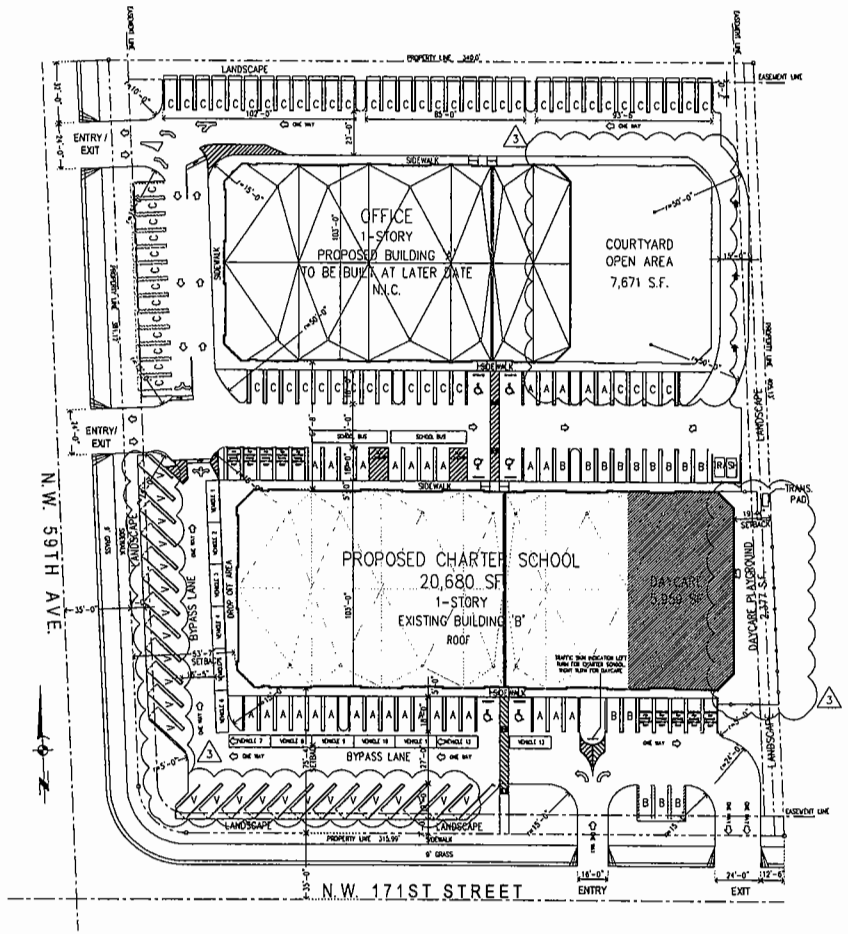
01.26.2009
ISSUED FOR APPROVAL

REVISIONS
1 04.23.2009
2 05.28.2009
3 06.11.2009

SCALE	AS SHOWN
DRAWN	ST
JOB	ALA 08-247-27
DATE	01.26.2009

SHEET:
A1.00

RECEIVED
MIAMI-DADE COUNTY
DATE: 9.24.2009
TIME: 3:30 PM
BY: TYDAL



1 A1.01 PROPOSED MAINTENANCE OF TRAFFIC OPERATION PLAN
1" = 30'-0"

"THE SCHOOL SHALL SUPPLY STAFF TO DIRECT VEHICLES WHICH MAY STACK THROUGH LANES OR NON-DESIGNATED PARKING AREAS IN THE PUBLIC RIGHTS OF WAYS ONTO THE SCHOOL SITE."

CONSULTING & SPECIALTY ENGINEERING SERVICES, INC.
FBPE C.A. # 9655
250 Catalonia Avenue, Suite 405
Coral Gables, Florida 33134
Phone: (305) 648-4049
Fax: (305) 648-4116
E-Mail: mcconsulting@aol.com

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MIAMI, FLORIDA 33015

01.26.2009
ISSUED FOR APPROVAL

REVISIONS
1 04.23.2009
2 05.28.2009
3 06.11.2009

SCALE	AS SHOWN
DRAWN	01
JOB	ALA 09-347-27
DATE	01.26.2009

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MIAMI-DADE COUNTY
PROCESSED
BY:
BY: PVDAL

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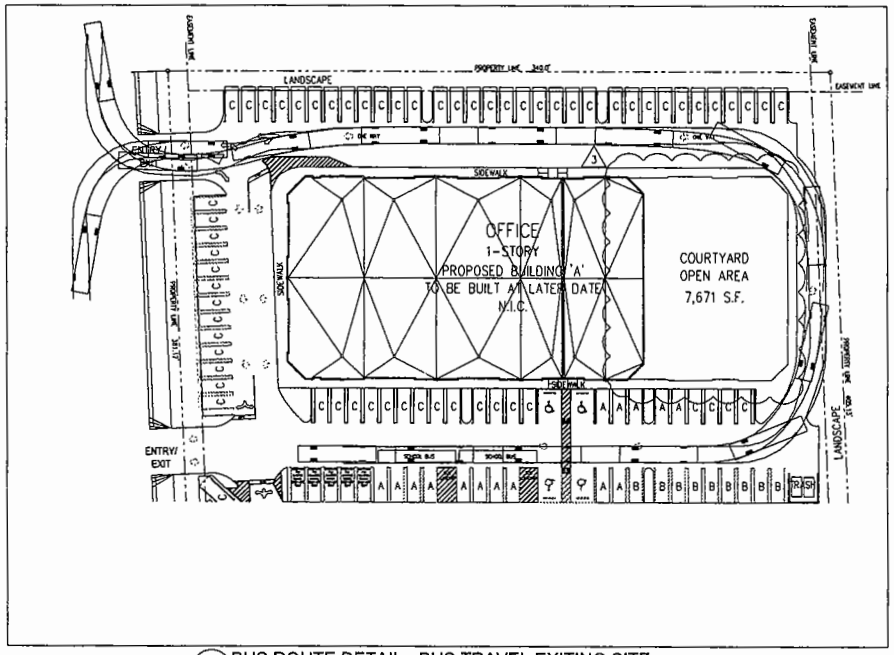
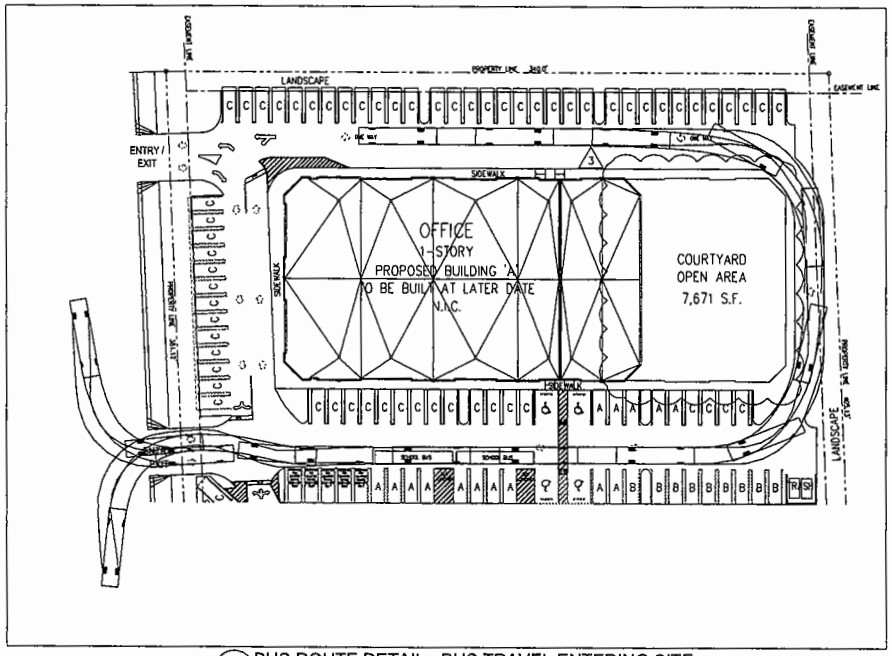


2 A1.02 BUS ROUTE DETAIL - BUS TRAVEL EXITING SITE
N.T.S.



1 A1.02 BUS ROUTE DETAIL - BUS TRAVEL ENTERING SITE
N.T.S.

CONSULTING & SPECIALTY ENGINEERING SERVICES, INC.
FBPE: C.A. # 9655
250 Catalonia Avenue, Suite 405
Coral Gables, Florida 33134
Phone: (305) 648-5449
Fax: (305) 648-4149
E-Mail: mcscontrol@mail.com

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5855 NORTHWEST 171ST STREET
MIAMI, FLORIDA 33015

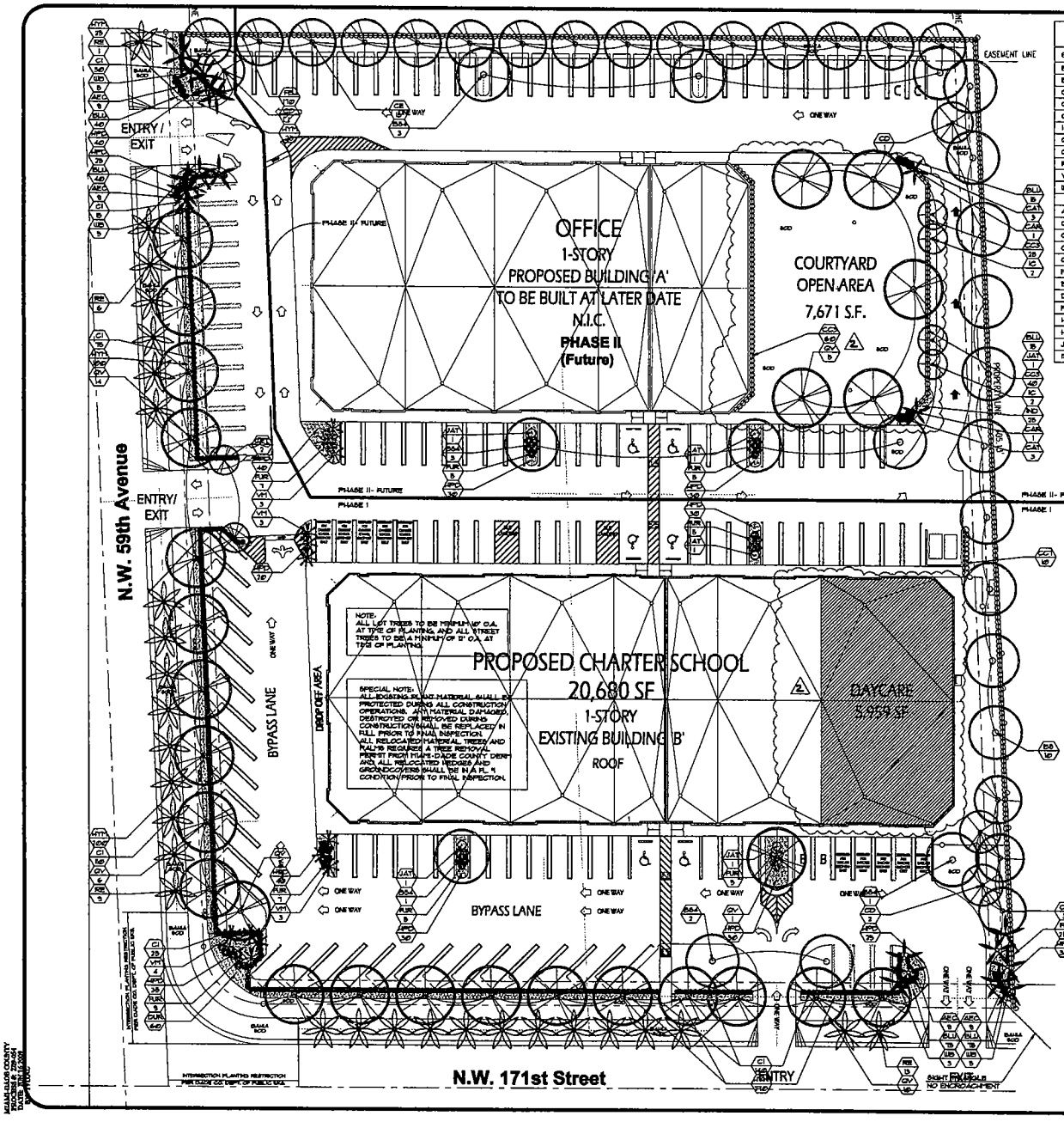
01.26.2009
ISSUED FOR APPROVAL

REVISIONS
1 04.23.2009
2 05.28.2009
3 06.11.2009

SCALE	AS SHOWN
DRAWN	GT
JOB	ALA 09-247-27
DATE	01.26.2009

SHEET:
A1.02

RECEIVED
MIAMI-DADE COUNTY
PLANNING & ZONING
DATE: JUN 16 2009
BY: J VIDAL



PLANTLIST

SYM.	NATIVE	#	NAME	BOTANICAL NAME	SPECIFICATION
BG	YES	13	GUMBO LIMBO	Bursera simaruba	12' x 6'spr., 2 1/2" cal.
BG4	YES	3	GUMBO LIMBO	Bursera simaruba	14' x 6'spr., 3" cal.
CE	YES	19	GREEN BUTTONWOOD	Conocarpus erectus	12' x 6'spr., 2 1/2" cal.
CEI	YES	2	SILVER BUTTONWOOD	Conocarpus e. 'Sericeus'	16" x 8'spr., Standard tks.
CO	YES	4	PIGEON PLUM	Coccoloba diversifolia	12' x 6'spr., 2 1/2" cal.
IC	YES	4	DAHOON HOLLY	Ilex cassine	10" x 5'spr., 2" cal.
QV	YES	27	LIVE OAKS	Quercus virginiana	16' x 7'spr., 4" cal.
CAR		2	CARPENTERIA PALMS	Carpenteria acuminata	16'-18' o.a., double, full head
RE	YES	29	ROYAL PALMS	Roystonea elata	6" Gal. 28' o.a. full head
VM		13	MONTGOMERY PALMS	Veitchia montgomeryana	PG., 14' o.a., full head
WB		18	FOXTAIL PALMS	Wodyetia bifurcata	14' o.a., 5" @ dbh, full hd
AEC		36	ASCHMEA BROMELIADS	Aechmea blanchetiana	3 gal. 18" x 18", BULLIS
CCD	YES	120	JAMAICA CAPER	Capparis cynophallophora	24" x 24", 24"o.c., full, 3 gal.
CCI	YES	10	JAMAICA CAPER	Capparis cynophallophora	1 gal. 30" x 24", 24" o.c. full
CAT		6	CAT PALMS	Chamaedorea cataractarum	15 gal, 3' x 3', 36" o.c.
CI	YES	395	COCOPLUM	Chrysobalanus icaco	24" x 24", 24"o.c., full, 3 gal.
FB		360	FICUS HEDGE	Ficus benjamina	24" x 24", 24" o.c., full, 3 gal.
BLU		260	BLUEBERRY FLAX LILY	Dianella tasmanica	12" x 12", 16" o.c., 1 gal.
DUR		60	'GOLD MOUND' DURANTA	Duranta erecta 'Gold Mound'	18" x 18", 18" o.c., full, 3 gal.
FUR		40	GIANT FALSE AGAVE	Furcraea foetida	3' x 3', 15 gal, full specimen
HPD	YES	350	DWARF FIREBUSH	Hamelia patens 'Compacta'	18" x 18", 18" o.c., full, 3 gal.
HYM	YES	570	SPIDER LILY	Hymenocallis latifolia	12" x 12" full, 14" o.c., 1 gal.
JAT		6	RED DWARF JATROPHA	Jatropha spp.	15 gal, STD., 5' o.a.
IND		75	INDIAN HAWTHORNE	Rhaphiolepis indica	18" x 18", 18" o.c., full, 3 gal.

LANDSCAPE LEGEND - CHAPTER 18A SITE DATA

ORDINANCE 98-15

ZONING DISTRICT: BU-2 — NET LAND 3.16 ACRES — 137,608 S.F.

OPEN SPACE	REQUIRED	PROVIDED
Square feet of open space required by Chapter 33, as indicated on site plan. Net lot area = 137,608 s.f. x 16.%= PARKING 800	22,800.28 800	77,876
Total s.f. of open space required by Chapter 33: A + B =	23,600.28	23,676
LAWN AREA CALCULATION		
77,876 required by Chapter 33	23,600.28	77,876
B. Maximum lawn area (sod) permitted= required by Chapter 18A, on site plan. 40% X 23,600.28	9,400.40	drought tolerant grasses shown on plan 4,724

TREES: 27 per Acre

A. No. trees required per net lot acre space. Less existing no. of trees meeting min. required	70	70
B. % Palms Allowed: No. of trees provided 30 x 30% =	21	max. 9 9
C. % Natives Required: No. of trees provided x 30% =	22	70
D. Street Trees (maximum average spacing of 25' o.c.) linear feet along street /35= PALMS + 1/25 L.F.	SEE "STREET TREE TABULATIONS" TABLE - BELOW 29	29
E. Street Trees located directly beneath power lines. Max. ave. spacing of 25' oc	-	-
TOTAL NUMBER OF TREES REQUIRED	92	113

SHRUBS:

A. No. trees required x 10= No. of shrubs allowed	920	320
B. No. shrubs allowed x 30% = No. of Native shrubs required	276	SEE SHRUB TABULATIONS IN PLANTLIST 280 (14 %)

STREET TREE TABULATIONS

	REQUIRED	PROVIDED
N.W. 171st St. 316 L.F. = 1 PALM/ 25 L.F.	13	13 13 RE
N.W. 59th Ave. 361 L.F. = 1 PALM/ 25 L.F.	16	16 16 RE
TOTALS	29	29

SEE L-2, FOR PLANTLIST, LANDSCAPE LEGEND, DETAILS, NOTES, ETC.

SEE IRR-1 FOR IRRIGATION PLANS, SPECIFICATIONS, DETAILS, NOTES, ETC.

north

0' 10' 50'
SCALE: 1" = 20'

LANDSCAPE PLAN

JFS Design Inc.
LANDSCAPE ARCHITECTURE
LC 0000393
Landscape Design
Irrigation Design
jimmy@jfsdesignfl.com
JFS
1933 N.W. 140th Ter.
Pembroke Pines, FL
33028
TEL: (954) 441-1053
FAX: (954) 443-8325

THE ADVANCED LEARNING ACADEMY

5855 N.W. 171st St.
MIAMI, FL. 33015

No.	Date:	Revision
1.	09/08/08	Per Revised Site Plan from Proj. Arch. on 09/08/2008.
2.	09/11/08	Per Revised Site Plan from Proj. Arch. on 09/11/2008.

designed: J. F. BOCASH
drawn: B. DIAZ
checked: T.Y. MORAN
approved: J. F. BOCASH
project #: 08-09
scale: 1"=20'
date: May 12, 2008
cad ref: 08-09-61

JAMES F. BOCASH
RLA # 0000153

Drawing:
L-1

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PLANNING & ZONING
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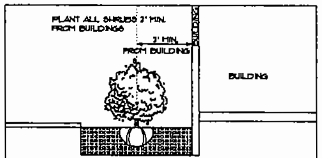
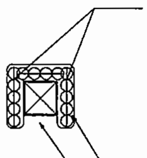
PROCESS #: Z09-054
DATE: JUN 16 2009
BY: VIDAL



SHRUB PLANTINGS BUILDING DETAIL

N.T.S.



PLANT HEDGE-TYPE MATERIAL AROUND ALL GROUND-MOUNTED EQUIPMENT - TYPICAL FOR ALL FPL TRANSFORMER BOXES OR PADS, TELEPHONE AND CABLE BOXES, SANITARY LIFT STATIONS, IRRIGATION PUMPS OR ANY OTHER ABOVE-GROUND UTILITY EQUIPMENT.

CLEARANCES FOR ANY AND ALL UNDERGROUND UTILITIES MUST BE COORDINATED WITH THE LOCAL GOVERNING AGENCY AND/OR THE INDIVIDUAL UTILITIES AND/OR U.N.C.L.E. - TEL: 1 (800) 432-4770

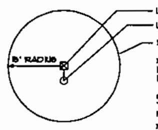
PLANT MATERIAL TO BE COCOPLUM OR OTHERWISE SPECIFIED ON THE PLANS- 3 GAL. 24" X 24", 2' O.C. OR LARGER PER THE LOCAL REQUIREMENTS. QUANTITY TO BE PER THE SIZE OF THE UTILITY. PROVIDE UNIT PRICE AND BILL PER QUANTITY INSTALLED.

3" MIN. APPROVED RECYLED MULCH FOR ALL PLANTING AREAS.

PROVIDE OPENING FOR ACCESS ON ONE SIDE ONLY- OR AS REQUIRED BY THE UTILITY.

TYPICAL PLANTINGS FOR GROUND-MOUNTED EQUIPMENT

N.T.S.



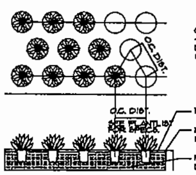
MINIMUM 8' CLEARANCE OF ALL TREES FROM ALL LIGHT FIXTURES. CLEARANCE TO BE FROM THE LIGHT FIXTURE OR LAMP, NOT THE LIGHT POST.

CONTRACTOR TO ADJUST ANY AND ALL TREES IN THE FIELD TO PROVIDE FOR MIN. 8' CLEARANCE FOR ANY SITUATIONS NOT PER PLAN.

MINIMUM CLEARANCE FOR ALL PALMS IS THE PALM FROND LENGTH PLUS TWO (2') FEET PER FPL GUIDELINES SEE FPL'S "PLANT THE RIGHT TREE IN THE RIGHT PLACE" FOR SPECIFIC PALM FROND LENGTH.

MINIMUM TREE CLEARANCE FROM LIGHT FIXTURES

N.T.S.



GROUNDCOVERS TO BE STAGGERED AS SHOWN - SPACING BETWEEN ROWS TO BE AT A 60 DEGREE ANGLE OF THE O.C. DISTANCE AS SHOWN

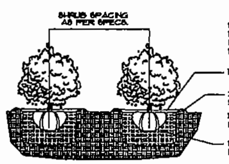
MULCH - SEE SPECS. FOR DEPTH, TYPE, ETC.

MULCH SHALL BE LEVEL WITH ALL EDGES OF PAVEMENT TYPICAL

PLANTING SOIL MIX - SEE NOTES FOR TYPE, DEPTH, ETC.

GROUNDCOVER DETAIL

N.T.S.



PLANT MATERIAL SHALL NOT BE PRUNED PRIOR TO INSTALLATION, AFTER PLANTS HAVE BEEN INSTALLED, EACH PLANT SHALL BE PRUNED FOR UNIFORMITY

MULCH - SEE SPECS. FOR DEPTH, TYPE, ETC.

2" MIN. SAUCER COLLAR FOR WATER RETENTION

MULCH SHALL BE LEVEL WITH ALL EDGES OF PAVEMENT TYPICAL

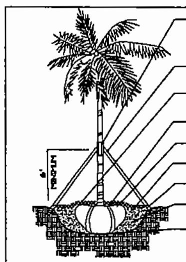
PLANTING SOIL MIX - SEE NOTES FOR TYPE, DEPTH, ETC.

SHRUB PLANTING DETAIL

N.T.S.

LANDSCAPE NOTES

1. ALL PLANT MATERIAL SHALL BE FLORIDA NO. 1 OR BETTER.
2. CONTRACTOR SHALL FAMILIARIZE HIMSELF WITH THE LOCATION OF AND AVOID AND PROTECT UTILITY LINES, BURIED CABLES, AND OTHER UTILITIES.
3. TREE, PALM, ACCENT AND BED LINES ARE TO BE LOCATED IN THE FIELD AND APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
4. PLANTING SOIL SHALL BE 50:50 TOPSOIL:SAND MIX, FREE OF CLAY, STONES, ROCKS OR OTHER FOREIGN MATTER. ANY BACKFILL SHALL BE APPROVED BY THE LANDSCAPE ARCHITECT. ALL PLANTING BEDS SHALL BE BACKFILLED WITH 50:50 TOPSOIL: SAND TO A DEPTH OF 6" THROUGHOUT. THE CONTRACTOR SHALL CALCULATE AND SUBMIT AN ITEMIZED PRICE FOR THIS BED PREPARATION FOR ALL PLANTING BEDS. ALL PLANTING AREAS ADJACENT TO BUILDING FOUNDATIONS SHALL HAVE ALL ROCKS, DEBRIS, ETC. REMOVED TO A DEPTH OF 24" AND A WIDTH OF 4'. BACKFILL SHALL CONSIST OF 12" OF 50:50 TOPSOIL:SAND MIX WITH THE REMAINING BACKFILL AS APPROVED BY THE L.A.
5. CONTRACTOR SHALL COORDINATE WITH THE IRRIGATION CONTRACTOR AND LEAVE PROVISIONS FOR ALL.
6. ALL PLANTING BEDS SHALL BE MULCHED TO A DEPTH OF 3" WITH AN APPROVED RECYCLED MULCH OR AN APPROVED EQUAL.
7. SOD SHALL BE ST. AUGUSTINE 'FLORATAM' STRONGLY ROOTED, AND FREE FROM WEED, FUNGUS, INSECTS AND DISEASE. CONTRACTOR SHALL SOD ALL AREAS AS INDICATED ON THE PLAN OR AS DIRECTED. PAYMENT SHALL BE PER THE TOTAL SODDED AREA X THE UNIT PRICE SUBMITTED (FIELD VERIFIED).
8. SOD SHALL BE INSTALLED IN ACCORDANCE WITH THE SPECIFICATIONS AS DEFINED BY FDOT. SOD SHALL CARRY A 3-MONTH WARRANTY.
9. ALL TREES & PALMS SHALL CARRY A 1-YEAR WARRANTY & ALL SHRUBS & GROUNDCOVERS A 6-MONTH WARRANTY FROM THE DATE OF FINAL ACCEPTANCE.
10. ALL TREES AND PALMS SHALL BE STAKED PER ACCEPTED STANDARDS BY THE FLORIDA NURSERYMEN & GROWERS ASSOCIATION (FNGA).
11. THE PLANT LIST IS INTENDED ONLY AS AN AID TO BIDDING. ANY DISCREPANCIES FOUND BETWEEN THE QUANTITIES ON THE PLAN AND PLANT LIST THE QUANTITIES ON THE PLAN SHALL BE HELD VALID.
12. IRRIGATION SHALL PROVIDED FOR A 100% COVERAGE W/ A 50% OVERLAP AUTOMATIC SYSTEM W/ RAIN MOISTURE SENSOR AS PER FLORIDA XERISCAPE LAW REQUIREMENTS. NO OVERSPRAY SHALL FALL ONTO PAVED SURFACES. ALL GUIDELINES AS OUTLINED BY THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD) SHALL BE STRICTLY ADHERED.
13. EXISTING IRRIGATION SYSTEM (IF APPLICABLE) SHALL BE RETROFITTED TO COMPLY WITH THOSE SPECIFICATIONS AS OUTLINED ABOVE.
14. CONTRACTOR SHALL PROVIDE A WATER TRUCK DURING PLANTING TO INSURE PROPER WATERING-IN DURING INSTALLATION AND WILL BE RESPONSIBLE FOR CONTINUAL WATERING UNTIL FINAL ACCEPTANCE BY THE OWNER.
15. ALL TREES AND PLANT MATERIAL TO REMAIN SHALL BE PROTECTED DURING CONSTRUCTION. CONTRACTOR SHALL INSTALL PROTECTIVE BARRIERS SUCH AS "TENAX" ORANGE SAFETY FENCING OR SIMILAR, TO BE INSTALLED AT THE BEGINNING OF THE PROJECT. BARRIERS SHALL BE LOCATED TO INCLUDE THE DRIP LINE OF THE TREES, PALMS AND PLANT MATERIAL. THE CONTRACTOR SHALL TAKE EXTRA CAUTION TO PREVENT ANY DAMAGE TO THE TRUNK, ROOT ZONES AND GRADE.
16. EXISTING TREES TO REMAIN SHALL BE TRIMMED PER ANSI-300 STANDARDS. SUPERVISION OF THE TRIMMING SHALL BE PERFORMED BY A CERTIFIED ARBORIST TO INSURE QUALITY WORK.
17. REMOVAL OF ANY TREES OR PALMS WILL REQUIRE A WRITTEN "TREE REMOVAL PERMIT" FROM THE LOCAL GOVERNING AGENCY PRIOR TO REMOVAL. NON-NATIVE TREES CLASSIFIED AS 'NUISANCE' TREES MAY BE EXEMPT FROM THE PERMIT.



3 - 2" x 4" WOOD BATTENS SECURED TO PALM W/ STEEL BANDING-DO NOT NAIL INTO PALM. TOE NAIL 2" X 4" BRACE TO BATTENS.
MINIMUM 5 LAYERS OF BURLAP

2" x 4" WOOD BRACES -MIN. 3 PER PALM SPACED EQUALLY AROUND PALM

3" RECYCLED MULCH OR APPROVED EQUAL. PULL MULCH 3" BACK FROM TRUNK. FORM SAUCER 4"-6" ALL AROUND PLANTING HOLE.

PLANT TOP OF ROOTBALL EVEN WITH FINISHED GRADE.

REMOVE BURLAP FROM TOP ⅓ OF THE ROOTBALL.

PLANTING PIT TO BE TWICE THE DIAMETER OF THE ROOTBALL.

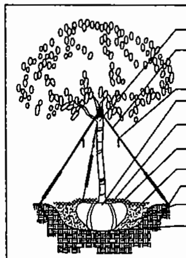
2" X 4" BRACE BURIED AND TIED W/ #4 REBAR.

BACKFILL AROUND THE ROOTBALL W/ ⅓ PLANTING MIX AND ⅔ NATIVE SOIL.

PLACE ROOTBALL AT THE BOTTOM OF THE UNDISTURBED SUBGRADE.

PALM PLANTING DETAIL

N.T.S.



SINGLE LEADER, NO CO-DOMINANT LEADERS, NO INCLUDED BARK.

"BLACK WELLINGTON" TAPE OR APPROVED EQUAL, GUYS, 3/ TREE, SPACED EQUALLY AND LOCATED ABOVE THE FIRST LATERAL BRANCHES

FLAGGING RIBBON ON ALL GUY WIRES

REMOVE BURLAP FROM THE TOP ⅓ OF THE ROOTBALL.

3" RECYCLED MULCH OR APPROVED EQUAL. PULL MULCH 2" BACK FROM TRUNK. FORM SAUCER 4"-6" ALL AROUND PLANTING HOLE.

PLANT TOP OF ROOTBALL EVEN WITH FINISHED GRADE.

PLANTING PIT TO BE TWICE THE DIAMETER OF THE ROOTBALL.

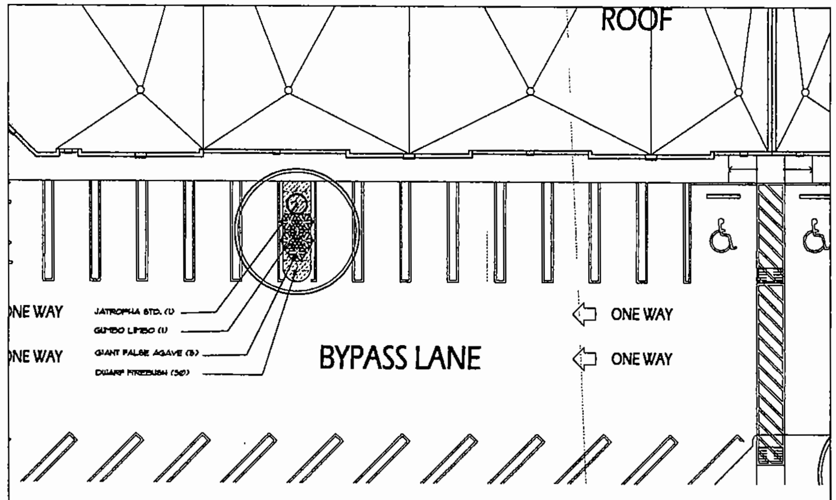
IRON REBAR (#4) OR WOODEN STAKES (TYP.) BURIED BELOW GROUND LEVEL.

BACKFILL AROUND THE ROOTBALL WITH ⅓ PLANTING MIX AND ⅔ NATIVE SOIL.

PLACE ROOTBALL AT THE BOTTOM OF THE UNDISTURBED SUBGRADE.

TREE PLANTING DETAIL

N.T.S.



PLAN VIEW- TYPICAL PLANTINGS AT PARKING ISLANDS

1" = 10'

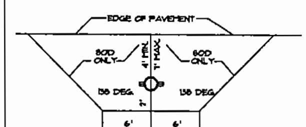
PLANTING SOIL:

NOTE: ALL LANDSCAPED AREAS INCLUDING LANDSCAPE ISLANDS, SHALL BE EXCAVATED TO A DEPTH OF 2.0 FEET FOR REMOVAL OF ALL COMPACTED MATERIAL, LIMEROCK, ETC. AND BACKFILLED WITH A CLEAN, APPROVED BACKFILL. 50:50 TOPSOIL SHALL BE APPLIED TO A DEPTH OF 6" FOR ALL PLANTING BEDS AND A 2" DEPTH FOR ALL SOD AREAS. THE CONTRACTOR SHALL CALCULATE AND PROVIDE A UNIT AND AN EXTENDED PRICE FOR THIS ITEM.

FERTILIZATION:

ONE COMPLETE APPLICATION OF GRANULAR FERTILIZER SHALL BE APPLIED PRIOR TO FINAL ACCEPTANCE AND APPROVAL BY THE LANDSCAPE ARCHITECT. AN ADDITIONAL FERTILIZATION PROGRAM SHALL BE SUBMITTED TO THE PROJECT MANAGER FOR AN ANNUAL FERTILIZATION APPLICATION PROGRAM. FERTILIZERS SHALL BE PER ATLANTIC -AFEC FERTILIZER & CHEMICAL (AFEC) OR AN APPROVED EQUAL. CONTRACTOR SHALL SUBMIT FERTILIZATION AS A SEPARATE ITEM IN THE BID.

FERTILIZATION SHALL BE AS FOLLOWS: TREES: 12-06-06 (AFEC # 8731) RATE: 15 LBS/ INCH OF DIA. @ DBH PALMS: 12-04-12 (AFEC # 7216) RATE: 15 LBS/ INCH OF DIA. @ DBH SHRUBS AND GROUNDCOVERS: (12-06-06 AFEC # 8731) RATE: 15 OZ/ FT. OF HEIGHT



REQUIREMENTS APPLY TO FIRE HYDRANTS, SIAMESE CONNECTIONS AND ANY OTHER FIRE EQUIPMENT FOR UTILIZING FIRE HOSE, ON PUBLIC OR PRIVATE PROPERTY.

BY THE AUTHORITY OF THE SOUTH FLORIDA FIRE PREVENTION CODE SECTION 8312

THIS DIAGRAM SHALL APPEAR ON ALL LANDSCAPE PLANS PRIOR TO APPROVAL.

THE CLEAR ZONE SHALL BE FREE OF LANDSCAPE (EXCEPT SOD), MAILBOXES, PARKING, LAMP-POSTS AND ALL OTHER OBJECTS.

EXCEPTIONS: OTHER FIRE FIGHTING EQUIPMENT OR TRAFFIC POSTS TO PREVENT FIRE FIGHTING EQUIPMENT.

FIRE HYDRANT CLEAR ZONE

N.T.S.

NOTES, DETAILS, SPECIFICATIONS, ETC.

JFS Design Inc.
LANDSCAPE ARCHITECTURE
LC 000393
Landscape Design
Irrigation Design
jimmy@jfsdesignfl.com

J F S
1835 N.W. 140th Terr.
Pembroke Pines, FL
33028
TEL: (954) 447-1852
FAX: (954) 442-8225

THE ADVANCED LEARNING ACADEMY

5855 N.W. 171st St.
MIAMI, FL. 33015

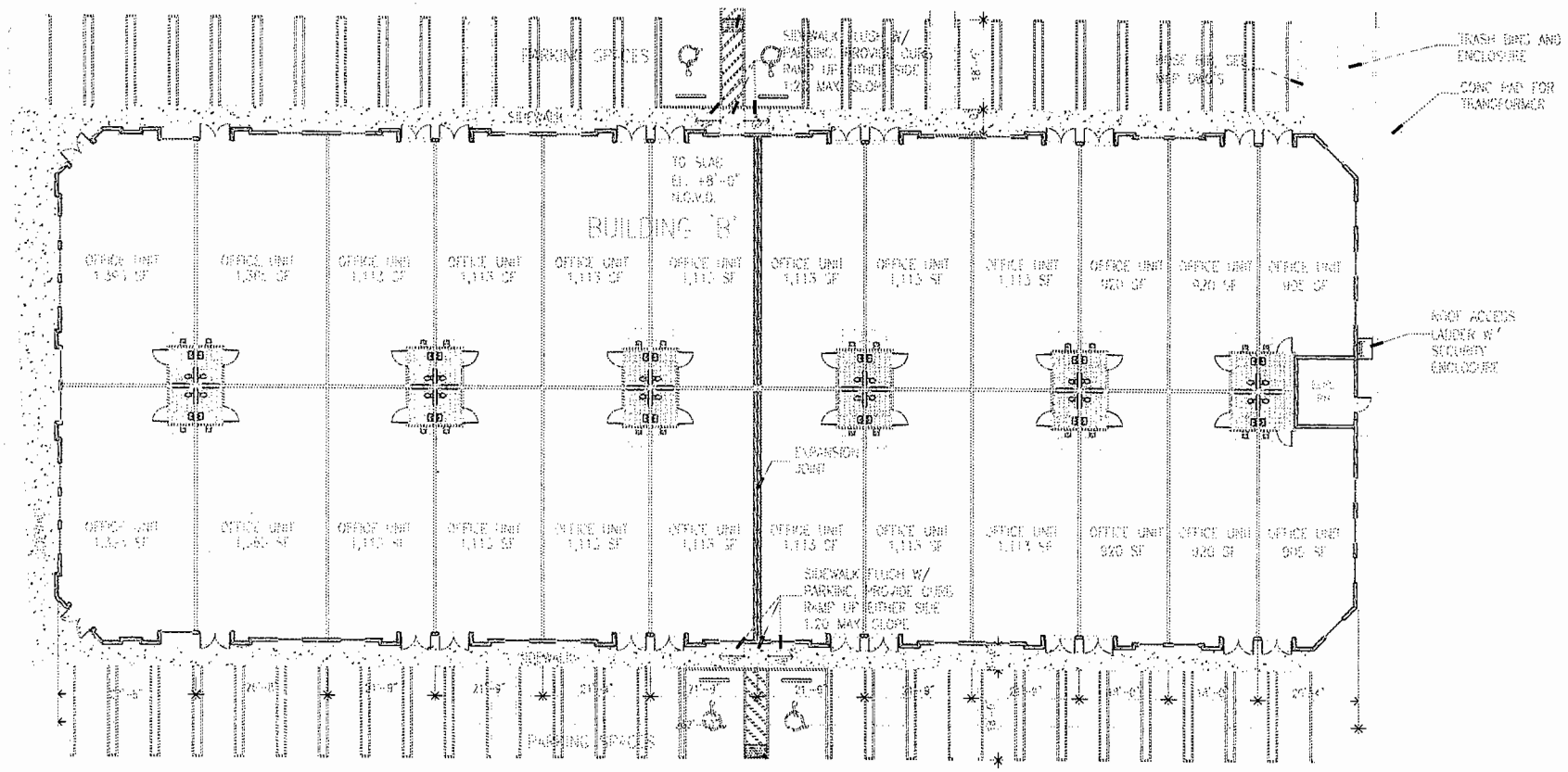
No.	Date:	Revision
1.	05/26/09	Per Revised Site Plan from Proj. Arch. on 05/18/2009
2.	06/11/09	Per Revised Site Plan from Proj. Arch. on 06/11/2009

designed:	J. F. SOCASH
drawn:	B. DIAZ
checked:	T.Y. MORAN
approved:	J. F. SOCASH
project #:	09-09
scale:	AS SHOWN
date:	May 12, 2009
cad ref:	09-09-02

JAMES F. SOCASH
RLA # 0000193

Drawing:
L-2

34



EXISTING FLOOR PLAN

CONSULTING & SPECIALTY ENGINEERING SERVICES, INC.

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PROJECT:

PLANS FOR PROPOSED TENANT IMPROVEMENTS OF:

5650 NORTHWEST 17 ST STREET
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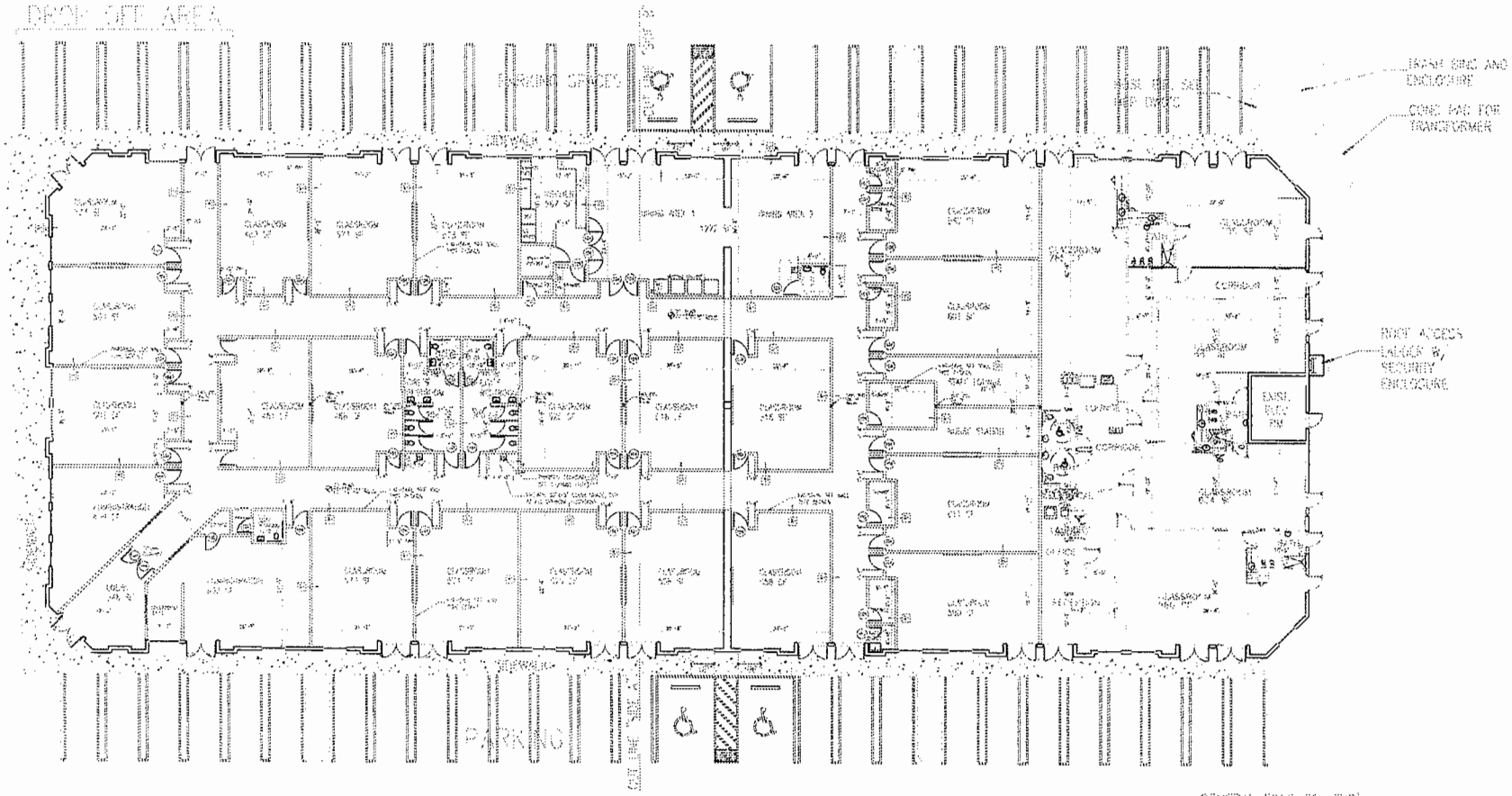

PROPOSED FLOOR PLAN

GENERAL FINISHES (TYP):

WALLS – PAINTED GYP. BD, SEE WALL TYPE DETAILS

CEILING – SUSPENDED ACOUSTICAL CEILING AS PER FBC 803.9

FLOORS – LINOLEUM OR RESILIENT FLOOR COVERING AS PER FBC 804.1

BASE – 6" MIN. HEIGHT, AS PER FBC 805.5

ALL FINISHES TO BE 'CLASS C' TYPE AND MEET FBC 803.5

CONSULTING & SPECIALTY ENGINEERING SERVICES, INC.
FBPE, C.A. # 9655
250 Catalonia Avenue, Suite 405
Coral Gables, Florida 33134
Phone (305) 549-4000
Fax (305) 549-4149
E-Mail: [illegible]

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PLANS FOR PROPOSED TENANT IMPROVEMENTS OF:
[illegible]
[illegible] NORTHWEST 17ST STREET
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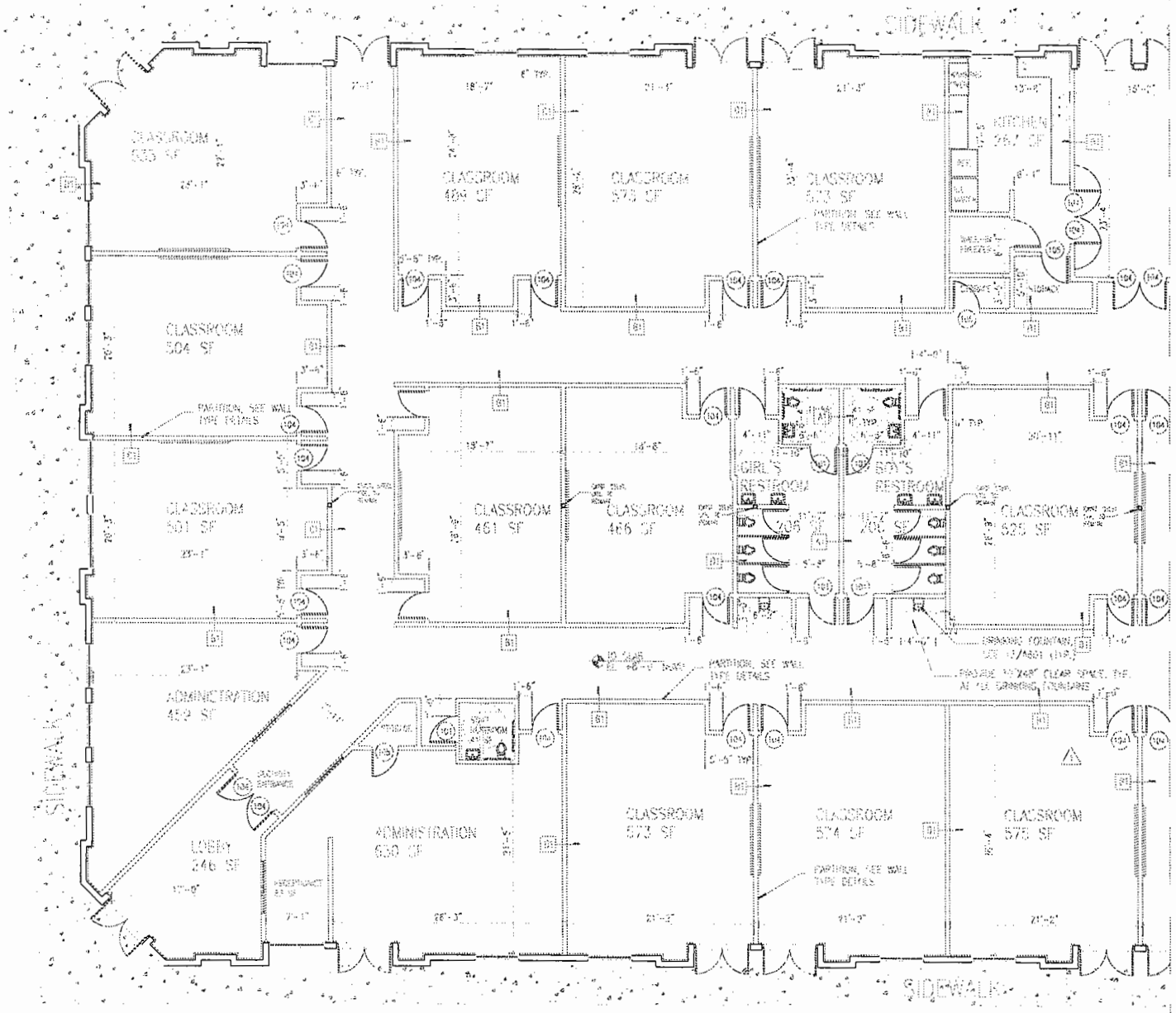

PARTIAL PROPOSED FLOOR PLAN - "SIDE A"

GENERAL FINISHES (TYP)

WALLS - PAINTED GYP. BD, SEE WALL TYPE DETAILS

CEILING - SUSPENDED ACOUSTICAL CEILING AS PER FBC 503.9

FLOORS - LINOLEUM OR RESILIENT FLOOR COVERING AS PER FBC 803.1

BASE - 6" MIN. HEIGHT, AS PER FBC 803.5

ALL FINISHES TO BE "CLASS C" TYPE AND MEET FBC 803.1

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PEPE, C.A. 6 9555
250 Calabria Avenue, Suite 406
Coral Gables, Florida 33134
Phone (305) 548-0000
Fax (305) 548-0048
E-MAIL: pepe@consulting@pcsi.com

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[illegible] NORTHWEST 171ST STREET
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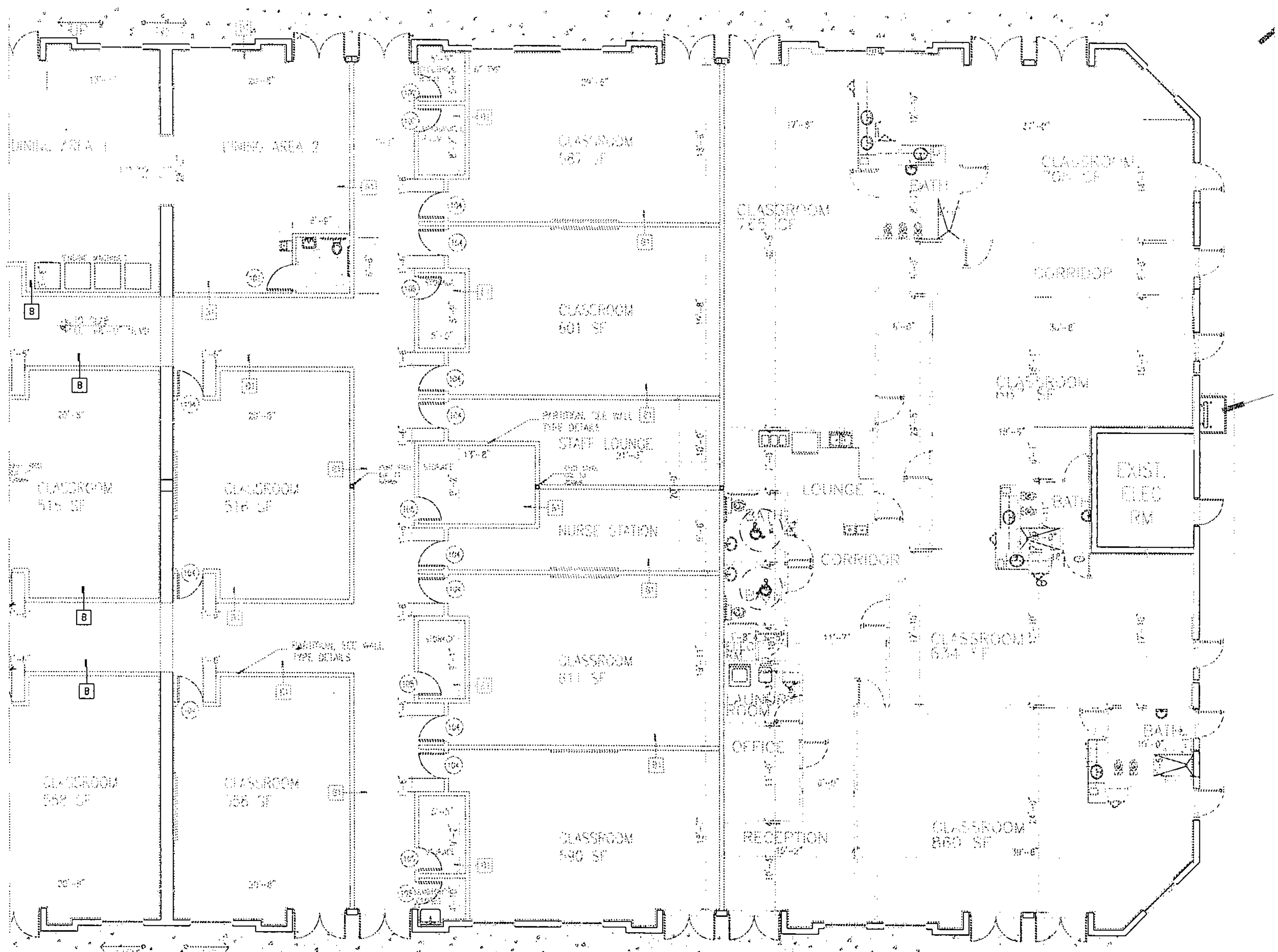

PARTIAL PROPOSED FLOOR PLAN - "SIDE B"

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FBPE. C.A. # 5555.
250 Catalonia Avenue, Suite 405
Coral Gables, Florida 33134

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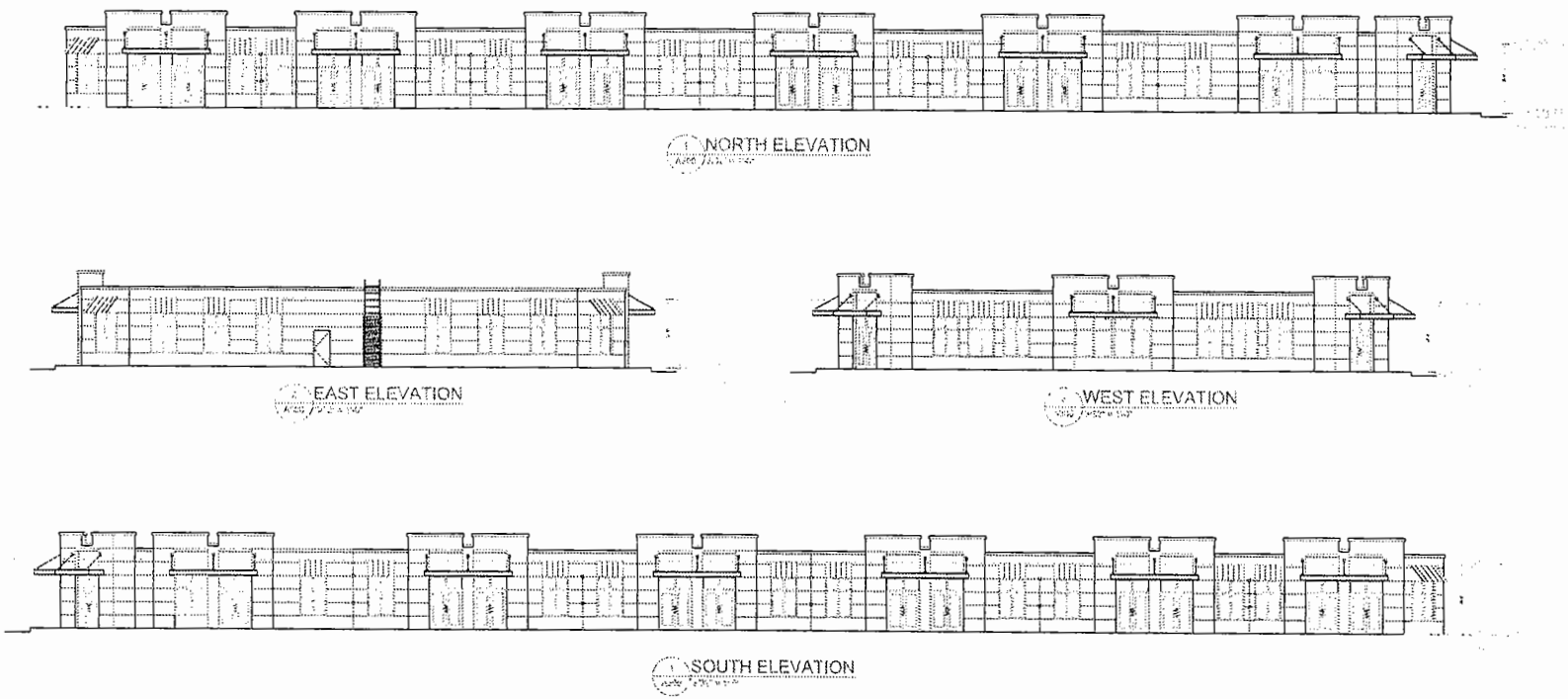

ELEVATIONS FOR BUILDING "B"

CONSULTING & SPECIALTY ENGINEERING SERVICES, INC.
FBPE, C.A. # 9955
250 Cattleworth Avenue, Suite 405
Coral Gables, Florida 33134
Phone (305) 446-4454
Fax (305) 663-4155

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PLANS FOR PROPOSED TENANT IMPROVEMENTS OF:

5865 NORTHWEST 1 STREET
MIAMI, FLORIDA 33016

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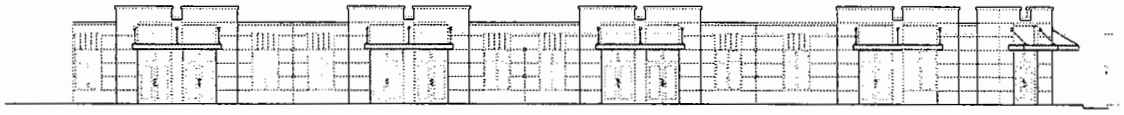
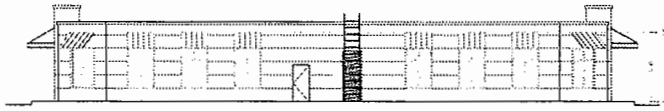
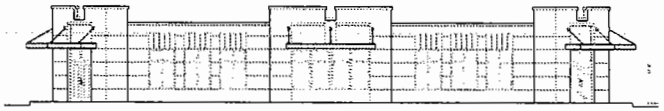
DATE: JUN 16 2009
BY: NYDAL



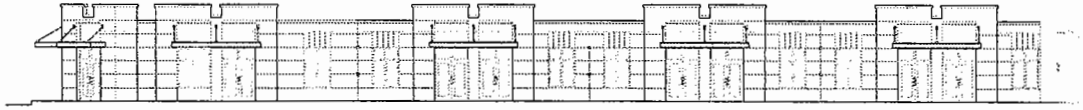
1 NORTH ELEVATION



2 EAST ELEVATION



3 WEST ELEVATION



4 SOUTH ELEVATION

ELEVATIONS FOR BUILDING "A"

CONSULTING & SPECIALTY ENGINEERING SERVICES, INC.
FIRE C.A. # 9645
150 Cleveland Avenue, Suite 405
Orwell Gallery, Florida 33134
Phone (305) 649-4649
Fax (305) 649-4150
E-Mail: [illegible]

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PROJECT:

PLANS FOR PROPOSED TENANT IMPROVEMENTS OF:

5855 NORTH MECH 1 1ST STREET
MIAMI, FLORIDA 33015

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PLOCHER 2 2009
DATE: JUN 14 2009
BY: [illegible]

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DISCLOSURE OF INTEREST*

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

CORPORATION NAME: PALMETTO KTP, LLC

NAME AND ADDRESS	Percentage of Stock
JOE BALENSI	100%

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

TRUST/ESTATE NAME _____

NAME AND ADDRESS	Percentage of Interest

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percentage of Ownership

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

NAME OF PURCHASER: _____

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

_____
_____
_____
_____
_____

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2009-054
APR 08 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

Date of contract: _____

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

_____ _____
_____ _____
_____ _____
_____ _____
_____ _____

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

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

Signature: _____
(Applicant)

Sworn to and subscribed before me this 18th day of February 2009. Affiant is personally know to me or has produced Florida Drivers Lic as identification.

Esther Keyack
(Notary Public)

ESTHER KEYACK
MY COMMISSION # DD 642663
EXPIRES: March 25, 2011
Bonded Thru Notary Public Underwriters

My commission expires: March 25, 2011

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

RECEIVED
MAY 29 2009
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY_____

Department of Planning and Zoning
111 NW 1 Street 11th Floor
Miami, Florida 33128

CHILD CARE CHECK LIST FOR CHARTER SCHOOLS

A signed charter contract from the Miami-Dade County School Board must accompany this application which matches the location, # of students and grade levels of the proposed application.

School Name: **The Advanced Learning Academy** School Address: **5855 NW 171 ST Miami, FL 33015**

Tax Folio # 30 **multiple Folios, Please see attached sheet** Total size of site: **3.16** acres

Is this an expansion to an existing school? _____Yes _X_ No

If yes, indicate the # of students and grade levels previously approved:
_____ and the Resolution # _____

Number of children/students requested: **452** Grade Levels: **K thru 5th** Ages: **5 years to 11 years**

Number of classrooms: **20** Total square footage of classroom area: ~~**10,866**~~ 10,884 **square feet**

Total square footage of non-classroom area (offices, bathrooms, kitchens, etc.) **8,637 square feet**

Total square footage of outdoor recreation/play area: **play area not provided**

Number of parking spaces provided for staff, visitors, and transportation vehicles: **55**

Days and hours of operation: **5 days, Monday thru Friday, 7:00 A.M. to 3:30 P.M.**

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

Signed, sealed, executed and acknowledged on this 12 day of May, 2009 at Miami-Dade County, Florida.

[signature]
Signature

WITNESSES: Rosa A. Pazos
[signature]

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I hereby certify that on this 12 day of May, 2009, before me personally appeared Lorraine DeLRIO LOPEZ, to me known to be the person described in an who executed the foregoing instrument and he/she acknowledge to me the execution thereof to be his/her free act for the uses and purposes therein mentioned.

My Commission Expires _____

RCSA A. PAZOS
MY COMMISSION # DD 808613
EXPIRES: August 30, 2012
Bonded Thru Notary Public Underwriters

Rosa A. Pazos

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

School Name: **My Little School Academy**

School Address: **5855 NW 171 Street Suite A Miami, Florida 33015**

Tax Folio # **30-2012-047-0470/0460/0360/0350**

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

2. Total size of site: **irregular** x **irregular** = **137,508 sq. ft.** + 43,560 sq. ft. = **3.16** acres
315.99' W, 340.00'W, 381.12'D, 405.13'D

3. Number of children or students requested: **103** Ages: **1 year to 5 years**

4. Number of teachers: **12** Number of administrative & clerical personnel: **3**

5. Number of classrooms: **5** Total square footage of classroom area: **3631**.

6. Total square footage of non-classroom area (offices, bathrooms, kitchens, closets): **1778**

7. Amount of outdoor recreation/play area in square footage: **2377**
NOTE: Location requirement for outdoor recreation/play areas must conform to §33-151.18(j)

8. Number & type of vehicle(s) that will be used in conjunction with the operation of the facility: **NONE WILL BE USED**

9. Number of parking spaces provided for staff, visitors and transportation vehicles: parking spaces provided **~~18~~ 20** parking spaces required by §33-124(L) **~~18~~**. 20.

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

11. Proposed height for the structure(s): **13' TOP OF ROOF, 18' TOP OF PARAPET** See §33-151.18(g).

12. Size of identification sign: **2 sq. ft** x **5 sq. ft.** = **10 sq. ft** See §33-151.18(c). Signage will require a separate permit. Contact the Permit Section at (786) 315-2100.

13. Days and hours of operation: **5 DAYS, MONDAY THRU FRIDAY 6:30AM-6:30PM**.

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

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

209-054
JUN 19 2003
ZONING APPLICATION SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY AH

44

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

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

CLASSROOM SPACE: Calculated by grade levels.

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

35 sq. ft. x **103** (number of children) = **3605** sq. ft. of classroom area required.

b. Elementary Grades 1-6

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

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

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

TOTAL SQUARE FOOTAGE OF CLASSROOM AREA REQUIRED: **3605**.
TOTAL SQUARE FOOTAGE OF CLASSROOM AREA PROVIDED: **3631**.

OUTDOOR RECREATION SPACE:

a. Day nursery/kindergarten, preschool and after school care
45 sq. ft. x **51.5** (••• of children) = **2,317.50**

b. Grades 1-6 500 sq. ft. x **0** (first 30 children) = **0**

300 sq. ft. x **0** (remaining children) = **0**

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

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

150 sq. ft. x **0** (remaining children) = **0**

TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE REQUIRED: ~~**2,362.50**~~ 2317.50.
TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE PROVEDED: **2377**.

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

a. 28 trees are required per net acre. Trees required: **70** Trees provided: **70**.

b. Ten shrubs are required for each tree required. Shrubs required **920** Shrubs provided **1330**.

c. Grass area for organized sports/play area in square feet: **2377 PROVIDED FOR PLAYGROUND**.

d. Lawn area in square feet (exclusive of organized sports/play area): **4734**.

School Address: **5855 NW 171 Street Suite A Miami, Florida** Zip Code: **33015**.

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

Signed, sealed, executed and acknowledged on this 16 day of June at Miami-Dade County, Florida.

Signature

WITNESSES: Osvaldo Laso

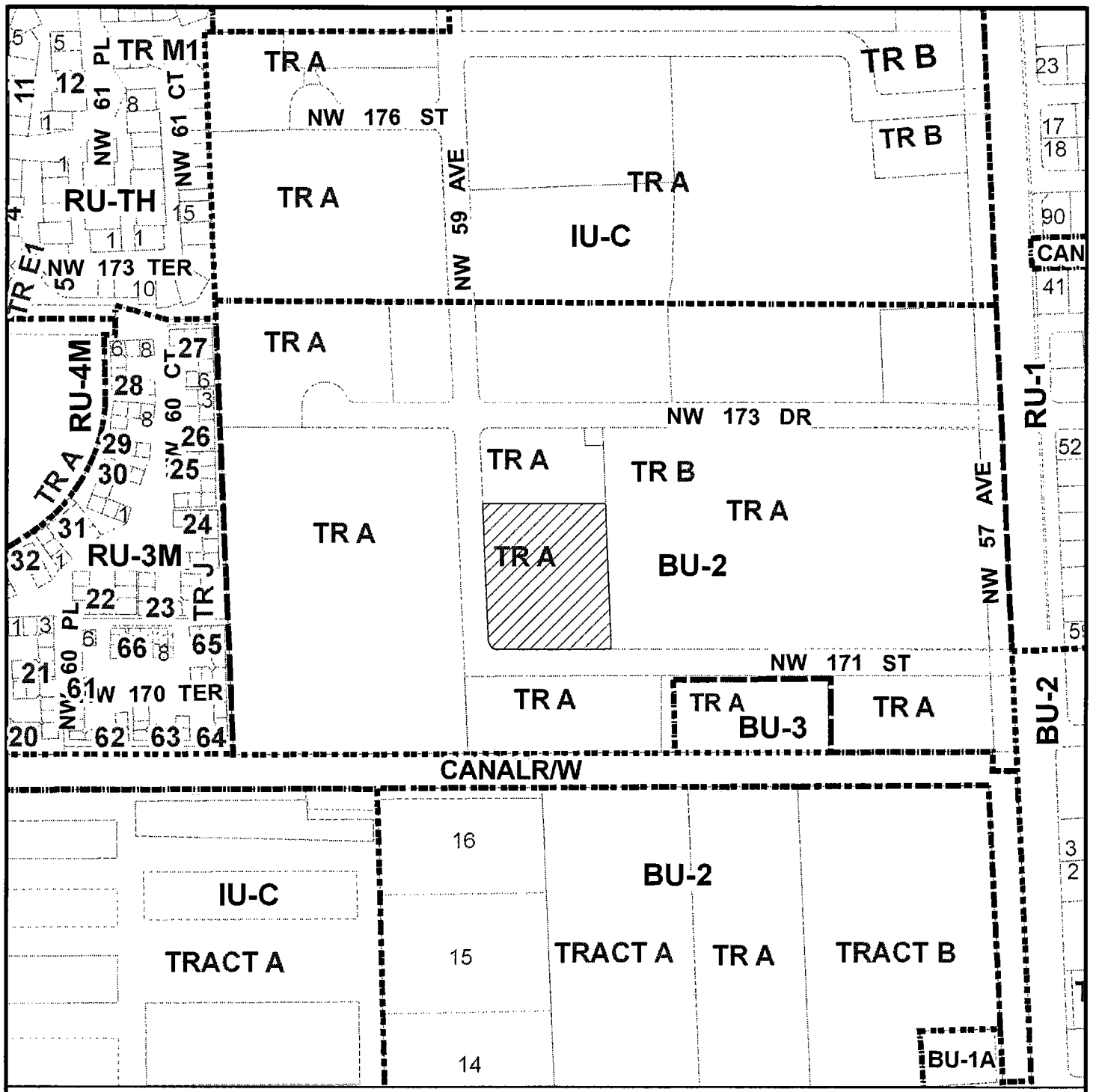
STATE OF FLORIDA
COUNTY OF MIAMI-DADE
I hereby certify that on this 16 day of June, 2005, before me personally appeared Jenny Alyn-Munné, to me known to be the person described in and who executed the foregoing instrument and he/she acknowledged to me the execution thereof to be his/her free act for the uses and purposes therein mentioned.

MY COMMISSION EXPIRES:

NOTARY PUBLIC - STATE OF FLORIDA
H. Del Valle
Commission # DD610954
Expires: DEC. 22, 2010
BONDED THRU ATLANTIC BONDING CO., INC.

H. Del Valle

46



MIAMI-DADE COUNTY

HEARING MAP

Process Number

09-054

Section: 12 Township: 52 Range: 40
Applicant: PALMETTO KTP, LLC
Zoning Board: C05
Commission District: 13
Drafter ID: JEFFER
Scale: NTS
---------- Zoning

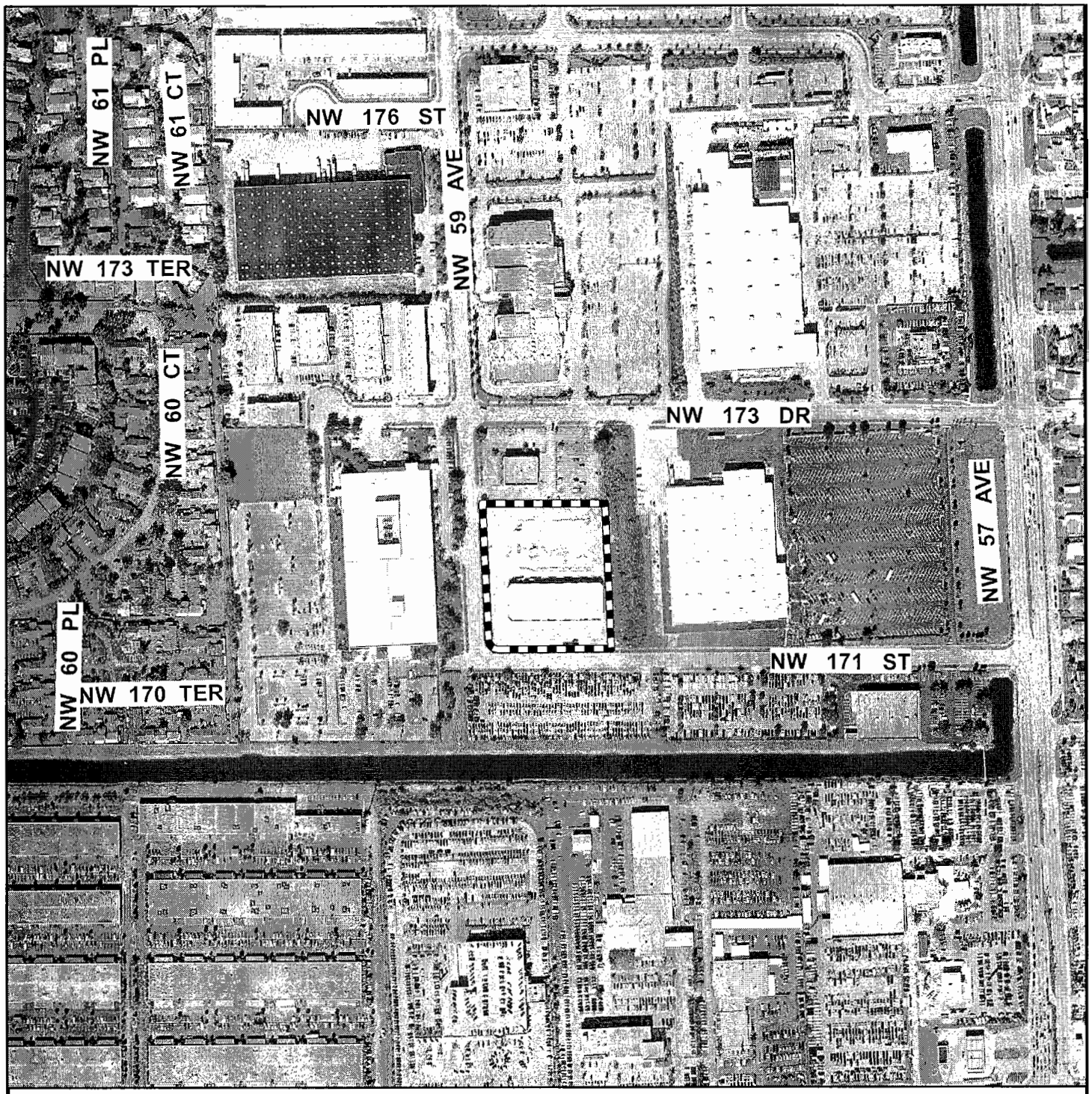
SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 04/22/09

REVISION	DATE	BY
		47



MIAMI-DADE COUNTY

AERIAL YEAR 2008

Process Number

09-054

Section: 12 Township: 52 Range: 40
Applicant: PALMETTO KTP, LLC
Zoning Board: C05
Commission District: 13
Drafter ID: JEFFER
Scale: NTS
---------- Zoning

SUBJECT PROPERTY

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: 04/22/09

REVISION	DATE	BY

ITEM #4 PALMETTO KTP LLC
HEARING # 09-54

This instrument was prepared by:

Name: Felix M. Lasarte, Esq.
Address: The Lasarte Law Firm
5835 Blue Lagoon Drive, Suite 100
Miami, Florida 33126

Received by
Zoning Agenda Coordinator
JUN 24 2009

(Space Reserved for Clerk of the Court)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned, Palmetto KTP, LLC, a Florida limited liability corporation (the "Owner"), holds the fee simple title to that certain 3.15 +/- acres of real property, which is legally described in Exhibit "A" to this Declaration (the "Property");

WHEREAS, the Owner has filed an application with the Department of Planning and Zoning in Miami-Dade County, which application is currently pending under Public Hearing Application No. Z09-54 (the "Zoning Application") with regard to the Property, for the purpose of seeking a special exception to permit a Charter School (the "Charter School") with 452 students in grade Kindergarten thru fifth;

NOW, THEREFORE, IN ORDER TO ASSURE Miami-Dade County (the "County") that the representations made by the Owner during consideration of Public Hearing Application No. Z09-54 will be abided by, the Owner freely, voluntarily and without duress, make the following Declaration of Restrictions covering and running with the Property:

Received by
Zoning Agenda Coordinator
JUN 24 2009

1. The use of the Property shall be established and maintained substantially in accordance with the plan submitted with the Application entitled "Plan for Proposed Tenant Improvements of: The Advanced Learning Academy," prepared by Consulting & Specialty Engineering Services, Inc. consisting of 11 pages,

dated stamped received June 16, 2009, as said plan may be further modified at the public hearing on the Application.

2. The Charter School use shall be limited to kindergarten through fifth grades with four hundred fifty two (452) students, which shall be incorporated in two (2) phases as follows:

   350 students in grades Kindergarten thru Fifth permitted in the 2009-2010 school year.

   452 students in grades Kindergarten thru Fifth permitted in the 2010-2011 school year.

3. The Charter School shall have three staggered shifts at start and dismissal times, separated by a minimum of twenty (20) minutes, as follows:

   Kindergarten thru 1st Grade – Start 8:00 a.m. / Dismissal 2:30 p.m.

   2nd thru 3rd Grades – Start 8:20 a.m. / Dismissal 2:50 p.m.

   4th thru 5th Grades – Start 8:40 a.m. / Dismissal 3:10 p.m.

   However, the Owner, at its discretion, may modify the foregoing schedule so long as the Charter School has a minimum of three (3) start/dismissal times staggered at least twenty (20) minutes apart. Further, the Owner shall provide written notice of any modifications to the start/dismissal times to the directors of the Department of Planning and Zoning and the Public Works Department, respectively, and said modifications shall be subject to the approval of the directors.

4. The Owner shall have trained personnel on site to manage the traffic operations during the arrival and dismissal period. The Owner shall manage the traffic operations, including the provisions of any traffic control devices, during the arrival and dismissal times in substantial conformance with the Maintenance of Traffic Operation Plan prepared by Consulting & Specialty Engineering Services, Inc. consisting of 1 sheet, dated stamped received on June 16, 2009.

5. Prior to the issuance of a building permit for the Charter School, the Owner shall submit to the Department for its review and approval a landscaping plan that indicates the type and size of plant material to be used on the Property. The plant material shall have been installed in accordance with such landscaping plan, prior to the issuance of a certificate of use.

6. The Charter School gates shall be opened at least thirty (30) minutes prior to the arrival and dismissal times.

7. 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 the arrival and dismissal times.

8. 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.

9. 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, which are part of the Zoning Application, except as amended by the DIC Executive Council at its meeting on July 8, 2009, and incorporated herein by reference.

10. At time of Certificate of Use renewal, the Owner shall submit to the Department a letter from the principal of the school detailing the number of students and the grade levels that are then currently enrolled in said facility.

11. 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.

12. Miscellaneous.

A. 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.

B. 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 the 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 public welfare.

C. 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 that 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.

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

E. **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.

F. **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.

G. **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.

H. **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.

I. **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.

J. **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.

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

IN WITNESS WHEREOF, we have hereunto set our hands and seal this ___ day of May, 2009.

Palmetto KTP, LLC, a Florida limited liability corporation,

Witnesses:

_____
Signature

_____
Print Name

_____
Signature

_____
Print Name

By: _____

Title: _____

STATE OF FLORIDA)
) **ss:**
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this ____ day of May, 2009, by _____ as _____ of Palmetto KTP, LLC. He/she is personally known to me or has produced _____ as identification.

NOTARY PUBLIC

_____

(Print, Type or Stamp Commissioned Name of Notary Public)

My Commission Expires:

EXHIBIT "A"

LEGAL DESCRIPTION

TRACT "A", SILVIA SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 158, PAGE 99 OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA.