1. ACROPOLIS REALTY LLC
(Applicant)

03-11-CZ12-1 (01-398)
BCC/District 8
Hearing Date: 6/9/05

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
1965	Mark XX	Zone change from AU to RU-5A.	CC	Approved
1966	Mark XX	Use Variance for zoning regulations, waiving 5' wall along interior side of property lines.	ZAB	Approved
1967	Mark XX	Variance zoning regulations, walls, access buildings.	ZAB	Approved
1983	Raymond Pearlson & Robert Browdy	Zone change from RU-5A to BU-1.	CC	Approved

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
COMMUNI . ZONING APPEALS BOARL . .REA 12
MOTION SLIP

1

APPLICANT'S NAME: ACROPOLIS REALTY

REPRESENTATIVE(S): **CHAD WILLIARD**

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
03-11-CZ12-1 (01-398)	JANUARY 25, 2005	CZAB12- -05

REQS: Appeal CZAB#12 decision which denied in part: (1) RU-5A & BU-1 to OPD (2) Lot w/area 2.94 acres. (3) 0.94 FAR OR IN ALT. TO #1 - 3, THE FOLLOWING: (4) RU-5A & BU-1 to RU-5A & w/either request: (5) DELETE Declaration limiting uses on commercial parcel and ties site to plan.

REC: AWC #2 PER 33-311(A)(21) or (A)(4)(b) & DWOP UNDER (A)(4)(c)
AWC #3 PER 33-311(A)(4)(b) & DWOP UNDER (A)(21) or (A)(4)(c)
AWC #5 PER 33-311(A)(17) or (A)(7) [ONLY IF #1 APPROVED]
APPROVE #1 PER 33-311(A)(8) SUBJECT TO COVENANT [ONLY IF #5 APPROVED]
DWOP #4

☐ WITHDRAW: ☐ APPLICATION ☐ ITEMS:

■ DEFER: ☐ INDEFINITELY ■ TO: February 22, 2005 ☐ 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

■ **HEARING NOT CONCLUDED AS TIME EXPIRED – TO BE CONTINUED FEB, 22, '05 MEETING**

TITLE	M/S	NAME	YES	NO	ABSENT
MS.		Peggy BRODEUR			
MADAME VICE-CHAIR		Millie HERRERA			
MR.		Douglas A. KRUEGER			
MS.		Carla SAVOLA			
MR.		Nelson A. VARONA			
MR.		Robert W. WILCOSKY			
CHAIRMAN		Jose I. VALDEZ (C.A.)			**RECUSE**

VOTE:_____to_____

EXHIBITS: ■ YES ☐ NO COUNTY ATTORNEY: **THOMAS ROBERTSON**

2

DATE: OCTOBER 21, 2004 **#Z-35-04**

APPLICANT: D. ACROPOLIS REALTY LLC

MOTION: DECISION VACATED AND APPLICATION REMANDED TO THE COMMUNITY COUNCIL #12
WITH LEAVE TO AMEND THE REQUESTS IN THE APPLICATION

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				X
Diaz	S	X		
Ferguson		X		
Heyman		X		
Martinez		X		
Morales				X
Moss				X
Rolle		X		
Seijas		X		
Sorenson		X		
Sosa	M	X		
Souto		X		
Chair Carey-Shuler		X		
TOTAL		10	0	3

DATE: 10/07/04 **#Z-**

APPLICANT:D. Acropolis Realty LLC 03-11-CZ12-1

MOTION: Carried Over to Zoning Hearing of 10/21/04

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				
Diaz				
Ferguson				
Heyman				
Martinez				
Morales				
Moss				
Rolle				
Seijas				
Sorenson				
Sosa				
Souto				
Chair Carey-Shuler				
TOTAL				

DATE: 7/29/2004 **#Z-**

APPLICANT: D. ACROPOLIS REALTY LLC
(03-11-CZ12-1/01-398)

MOTION: to defer the application to October 7, 2004.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				X
Diaz				X
Ferguson		X		
Heyman	M	X		
Martinez				X
Morales				X
Moss				X
Rolle		X		
Seijas		X		
Sorenson				X
Sosa	S	X		
Souto		X		
Chair Carey-Shuler		X		
TOTAL		7	0	6

DATE: 06-10-2004 **#Z-**

APPLICANT: Acropolis Realty LLC
(03-11-CZ12-1/01-398)

MOTION: Deferred the application to July 29, 2004, with leave to amend. Applicati
at the applicant's expense.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				X
Diaz		X		
Ferguson				X
Heyman	S	X		
Martinez		X		
Morales				X
Moss		X		
Rolle		X		
Seijas		X		
Sorenson		X		
Sosa		X		
Souto				X
Chair Carey-Shuler	M	X		
TOTAL		9	0	4

DATE: April 29, 2004 **#Z-**

APPLICANT: 1. ACROPOLIS REALTY LLC-
No further notice
MOTION: DEFERRED TO JUNE 10, 2004

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				X
Diaz	S	X		
Ferguson				X
Heyman	M	X		
Martinez		X		
Morales		X		
Moss				X
Rolle		X		
Seijas		X		
Sorenson		X		
Sosa		X		
Souto		X		
Chair Carey-Shuler				X
TOTAL		9	0	4

MIAMI-DADE COUNTY
COMI ITY ZONING APPEALS BC - AREA 12
MOTION SLIP

APPLICANT'S NAME: **ACROPOLIS REALTY LLC**

REPRESENTATIVE(S): Chad Williard, Dr. Pablo Delgado

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
03-11-CZ12-1 (01-398)	January 27, 2004	CZAB12- -04

REQUESTS:

DEPT. REC:

☐ WITHDRAW: ☐ Entire Application ☐ ITEMS

☑ DEFER: ☐ INDEFINITELY ☑ TO: 2/10/04 ☐ 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 STD. CONDITIONS

☑ OTHER: To give applicant opportunity to present traffic study to the opposition.

TITLE	M/S	NAME	YES	NO	ABSENT
MS.		Peggy BRODEUR			✓
MR.		Gerardo GOMEZ		✓	
MS.		Millie HERRERA	✓		
MR.		Douglas A. KRUEGER	✓		
MR.	S	Nelson A. VARONA	✓		
VICE-CHAIRMAN	M	Robert W. WILCOSKY	✓		
CHAIRMAN		Jose I. VALDEZ (C.A.)			

* hairman Jose Valdez abstained rom voting ecause he as absent rom the st hearing this application. e stated on the record at he would not vote. was sitting at the table when e motion was read.

VOTE: 4 to 1

EXHIBITS: ☐ YES ☑ NO

COUNTY ATTORNEY: Stephen Stieglitz

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MIAMI-DADE COUNTY
COMMUI.. ZONING APPEALS BOARL REA 12
MOTION SLIP

APPLICANT'S NAME: ACROPOLIS REALTY LLC

REPRESENTATIVE(S): CHAD WILLIARD

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
03-11-CZ12-1 (01-398)	NOVEMBER 18, 2003	CZAB12- -03

REQUESTS:
1) RU-5A & BU-1 to OPD. 2) Delete Declaration. 3) Lot area 2.94 v 3 ac. 4) FAR 0.94 v 0.86

DEPT. REC: APPROVE 1 PER 33-311(A)(8) SUBJECT TO PROFFERED COVENAN.T
APPROVE 2 WITH CONDITIONS PER 33-311(A)(17).

MOTION APPROVE 3 & 4 WITH CONDITIONS PER 33-311 (A)(21)

☐ WITHDRAW: ☐ Entire Application ☐ ITEMS

☒ DEFER: ☐ INDEFINITELY ☒ TO: 01-13-04 ☒ 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 STD. CONDITIONS

☐ OTHER:

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		Gerardo GOMEZ	✓		
MS.	S	Millie HERRERA	✓		
MR.		Douglas KRUEGER	✓		
M		Peggy BRODEUR	✓		
MR.	M	Nelson A. VARONA	✓		
VICE-CHAIRMAN		Robert W. WILCOSKY	✓		
CHAIRMAN		JOSE VALDEZ			✓

VOTE: 6 to 0

EXHIBITS: ☒ YES ☐ NO

COUNTY ATTORNEY: Jay Williams

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

APPLICANT: Acropolis Realty LLC **PH:** Z01-398 (05-1-CZ12-1)

SECTION: 4-55-40 **DATE:** June 9, 2005

COMMISSION DISTRICT: 8 **ITEM NO.:** A

==========

A. INTRODUCTION

o REQUESTS:

WILLIAM P. HARRIS & KATHRYN ESTEVEZ are appealing the decision of the Community Zoning Appeals Board #12 which approved items #1, 2, 3 & 5 of the following:

(1) RU-5A & BU-1 to OPD

(2) The applicant is requesting to permit a lot with an area of 2.94 acres (3 acres required).

(3) The applicant is requesting to permit a floor area ratio of 0.80 (0.70 permitted).

OR IN THE ALTERNATIVE TO REQUESTS #1 - #3, THE FOLLOWING:

(4) RU-5A & BU-1 to RU-5A

AND WITH EITHER REQUEST:

(5) DELETION of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329.

The purpose of the request is to remove an agreement from the site which limits the uses on the commercial parcel and ties the site to a specific plan.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 & #3 may be considered under §33-311 (A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) and approval of request #5 may be considered under §33-311(A)(7) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

Plans for the OPD proposal only are on file and may be examined in the Zoning Department entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., consisting of 8 pages, dated, signed, and sealed 12-6-04 and two pages of landscape plans dated 10-22-04. Plans may be modified at public hearing.

o SUMMARY OF REQUESTS:

The appellants are appealing the decision of the Community Zoning Appeals Board #12 which approved items #1, 2, 3 & 5 of this application. The approved requests

would allow the applicant to change the zoning on the property from RU-5A, Semi-Professional Office District, and BU-1, Neighborhood Business District, to OPD, Office Park District. The requests will also allow less lot area than required for the OPD district and a greater floor area ratio than permitted. Additionally, the approval also allows a deletion of a Declaration of Restrictions as it pertains to the existing BU-1 zoned site.

- **LOCATION:**

  8960-70 S.W. 87 Court, Miami-Dade County, Florida.

- **SIZE:** 2.94 acres.

- **IMPACT:**

  The rezoning of the property to OPD or to RU-5A and the accompanying requests will allow the applicant to provide professional services to the community. However, this application will bring additional traffic into the area.

B. ZONING HEARINGS HISTORY:

In 1965, the Board of County Commissioners (BCC) rezoned this site from AU, Agricultural District, to RU-5A, Semi-Professional Office District. In 1966 and 1967, the Zoning Appeals Board (ZAB) waived the required walls along the interior side property lines of the aforementioned property. In 1983, the BCC rezoned the easterly 185' of the subject property from RU-5A to BU-1, Neighborhood Business District. A Declaration of Restrictions was recorded that restricted the development of the BU-1 portion of the site to the plans approved at said hearing and restricted the permitted uses to a commercial bank and a sandwich shop.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2005 and 2015 Land Use Plan designates the subject property as being within the Urban Development Boundary for **office/residential**.

2. **Uses and Zoning Not Specifically Depicted on the LUP Map**:

   Within each map category numerous land uses, zoning classifications and housing types may occur. Many existing uses and zoning classifications are not specifically depicted on the Plan map. This is due largely to the scale and appropriate specificity of the countywide LUP map, graphic limitations, and provisions for a variety of uses to occur in each LUP map category. In general, 5 acres is the smallest site depicted on the LUP map, and smaller existing sites are not shown. All existing lawful uses and zoning are deemed to be consistent with this Plan unless such a use or zoning (a) is found through a subsequent planning study, as provided in Land Use Policy 4E, to be inconsistent with the criteria set forth below; and (b) the implementation of such a finding will not result in a temporary or permanent taking or in the abrogation of vested rights as determined by the Code of Metropolitan Dade County, Florida. The criteria for determining that an existing use or zoning is inconsistent with the plan are as follows: 1) Such use or zoning does not conform

with the conditions, criteria or standards for approval of such a use or zoning in the applicable LUP map category; and 2) The use or zoning is or would be incompatible or has, or would have, an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area. Also deemed to be consistent with this Plan are uses and zoning which have been approved by a final judicial decree that has declared this Plan to be invalid or unconstitutional as applied to a specific piece of property. The presence of an existing use or zoning will not prevent the County from initiating action to change zoning in furtherance of the Plan map, objectives or policies where the foregoing criteria are met. The limitations outlined in this paragraph pertain to existing zoning and uses. All approval of new land uses must be consistent with the LUP map and the specific land use provisions of the various LUP map categories, and the objectives and policies of this Plan. However, changes may be approved to lawful uses and zoning not depicted which would make the use or zoning substantially more consistent with the Plan, and in particular the Land Use Element, than the existing use or zoning.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
RU-5A & BU-1; apartments	Office/Residential
Surrounding Properties:	
NORTH: RU-1; parking lot	Office/Residential
SOUTH: RU-5A; office building	Office/Residential
EAST: RU-5A; office building	Office/Residential
WEST: RU-1; Baptist Hospital complex	Institutional & Public Facility

The subject parcel is a narrow linear site located between SW 87 Avenue (Galloway Road) and Baptist Hospital. There is a parking lot, which serves Baptist Hospital to the north with a mixture of apartments and offices to the south.

E. SITE AND BUILDINGS:

Site Plan Review: (pertaining to the proposed OPD zoning only, no plans were submitted for the proposed alternative RU-5A zoning).

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**
Energy Considerations:	**N/A**
Roof Installations:	**N/A**
Service Areas:	**N/A**
Signage:	**N/A**
Urban Design:	**Acceptable**

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(F):

In evaluating an application for a **district boundary change** the Board shall take into consideration, among other factors the extent to which:

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

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

(3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;

(4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;

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

Section 33-311(A)(17). Modification or Elimination of Conditions and Covenants After Public Hearing. The Community Zoning Appeals Board 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 following paragraphs 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.

VI. **Modification or Elimination of Conditions or Restrictive Covenants After Public Hearing, Where the Conditions or Restrictive Covenants were Accepted or Imposed Simultaneously with a District Boundary Change.** The Community Zoning Appeals Board shall approve an application to modify or eliminate a condition or part thereof, or a restrictive covenant or part thereof, which requires development of a specific site plan and which was accepted or imposed simultaneously with a district boundary change, where it is demonstrated that:

(A) The subject property would satisfy all current requirements and standards for a district boundary change to the property's present zoning district without the condition or restrictive covenant, or else the modification or elimination is sought in connection with an application for rezoning to a different district. For purposes of this requirement, new conditions or restrictive covenants may be imposed or proffered to satisfy such requirements and standards.

(B) The Community Zoning Appeals Board shall impose such conditions and requirements in connection with an approval under this subsection as shall prevent or mitigate any resulting adverse impacts to the County or to any aggrieved person who has reasonably, demonstrably and detrimentally relied upon the condition or covenant sought to be modified or eliminated.

(C) Notwithstanding the provisions of the preceding paragraphs, no application will be approved under this subsection if such approval would result in:

1. a use of land which will have a significant adverse effect upon the value of properties in the immediate vicinity;

2. community design, architecture, or layout and orientation of buildings, open space, or amenities that is inconsistent with and deleterious to the aesthetic character of the immediate vicinity;

3. a material change in the density, intensity, or use of the subject property that so differs from the density, intensity, or use of other existing or approved development in the immediate vicinity that the subject property would represent an obvious and significant departure from the established development pattern of the immediate vicinity which has a deleterious effect on its community character;
4. a substantial degradation of localized traffic patterns or a substantial adverse impact on the roadway network;
5. unmitigated demands on potable water, sanitary sewer, or stormwater treatment systems which exceed the capacity of those systems; or
6. a continued and substantial risk to human life or safety or to the environment, or a nuisance.

Section 33-311(A)(7). 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 a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, 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)(4)(c). Alternative non-use variance standard (ANUV): 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.

Section 33-311 (A)(4)(b). Non-use variances from other than airport regulations (NUV): 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.

G. NEIGHBORHOOD SERVICES:

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

*Subject to conditions indicated in their attached memoranda.

H. ANALYSIS:

William P. Harris & Kathryn Estevez are appealing the decision of the Community Zoning Appeals Board #12 (CZAB-12) which approved by a vote of 5 – 1 pursuant to Resolution CZAB12-1-05 items #1, 2, 3 & 5 of the application. The CZAB-12 approved a district boundary change request from RU-5A & BU-1 to OPD, approved with conditions a request to permit a lot with an area of 2.94 acres (3 acres required in the OPD District), approved with conditions another request to permit a floor area ratio of 0.94 (0.86 permitted), and also approved with conditions the DELETION of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329.

The appellants state that the approved requests are incompatible with the surrounding residential area. They also indicate that the Community Zoning Appeals Board denied the rebuttal by objectors, failed to take into account substantial competent evidence provided by objectors' traffic engineer and zoning expert, and that the application failed to meet the OPD requirements regarding floor area ratio and lot area. Staff notes that the Comprehensive Development Master Plan (CDMP) indicates that all existing uses and zoning are consistent with the Land Use Plan (LUP) map. As such, the existing RU-5A & BU-1 zoning are consistent with the CDMP, as such, should the Board desire to retain the existing zoning on the property, the decision would also be consistent with the CDMP.

The subject property is located at 8960-70 SW 87 Court. The applicant is seeking a district boundary change on this site from RU-5A, Semi-Professional Office District, and BU-1, Neighborhood Business District, to OPD, Office Park District (Request #1). The Office Park District incorporates a concept which delineates an open space character for buildings whose principal uses are administrative, professional, or research. Uses permitted in the OPD include office buildings for business, professional, and secretarial uses that cater to the provision of services and laboratories for scientific and industrial research and development. Certain accessory uses are permitted which include, but are not limited to auditoriums, eating establishments such as coffee shops, food carry out, and sandwich shops, newsstands, tobacco shops, and private clubs. The applicant is also seeking approval for a request to permit a lot with less area than required in the OPD zoning district and to permit a floor area ratio of 0.80 where 0.70 is permitted. The applicant has submitted plans for the development of this site for the proposed OPD zoning district with a six story office building with a three-story parking garage and intends to proffer a covenant limiting the development of the site to same. In the alternative to the

aforementioned requests, the applicant is seeking a district boundary change from RU-5A and BU-1 to RU-5A (Request #4). Uses permitted in the RU-5A zoning district include, but are not limited to, offices for accounting, medical doctors, attorneys, dentists, model agencies, optometrists, real estate, and real estate management. Additional uses that are permitted include, but are not limited to, nursery, kindergarten, and after school care, detective agencies, stock brokers exchange-investment services, public libraries, social service bureaus, theater ticket agencies, and travel agencies. The applicant has not submitted a site plan for the development of the proposed alternative district boundary change to RU-5A, but will comply with all RU-5A zoning requirements. The applicant is also seeking with either zone change request a deletion of a Declaration of Restrictions that restricted the development of the BU-1 portion of the site to certain commercial uses and to the plans approved at the 1983 public hearing. The Declaration of Restrictions limited the permitted uses on said parcel to a bank and a sandwich shop.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the Level of Service (LOS) standards set forth in the Master Plan. However, the applicant will have to comply with all conditions as set forth by DERM in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application. The applicant will be required to successfully close the rights-of-way for SW 89 Terrace, SW 88 Avenue, and SW 92 Street submitted as road closing petition P-743, which is pending the outcome of this public hearing application. This application will generate an additional **228 p.m. daily peak hour vehicle trips** on the area roadways. However, said trips will not change the levels of service (LOS) on same which are currently at LOS "C," "D," and "E."

Request #1 will allow the applicant to rezone the property to OPD and to provide professional office services to the community. The proposed OPD zoning will be **consistent** with the LUP map of the CDMP, which designates this site for Office/Residential use. The appellants state that the approved requests are incompatible with the surrounding area. However, staff is of the opinion that the proposed Office Park District as well as the site plan submitted will be **compatible** with the surrounding area which consists of the Baptist Hospital complex to the west, a parking lot for said hospital to the north, an office building to the east, and an office building to the south. In addition, although the existing BU-1 zoned portion of the site is consistent with the CDMP, the CDMP text states that changes may be approved to lawful uses and zoning not depicted which would make the use or zoning substantially more consistent with the Master Plan than the existing use or zoning. In this instance the rezoning from BU-1 to OPD would bring the property to be substantially more consistent with the office/residential designation than the existing commercial zoning. Further, the applicant intends to proffer a covenant limiting the development of the subject property to the submitted plans, and that no building permits be issued prior to the approval of the road closing petition (P-743).

If analyzed under the alternative non-use variance standards [33-311(A)(4)(c)], the applicant would have to prove that requests #2 and #3 are due to an unnecessary hardship and that, should it not be granted, it would not permit the reasonable use of the premises. However, since the property can be utilized in accordance with the current zoning or, if rezoned, in accordance with OPD zoning standards, staff is of the opinion that

this application cannot be approved under the alternative non-use variance standards [Section 33-311(A)(4)(c)].

When analyzed under Section 33-311(A)(4)(b), the non-use variance standard, requests #2 and 3 comply with the standards in that section. Staff is of the opinion that the approval of said requests will be **compatible** with the adjacent properties and the surrounding area and that said requests maintain the basic intent and purpose of the zoning, subdivision and land use regulations. The adjacent area is primarily developed with office uses designated office/residential on the Land Use Plan (LUP) map and the Baptist Hospital facility. Accordingly, Requests #2 and 3 can be approved under Section 33-311(A)(4)(b).

Alternative Request #4 would allow the applicant to rezone the property to RU-5A and to provide semi-professional office uses for the community. RU-5A zoning would be **consistent** with the Land Use Plan (LUP) map designation of the Comprehensive Development Master Plan (CDMP). RU-5A zoning would also be potentially **compatible** with the surrounding area. Notwithstanding the aforementioned, staff is of the opinion that the RU-5A zoning would not be intensive enough to accommodate future desirable development of the subject property, and would be out of character with an area transitioning to higher intensity as a complex of buildings comprised of multi-story medical facilities and ancillary uses. An application for an expansion to the Baptist Hospital complex was approved pursuant to Resolution CZAB12-8-05. Said Resolution granted, among other things, a new 7-story parking garage south of the subject property. According to the RU-5A zoning district requirements, the maximum height of construction allowed is 24' which is approximately two stories high. Additionally, the applicant has not submitted a site plan for the development of the site for the proposed alternative RU-5A zoning. In the absence of same and due to the 24' height limitations imposed by RU-5A, staff is unable to ensure that the development of the alternative proposed RU-5A zoning will be designed in a manner that would be as compatible with the future development trend of the adjacent medical complex as the proposed alternative OPD District would be. As such, staff recommends denial without prejudice of Request #4. When reviewing the similarities and differences between the OPD District and the RU-5A zoning district staff notes that RU-5A zoning requires a 10,000 sq. ft. minimum lot area whereas the OPD District requires a minimum of 3 acres. RU-5A zoning allows a maximum height of 24' whereas OPD would allow a maximum of eight (8) stories or 100', whichever is less. RU-5A zoning permits a maximum lot coverage of 40%; minimum principal building setbacks are required to be 25' from the front and rear property lines, and 15' from interior side property lines and side property lines abutting a highway right-of-way. RU-5A allows a maximum Floor Area Ratio (FAR) of 0.40 for one story and 0.60 for two stories. OPD permits an FAR of 0.30 for the first story and allows the FAR to be increased by 0.08 for each additional story; requires setbacks of a minimum of 30' from property lines abutting any residential zoning in which only one single family, duplex, or townhouses are permitted, a minimum of 50' from front property lines for structures, and not less than 15' for all other setbacks. In both the OPD and RU-5A Districts, 28 trees are required per acre of net lot area and 1 parking space is required per 300 sq. ft. of gross floor area. The minimum landscaped open space required in the OPD District for a one story building is 25% of the total lot area and the required landscaped open space is increased by 3% for each additional story or part thereof above two stories based on the tallest structure on

the property. The applicant is proposing an OPD District development with a total landscape open space of 41% (37% minimum required). In the RU-5A District, the minimum required landscaped open space is 25% of the total lot area. As such, the OPD permitted height of buildings, in addition to the required landscaped open space, which in this instance, would require 12% more landscaping than the RU-5A zoning would provide, would produce a design that would be more in keeping with the adjoining landscape open space provided by the medical facility to the west of the subject property than the RU-5A zoning would allow.

Pertaining to Request #5 which accompanies either of the zone change requests (Request #1 and alternative Request #4), the standards 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. Request #5 as it accompanies Request #1 to rezone the subject property to OPD complies with the standards of Paragraph VI, Modification or Elimination of Conditions and Restrictive Covenants After Public Hearing, Where the Conditions or Restrictive Covenants were Accepted or imposed simultaneously with a District Boundary Change, in that as indicated in subsection (A) the elimination of said Declaration of Restrictions is sought in connection with an application for rezoning to a different district. Additionally, as indicated in subsection (B) conditions will be imposed to mitigate any resulting adverse impacts to the County. Further, as indicated in subsection (C), among other things, Request #5, as it accompanies Request #1, to delete a recorded Declaration of Restrictions will not result in a use of the land which will have a significant adverse impact upon the value of properties in the immediate vicinity, the architecture, layout, and orientation of buildings, open space, or amenities will be consistent with and will not be deleterious to the aesthetic character of the immediate vicinity, and the change in the intensity or use on the subject property will not differ from the intensity or use of other existing or approved development in the immediate vicinity that would represent an obvious and significant departure from the established development pattern of the immediate vicinity. In this regard, Request #5 as it accompanies Request #1 complies with Section 33-311(A)(17)(VI) and can be approved under said section. However, staff is unable to evaluate Request #5 as it accompanies Request #4 to rezone the subject property to RU-5A. Without a site plan, which is not required when requesting District Boundary Changes, staff is unable to evaluate said request under subsection (C) and cannot ensure that said request as it accompanies the zone change request to RU-5A will not result in a use of the land which will have a significant adverse impact upon the value of properties in the immediate vicinity nor that the architecture, layout, and orientation of buildings, open space, or amenities will be consistent with and will not be deleterious to the aesthetic character of the immediate vicinity. As such, Request #5 as it pertains to Request #4 cannot be fully analyzed under Section 33-(A)(17)(VI) and should be denied without prejudice under said section.

Request #5 as it accompanies the rezoning to OPD (Request #1) also complies with the modification or elimination standards under Section 33-311(A)(7). When considering the necessity for and the reasonableness of the elimination of a restrictive covenant in relation to the present and future development of the area concerned, the deletion of said

covenant in conjunction with the zone change to OPD (Request #1) will be compatible with the surrounding area and will not adversely impact same. As such, request #5 as it pertains to request #1 can be approved under Section 33-311(A)(7). However, in the absence of a site plan indicating the proposed RU-5A development, staff cannot ensure the compatibility of Request #5 as it pertains to Request #4 (the rezoning to RU-5A) in relation to the present and future development of the area concerned. As such, request #5 as it pertains to Request #4 should be denied without prejudice under Section 33-311(A)(7).

Based on all of the aforementioned, staff recommends denial of the appeal, approval with conditions of Requests #2 and #3 under Section 33-311(A)(4)(b) and denial without prejudice of said requests under Section 33-311(A)(4)(c); approval with conditions of Request #5 under Sections 33-311(A)(17) or 33-311(A)(7) (only in conjunction with the approval of Request #1); approval of the zone change to OPD (Request #1), subject to the Board's acceptance of the proffered covenant (only if Request #5 is approved); and denial without prejudice of the zone change to RU-5A (Request #4).

I. RECOMMENDATION:

Denial of the appeal; approval with conditions of Requests #2 and #3 under Section 33-311(A)(4)(b) and denial without prejudice of said requests under Section 33-311(A)(4)(c); approval with conditions of Request #5 under Sections 33-311(A)(17) or 33-311(A)(7) (only in conjunction with the approval of Request #1); approval of the zone change to OPD (Request #1), subject to the Board's acceptance of the proffered covenant (only if Request #5 is approved); and denial without prejudice of the zone change to RU-5A (Request #4).

J. CONDITIONS:

The following conditions pertain to Requests #2, 3, and 5:

1. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include among other things but not be limited thereto, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., consisting of 8 pages, dated, signed, and sealed 12-6-04 and two pages of landscape plans dated 10-22-04.

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

4. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.

5. That the applicant obtain a Certificate of Use from the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

6. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained within this report.

7. The Deletion of the Declaration of Restrictions (Request #5) is contingent only upon the approval of the requested zone change to OPD and the approval of the proffered covenant.

DATE INSPECTED:	10/28/03
DATE TYPED:	11/05/03
DATE REVISED:	12/23/03; 01/21/04; 02/05/04; 04/05/04; 05/17/04; 05/26/04; 06/30/04; 07/19/04; 09/13/04; 01/07/05; 01/10/05; 01/12/05; 01/31/05; 04/12/05; 05/19/05; 05/24/05
DATE FINALIZED:	05/24/05

DO'QW:AJT:MTF:LVT:JDR:GB:JV

Diane O'Quinn Williams, Director
Miami-Dade County Department of
Planning and Zoning

MIAMI-DADE

MEMORANDUM

DERM
DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT

TO: Diane O' Quinn-Williams, Director
Department of Planning and Zoning

RECEIVED
OCT 17 2003
MIAMI-DADE COUNTY
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING

DATE: October 7, 2003

SUBJECT: C-12 #Z2001000398-Revised
Acropolis Realty, LLC
S/S of SW 89th Terrace between SW 87th Court and SW 88th Avenue
SE to Permit Site Plan Approval for a Office Development
DBC from RU-5A/BU- 1 to OPD/ASDO
(RU-5A/ BU-1) (3 Ac.)
04-55-40

FROM: Alyce M. Robertson, Assistant Director
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 the Miami-Dade County, Florida. Accordingly, DERM may approve the application and it may be scheduled for public hearing. DERM has also evaluated the request insofar as the general environmental impact that may derive from it, and based upon the available information offers no objection to its approval.

Wellfield Protection:
The subject property is located within the Average Day Pumpage Wellfield Protection Area for the Alexander Orr/Snapper Creek/Southwest Wellfield Complex. Development of the subject property shall be in accordance with the regulations established in Section 24.12.1 of the Code. Since the subject request is for a non-residential land use, the owner of the property has submitted a properly executed covenant in accordance with Section 24-12.1(5) of the Code which provides that hazardous materials or wastes shall not be used, generated, handled, discharged, disposed of or stored on the subject property.

Water and Sewer Service:
Public water and public sanitary sewers can be made available to this site and connection of any existing or proposed facilities will be required. All sewer lines serving the property shall comply with the exfiltration standards as applied to development within wellfield protection areas.

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

Notwithstanding the foregoing, 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 until adequate capacity becomes available. Consequently, final development orders for this site may not be granted unless adequate capacity in the sanitary sewer collection/transmission and treatment system is available at the point in time when the

project will be contributing sewage to the system or if approval for alternative means of sewage disposal can be obtained. Use of an alternative means of sewage disposal 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:
All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage plans shall provide for full on-site retention of the stormwater runoff of a 5-year storm event. Pollution Control devices shall be required at all drainage inlet structures.

A Standard General Environmental Resource Permit from DERM shall be required for the construction and operation of the required surface water management system. The applicant is advised to contact DERM in order to obtain additional information concerning permitting requirements.

Site grading and development shall comply with the requirements of Chapter 11C of the Code of Miami-Dade County.

Section 24-12.1 of the Code provides for stormwater disposal methods within wellfield protection areas of public potable water supply wellfields. The Code requires that all stormwater runoff must be retained on-site utilizing only infiltration or seepage type drainage systems.

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 Comprehensive Development Master Plan subject to compliance with the conditions required by DERM for this proposed development order.

Operating Permits:
Section 24-35.1 of the Code authorizes DERM to require operating permits for 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 24-60 of the Code requires the preservation of tree resources. Consequently, DERM will require the preservation of all the specimen-sized trees, as defined in the Code. A Miami-Dade County tree removal permit is required prior to the removal or relocation of any trees. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

Wetlands:
The subject site is not located in jurisdictional wetlands as defined in Chapter 24-3 and 24-58 of the Code; therefore, a Class IV Permit for work in wetlands will not be required by DERM.

Notwithstanding the above, permits from the Army Corps of Engineers (USACOE), the State of Florida Department of Environmental Protection (FDEP) and the South Florida Water

Management District (SFWMD) may be required for the proposed project. The applicant is advised to contact these agencies concerning their permit procedures and requirements.

Enforcement History:
DERM has reviewed the Permits and Enforcement database and the Enforcement Case Tracking System and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

Concurrency Review Summary:
The Department has conducted a concurrency review for this application and has determined that the same meets all applicable Levels of Service standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan 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.

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval as required by the Code. Additionally, DERM has also evaluated the application so as to determined its general environmental impact and after reviewing the available information offers no objections to the approval of the request.

cc: Ruth Ellis-Myers, Zoning Evaluation-P&Z
Lynne Talleda, Zoning Hearings- P&Z
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z

REVISION 1
PH# Z2001000398
CZAB - C12

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: ACROPOLIS REALTY LLC

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

The applicant must successfully close the rights-of way for SW 89 Terr., SW 88 Ave. and SW 92 St. submitted as road closing petition (P-743).

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 meet the traffic concurrency(*) criteria for an Initial Development Order. It will generate 226 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta. #		LOS present	LOS w/project
9172	SW 87 Ave. s/o SW 88 St.	C	C
9714	SW 104 St. w/o US-1	D	E
F-1077	SW 87 Ave. n/o SW 132 St.	C	C
F-64	SW 88 St. e/o SW 103 Ave.	E	E
9716	SW 104 St. w/o SW 107 Ave.	C	C

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

(*)Traffic concurrency is based on development information provided by the applicant where the number of peak hour vehicle trips may fluctuate.

Raul A Pino, P.L.S.
21-JAN-05

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

CHECKED BY [illegible] AMOUNT OF FEE 923.40

RECEIPT # _____

DATE HEARD: 3/21/05

BY CZAB # 12105 / 03-11-CZ12-1

RECEIVED
MAR 21 2005
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY [illegible]

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. PH Z01-398 (05-1-CZ-12-1)

Filed in the name of (Applicant) ACROPOLIS REALTY LLC

Name of Appellant, if other than applicant WILLIAM P HARRIS, K ESTEVEZ, et al

Address/Location of APPELLANT'S property: c/o WILLIAM HARRIS, ESQ; 9300 S. Dadeland Blvd #308 MIAMI, FL 33156

Application, or part of Application being Appealed (Explanation):

Appellant (name): WILLIAM P HARRIS, K ESTEVEZ, et al 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)

_____

_____

_____

26

APPELLANT MUST SIGN THIS PAGE

Date: 21st day of March, year: 2005

Signed Kathryn K Estevez

KATHRYN K ESTEVEZ
Print Name

c/o 200 ALTON ROAD
EXECUTIVE OFFICE
Mailing Address

MIAMI BEACH, FL 33139

305/761-0675 305/674-8001
Phone Fax

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

WILLIAM P. HARRIS
Representing

Kathryn K Estevez
Signature

KATHRYN K ESTEVEZ
Print Name

c/o 200 ALTON ROAD
MIAMI BEACH, FL 33139
Address

City State Zip

305/761-0675
Telephone Number

ONTACT PERSON:
WILLIAM HARRIS
9300 S. Dadeland Blvd
#308
MIAMI, FL 33156
305/670-7000
#128

Subscribed and Sworn to before me on the 21st day of March, year 2005

Nancy Rubin
Notary Public

(stamp/seal)

Nancy Rubin
My Commission DD280182
Expires January 11, 2008

Commission expires:

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

STATE OF FLA.

COUNTY OF MIAMI-Dade

Before me the undersigned authority, personally appeared Kathryn Estevez (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

Wolfgang K. Maurino
Print Name

Signature

Zoila G. Porta
Print Name

Appellant's signature

KATHRYN ESTEVEZ
Print Name

Sworn to and subscribed before me on the 21st day of March, year 2005.

Appellant is personally know to me or has produced FL Driver's License as identification.

Olga T. Luaces
Notary
(Stamp/Seal)

Commission Expires:

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

OFFICIAL NOTARY SEAL
OLGA T LUACES
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. DD009771
MY COMMISSION EXP. APR. 14,2005

Petition of Appeal from Decision of
Miami-Dade Community Zoning Appeals Board
To the Board of County Commissioners

Attachment citing grounds and reasons supporting the reversal of the ruling of the CZAB

BY CZAB# 12105 / 03-11-CZ12-1

Hearing No: PH Z01-398 (05-1-CZ-12-1) ACROPOLIS REALTY LLC

Appellant: William P. Harris, K. Estevez

- Community Council denied rebuttal testimony of objectors following admission of new testimony of applicant experts.

- Council failed to taken into account substantial competent evidence provided by objectors' traffic engineer and zoning expert concerning code requirements and negative impacts upon the community.

- Council failed to take into account applicant's incompatibility with surrounding residential area; undue burden upon education, public transportation facilities, roads and residential streets.

- Office Park District (OPD) requires 3 acres--- applicant only has 2.94 acres; Application for OPD granted allowing less lot area required under the Code for an OPD District.

- Applicant required to have floor area ratio of 0.70; application granted allowing floor area ratio of 0.80, which is a greater floor area ration than permitted by the code.

- Applicant granted deletion of Restrictive Covenant which limited site to two story buildings. Council failed to take into account substantial competence evidence provided by objectors as to the traffic impact and substantial degradation of localized traffic patterns or substantial adverse impact on the roadway network; use of the property having deleterious effect on community character and the aesthetic character of the immediate vicinity.

- Failure to adhere to zoning requirements set forth in Sections 33-311(A)(17) and (A)(7); Sections 33-311 (A)(4)(b) or (c); All applicable sections concerning OPD; Land Use Policy 4E.

RESOLUTION NO. CZAB12-1-05

WHEREAS, **ACROPOLIS REALTY LLC** had applied to Community Zoning Appeals Board 12 for the following:

(1) RU-5A & BU-1 to OPD

(2) DELETION of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329.

The purpose of the request is to remove an agreement from the site, which limited the commercial uses and tied the BU-1 site to a plan.

(3) The applicant is requesting to permit a lot with an area of 2.94 acres. (The underlying zoning district regulation requires 3 acres including right-of-way dedication).

(4) The applicant is requesting to permit a floor area ratio of 0.94. (The underlying zoning regulation permits 0.86).

Plans are on file and may be examined in the Zoning Department entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., dated revised 9-2-03 and 10-2-03 and consisting of 8 pages. Plans may be modified at public hearing.

SUBJECT PROPERTY: The south ½ of the south ½ of the NE ¼ of the NE ¼of the NE ¼ less the east 35′ thereof and less the west 25′ thereof, in Section 4, Township 55 South, Range 40 East. The south 20′ of the right-of-way of S.W. 89 Terrace and the east 25′ of S.W. 88 Avenue, thereof shall be added to the buildable site.

LOCATION: 8960-70 S.W. 87 Court, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions, and at which time the applicant requested a waiver of the refilling period, and

WHEREAS, upon due and proper consideration having been given to the matter, it was the opinion of the Board that the requested district boundary change to OPD (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 should be denied, and that the requested deletion (Item #2), and the requests to permit a lot with an area of 2.94 acres (Item #3) and to permit a floor area ratio of 0.94 (Item #4) 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 that the requested waiver of the refiling period should be granted, and said application was denied by CZAB12-6-04, and

WHEREAS, **ACROPOLIS REALTY LLC** had appealed the decision of Community Zoning Appeals Board 12 to the Board of County Commissioners for the following:

(1) RU-5A & BU-1 to OPD

(2) The applicant is requesting to permit a lot with an area of 2.94 acres (3 acres required).

(3) The applicant is requesting to permit a floor area ratio of 0.94 (0.86 permitted).

OR IN THE ALTERNATIVE TO REQUESTS #1 - #3, THE FOLLOWING:

(4) RU-5A & BU-1 to RU-5A

AND WITH EITHER REQUEST:

(5) DELETION of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329.

The purpose of the request is to remove an agreement from the site, which limits the uses on the commercial parcel and ties the site to a specific plan.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 & #3 may be considered under §33-311 (A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) and approval of request #5 request may be considered under §33-311(A)(7) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

Plans for the OPD proposal only are on file and may be examined in the Zoning Department entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., dated revised 9-2-03 and 10-2-03 and consisting of 8 pages. Plans may be modified at public hearing.

SUBJECT PROPERTY: The south ½ of the south ½ of the NE ¼ of the NE ¼ of the NE ¼, less the east 35′ thereof and less the west 25′ thereof, in Section 4, Township 55 South, Range 40 East. The south 20′ of the right-of-way of S.W. 89 Terrace and the east 25′ of S.W. 88 Avenue, thereof shall be added to the buildable site.

LOCATION: 8960-70 S.W. 87 Court, Miami-Dade County, Florida, and

WHEREAS, after reviewing the record and decision of Community Zoning Appeals Board 12, and after having given an opportunity for interested parties to be heard, it was the opinion of the Board to vacate resolution CZAB12-6-04 and to remand the application back to Community Appeals Board 12 for further consideration with leave to amend, and said application was remanded by resolution Z-35-04, and

WHEREAS, **ACROPOLIS REALTY LLC** applied to Community Appeals Board 12 for the following:

(1) RU-5A & BU-1 to OPD

(2) The applicant is requesting to permit a lot with an area of 2.94 acres (3 acres required).

(3) The applicant is requesting to permit a floor area ratio of 0.94 (0.86 permitted).

OR IN THE ALTERNATIVE TO REQUESTS #1 - #3, THE FOLLOWING:

(4) RU-5A & BU-1 to RU-5A

AND WITH EITHER REQUEST:

(5) DELETION of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329.

The purpose of the request is to remove an agreement from the site, which limits the uses on the commercial parcel and ties the site to a specific plan.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 & #3 may be considered under §33-311 (A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) and approval of request #5 request may be considered under §33-311(A)(7) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

Plans for the OPD proposal only are on file and may be examined in the Zoning Department entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., consisting of 8 pages, dated, signed and sealed 12-6-04 and two pages of landscape plans dated 10-22-04. Plans may be modified at public hearing.

SUBJECT PROPERTY: The south ½ of the south ½ of the NE ¼ of the NE ¼ of the NE ¼ less the east 35′ thereof and less the west 25′ thereof, in Section 4, Township 55 South, Range 40 East. The south 20′ of the right-of-way of S.W. 89 Terrace and the east 25′ of S.W. 88 Avenue, thereof shall be added to the buildable site.

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LOCATION: 8960-70 S.W. 87 Court, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and that the request in the ad to permit a floor area ratio of 0.94 (Item #3) was modified by the applicant to permit a floor area of 0.80, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

Site Plan.

A. That said Property shall be developed substantially in accordance with the plans previously submitted, entitled, "Agora Professional Building," as prepared by Fullerton Diaz Architects, Inc., consisting of eight (8) pages dated, signed and sealed 12/6/04 and two (2) pages of landscape plans dated 10/22/04 (the "Site Plan"), said plans being on file with the County Department of Planning and Zoning, and by reference made a part of this agreement. The Site Plan may be modified at Public hearing.

B. That a road closing petition is also being processed in connection with the Application, (Petition P-743, as may be modified or amended; the "Petition"); however, no building permits shall be issued prior to the approval of the Petition.

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 OPD (Item #1) would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the request to permit a lot with an area of 2.94 acres (Item #2) would meet the standards of the alternative site development option zoning regulation, and so promote the objectives of creative urban design, infill development and redevelopment and/or preservation and enhancement of property values, and would not contravene the public interest standards enumerated in such regulation, with the result that the public interest served by the underlying zoning district regulations and

the CDMP will be commensurately served, and that the modified request to permit a floor area ratio of 0.80 (Item #3), and the requested deletion of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329 (Item #5) would be compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, and that the proffered Declaration of Restrictions should be accepted, and that the requested district boundary change to RU-5A (Item #4) 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 should be denied, and

WHEREAS, a motion to accept the proffered Declaration of Restrictions, approve Item #1, approve Item #2 as an alternative site development option, approve modified Item #3 as a non-use variance, approve Item #5, and to deny Item #4 without prejudice was offered by Peggy Brodeur, seconded by Carla Savola, and upon a poll of the members present the vote was as follows:

Peggy Brodeur	aye	Carla Savola	aye
Jackie Hernandez-Toraño	aye	Nelson Varona	aye
Millie Herrera	aye	Robert W. Wilcosky	nay

Jose I. Valdes absent

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 12 that the requested district boundary change to OPD (Item #1) be and the same is hereby approved.

BE IT FURTHER RESOLVED that the request to permit a lot with an area of 2.94 acres (Item #2) be and the same is hereby approved as an alternative site development option, and that the modified request to permit a floor area ratio of 0.80 (Item #3) be and the same is hereby approved as a non-use variance, and that the requested deletion of a

Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329 (Item #5) be and the same is hereby approved and, with Items #2, 3, and 5 subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include among other things but not be limited thereto, location of structure or structures, types, sizes, and location of signs, light standards, off street parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., consisting of 8 pages, date, signed, and sealed 12-6-04 and two pages of landscape plans dated 10-22-04.

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

4. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.

5. That the applicant obtain a Certificate of Use from the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

6. That the applicant comply with all the conditions and requirements of the Public Works Department.

7. That the applicant comply with all the conditions and requirements of the Department of Environmental Resources Management (DERM).

8. The Deletion of the Declaration of Restrictions (Request #5) is contingent only upon the approval of the requested zone change to OPD and the approval of the proffered covenant.

9. That two (2) broad spreading canopy trees 18' in height at time planting be planted along SW 88th Street, subject to compliance with Landscape Code Chapter 18A and approval by Baptist Hospital.

10. That the applicant provide on street parking along SW 87 Court, subject to payment and reimbursement to the Public Works Department by the owner, and subject to the approval of same by the Public Works Department.

11. That the applicant construct and install, at applicant's cost, a turn lane a SW 87th Court and SW 87th Avenue, subject to approval by FDOT and Public Works for same.

BE IT FURTHER RESOLVED that the requested district boundary change to RU-5A (Item #4) be and the same is 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.

PASSED AND ADOPTED this 2nd day of March, 2005.

Hearing No. 03-11-CZ12-1
ej

STATE OF FLORIDA

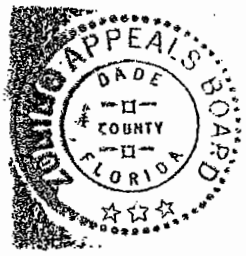
COUNTY OF MIAMI-DADE

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 Miami-Dade County Community Zoning Appeals Board 12, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB12-1-05 adopted by said Community Zoning Appeals Board at its meeting held on the 2nd day of March 2005.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 24th day of March 2005.

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

SEAL



Approved: _____ **Mayor**

Veto: _____

Override: _____

RESOLUTION NO. Z-35-04

WHEREAS, **ACROPOLIS REALTY LLC** had applied to Community Zoning Appeals Board 12 for the following:

(1) RU-5A & BU-1 to OPD

(2) DELETION of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329.

The purpose of the request is to remove an agreement from the site, which limited the commercial uses and tied the BU-1 site to a plan.

(3) The applicant is requesting to permit a lot with an area of 2.94 acres. (The underlying zoning district regulation requires 3 acres including right-of-way dedication).

(4) The applicant is requesting to permit a floor area ratio of 0.94. (The underlying zoning regulation permits 0.86.

Plans are on file and may be examined in the Zoning Department entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., dated revised 9-2-03 and 10-2-03 and consisting of 8 pages. Plans may be modified at public hearing.

SUBJECT PROPERTY: The south ½ of the south ½ of the NE ¼ of the NE ¼ of the NE ¼, less the east 35′ thereof and less the west 25′ thereof, in Section 4, Township 55 South, Range 40 East. The south 20′ of the right-of-way of S.W. 89 Terrace and the east 25′ of S.W. 88 Avenue, thereof shall be added to the buildable site.

LOCATION: 8960-70 S.W. 87 Court, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 12 that the requested district boundary change to OPD (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 should be denied, and

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that the requested deletion (Item #2), and the requests to permit a lot with an area of 2.94 acres (Item #3) and to permit a floor area ratio of 0.94 (Item #4) 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 that the requested waiver of the re-filing period should be granted and said application was denied by Resolution No. CZAB12-6-04, and

WHEREAS, **ACROPOLIS REALTY LLC** appealed the decision of Community Zoning Appeals Board 12 to the Board of County Commissioners for the following:

(1) RU-5A & BU-1 to OPD

(2) The applicant is requesting to permit a lot with an area of 2.94 acres (3 acres required).

(3) The applicant is requesting to permit a floor area ratio of 0.94 (0.86 permitted).

OR IN THE ALTERNATIVE TO REQUESTS #1 - #3, THE FOLLOWING:

(4) RU-5A & BU-1 to RU-5A

AND WITH EITHER REQUEST:

(5) DELETION of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329.

The purpose of the request is to remove an agreement from the site, which limits the uses on the commercial parcel and ties the site to a specific plan.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 & #3 may be considered under §33-311 (A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) and approval of request #5 request may be considered under §33-311(A)(7) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

Plans for the OPD proposal only are on file and may be examined in the Zoning Department entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., dated revised 9-2-03 and 10-2-03 and consisting of 8 pages. Plans may be modified at public hearing.

SUBJECT PROPERTY: The south ½ of the south ½ of the NE ¼ of the NE ¼ of the NE ¼, less the east 35′ thereof and less the west 25′ thereof, in Section 4, Township 55 South, Range 40 East. The south 20′ of the right-of-way of S.W. 89 Terrace and the east 25′ of S.W. 88 Avenue, thereof shall be added to the buildable site.

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LOCATION: 8960-70 S.W. 87 Court, 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, after reviewing the record and decision of Community Zoning Appeals Board 12 and after having given an opportunity for interested parties to be heard, it is the opinion of this Board to vacate resolution CZAB12-6-04 and to remand the application back to Community Appeals Board 12 for further consideration with leave to amend, and

WHEREAS, a motion to vacate resolution CZAB12-6-02 and to remand the application back to Community Appeals Board 12 for further consideration with leave to amend was offered by Commissioner Rebeca Sosa, seconded by Commissioner Jose "Pepe" Diaz, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	absent	Dennis C. Moss	absent
Jose "Pepe" Diaz	aye	Dorrin D. Rolle	aye
Betty T. Ferguson	aye	Natacha Seijas	aye
Sally A. Heyman	aye	Katy Sorenson	aye
Joe A. Martinez	aye	Rebeca Sosa	aye
Jimmy L. Morales	absent	Javier D. Souto	aye

Chairperson Barbara M. Carey-Shuler aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that Resolution CZAB12-6-04 is vacated and that the application is hereby remanded to Community Zoning Appeals Board 12 for further consideration with leave to amend.

BE IT FURTHER RESOLVED that Resolution No. CZAB12-6-04 is hereby null and void.

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

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THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 21ST day of October, 2004, 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. 03-11-CZ12-1
ej

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

By KAY SULLIVAN
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 4TH DAY OF NOVEMBER, 2004.

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STATE OF FLORIDA

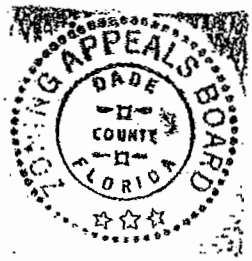
COUNTY OF MIAMI-DADE

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-35-04 adopted by said Board of County Commissioners at its meeting held on the 21st day of October, 2004.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 4th day of November, 2004.

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

SEAL



RESOLUTION NO. CZAB12-6-04

WHEREAS, **ACROPOLIS REALTY LLC** applied for the following:

(1) RU-5A & BU-1 to OPD

(2) DELETION of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329.

The purpose of the request is to remove an agreement from the site which limited the commercial uses and tied the BU-1 site to a plan.

(3) The applicant is requesting to permit a lot with an area of 2.94 acres. (The underlying zoning district regulation requires 3 acres including right-of-way dedication).

(4) The applicant is requesting to permit a floor area ratio of 0.94. (The underlying zoning regulation permits 0.86.

Plans are on file and may be examined in the Zoning Department entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., dated revised 9-2-03 and 10-2-03 and consisting of 8 pages. Plans may be modified at public hearing.

SUBJECT PROPERTY: The south ½ of the south ½ of the NE ¼ of the NE ¼ of the NE ¼, less the east 35' thereof and less the west 25' thereof, in Section 4, Township 55 South, Range 40 East. The south 20' of the right-of-way of S.W. 89 Terrace and the east 25' of S.W. 88 Avenue, thereof shall be added to the buildable site.

LOCATION: 8960-70 S.W. 87 Court, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time, the applicant requested a waiver of the refilling period, 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 OPD (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 should be denied, and that the requested deletion (Item #2), and the requests to permit a lot with an area of 2.94 acres (Item #3) and to permit a floor area ratio

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of 0.94 (Item #4) 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 that the requested waiver of the refiling period should be granted, and

WHEREAS, a motion to deny Items #1-4 without prejudice and to grant the waiver of the refiling period was offered by Robert W. Wilcosky, seconded by Peggy Brodeur, and upon a poll of the members present the vote was as follows:

Peggy Brodeur	aye	Douglas Krueger	absent
Millie Herrera	absent	Nelson Varona	nay
		Robert W. Wilcosky	aye

Jose I. Valdes aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 12, that the requested district boundary change to OPD (Item #1) be and the same is hereby denied without prejudice.

BE IT FURTHER RESOLVED that the requested deletion (Item #2), and the requests to permit a lot with an area of 2.94 acres (Item #3) and to permit a floor area ratio of 0.94 (Item #4) be and the same are hereby denied without prejudice.

BE IT FURTHER RESOLVED that the requested waiver of the refiling period be and the same is hereby granted, and said refiling period is hereby waived.

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 10th day of February, 2004.

Hearing No. 03-11-CZ12-1
ej

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STATE OF FLORIDA

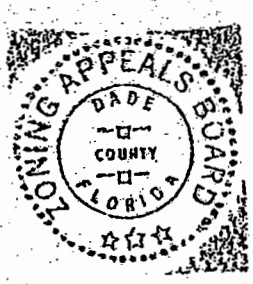
COUNTY OF MIAMI-DADE

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 Miami-Dade County Community Zoning Appeals Board 12, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB12-6-04 adopted by said Community Zoning Appeals Board at its meeting held on the 10th day of February, 2004.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 17th day of February, 2004.

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

SEAL



RESOLUTION NO. Z-100-83

The following resolution was offered by Commissioner Ruth Shack, seconded by Commissioner Barry D. Schreiber, and upon poll of members present the vote was as follows:

Barbara M. Carey	absent	Barry D. Schreiber	aye
Clara Oesterle	absent	Ruth Shack	aye
Beverly B. Phillips	absent	Jorge (George) Valdes	aye
James E. Redford, Jr.	aye	Stephen P. Clark	aye
Harvey Ruvin	absent		

WHEREAS, RAYMOND PEARLSON & ROBERT BROWDY had applied for the following.

A district boundary change from RU-5A (Semi-Professional Offices) to BU-1 (Neighborhood Business);

SUBJECT PROPERTY: The east 185' of the south 1/2 of the south 1/2 of the NE 1/4 of the NE 1/4 of the NE 1/4, less the east 35' thereof, in Section 4, Township 55 South, Range 40 East.

LOCATION: 8960 S.W. 87 Court, Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners, Dade County, Florida, was advertised and held, as required by law, and all interested parties concerned in the matter were heard, at which time the applicant's representative proffered a Declaration of Restrictions limiting the use of the subject property for office use and a commercial bank and sandwich shop, and upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change would be compatible with the neighborhood and area concerned and would not be in conflict with the principles and intent of the plan for the development of Dade County, Florida, and should be approved, subject to conditions, and the proffered covenant should be accepted;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the requested district boundary change to BU-1 be and the same is hereby approved and said property is hereby zoned accordingly, subject to the following conditions:

1. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things but be not limited thereto, location of building or buildings, type and location of signs, light standards, parking areas, exits and entrances, drainage, walls, fences. landscaping, etc.

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

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Metropolitan Dade County, Florida, the County hereby accepts the proffered Declaration of Restrictive Covenants and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable

zoning regulations.

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

PASSED AND ADOPTED this 9th day of June, 1983.

June, 1983
No. 83-3-CC-7
vp
6/10/83

DADE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS
Richard P. Brinker, Clerk

By RAYMOND [illegible]
Deputy Clerk

This resolution transmitted to the Clerk of the Board of County Commissioners on the 22nd day of June 1983.

1983 JUL -8 AM 8 83R181654-55-40

REC 11841 PG 1328

DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS that the undersigned, being the owner, or having some right, title or interest in the following described property, lying, being and situated in Dade County, Florida, to-wit:

THE EAST 185 FT. OF S 1/2 OF S 1/2 OF NE 1/4 OF NE 1/4 OF NE 1/4 LESS EAST 35 FEET OF SECTION 4, TOWNSHIP 55 SOUTH, RANGE 40 EAST.

in order to assure the County Commission of Dade County, Florida, that the representations made to it by the owner will be abided by, voluntarily makes the following Declaration of Restrictions covering and running with the above-described real property:

(1) That said property shall be developed substantially in accordance with the spirit and intent of the plans previously submitted, prepared by MARIANO RODRIGUEZ (ARCHITECT) entitled, OFFICE ADDITION FOR PEARLSON CENTER - INCLUDING ZONING CHANGE FOR SANDWICH SHOP IN EXISTING BUILDING. dated the 15th day of MAY, 1982.

(2) ADDITION TO BE RESTRICTED SOLELY FOR USE OF COMMERCIAL BANK.

(3) TO BE RESTRICTED SOLELY FOR SANDWICH SHOP IN EXISTING BUILDING LOCATED AT 8960 S.W. 87th CT. MIAMI, FLA. 33176.

As further part of this agreement, it is hereby understood and agreed that any official inspector of the Dade County Building and Zoning Department, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and investigating 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.

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.

This Agreement on the part of the owner shall constitute a covenant running with the land and may be recorded in the public records of Dade County, Florida,

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These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 30 years from the date these covenants are recorded, after which time they shall be extended automatically for successive periods of ten years, unless an instrument signed by a majority of the, then, owner(s) of the real property has been recorded agreeing to change the covenants in whole, or in part, provided that the covenants have first been released by Dade County.

This Declaration of restrictive Covenants 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 of the fee simple title to the lands to be affected by such modification, amendment or release, provided that the same is also approved by the Board of County Commissioners or the Zoning Appeals Board of Metropolitan Dade County, Florida, (whichever by law has jurisdiction over such matters) after public hearing.

Should this Declaration of Restrictive Covenants be so modified, amended or released, the Director of the Metropolitan Dade County Building & Zoning Department, or his successor, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

Enforcement shall be by action at law or in equity against any parties or persons violating, or attempting to violate, any covenants, either to restrain violation or to recover damages. The prevailing party bringing the action, or suit, 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.

Invalidation of any one of these covenants, by judgement or Court, in no wise shall affect any of the other provisions which shall remain in full force and effect.

Signed, sealed, executed and acknowledged this 4 day of May, 1982.

WITNESSES:

MIAMI-DADE FIRE RESCUE
Planning & Capital Improvements Bureau
ZONING COMMENTS

Hearing Number: Z01-398 Rev#2

Plans: ☑ Yes ☐ No Request: _____

Location: _____

Recommendation:
- Approved ✓
- Approved with conditions ____*
- Approved with no change from previous submittal ____
- Denial ____
- Defer to DIC comments ____

*

Estimated number of alarms generated annually by application: 22

If there is an impact, below is the service availability:

Station District 23 Grid 1829 DU/SF 81,646 Occupancy Type 3

Impact of additional calls on closest station:
- ☐ No Impact
- ☐ Minimal Impact
- ☒ Moderate Impact
- ☐ Severe Impact

Planned Service to Mitigate:

Service	Location	Year to be Completed
East Kendall 13	6000 SW. 87A	2005

☐ None

THIS REVIEW IS FOR SERVICE IMPACT AND SERVICE AVAILABILITY ONLY AND DOES NOT CONSTITUTE NOR IMPLY SITE PLAN APPROVAL.

ALL SITE PLANS MUST BE REVIEWED AND APPROVED BY THE MIAMI-DADE FIRE RESCUE FIRE WATER & ENGINEERING BUREAU LOCATED AT 11805 SW 26 ST. BASED UPON THAT REVIEW, SITE PLANS MAY NEED MODIFICATION TO COMPLY WITH LIFE-SAFETY STANDARDS.

Reviewed by: B. J. Matthews Phone: (786) 331-4542 Date: 2/25/04

Barbara J. Matthews

Revised 1/23/04 BJM

.50

DATE: 05/23/05
REVISION 1

TEAM METRO

ENFORCEMENT HISTORY

ACROPOLIS REALTY LLC

APPLICANT

8960-70 SW 87 COURT

ADDRESS

Z2001000398

HEARING NUMBER

CURRENT ENFORCEMENT HISTORY:

No open Team Metro cases.

DISCLOSURE OF INTEREST*

If the property which is the subject of the application is owned or leased by a CORPORATION, list the principal stockholders and the percentage of stock owned by each. [Note: Where the principal officers or stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

ACROPOLIS REALTY, L.L.C.
CORPORATION NAME

NAME, ADDRESS AND OFFICE	Percentage of Stock
PED INVESTMENTS LIMITED	100%

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: Where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUST NAME

NAME AND ADDRESS	Percentage of Interest

DISCLOSURE OF INTEREST*

If the property which is the subject of the application is owned or leased by a CORPORATION, list the principal stockholders and the percentage of stock owned by each. [Note: Where the principal officers or stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

PED INVESTMENTS LIMITED
CORPORATION NAME

NAME, ADDRESS AND OFFICE	Percentage of Stock
Pablo Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	49 1/2 %
Elizabeth Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	49 1/2 %
PED HOLDINGS, INC.	1 %

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: Where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUST NAME

NAME AND ADDRESS	Percentage of Interest

DISCLOSURE OF INTEREST*

If the property which is the subject of the application is owned or leased by a CORPORATION, list the principal stockholders and the percentage of stock owned by each. [Note: Where the principal officers or stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

PED HOLDINGS, INC.
CORPORATION NAME

NAME, ADDRESS AND OFFICE	Percentage of Stock
Pablo Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	50%
Elizabeth Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	50%

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: Where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUST NAME

NAME AND ADDRESS	Percentage of Interest

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

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

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

Signature: _____

(Applicant) Pablo Delgado, President

Sworn to and subscribed before me,

this 10 day of October, 2001

(SEAL)

Elizabeth P. Cardenas

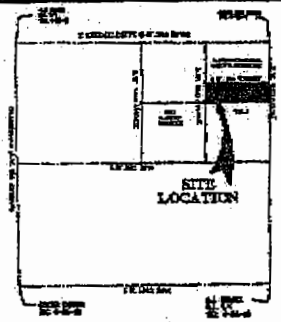
Notary Public, State of Florida at Large

ELIZABETH P. CARDENAS
MY COMMISSION # CC 994093
EXPIRES: January 16, 2005
Bonded Thru Notary Public Underwriters

My Commission Expires:

*Disclosure shall not be required of any entity, the equity interests in which are regularly traded on an established securities market in the United States or other country; or of any entity, the ownership interests of which are held in a limited partnership consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interest in the limited partnership.

56



LOCATION MAP
N.E. 1/4 OF SECTION 4-55-40
MIAMI-DADE COUNTY, FLORIDA
(NOT TO SCALE)

LEGAL DESCRIPTION

AGORA PROFESSIONAL BUILDING
SITE DATA LEGEND

ZONING AUTHORITY:	METROPOLITAN DADE COUNTY, FLORIDA
EXISTING ZONING CLASSIFICATION:	[illegible]
DESIGNATED ZONING CLASSIFICATION:	[illegible]
PROPERTY ADDRESS:	[illegible]
ROAD CLASSIFICATION:	[illegible]
NAME OF WATER AND SEWER UTILITIES	[illegible]
PROPOSED BUILDING USE:	[illegible]
LAND AREA INCLUDED IN DEV:	[illegible]
LOT DIMENSIONS (FT OR M CODES)	[illegible]
HEIGHT OF BUILDING	ALLOWED: [illegible] PROPOSED: [illegible]
SETBACKS	REQUIRED: [illegible] PROVIDED: [illegible]
PROPOSED FLOOR AREA RATIO	[illegible]
PROPOSED PARKING RATIO AREA	[illegible]
LANDSCAPED OPEN SPACE:	REQUIRED: [illegible] PROVIDED: [illegible]
PARK:	ALLOWED: [illegible] PROVIDED: [illegible]
F.A.R. "BONUS ROOM"	[illegible]
CSP REQUIREMENTS	[illegible]

OWNER: [illegible]

ARCHITECT: [illegible]

LANDSCAPE: [illegible]

SURVEYOR: [illegible]

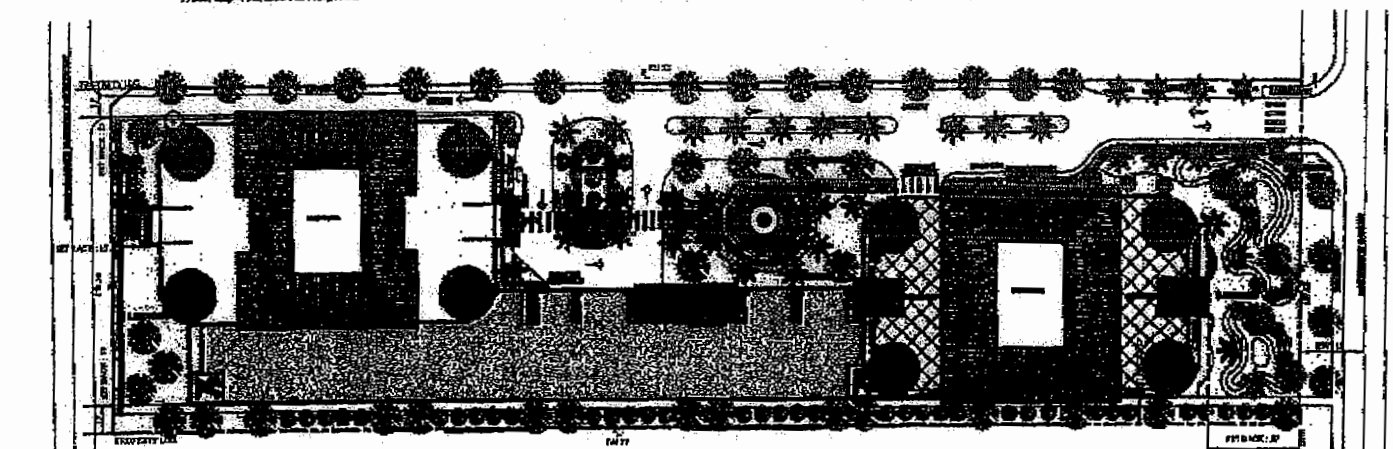
INDEX OF DRAWINGS

ARCHITECTURE

[illegible]

STRUCTURE

[illegible]



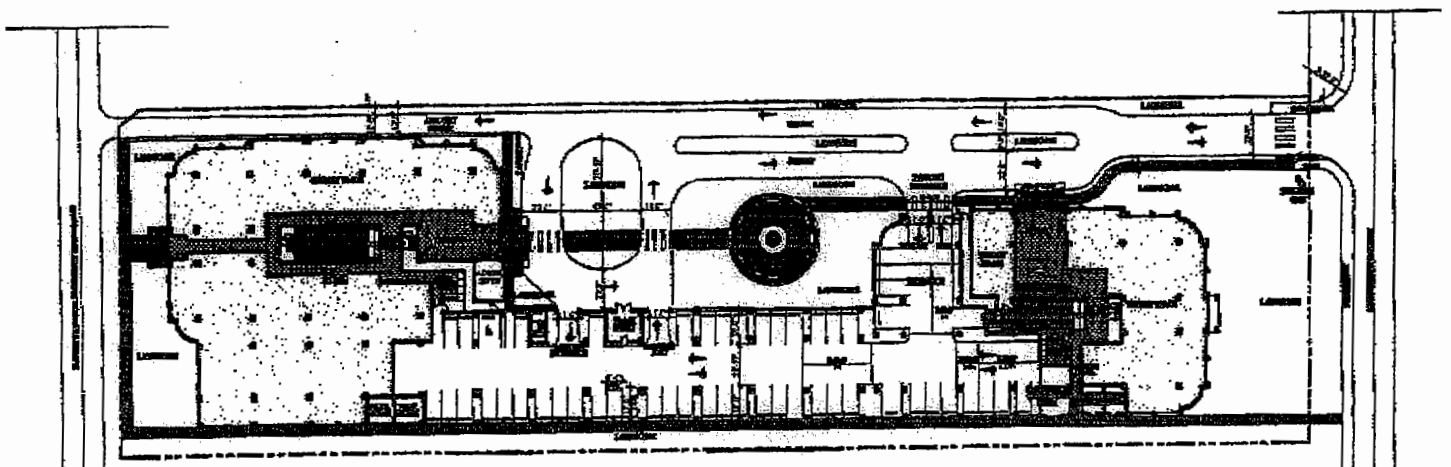
PROPOSED SITE PLAN
SCALE [illegible]

Agora Professional Building

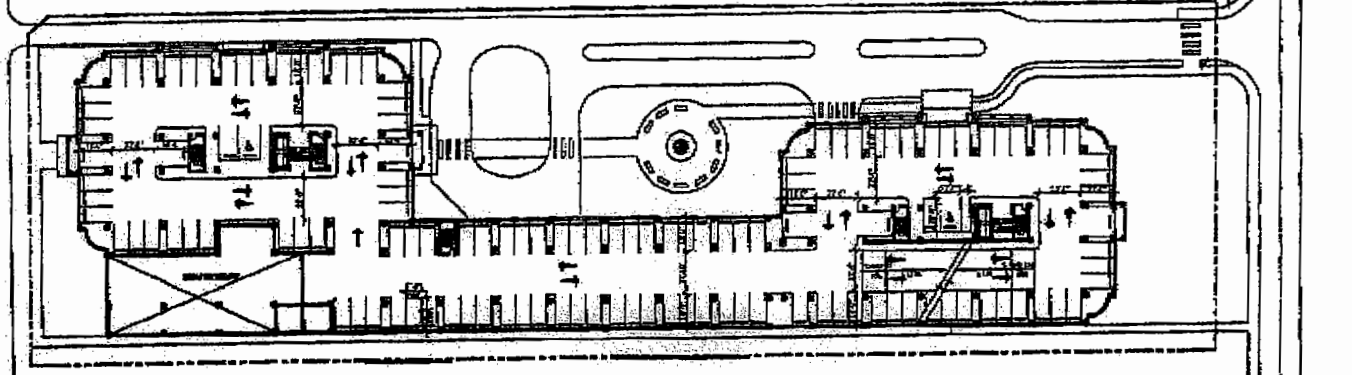
A-1

DEC 2 2004

01.398



1st FLOOR PLAN (GROUND LEVEL)

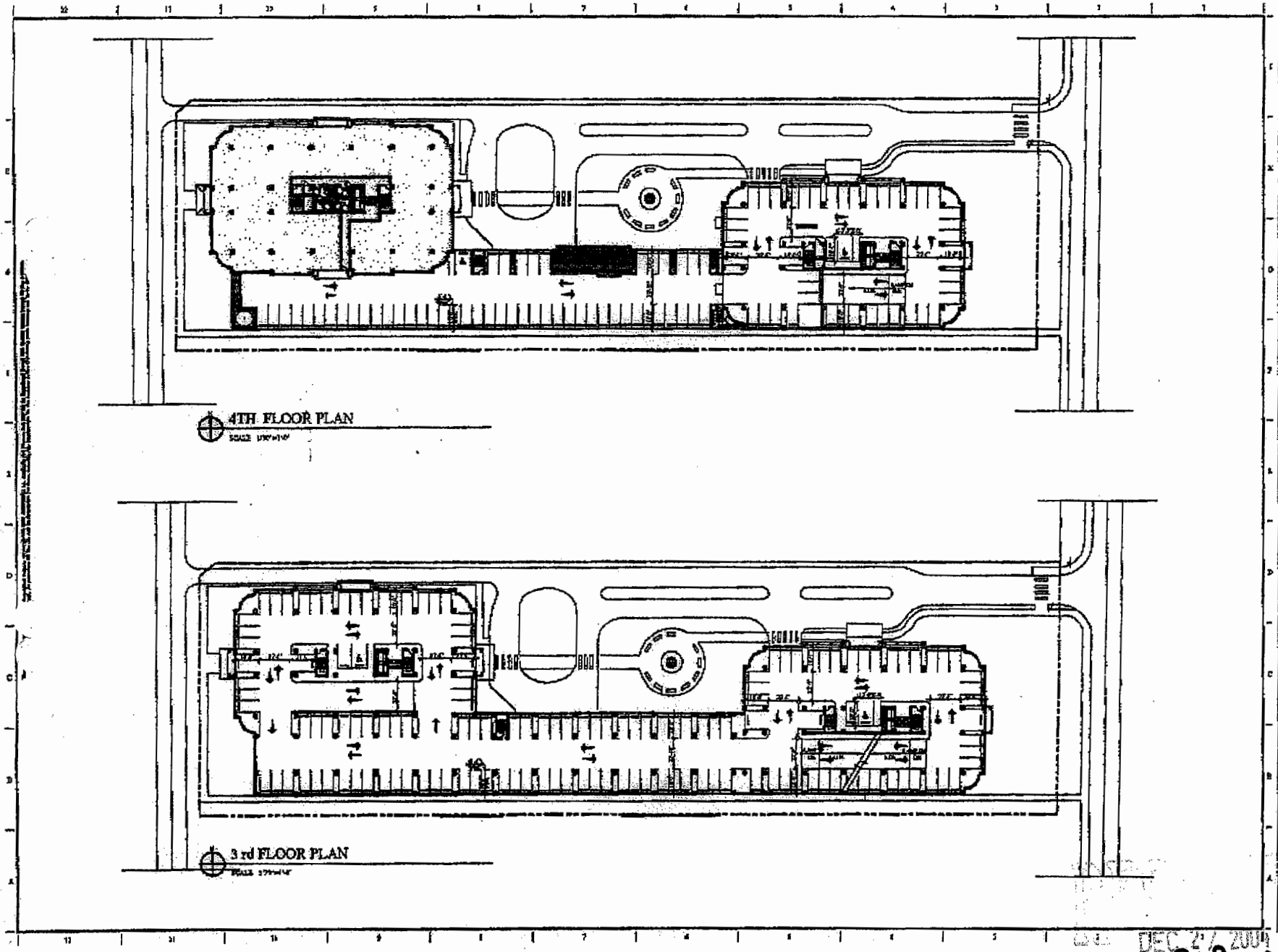


2nd FLOOR PLAN

RECEIVED
01.398
DEC 27 2004

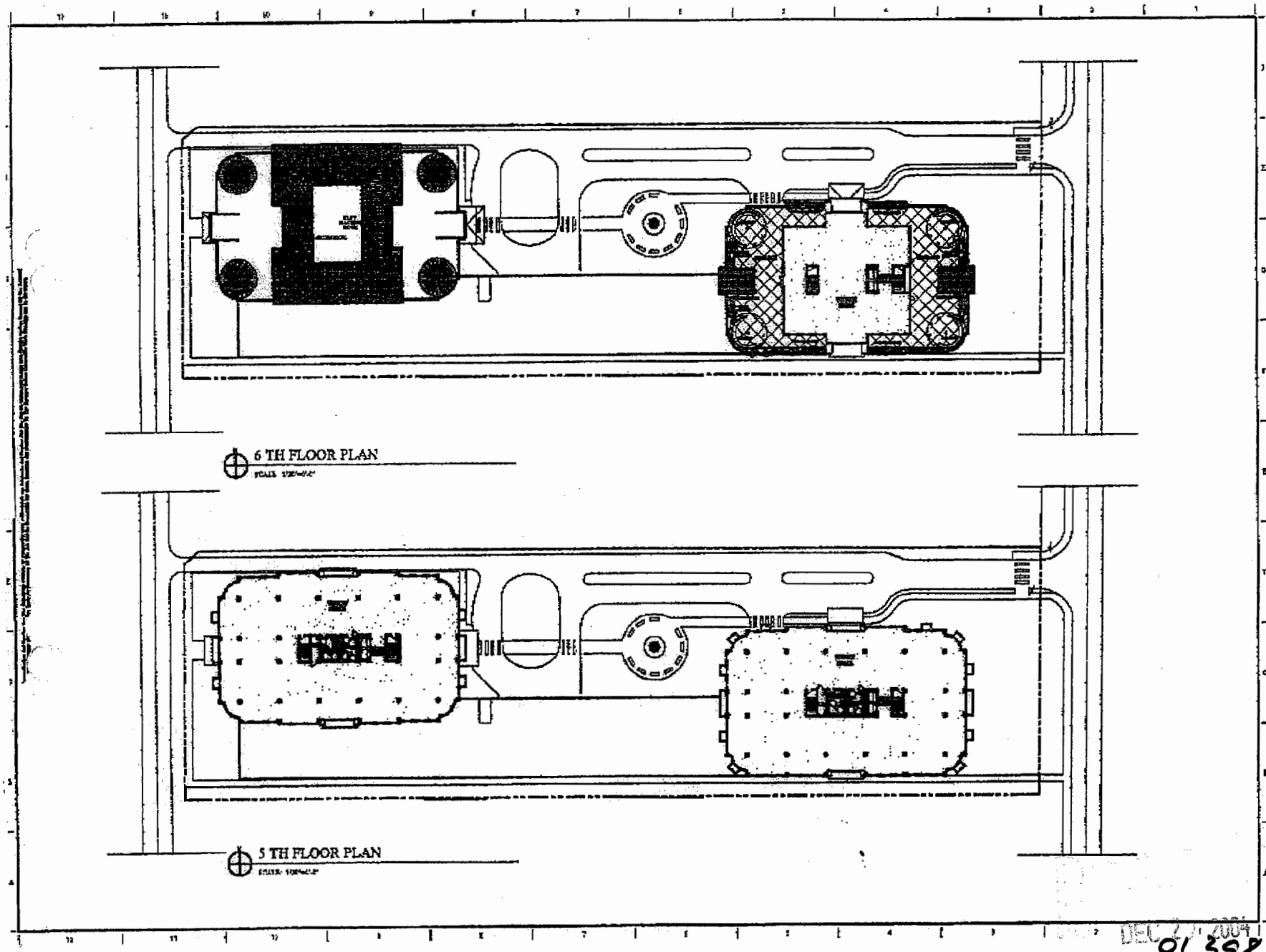
Agora Professional Building

A-2



58

DEC 27 2004
01358

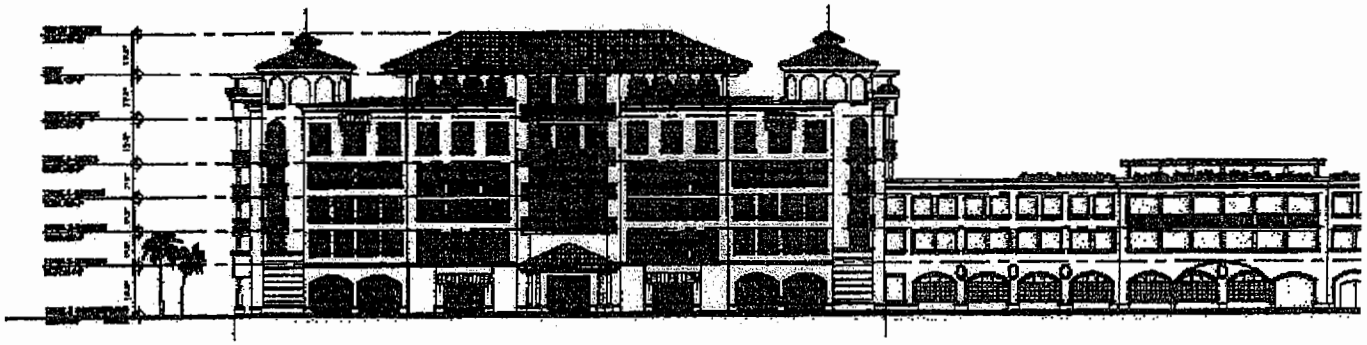


59

DEC 2 2004
01.398

60

1 NORTH ELEVATION



2 NORTH ELEVATION - EAST BUILDING

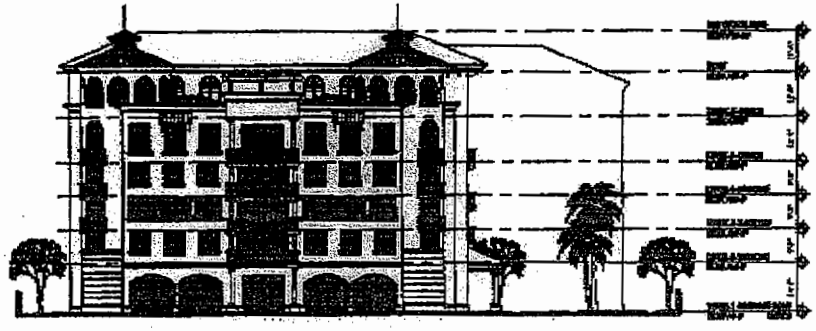
3 NORTH ELEVATION- CENTER AND WEST BUILDING

Agora Professional Building

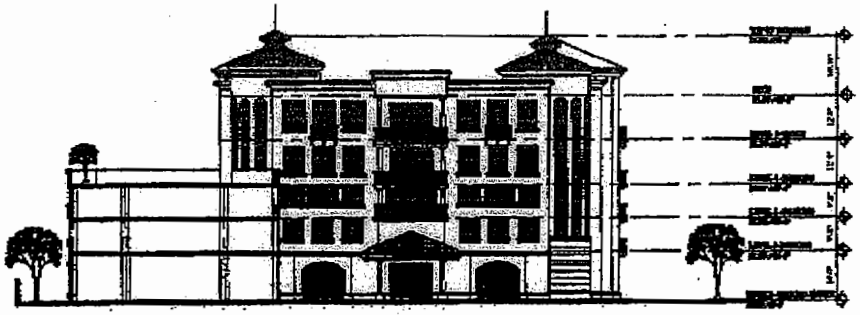
A-5

DEC 27 2004

01.598



1 EAST ELEVATION - EAST BUILDING



2 EAST ELEVATION- WEST BUILDING

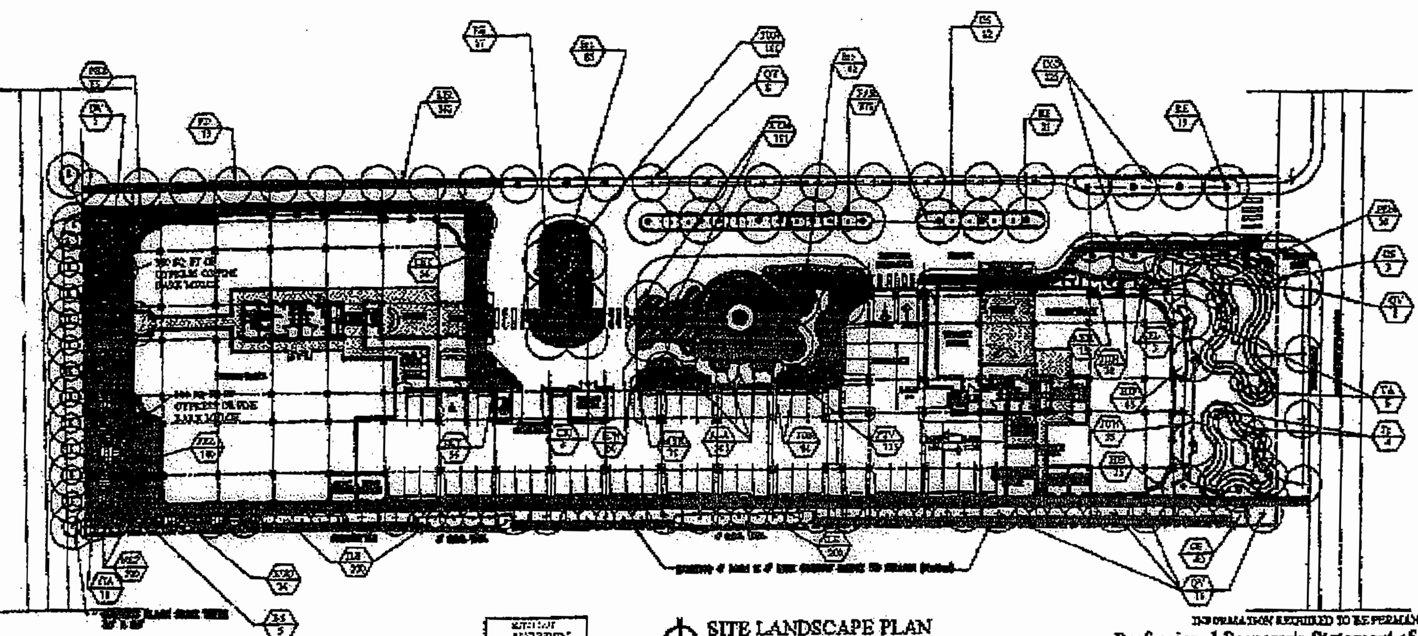
Agora Professional Building

A-6

01.358

19

62



SITE LANDSCAPE PLAN

PLANT LIST:

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

LANDSCAPE REQUIREMENTS/ CALCULATIONS:

	REQUIRED	PROVIDED
[illegible]	[illegible]	[illegible]

THIS INFORMATION REQUIRED TO BE PERMANENTLY AFFIXED TO PLAN

Professional Preparer's Statement of Landscape Compliance

[illegible]

[redacted]

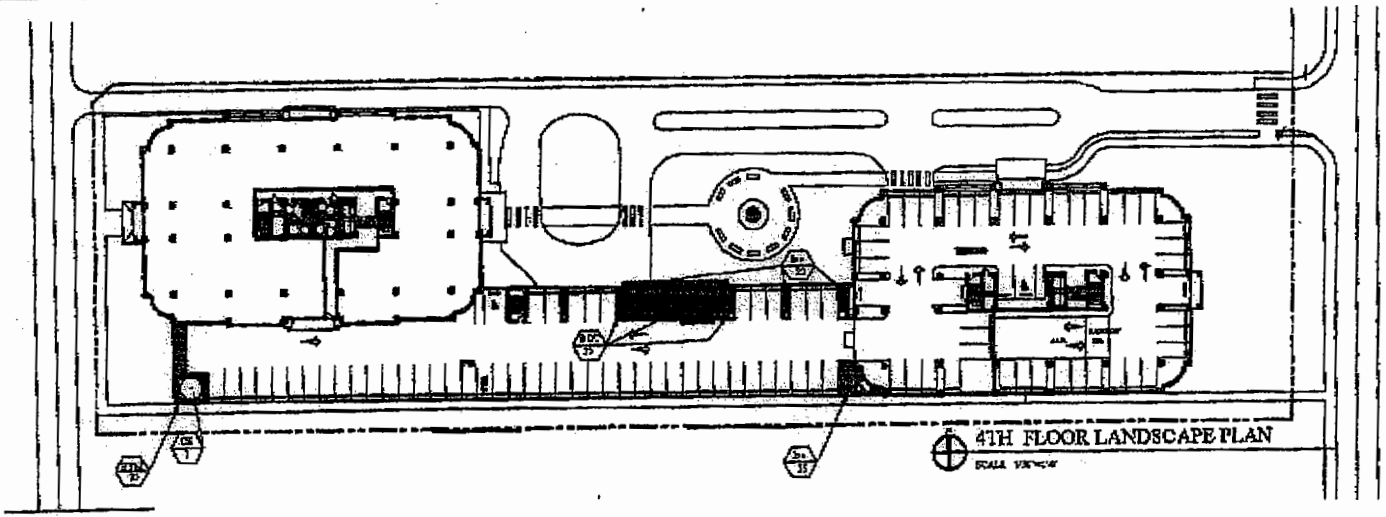
Notary Public [redacted]

Print Name [redacted]

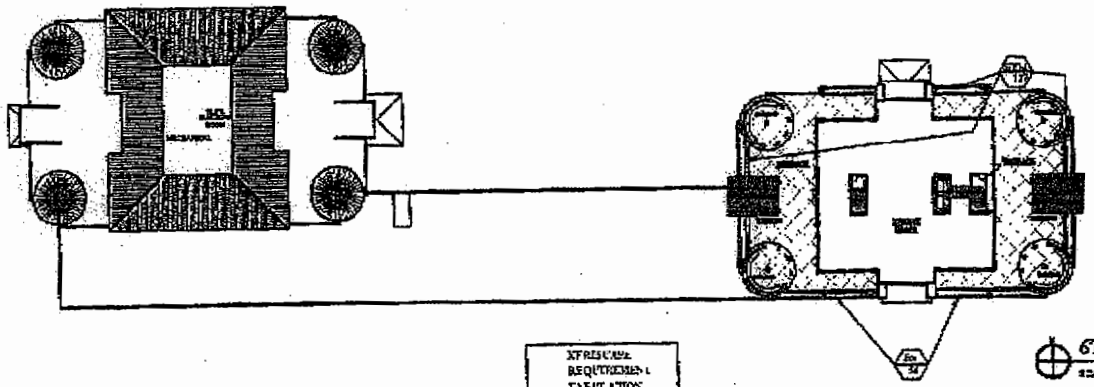
Agora Professional Building

LP-1

01.358



4TH FLOOR LANDSCAPE PLAN



6TH FLOOR LANDSCAPE PLAN

PLANT LIST:

SYMBOL	SCIENTIFIC NAME / COMMON NAME	QTY	SIZE	SPACING / REMARKS	XERISCAPE REQUIREMENT TABULATION: Drought Tolerance	XERISCAPE REQUIREMENT TABULATION: Salt Tolerance
	SHADE TREES AND PALM TREES				HIGH, MEDIUM OR LOW	HIGH, MEDIUM OR LOW
CS	[illegible]	1	[illegible]	NATIVE	HIGH	HIGH
	SHRUBS AND GROUNDCOVERS					
[illegible]	[illegible]	[illegible]	[illegible]	[illegible] NATIVE	HIGH	HIGH
[illegible]	[illegible]	35	[illegible]		HIGH	MEDIUM
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	MEDIUM	MEDIUM

PLANT DETAILS:

FULLERTON DIAZ ARCHITECTS INC.

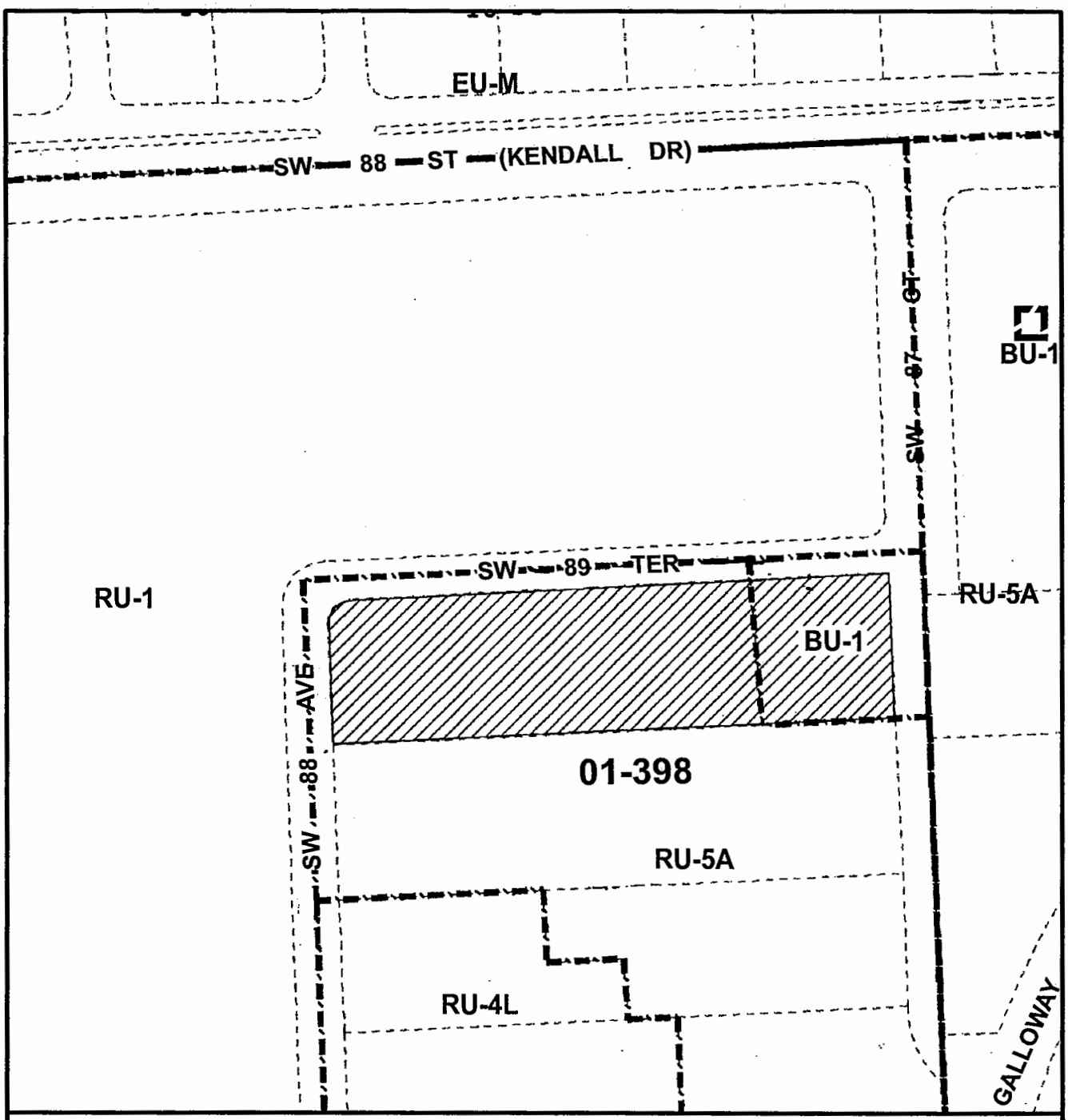
Agora Professional Building

LP-2

63

DEC 2 / 2004

01.398



MIAMI-DADE COUNTY
HEARING MAP

S C A L E
0 200'
N

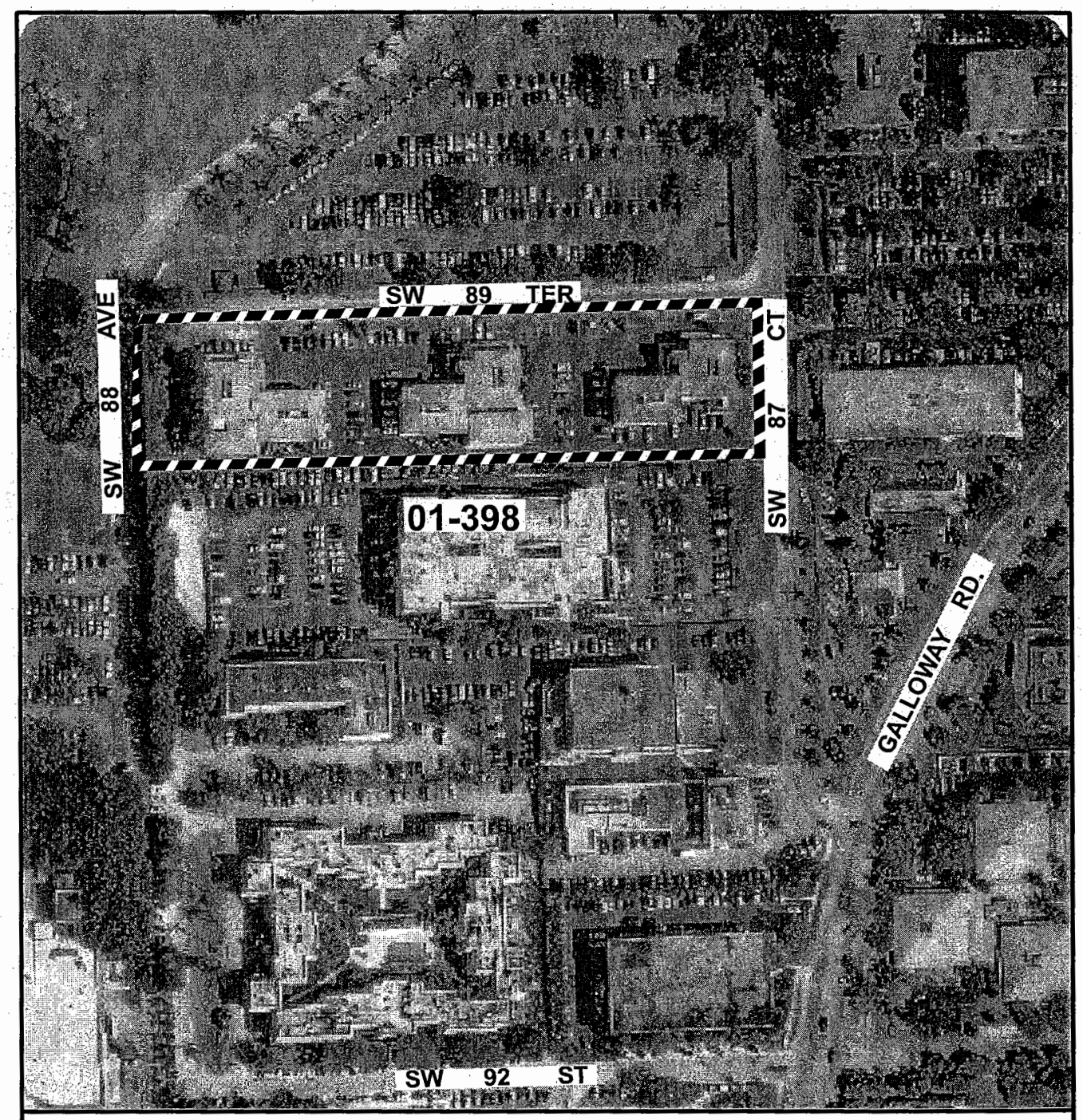
SUBJECT PROPERTY

Section: 04 Township: 55 Range: 40
Process Number: 01000398
Applicant: ACROPOLIS REALTY, LLC.
District Number: 08
Zoning Board: C12
Drafter ID: ALFREDO
Scale: 1:200'

MIAMI-DADE

64

G: ZONING DRAFTING 01-398 12/01
REVISED 10/14/03
REVISED 02-18-05



MIAMI-DADE COUNTY
AERIAL

S C A L E
0 NTS
N

SUBJECT PROPERTY

Section: 04 Township: 55 Range: 40
Process Number: 01000398
Applicant: ACROPOLIS REALTY, LLC.
District Number: 08
Zoning Board: C12
Drafter ID: ALFREDO
Scale: NTS

MIAMI-DADE

G: ZONING DRAFTING 01-398. 12/01
REVISED 10/14/03
REVISED 02-18-05

C. ACROPOLIS REALTY LLC
(Applicant)

03-11-CZ12-1 (01-398)
Area 12/District 8
Hearing Date: 3/2/05

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
1965	Mark XX	Zone change from AU to RU-5A.	CC	Approved
1966	Mark XX	Use Variance for zoning regulations, waiving 5' wall along interior side of property lines.	ZAB	Approved
1967	Mark XX	Variance zoning regulations, walls, access buildings.	ZAB	Approved
1983	Raymond Pearlson & Robert Browdy	Zone change from RU-5A to BU-1.	CC	Approved

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 12
MOTION SLIP

1

APPLICANT'S NAME: ACROPOLIS REALTY

REPRESENTATIVE(S): **CHAD WILLIARD**

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
03-11-CZ12-1 (01-398)	JANUARY 25, 2005	CZAB12- -05

REQS: Appeal CZAB#12 decision which denied in part: (1) RU-5A & BU-1 to OPD (2) Lot w/area 2.94 acres. (3) 0.94 FAR OR IN ALT. TO #1 - 3, THE FOLLOWING: (4) RU-5A & BU-1 to RU-5A & w/either request: (5) DELETE Declaration limiting uses on commercial parcel and ties site to plan.

REC: AWC #2 PER 33-311(A)(21) or (A)(4)(b) & DWOP UNDER (A)(4)(c)
AWC #3 PER 33-311(A)(4)(b) & DWOP UNDER (A)(21) or (A)(4)(c)
AWC #5 PER 33-311(A)(17) or (A)(7) [ONLY IF #1 APPROVED]
APPROVE #1 PER 33-311(A)(8) SUBJECT TO COVENANT [ONLY IF #5 APPROVED]
DWOP #4

☐ WITHDRAW: ☐ APPLICATION ☐ ITEMS:_____

■ DEFER: ☐ INDEFINITELY ■ TO: February 22, 2005 ☐ 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

■ **HEARING NOT CONCLUDED AS TIME EXPIRED – TO BE CONTINUED FEB, 22, '05 MEETING**

TITLE	M/S	NAME	YES	NO	ABSENT
MS.		Peggy BRODEUR			
MADAME VICE-CHAIR		Millie HERRERA			
MR.		Douglas A. KRUEGER			
MS.		Carla SAVOLA			
MR.		Nelson A. VARONA			
MR.		Robert W. WILCOSKY			
CHAIRMAN		Jose I. VALDEZ (C.A.)			**RECUSE**

VOTE:_____to_____

EXHIBITS: ■ YES ☐ NO COUNTY ATTORNEY: **THOMAS ROBERTSON**

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 12
MOTION SLIP

1

APPLICANT'S NAME: ACROPOLIS REALTY

REPRESENTATIVE(S): **CHAD WILLIARD**

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
03-11-CZ12-1 (01-398)	JANUARY 25, 2005	CZAB12- -05

REQS: Appeal CZAB#12 decision which denied in part: (1) RU-5A & BU-1 to OPD (2) Lot w/area 2.94 acres. (3) 0.94 FAR OR IN ALT. TO #1 - 3, THE FOLLOWING: (4) RU-5A & BU-1 to RU-5A & w/either request: (5) DELETE Declaration limiting uses on commercial parcel and ties site to plan.

REC: AWC #2 PER 33-311(A)(21) or (A)(4)(b) & DWOP UNDER (A)(4)(c)
AWC #3 PER 33-311(A)(4)(b) & DWOP UNDER (A)(21) or (A)(4)(c)
AWC #5 PER 33-311(A)(17) or (A)(7) [ONLY IF #1 APPROVED]
APPROVE #1 PER 33-311(A)(8) SUBJECT TO COVENANT [ONLY IF #5 APPROVED]
DWOP #4

☐ WITHDRAW: ☐ APPLICATION ☐ ITEMS:_____

☐ 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

■ **HEARING NOT CONCLUDED AS TIME EXPIRED – TO BE CONTINUED FEB, 22, '05 MEETING**

TITLE	M/S	NAME	YES	NO	ABSENT
MS.		Peggy BRODEUR			
MADAME VICE-CHAIR		Millie HERRERA			
MR.		Douglas A. KRUEGER			
MS.		Carla SAVOLA			
MR.		Nelson A. VARONA			
MR.		Robert W. WILCOSKY			
CHAIRMAN		Jose I. VALDEZ (C.A.)			**RECUSE**

VOTE:_____to_____

EXHIBITS: ■ YES ☐ NO COUNTY ATTORNEY: **THOMAS ROBERTSON**

2

DATE: OCTOBER 21, 2004 **#Z-35-04**

APPLICANT: D. ACROPOLIS REALTY LLC

MOTION: DECISION VACATED AND APPLICATION REMANDED TO THE COMMUNITY COUNCIL #12 WITH LEAVE TO AMEND THE REQUESTS IN THE APPLICATION

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				X
Diaz	S	X		
Ferguson		X		
Heyman		X		
Martinez		X		
Morales				X
Moss				X
Rolle		X		
Seijas		X		
Sorenson		X		
Sosa	M	X		
Souto		X		
Chair Carey-Shuler		X		
TOTAL		10	0	3

DATE: 10/07/04 **#Z-**

APPLICANT:D. Acropolis Realty LLC 03-11-CZ12-1

MOTION: Carried Over to Zoning Hearing of 10/21/04

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				
Diaz				
Ferguson				
Heyman				
Martinez				
Morales				
Moss				
Rolle				
Seijas				
Sorenson				
Sosa				
Souto				
Chair Carey-Shuler				
TOTAL				

DATE: 7/29/2004 **#Z-**

APPLICANT: D. ACROPOLIS REALTY LLC
(03-11-CZ12-1/01-398)

MOTION: to defer the application to October 7, 2004.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				X
Diaz				X
Ferguson		X		
Heyman	M	X		
Martinez				X
Morales				X
Moss				X
Rolle		X		
Seijas		X		
Sorenson				X
Sosa	S	X		
Souto		X		
Chair Carey-Shuler		X		
TOTAL		7	0	6

DATE: 06-10-2004 #Z-

APPLICANT: Acropolis Realty LLC
(03-11-CZ12-1/01-398)

MOTION: Deferred the application to July 29, 2004, with leave to amend. Applicati
at the applicant's expense.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				X
Diaz		X		
Ferguson				X
Heyman	S	X		
Martinez		X		
Morales				X
Moss		X		
Rolle		X		
Seijas		X		
Sorenson		X		
Sosa		X		
Souto				X
Chair Carey-Shuler	M	X		
TOTAL		9	0	4

DATE: April 29, 2004 **#Z-**

APPLICANT: 1. ACROPOLIS REALTY LLC-
No further notice
MOTION: DEFERRED TO JUNE 10, 2004

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				X
Diaz	S	X		
Ferguson				X
Heyman	M	X		
Martinez		X		
Morales		X		
Moss				X
Rollc		X		
Seijas		X		
Sorenson		X		
Sosa		X		
Souto		X		
Chair Carey-Shuler				X
TOTAL		9	0	4

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD REA 12
MOTION SLIP

APPLICANT'S NAME: ACROPOLIS REALTY LLC

REPRESENTATIVE(S): CHAD WILLIARD

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
03-11-CZ12-1 (01-398)	NOVEMBER 18, 2003	CZAB12- -03

REQUESTS:
1) RU-5A & BU-1 to OPD. 2) Delete Declaration. 3) Lot area 2.94 v 3 ac. 4) FAR 0.94 v 0.86

DEPT. REC: APPROVE 1 PER 33-311(A)(8) SUBJECT TO PROFFERED COVENAN.T
APPROVE 2 WITH CONDITIONS PER 33-311(A)(17).

MOTION APPROVE 3 & 4 WITH CONDITIONS PER 33-311 (A)(21)

☐ WITHDRAW: ☐ Entire Application ☐ ITEMS

☒ DEFER: ☐ INDEFINITELY ☒ TO: 01-13-04 ☒ 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 STD. CONDITIONS

☐ OTHER:

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		Gerardo GOMEZ	✓		
MS.	S	Millie HERRERA	✓		
MR.		Douglas KRUEGER	✓		
M		Peggy BRODEUR	✓		
MR.	M	Nelson A. VARONA	✓		
VICE-CHAIRMAN		Robert W. WILCOSKY	✓		
CHAIRMAN		JOSE VALDEZ			✓

VOTE: 6 to 0

EXHIBITS: ☒ YES ☐ NO COUNTY ATTORNEY: Jay Williams

9

MIAMI-DADE COUNTY
COMMU Y ZONING APPEALS BOA. AREA 12
MOTION SLIP

APPLICANT'S NAME: **ACROPOLIS REALTY LLC**

REPRESENTATIVE(S): Chad Williard, Dr. Pablo Delgado

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
03-11-CZ12-1 (01-398)	January 27, 2004	CZAB12- -04

REQUESTS:

DEPT. REC:

☐ WITHDRAW: ☐ Entire Application ☐ ITEMS

☑ DEFER: ☐ INDEFINITELY ☑ TO: 2/10/04 ☐ 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 STD. CONDITIONS

☑ OTHER: To give applicant opportunity to present traffic study to the opposition.

TITLE	M/S	NAME	YES	NO	ABSENT
MS.		Peggy BRODEUR			✓
MR.		Gerardo GOMEZ		✓	
MS.		Millie HERRERA	✓		
MR.		Douglas A. KRUEGER	✓		
MR.	S	Nelson A. VARONA	✓		
VICE-CHAIRMAN	M	Robert W. WILCOSKY	✓		
CHAIRMAN		Jose I. VALDEZ (C.A.)			

airman
se Valdez
stained
m voting
ause he
absent
m the
t hearing
this application.
stated on the record
t he would not vote.

VOTE: 4 to 1

EXHIBITS: ☐ YES ☑ NO

COUNTY ATTORNEY: Stephen Stieglitz

was
ting at the table when
was read.

10

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 12

APPLICANT: Acropolis Realty LLC **PH:** Z01-398 (03-11-CZ12-1)

SECTION: 4-55-40 **DATE:** March 2, 2005

COMMISSION DISTRICT: 8 **ITEM NO.:** C

==========

A. INTRODUCTION

o REQUESTS:

THE FOLLOWING HEARING WAS REMANDED BY THE BOARD OF COUNTY COMMISSIONERS ON 10/21/04:

(1) RU-5A & BU-1 to OPD

(2) The applicant is requesting to permit a lot with an area of 2.94 acres (3 acres required).

(3) The applicant is requesting to permit a floor area ratio of 0.80 (0.70 permitted).

OR IN THE ALTERNATIVE TO REQUESTS #1 - #3, THE FOLLOWING:

(4) RU-5A & BU-1 to RU-5A

AND WITH EITHER REQUEST:

(5) DELETION of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329.

The purpose of the request is to remove an agreement from the site which limits the uses on the commercial parcel and ties the site to a specific plan.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 & #3 may be considered under §33-311 (A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) and approval of request #5 may be considered under §33-311(A)(7) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

Plans for the OPD proposal only are on file and may be examined in the Zoning Department entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., consisting of 8 pages, dated, signed, and sealed 12-6-04 and two pages of landscape plans dated 10-22-04. Plans may be modified at public hearing.

o SUMMARY OF REQUESTS:

This application will allow the applicant to change the zoning on the property from RU-5A, Semi-Professional Office District, and BU-1, Neighborhood Business District, to OPD, Office Park District. The requests will also allow less lot area than required for

the OPD district and a greater floor area ratio than permitted. In the alternative to the aforementioned requests, the applicant is seeking a district boundary change from RU-5A and BU-1 to RU-5A. Accompanying both of the aforementioned district boundary change requests, the applicant is seeking a deletion of a Declaration of Restrictions as it pertains to the existing BU-1 zoned site.

- **LOCATION:**

  8960-70 S.W. 87 Court, Miami-Dade County, Florida.

- **SIZE:** 2.94 acres.

- **IMPACT:**

  The rezoning of the property to OPD or to RU-5A and the accompanying requests will allow the applicant to provide professional services to the community. However, this application will bring additional traffic into the area.

B. ZONING HEARINGS HISTORY:

In 1965, the Board of County Commissioners (BCC) rezoned this site from AU, Agricultural District, to RU-5A, Semi-Professional Office District. In 1966 and 1967, the Zoning Appeals Board (ZAB) waived the required walls along the interior side property lines of the aforementioned property. In 1983, the BCC rezoned the easterly 185' of the subject property from RU-5A to BU-1, Neighborhood Business District. A Declaration of Restrictions was recorded that restricted the development of the BU-1 portion of the site to the plans approved at said hearing and restricted the permitted uses to a commercial bank and a sandwich shop.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2005 and 2015 Land Use Plan designates the subject property as being within the Urban Development Boundary for **office/residential**.

2. **Uses and Zoning Not Specifically Depicted on the LUP Map**:

   Within each map category numerous land uses, zoning classifications and housing types may occur. Many existing uses and zoning classifications are not specifically depicted on the Plan map. This is due largely to the scale and appropriate specificity of the countywide LUP map, graphic limitations, and provisions for a variety of uses to occur in each LUP map category. In general, 5 acres is the smallest site depicted on the LUP map, and smaller existing sites are not shown. All existing lawful uses and zoning are deemed to be consistent with this Plan unless such a use or zoning (a) is found through a subsequent planning study, as provided in Land Use Policy 4E, to be inconsistent with the criteria set forth below; and (b) the implementation of such a finding will not result in a temporary or permanent taking or in the abrogation of vested rights as determined by the Code of Metropolitan Dade County, Florida. The criteria for determining that an existing use or zoning is inconsistent with the plan are as follows: 1) Such use or zoning does not conform with the conditions, criteria or standards for approval of such a use or zoning in the

applicable LUP map category; and 2) The use or zoning is or would be incompatible or has, or would have, an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area. Also deemed to be consistent with this Plan are uses and zoning which have been approved by a final judicial decree that has declared this Plan to be invalid or unconstitutional as applied to a specific piece of property. The presence of an existing use or zoning will not prevent the County from initiating action to change zoning in furtherance of the Plan map, objectives or policies where the foregoing criteria are met. The limitations outlined in this paragraph pertain to existing zoning and uses. All approval of new land uses must be consistent with the LUP map and the specific land use provisions of the various LUP map categories, and the objectives and policies of this Plan. However, changes may be approved to lawful uses and zoning not depicted which would make the use or zoning substantially more consistent with the Plan, and in particular the Land Use Element, than the existing use or zoning.

D. NEIGHBORHOOD CHARACTERISTICS:

	ZONING	LAND USE PLAN DESIGNATION
Subject Property:		
	RU-5A & BU-1; apartments	Office/Residential
Surrounding Properties:		
NORTH:	RU-1; parking lot	Office/Residential
SOUTH:	RU-5A; office building	Office/Residential
EAST:	RU-5A; office building	Office/Residential
WEST:	RU-1; Baptist Hospital complex	Institutional & Public Facility

The subject parcel is a narrow linear site located between SW 87 Avenue (Galloway Road) and Baptist Hospital. There is a parking lot, which serves Baptist Hospital to the north with a mixture of apartments and offices to the south.

E. SITE AND BUILDINGS:

Site Plan Review: (pertaining to the proposed OPD zoning only, no plans were submitted for the proposed alternative RU-5A zoning).

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**
Energy Considerations:	**N/A**
Roof Installations:	**N/A**
Service Areas:	**N/A**
Signage:	**N/A**
Urban Design:	**Acceptable**

F. PERTINENT REQUIREMENTS/STANDARDS:

The Board shall hear and grant or deny applications for **district boundary changes** taking into consideration that same must be consistent with the CDMP, with applicable area or neighborhood studies or plans, and would serve a public benefit. The Board shall take into consideration 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. The Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities, including mass transit, roads, streets, and highways or other necessary public 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, street or highways.

Section 33-311(A)(17). Modification or Elimination of Conditions and Covenants After Public Hearing. The Community Zoning Appeals Board 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 following paragraphs 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.

VI. Modification or Elimination of Conditions or Restrictive Covenants After Public Hearing, Where the Conditions or Restrictive Covenants were Accepted or Imposed

Simultaneously with a District Boundary Change. The Community Zoning Appeals Board shall approve an application to modify or eliminate a condition or part thereof, or a restrictive covenant or part thereof, which requires development of a specific site plan and which was accepted or imposed simultaneously with a district boundary change, where it is demonstrated that:

(A) The subject property would satisfy all current requirements and standards for a district boundary change to the property's present zoning district without the condition or restrictive covenant, or else the modification or elimination is sought in connection with an application for rezoning to a different district. For purposes of this requirement, new conditions or restrictive covenants may be imposed or proffered to satisfy such requirements and standards.

(B) The Community Zoning Appeals Board shall impose such conditions and requirements in connection with an approval under this subsection as shall prevent or mitigate any resulting adverse impacts to the County or to any aggrieved person who has reasonably, demonstrably and detrimentally relied upon the condition or covenant sought to be modified or eliminated.

(C) Notwithstanding the provisions of the preceding paragraphs, no application will be approved under this subsection if such approval would result in:

1. a use of land which will have a significant adverse effect upon the value of properties in the immediate vicinity;
2. community design, architecture, or layout and orientation of buildings, open space, or amenities that is inconsistent with and deleterious to the aesthetic character of the immediate vicinity;
3. a material change in the density, intensity, or use of the subject property that so differs from the density, intensity, or use of other existing or approved development in the immediate vicinity that the subject property would represent an obvious and significant departure from the established development pattern of the immediate vicinity which has a deleterious effect on its community character;
4. a substantial degradation of localized traffic patterns or a substantial adverse impact on the roadway network;
5. unmitigated demands on potable water, sanitary sewer, or stormwater treatment systems which exceed the capacity of those systems; or
6. a continued and substantial risk to human life or safety or to the environment, or a nuisance.

Section 33-311(A)(7). 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 a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to

provoke a nuisance, 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) (21) Alternative Site Development Option for Office Buildings, Laboratory Buildings and Associated Accessory Buildings and Structures (ASDO). This subsection provides for the establishment of an alternative site development option, after public hearing, for office buildings, laboratory buildings and associated accessory buildings and structures, when such uses are permitted by the underlying district regulations, in the OPD zoning district, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

An alternative **lot area and frontage** shall be approved upon demonstration of at least one of the following:

(1) the proposed lot area and frontage shall permit the development or redevelopment of a structure(s) on a lot, parcel or tract of land where such structure(s) would not otherwise be permitted by the underlying district regulations due to the size or configuration of the parcel proposed for alternative development, provided that:

(A) the lot, parcel or tract is under lawful separate ownership from any contiguous property; and

(B) the proposed alternative development will not result in the further subdivision of land; and

(C) the size and dimensions of the lot, parcel or tract are sufficient to provide all setbacks required by the underlying district regulations; and

(D) the area of the lot, parcel or tract is not less than: seventy-five percent (75%) of the minimum lot area required by the underlying district regulations; and

(E) the proposed alternative development does not result in an obvious departure from the aesthetic character of the immediate vicinity; and

(F) the frontage dimension of the lot, parcel or tract is not less than: seventy-five percent (75%) of the minimum frontage required by the applicable district regulations; except that the frontage dimension of a flag-lot, parcel or tract shall be permitted to be reduced to the minimum width necessary to allow vehicular access as determined by the County; and

(G) the resultant frontage dimension of the lot, parcel or tract provides vehicular ingress and egress to all resulting lots, parcels or tracts, including on-site access to emergency equipment; or

(2) the proposed alternative development results in landscaped open space, community design, amenities or preservation of natural resources that enhances the function or aesthetic character of the immediate vicinity in a manner not otherwise achievable through application of the applicable district regulations, provided that:

(A) the number of lots of the proposed alternative development does not exceed that normally permitted by the lot area dimensions of the underlying district regulations; and

(B) the size and dimensions of each lot, parcel or tract in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations, or, if applicable, any prior zoning actions for similar uses issued prior to the effective date of this ordinance (September 19, 2003); and

(C) the area of each lot, parcel or tract is not less than eighty percent (80%) of the area required by the applicable district regulations; and

(D) the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

(E) the resultant frontage of the lot, parcel or tract provides vehicular ingress and egress to all resulting lots, parcels or tracts, including on-site access to emergency equipment; or

(3) the proposed lot area and frontage is such that:

(A) the proposed alternative development will not result in the creation of more than two (2) lots, parcels or tracts; and

(B) the size and dimensions of each lot, parcel or tract are sufficient to provide all setbacks required by the applicable district regulations; and

(C) no lot area shall be less than the smaller of:

(i) ninety percent (90%) of the lot area required by the applicable district regulations; or

(ii) the average area of the developed lots, parcels or tracts in the immediate vicinity within the same zoning district; and

(D) the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

(E) the resultant frontage provides vehicular ingress and egress to all resulting lots, parcels or tracts, including on-site access to emergency equipment.

An alternative **floor area ratio** for a building(s) shall be approved upon demonstration of the following:

(1) total lot coverage or floor area ratio shall not be increased by more than ten percent (10%) of the lot coverage or floor area permitted by the underlying district regulations; and

(2) the proposed alternative development will not result in the destruction or removal of mature trees on the lot with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the lot; and

(3) the increase in lot coverage or floor area ratio will not result in a principal buildings, or accessory building(s) in the RU-5A district, with an architectural design, scale, mass or building materials that are not aesthetically harmonious with that of other existing or proposed structures in the immediate vicinity; and

(4) the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity.

Section 33-311 (A)(4)(c). Alternative non-use variance standard (ANUV): 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.

Section 33-311 (A)(4)(b). Non-use variances from other than airport regulations (NUV): 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.

G. NEIGHBORHOOD SERVICES:

DERM	**No objection***
Public Works	**No objection***
Parks	**No objection**
MDTA	**No objection**

Fire Rescue	**No objection**
Police	**No objection**
Schools	**No comment**

* Subject to conditions stated in their attached memoranda

H. ANALYSIS:

This application was deferred from the January 22, 2005 meeting due to a lack of time.

On February 10, 2004, pursuant to Resolution CZAB12-6-04, the Community Zoning Appeals Board-12 denied without prejudice a zone change on this property from RU-5A, Semi-Professional Office District, and BU-1, Neighborhood Business District, to OPD, Office Park District, and additional requests which would have also allowed less lot area than required for the OPD district and a greater floor area ratio than permitted. The applicant appealed the CZAB-12's decision to the Board of County Commissioners and also amended the application to add in the alternative to the rezoning to OPD district boundary change from RU-5A and BU-1 to RU-5A. Accompanying both of the aforementioned district boundary change requests, the applicant is seeking a deletion of a Declaration of Restrictions as it pertains to the existing BU-1 zoned site. The Board of County Commissioners (BCC) pursuant to Resolution Z-35-04 vacated Resolution CZAB12-6-04 and remanded this application back to the Community Zoning Appeals Board-12 with leave to amend. This application has been amended to show a reduction in the number of floors for the proposed OPD buildings from eight to six floors, causing also a reduction in the floor area ratio from 0.94 where 0.86 is permitted to 0.80 where 0.70 is permitted.

The subject property is located at 8960-70 SW 87 Court. The applicant is seeking a district boundary change on this site from RU-5A, Semi-Professional Office District, and BU-1, Neighborhood Business District, to OPD, Office Park District (Request #1). The Office Park District incorporates a concept which delineates an open space character for buildings whose principal uses are administrative, professional, or research. Uses permitted in the OPD include office buildings for business, professional, and secretarial uses that cater to the provision of services and laboratories for scientific and industrial research and development. Certain accessory uses are permitted which include, but are not limited to auditoriums, eating establishments such as coffee shops, food carry out, and sandwich shops, newsstands, tobacco shops, and private clubs. The applicant is also seeking approval for a request to permit a lot with less area than required in the OPD zoning district and to permit a floor area ratio of 0.80 where 0.70 is permitted. The applicant has submitted revised plans for the development of this site for the proposed OPD zoning district with a six story office building with a parking garage and intends to proffer a covenant limiting the development of the site to same. In the alternative to the aforementioned requests, the applicant is seeking a district boundary change from RU-5A and BU-1 to RU-5A (Request #4). Uses permitted in the RU-5A zoning district include, but are not limited to, offices for accounting, medical doctors, attorneys, dentists, model agencies, optometrists, real estate, and real estate management. Additional uses that are permitted include, but are not limited to, nursery, kindergarten, and after school care, detective agencies, stock brokers exchange-investment services, public libraries, social

service bureaus, theater ticket agencies, and travel agencies. The applicant has not submitted a site plan for the development of the proposed alternative district boundary change to RU-5A, but will comply with all RU-5A zoning requirements. The applicant is also seeking with either zone change request a deletion of a Declaration of Restrictions that restricted the development of the BU-1 portion of the site to certain commercial uses and to the plans approved at the 1983 public hearing. The Declaration of Restrictions limited the permitted uses on said parcel to a bank and a sandwich shop.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the Level of Service (LOS) standards set forth in the Master Plan. However, the applicant will have to comply with all conditions as set forth by DERM in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application. The applicant will be required to successfully close the rights-of-way for SW 89 Terrace, SW 88 Avenue, and SW 92 Street submitted as road closing petition P-743, which is pending. This application will generate an additional **228 p.m. daily peak hour vehicle trips** on the area roadways. However, said trips will not change the level of service (LOS) on same which are currently at LOS "C," "D," and "E."

Request #1 will allow the applicant to rezone the property to OPD and to provide professional office services to the community. The proposed OPD zoning will be **consistent** with the Master Plan which designates this site for Office/Residential use on the Land Use Plan (LUP) map. The proposed Office Park District as well as the site plan submitted will be **compatible** with the surrounding area which consists of the Baptist Hospital complex to the west, a parking lot for said hospital to the north, an office building to the east, and an office building to the south. In addition, although the existing BU-1 zoned portion of the site is consistent with the CDMP, the CDMP text states that changes may be approved to lawful uses and zoning not depicted which would make the use or zoning substantially more consistent with the Master Plan than the existing use or zoning. In this instance the rezoning from BU-1 to OPD would bring the property to be substantially more consistent with the office/residential designation than the existing commercial zoning.

The new standards under Section 33-311(A)(21), Alternative Site Development Option (ASDO) for Office Buildings, Laboratory Buildings and Associated Accessory Buildings and Structures, provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable alternative site development option (ASDO) standards for office buildings, laboratory buildings, and associated accessory buildings and structures. Request #2 to allow a lot area of 2.94 acres where the underlying zoning district requires 3 acres meets the standards under Section 33-311(A)(21)(1) (A) through (G) including, but not limited to, that the subject parcel is under lawful separate ownership from any contiguous property, the proposed alternative development will not result in the further subdivision of land, the area of the lot is not less than 75% of the minimum lot area required by the underlying district regulations, and the size and dimensions of the lot are sufficient to provide all setbacks required by the underlying district regulations. As such, Request #2 complies with the ASDO standards under Section 33-311(A)(21). However, request #3 to permit a floor area ratio of 0.80 where 0.70 is permitted does not comply with the ASDO standards stated

under Section 33-311(A)(21) subsections 1 through 4 under the floor area ratio (FAR) standards. Among other things, the floor area ratio shall not be increased by more than ten percent (10%) of the floor area permitted by the underlying district regulations. In this instance, the maximum FAR permitted would be 0.77 which amounts to a ten percent (10%) increase over the permitted 0.70 floor area ratio. However, the applicant is requesting 0.80. As such, Request #3 does not comply with the ASDO standards under Section 33-311(A)(21) and cannot be approved under same. If analyzed under the alternative non-use variance standard [33-311(A)(4)(c)], the applicants would have to prove that these requests are due to an unnecessary hardship and that, should it not be granted, it would not permit the reasonable use of the premises. However, since the property can be utilized in accordance with the current zoning or, if rezoned, in accordance with OPD zoning standards, staff is of the opinion that this application cannot be approved under the alternative non-use variance standard [Section 33-311(A)(4)(c)].

When analyzed under Section 33-311(A)(4)(b), the non-use variance standard, requests #2 and 3 comply with the standards in that section. Staff is of the opinion that the approval of said requests will be **compatible** with the adjacent properties and the surrounding area and that said requests maintain the basic intent and purpose of the zoning, subdivision and land use regulations. The adjacent area is primarily developed with office uses designated office/residential on the Land Use Plan (LUP) map and the Baptist Hospital facility. Accordingly, Requests #2 and 3 can be approved under Section 33-311(A)(4)(b).

Alternative Request #4 would allow the applicant to rezone the property to RU-5A and to provide semi-professional office uses for the community. RU-5A zoning would be **consistent** with the Land Use Plan (LUP) map designation of the Comprehensive Development Master Plan (CDMP). RU-5A zoning would also be potentially **compatible** with the surrounding area. Notwithstanding the aforementioned, staff notes that the RU-5A zoning would not be intensive enough to accommodate future desirable development of the subject property, and would be out of character with an area transitioning to higher intensity. Furthermore, the applicant has not submitted a site plan for the development of the site for the proposed alternative RU-5A zoning. In the absence of same and the aforesaid, staff is unable to ensure that the future development of the alternative proposed RU-5A zoning is designed in a manner that will be compatible with the future development trend of the surrounding area. As such, in the absence of a site plan, staff recommends denial without prejudice or deferral of Request #4. When reviewing the similarities and differences between the OPD District and the RU-5A zoning district staff notes that RU-5A zoning requires a 10,000 sq. ft. minimum lot area whereas the OPD District requires a minimum of 3 acres. RU-5A zoning allows a maximum height of 24' whereas OPD would allow a maximum of eight (8) stories or 100', whichever is less. RU-5A zoning permits a maximum lot coverage of 40%; minimum principal building setbacks are required to be 25' from the front and rear property lines, and 15' from interior side property lines and side property lines abutting a highway right-of-way. RU-5A allows a minimum Floor Area Ratio (FAR) of 0.40 for one story and 0.60 for two stories. OPD permits an FAR of 0.30 for the first story and allows the FAR to be increased by 0.08 for each additional story; requires setbacks of a minimum of 30' from property lines abutting any residential zoning in which only one single family, duplex, or townhouses are permitted, a minimum of 50' from front property lines for structures, and not less than 15' for all other setbacks. In both the OPD

and RU-5A Districts, 28 trees are required per acre of net lot area and 1 parking space is required per 300 sq. ft. of gross floor area. The minimum landscaped open space permitted in the OPD District for a one story building is 40% of the total lot area and the required landscaped open space is increased by 3% for each additional story or part thereof, based on the tallest structure on the property. In the RU-5A District, the minimum required landscaped open space is 25% of the total lot area.

Pertaining to Request #5 which accompanies either of the zone change requests (Request #1 and alternative Request #4), the standards 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. Request #5 as it accompanies Request #1 to rezone the subject property to OPD complies with the standards of Paragraph VI, Modification or Elimination of Conditions and Restrictive Covenants After Public Hearing, Where the Conditions or Restrictive Covenants were Accepted or imposed simultaneously with a District Boundary Change, in that as indicated in subsection (A) the elimination of said Declaration of Restrictions is sought in connection with an application for rezoning to a different district. Additionally, as indicated in subsection (B) conditions will be imposed to mitigate any resulting adverse impacts to the County. Further, as indicated in subsection (C), among other things, Request #5, as it accompanies Request #1, to delete a recorded Declaration of Restrictions will not result in a use of the land which will have a significant adverse impact upon the value of properties in the immediate vicinity, the architecture, layout, and orientation of buildings, open space, or amenities will be consistent with and will not be deleterious to the aesthetic character of the immediate vicinity, and the change in the intensity or use on the subject property will not differ from the intensity or use of other existing or approved development in the immediate vicinity that would represent an obvious and significant departure from the established development pattern of the immediate vicinity. In this regard, Request #5 as it accompanies Request #1 complies with Section 33-311(A)(17)(VI) and can be approved under said section. However, staff is unable to evaluate Request #5 as it accompanies Request #4 to rezone the subject property to RU-5A without a site plan. Without said plan, staff is unable to evaluate said request under subsection (C) and cannot ensure that said request as it accompanies the zone change request to RU-5A will not result in a use of the land which will have a significant adverse impact upon the value of properties in the immediate vicinity nor that the architecture, layout, and orientation of buildings, open space, or amenities that will be consistent with and will not be deleterious to the aesthetic character of the immediate vicinity. As such, Request #5 as it pertains to Request #4 cannot be fully analyzed under Section 33-(A)(17)(VI) and should be denied without prejudice under said section.

Request #5 as it accompanies the rezoning to OPD (Request #1) also complies with the modification or elimination standards under Section 33-311(A)(7). When considering the necessity for and the reasonableness of the elimination in relation to the present and future development of the area concerned, the deletion of said covenant in conjunction with the zone change to OPD (Request #1) will be compatible with the surrounding area and will not adversely impact same. As such, request #5 as it pertains to request #1

should be approved under Section 33-311(A)(7). However, in the absence of a site plan indicating the proposed RU-5A development, staff cannot ensure the compatibility of Request #5 as it pertains to Request #4 (the rezoning to RU-5A) in relation to the present and future development of the area concerned. As such, request #5 as it pertains to Request #4 should be denied without prejudice under Section 33-311(A)(7).

Based on all of the aforementioned, staff recommends approval with conditions of Request #2 under Section 33-311(A)(21) or 33-311(A)(4)(b) and denial without prejudice of said request under Section 33-311(A)(4)(c); approval with conditions of Request #3 under Section 33-311(A)(4)(b) and denial without prejudice of said request under Sections 33-311(A)(21) and 33-311(A)(4)(c); approval with conditions of Request #5 under Sections 33-311(A)(17) or 33-311(A)(7) (only in conjunction with the approval of Request #1); approval of the zone change to OPD (Request #1) under Section 33-311(A)(8), subject to the Board's acceptance of the proffered covenant (only if Request #5 is approved); and denial without prejudice of the zone change to RU-5A (Request #4).

I. RECOMMENDATION:

Approval with conditions of Request #2 under Section 33-311(A)(21) or 33-311(A)(4)(b) and denial without prejudice of said request under Section 33-311(A)(4)(c); approval with conditions of Request #3 under Section 33-311(A)(4)(b) and denial without prejudice of said request under Sections 33-311(A)(21) or 33-311(A)(4)(c); approval with conditions of Request #5 under Sections 33-311(A)(17) or 33-311(A)(7) (only in conjunction with the approval of Request #1); approval of the zone change to OPD (Request #1) under Section 33-311(A)(8), subject to the Board's acceptance of the proffered covenant (only if Request #5 is approved); and denial without prejudice of the zone change to RU-5A (Request #4).

J. CONDITIONS:

The following conditions pertain to Requests #2, 3, and 5:

1. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include among other things but not be limited thereto, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., consisting of 8 pages, dated, signed, and sealed 12-6-04 and two pages of landscape plans dated 10-22-04.

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

4. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.

5. That the applicant obtain a Certificate of Use from the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

6. That the applicant comply with all the conditions and requirements of the Public Works Department.

7. That the applicant comply with all the conditions and requirements of the Department of Environmental Resources Management (DERM).

8. The Deletion of the Declaration of Restrictions (Request #5) is contingent only upon the approval of the requested zone change to OPD and the approval of the proffered covenant.

DATE INSPECTED: 10/28/03
DATE TYPED: 11/05/03
DATE REVISED: 12/23/03; 01/21/04; 02/05/04; 04/05/04; 05/17/04; 05/26/04; 06/30/04; 07/19/04; 09/13/04; 01/07/05; 01/10/05; 01/12/05
DATE FINALIZED: 01/31/05
DO'QW:AJT:MTF:LVT:JDR:JV:GB

Diane O'Quinn Williams, Director
Miami-Dade County Department of
Planning and Zoning

MIAMI-DADE

MEMORANDUM

DERM
DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT

TO: Diane O' Quinn-Williams, Director
Department of Planning and Zoning

RECEIVED
OCT 17 2003
MIAMI-DADE COUNTY
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING

DATE: October 7, 2003

SUBJECT: C-12 #Z2001000398-Revised
Acropolis Realty, LLC
S/S of SW 89th Terrace between SW 87th Court and SW 88th Avenue
SE to Permit Site Plan Approval for a Office Development
DBC from RU-5A/BU- 1 to OPD/ASDO
(RU-5A/ BU-1) (3 Ac.)
04-55-40

FROM: Alyce M. Robertson, Assistant Director
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 the Miami-Dade County, Florida. Accordingly, DERM may approve the application and it may be scheduled for public hearing. DERM has also evaluated the request insofar as the general environmental impact that may derive from it, and based upon the available information offers no objection to its approval.

Wellfield Protection:
The subject property is located within the Average Day Pumpage Wellfield Protection Area for the Alexander Orr/Snapper Creek/Southwest Wellfield Complex. Development of the subject property shall be in accordance with the regulations established in Section 24.12.1 of the Code. Since the subject request is for a non-residential land use, the owner of the property has submitted a properly executed covenant in accordance with Section 24-12.1(5) of the Code which provides that hazardous materials or wastes shall not be used, generated, handled, discharged, disposed of or stored on the subject property.

Water and Sewer Service:
Public water and public sanitary sewers can be made available to this site and connection of any existing or proposed facilities will be required. All sewer lines serving the property shall comply with the exfiltration standards as applied to development within wellfield protection areas.

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

Notwithstanding the foregoing, 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 until adequate capacity becomes available. Consequently, final development orders for this site may not be granted unless adequate capacity in the sanitary sewer collection/transmission and treatment system is available at the point in time when the

project will be contributing sewage to the system or if approval for alternative means of sewage disposal can be obtained. Use of an alternative means of sewage disposal 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:
All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage plans shall provide for full on-site retention of the stormwater runoff of a 5-year storm event. Pollution Control devices shall be required at all drainage inlet structures.

A Standard General Environmental Resource Permit from DERM shall be required for the construction and operation of the required surface water management system. The applicant is advised to contact DERM in order to obtain additional information concerning permitting requirements.

Site grading and development shall comply with the requirements of Chapter 11C of the Code of Miami-Dade County.

Section 24-12.1 of the Code provides for stormwater disposal methods within wellfield protection areas of public potable water supply wellfields. The Code requires that all stormwater runoff must be retained on-site utilizing only infiltration or seepage type drainage systems.

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 Comprehensive Development Master Plan subject to compliance with the conditions required by DERM for this proposed development order.

Operating Permits:
Section 24-35.1 of the Code authorizes DERM to require operating permits for 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 24-60 of the Code requires the preservation of tree resources. Consequently, DERM will require the preservation of all the specimen-sized trees, as defined in the Code. A Miami-Dade County tree removal permit is required prior to the removal or relocation of any trees. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

Wetlands:
The subject site is not located in jurisdictional wetlands as defined in Chapter 24-3 and 24-58 of the Code; therefore, a Class IV Permit for work in wetlands will not be required by DERM.

Notwithstanding the above, permits from the Army Corps of Engineers (USACOE), the State of Florida Department of Environmental Protection (FDEP) and the South Florida Water

Management District (SFWMD) may be required for the proposed project. The applicant is advised to contact these agencies concerning their permit procedures and requirements.

Enforcement History:
DERM has reviewed the Permits and Enforcement database and the Enforcement Case Tracking System and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

Concurrency Review Summary:
The Department has conducted a concurrency review for this application and has determined that the same meets all applicable Levels of Service standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan 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.

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval as required by the Code. Additionally, DERM has also evaluated the application so as to determined its general environmental impact and after reviewing the available information offers no objections to the approval of the request.

cc: Ruth Ellis-Myers, Zoning Evaluation-P&Z
Lynne Talleda, Zoning Hearings- P&Z
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z

PH# 01-398
CZAB-12
Rev. 1

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Name: Acropolis Realty LLC

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

The applicant must successfully close the rights-of way for SW 89 Terr., SW 88 Ave. and SW 92 St. submitted as road closing petition (P-743).

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** meet the traffic concurrency(*) criteria for an Initial Development Order. It will generate **228 PM** daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips **does not** exceed the acceptable level of service of the following roadways:

Sta. #		LOS present	LOS w/project
9172	SW 87 Ave. s/o SW 88 St.	C	C
9714	SW 104 St. w/o US-1	D	D
F-1077	SW 87 Ave. n/o SW 132 St.	C	C
F-64	SW 88 St. e/o SW 103 Ave.	E	E
9716	SW 104 St. w/o SW 107 Ave.	C	C

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

(*)Traffic concurrency is based on development information provided by the applicant where the number of peak hour vehicle trips may fluctuate.

Raul A. Pino, P.L.S.

JUL 12 2004

Date

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

RECEIVED
MAR 01 2004
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY Cherise Dupp

CHECKED BY CD AMOUNT OF FEE 1585.79.

RECEIPT # I 200411357. 013

DATE HEARD: 2/10/04

BY CZAB # 12

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. 03-11-CZ12-1 01-398

Filed in the name of (Applicant) Acropolis Realty, LLC

Name of Appellant, if other than applicant _____

Address/Location of APPELLANT'S property: 8960-8970 SW 87 Court, Miami-Dade County, Florida

Application, or part of Application being Appealed (Explanation): Entire Appealable Application

Appellant (name): Acropolis Realty, LLC
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)

SEE EXHIBIT "A"

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APPELLANT MUST SIGN THIS PAGE

Date: 1st day of March, year: 2004

Signed _____

Chad Williard, Esq, Attorney for Appellant
Print Name

999 Ponce de Leon Boulevard, Suite 10000
Mailing Address

Coral Gables, Florida 33134

(305) 444-1500 Phone (305) 443-8617 Fax

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

_____
Representing

_____
Signature

_____
Print Name

_____
Address

_____ City _____ State _____ Zip

_____
Telephone Number

Subscribed and Sworn to before me on the 1 day of March, year 2004

Jessica Espinosa
Notary Public

Jessica Espinosa
Commission # DD273053
Expires: Dec. 7, 2007
Aaron Notary
1-800-350-5161

(stamp/seal)

Commission expires:

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

STATE OF Florida

COUNTY OF Dade

Before me the undersigned authority, personally appeared Chad Williard, Esq. (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)

X 1. Participation at the hearing
X 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:

Ruth A. Signorile
Signature

Ruth A. Signorile
Print Name

Signature

JEFFREY M. FLANAGAN
Print Name

Appellant's signature

Chad Williard, Esq., Attorney for Appellant
Print Name

Sworn to and subscribed before me on the 1 day of March, year 2004

Appellant is personally know to me or has produced _____ as identification.

Jessica Espinosa
Notary
(Stamp/Seal)

Commission Expires:

Jessica Espinosa
Commission # DD273053
Expires: Dec. 7, 2007
Aaron Notary
1-800-350-5161

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

31

Approved: _____ **Mayor**

Veto: _____

Override: _____

RESOLUTION NO. Z-35-04

WHEREAS, **ACROPOLIS REALTY LLC** had applied to Community Zoning Appeals Board 12 for the following:

(1) RU-5A & BU-1 to OPD

(2) DELETION of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329.

The purpose of the request is to remove an agreement from the site, which limited the commercial uses and tied the BU-1 site to a plan.

(3) The applicant is requesting to permit a lot with an area of 2.94 acres. (The underlying zoning district regulation requires 3 acres including right-of-way dedication).

(4) The applicant is requesting to permit a floor area ratio of 0.94. (The underlying zoning regulation permits 0.86.

Plans are on file and may be examined in the Zoning Department entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., dated revised 9-2-03 and 10-2-03 and consisting of 8 pages. Plans may be modified at public hearing.

SUBJECT PROPERTY: The south ½ of the south ½ of the NE ¼ of the NE ¼ of the NE ¼, less the east 35' thereof and less the west 25' thereof, in Section 4, Township 55 South, Range 40 East. The south 20' of the right-of-way of S.W. 89 Terrace and the east 25' of S.W. 88 Avenue, thereof shall be added to the buildable site.

LOCATION: 8960-70 S.W. 87 Court, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 12 that the requested district boundary change to OPD (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 should be denied, and

that the requested deletion (Item #2), and the requests to permit a lot with an area of 2.94 acres (Item #3) and to permit a floor area ratio of 0.94 (Item #4) 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 that the requested waiver of the re-filing period should be granted and said application was denied by Resolution No. CZAB12-6-04, and

WHEREAS, **ACROPOLIS REALTY LLC** appealed the decision of Community Zoning Appeals Board 12 to the Board of County Commissioners for the following:

(1) RU-5A & BU-1 to OPD

(2) The applicant is requesting to permit a lot with an area of 2.94 acres (3 acres required).

(3) The applicant is requesting to permit a floor area ratio of 0.94 (0.86 permitted).

OR IN THE ALTERNATIVE TO REQUESTS #1 - #3, THE FOLLOWING:

(4) RU-5A & BU-1 to RU-5A

AND WITH EITHER REQUEST:

(5) DELETION of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329.

The purpose of the request is to remove an agreement from the site, which limits the uses on the commercial parcel and ties the site to a specific plan.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 & #3 may be considered under §33-311 (A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) and approval of request #5 request may be considered under §33-311(A)(7) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

Plans for the OPD proposal only are on file and may be examined in the Zoning Department entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., dated revised 9-2-03 and 10-2-03 and consisting of 8 pages. Plans may be modified at public hearing.

SUBJECT PROPERTY: The south ½ of the south ½ of the NE ¼ of the NE ¼ of the NE ¼, less the east 35′ thereof and less the west 25′ thereof, in Section 4, Township 55 South, Range 40 East. The south 20′ of the right-of-way of S.W. 89 Terrace and the east 25′ of S.W. 88 Avenue, thereof shall be added to the buildable site.

LOCATION: 8960-70 S.W. 87 Court, 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, after reviewing the record and decision of Community Zoning Appeals Board 12 and after having given an opportunity for interested parties to be heard, it is the opinion of this Board to vacate resolution CZAB12-6-04 and to remand the application back to Community Appeals Board 12 for further consideration with leave to amend, and

WHEREAS, a motion to vacate resolution CZAB12-6-02 and to remand the application back to Community Appeals Board 12 for further consideration with leave to amend was offered by Commissioner Rebeca Sosa, seconded by Commissioner Jose "Pepe" Diaz, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	absent	Dennis C. Moss	absent
Jose "Pepe" Diaz	aye	Dorrin D. Rolle	aye
Betty T. Ferguson	aye	Natacha Seijas	aye
Sally A. Heyman	aye	Katy Sorenson	aye
Joe A. Martinez	aye	Rebeca Sosa	aye
Jimmy L. Morales	absent	Javier D. Souto	aye

Chairperson Barbara M. Carey-Shuler aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that Resolution CZAB12-6-04 is vacated and that the application is hereby remanded to Community Zoning Appeals Board 12 for further consideration with leave to amend.

BE IT FURTHER RESOLVED that Resolution No. CZAB12-6-04 is hereby null and void.

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

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 21ST day of October, 2004, 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. 03-11-CZ12-1
ej

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

By KAY SULLIVAN
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 4TH DAY OF NOVEMBER, 2004.

STATE OF FLORIDA

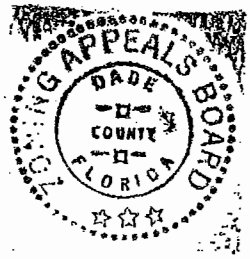
COUNTY OF MIAMI-DADE

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-35-04 adopted by said Board of County Commissioners at its meeting held on the 21st day of October, 2004.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 4th day of November, 2004.

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

SEAL



RESOLUTION NO. CZAB12-6-04

WHEREAS, **ACROPOLIS REALTY LLC** applied for the following:

(1) RU-5A & BU-1 to OPD

(2) DELETION of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329.

The purpose of the request is to remove an agreement from the site which limited the commercial uses and tied the BU-1 site to a plan.

(3) The applicant is requesting to permit a lot with an area of 2.94 acres. (The underlying zoning district regulation requires 3 acres including right-of-way dedication).

(4) The applicant is requesting to permit a floor area ratio of 0.94. (The underlying zoning regulation permits 0.86.

Plans are on file and may be examined in the Zoning Department entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., dated revised 9-2-03 and 10-2-03 and consisting of 8 pages. Plans may be modified at public hearing.

SUBJECT PROPERTY: The south ½ of the south ½ of the NE ¼ of the NE ¼ of the NE ¼, less the east 35′ thereof and less the west 25′ thereof, in Section 4, Township 55 South, Range 40 East. The south 20′ of the right-of-way of S.W. 89 Terrace and the east 25′ of S.W. 88 Avenue, thereof shall be added to the buildable site.

LOCATION: 8960-70 S.W. 87 Court, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time, the applicant requested a waiver of the refilling period, 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 OPD (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 should be denied, and that the requested deletion (Item #2), and the requests to permit a lot with an area of 2.94 acres (Item #3) and to permit a floor area ratio

of 0.94 (Item #4) 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 that the requested waiver of the refiling period should be granted, and

WHEREAS, a motion to deny Items #1-4 without prejudice and to grant the waiver of the refiling period was offered by Robert W. Wilcosky, seconded by Peggy Brodeur, and upon a poll of the members present the vote was as follows:

Peggy Brodeur	aye	Douglas Krueger	absent
Millie Herrera	absent	Nelson Varona	nay
		Robert W. Wilcosky	aye

Jose I. Valdes aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 12, that the requested district boundary change to OPD (Item #1) be and the same is hereby denied without prejudice.

BE IT FURTHER RESOLVED that the requested deletion (Item #2), and the requests to permit a lot with an area of 2.94 acres (Item #3) and to permit a floor area ratio of 0.94 (Item #4) be and the same are hereby denied without prejudice.

BE IT FURTHER RESOLVED that the requested waiver of the refiling period be and the same is hereby granted, and said refiling period is hereby waived.

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 10th day of February, 2004.

Hearing No. 03-11-CZ12-1
ej

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 Miami-Dade County Community Zoning Appeals Board 12, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB12-6-04 adopted by said Community Zoning Appeals Board at its meeting held on the 10th day of February, 2004.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 17th day of February, 2004.

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

SEAL

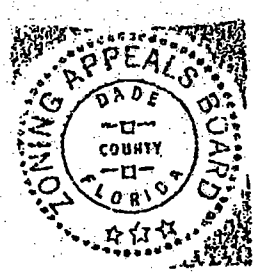


Exhibit "A"

The Community Zoning Appeals Board #12 ("CZAB #12") decision (memorialized in Resolution No. CZAB12-6-04; a copy of which is attached hereto and herein incorporated by reference) should be reversed in its entirety by the Miami-Dade County Board of County Commissioners because the decision was not supported by competent, substantial evidence.

As stated in the Department of Planning and Zoning Recommendation, which recommends approval of the entire Application (Hearing No. 01-398), the zoning request is compatible with the surrounding area's uses and zoning classifications and is consistent with the Comprehensive Development Master Plan. Moreover, all evidence entered into the record to be considered by CZAB #12 – a traffic impact study prepared by Harper Partners, Inc., as well as all comments and reports prepared by the various, reviewing agencies and departments of Miami-Dade County - supported the approval of the Application.

RESOLUTION NO. Z-100-83

The following resolution was offered by Commissioner Ruth Shack, seconded by Commissioner Barry D. Schreiber, and upon poll of members present the vote was as follows:

Barbara M. Carey	absent	Barry D. Schreiber	aye
Clara Oesterle	absent	Ruth Shack	aye
Beverly B. Phillips	absent	Jorge (George) Valdes	aye
James F. Redford, Jr.	aye	Stephen P. Clark	aye
Harvey Ruvin	absent		

WHEREAS, RAYMOND PEARLSON & ROBERT BROWDY had applied for the following:

A district boundary change from RU-5A (Semi-Professional Offices) to BU-1 (Neighborhood Business);

SUBJECT PROPERTY: The east 185' of the south 1/2 of the south 1/2 of the NE 1/4 of the NE 1/4 of the NE 1/4, less the east 35' thereof, in Section 4, Township 55 South, Range 40 East.

LOCATION: 8960 S.W. 87 Court, Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners, Dade County, Florida, was advertised and held, as required by law, and all interested parties concerned in the matter were heard, at which time the applicant's representative proffered a Declaration of Restrictions limiting the use of the subject property for office use and a commercial bank and sandwich shop, and upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change would be compatible with the neighborhood and area concerned and would not be in conflict with the principles and intent of the plan for the development of Dade County, Florida, and should be approved, subject to conditions, and the proffered covenant should be accepted;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the requested district boundary change to BU-1 be and the same is hereby approved and said property is hereby zoned accordingly, subject to the following conditions:

1. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things but be not limited thereto, location of building or buildings, type and location of signs, light standards, parking areas, exits and entrances, drainage, walls, fences. landscaping, etc.

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

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Metropolitan Dade County, Florida, the County hereby accepts the proffered Declaration of Restrictive Covenants and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable

zoning regulations.

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

PASSED AND ADOPTED this 9th day of June, 1983.

June, 1983
No. 83-3-CC-7
vp
6/10/83

DADE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS
Richard P. Brinker, Clerk

By RAYMOND [redacted]
Deputy Clerk

This resolution transmitted to the Clerk of the Board of County Commissioners on the 22nd day of June 1983.

1983 JUL -8 AM 10 58 83R181654 7-55-40

REC 11841 PG 1328

DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS that the undersigned, being the owner, or having some right, title or interest in the following described property, lying, being and situated in Dade County, Florida, to-wit:

THE EAST 185 FT. OF S 1/2 OF S 1/2 OF NE 1/4 OF NE 1/4 OF NE 1/4 LESS EAST 35 FEET, OF SECTION 4, TOWNSHIP 55 SOUTH, RANGE 40 EAST.

in order to assure the County Commission of Dade County, Florida, that the representations made to it by the owner will be abided by, voluntarily makes the following Declaration of Restrictions covering and running with the above-described real property:

(1) That said property shall be developed substantially in accordance with the spirit and intent of the plans previously submitted, prepared by MARIANO RODRIGUEZ (ARCHITECT) entitled, OFFICE ADDITION FOR PEARLSON CENTER - INCLUDING ZONING CHANGE FOR SANDWICH SHOP IN EXISTING BUILDING. dated the 15th day of MAY, 1982.

(2) ADDITION TO BE RESTRICTED SOLELY FOR USE OF COMMERCIAL BANK.

(3) TO BE RESTRICTED SOLELY FOR SANDWICH SHOP IN EXISTING BUILDING LOCATED AT 8960 S.W. 87th CT. MIAMI, FLA. 33176.

As further part of this agreement, it is hereby understood and agreed that any official inspector of the Dade County Building and Zoning Department, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and investigating 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.

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.

This Agreement on the part of the owner shall constitute a covenant running with the land and may be recorded in the public records of Dade County, Florida, [illegible] remain in full force and effect and be binding upon the undersigned.

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1983 JUL -8 AM 58 83R181654-55-90

OFF REC 11841 PG 1328

DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS that the undersigned, being the owner, or having some right, title or interest in the following described property, lying, being and situated in Dade County, Florida, to-wit:

THE EAST 185 Ft. OF S 1/2 OF S 1/2 OF NE 1/4 OF NE 1/4 OF NE 1/4 LESS EAST 35 FEET OF SECTION 4, TOWNSHIP 55 SOUTH, RANGE 40 EAST.

in order to assure the County Commission of Dade County, Florida, that the representations made to it by the owner will be abided by, voluntarily makes the following Declaration of Restrictions covering and running with the above-described real property:

(1) That said property shall be developed substantially in accordance with the spirit and intent of the plans previously submitted, prepared by MARIANO RODRIGUEZ (ARCHITECT) entitled, OFFICE ADDITION FOR PEARLSON CENTER - INCLUDING ZONING CHANGE FOR SANDWICH SHOP IN EXISTING BUILDING. dated the 15th day of MAY, 1982.

(2) ADDITION TO BE RESTRICTED SOLELY FOR USE OF COMMERCIAL BANK.

(3) TO BE RESTRICTED SOLELY FOR SANDWICH SHOP IN EXISTING BUILDING LOCATED AT 8960 S.W. 87th CT. MIAMI, FLA. 33176.

As further part of this agreement, it is hereby understood and agreed that any official inspector of the Dade County Building and Zoning Department, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and investigating 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.

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.

This Agreement on the part of the owner shall constitute a covenant running with the land and may be recorded in the public records of Dade County, Florida,

COCONUT GROVE BANK
7 SOUTH BAYSHORE DRIVE
COCONUT GROVE
MIAMI 33, FLORIDA

OFF REC 11841 PG 1330

Dade County Board of County Commissioners
c/o Dade County Building & Zoning Dept.
909 S.E. First Ave.
Miami, Florida, 33131

DATE May 23, 1983

ALL DRAFTS DRAWN MUST BE MARKED:
DRAWN UNDER LETTER OF CREDIT

№ 1763

GENTLEMEN:

OFF REC 11841 PG 1329

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 30 years from the date these covenants are recorded, after which time they shall be extended automatically for successive periods of ten years, unless an instrument signed by a majority of the, then, owner(s) of the real property has been recorded agreeing to change the covenants in whole, or in part, provided that the covenants have first been released by Dade County.

This Declaration of restrictive Covenants 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 of the fee simple title to the lands to be affected by such modification, amendment or release, provided that the same is also approved by the Board of County Commissioners or the Zoning Appeals Board of Metropolitan Dade County, Florida, (whichever by law has jurisdiction over such matters) after public hearing.

Should this Declaration of Restrictive Covenants be so modified, amended or released, the Director of the Metropolitan Dade County Building & Zoning Department, or his successor, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

Enforcement shall be by action at law or in equity against any parties or persons violating, or attempting to violate, any covenants, either to restrain violation or to recover damages. The prevailing party bringing the action, or suit, shall be entitled to recover, in addition to costs and disbursements

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 30 years from the date these covenants are recorded, after which time they shall be extended automatically for successive periods of ten years, unless an instrument signed by a majority of the, then, owner(s) of the real property has been recorded agreeing to change the covenants in whole, or in part, provided that the covenants have first been released by Dade County.

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Enforcement shall be by action at law or in equity against any parties or persons violating, or attempting to violate, any covenants, either to restrain violation or to recover damages. The prevailing party bringing the action, or suit, 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.

Invalidation of any one of these covenants, by judgement or Court, in no wise shall affect any of the other provisions which shall remain in full force and effect.

Signed, sealed, executed and acknowledged this 4 day of May, 1982.

WITNESSES:

COCONUT GROVE BANK
2701 SOUTH BAYSHORE DRIVE
COCONUT GROVE
MIAMI 33, FLORIDA

OFF REC 11841 PG 1330

DATE May 23, 1983

Dade County Board of County Commissioners
c/o Dade County Building & Zoning Dept.
909 S.E. First Ave.
Miami, Florida, 33131

ALL DRAFTS DRAWN MUST BE MARKED:
DRAWN UNDER LETTER OF CREDIT

№ 1763

GENTLEMEN:

WE ARE PLEASED TO ADVISE YOU THAT WE HAVE ESTABLISHED OUR IRREVOCABLE CREDIT # 1763 IN YOUR FAVOR FOR ACCOUNT OF Raymond Pearlson, 8960 S.W. 87th Court, Miami, Florida, 33176

AVAILABLE TO THE AGGREGATE AMOUNT OF US$11,160.00 (ELEVEN THOUSAND ONE HUNDRED SIXTY AND 00/100 US DOLLARS)

BY YOUR DRAFTS DRAWN AT sight ON US AND ACCOMPANIED BY THE DOCUMENTS LISTED BELOW

1-Original Letter of Credit.
2-Certificate of the Director, Dade County Building and Zoning Dept. stating that Raymond Pearlson has failed to acquire a joinder of Mortgagee (to a Declaration of Restrictions on property described as E 185' of S½ of S½ of NE4 NE4 NE4 less the East 35 feet of section 4 Township 55 S range 40 E dated May 4, 1983), or in the alternative to pay off Mortgage No. 1403 of General American Life Insurance Co., St. Louis, Mo. on the aforedescribed property (a/k/a 8960 S.W. 87th Court, Miami, Florida), on or before July 1, 1983.

RECORDED IN OFFICIAL RECORDS BOOK OF DADE COUNTY, FLORIDA
RECORD VERIFIED
RICHARD P. BRINKER
CLERK CIRCUIT COURT

THE AMOUNT AND DATE OF EACH NEGOTIATION MUST BE ENDORSED ON THE BACK HEREOF BY THE NEGOTIATING BANK.

WE HEREBY ENGAGE WITH YOU THAT ALL DRAFTS DRAWN UNDER AND IN COMPLIANCE WITH THE TERMS OF THIS CREDIT WILL BE DULY HONORED ON DELIVERY OF DOCUMENTS AS SPECIFIED IF PRESENTED TO US ON OR BEFORE July 10, 1983.

UNLESS OTHERWISE EXPRESSLY STATED, THIS CREDIT IS SUBJECT TO THE UNIFORM CUSTOMS AND PRACTICE FOR COMMERCIAL DOCUMENTARY CREDITS FIXED BY THE THIRTEENTH CONGRESS OF THE INTERNATIONAL CHAMBER OF COMMERCE. (BROCHURE 222 - 1968 REVISION) Publication 290 of 1974

VERY TRULY YOURS,

COCONUT GROVE BANK

AUTHORIZED SIGNATURE

MIAMI-DADE FIRE RESCUE
Planning & Capital Improvements Bureau
ZONING COMMENTS

Hearing Number: Z01-398 Rev#2

Plans: ☑ Yes ☐ No Request: _____

Location: _____

Recommendation:
- Approved ✓
- Approved with conditions ____*
- Approved with no change from previous submittal ____
- Denial ____
- Defer to DIC comments ____

*

Estimated number of alarms generated annually by application: 22

If there is an impact, below is the service availability:

Station District 23 Grid 1829 DU/SF 81,646 Occupancy Type 3

Impact of additional calls on closest station:
- ☐ No Impact
- ☐ Minimal Impact
- ☒ Moderate Impact
- ☐ Severe Impact

Planned Service to Mitigate:

Service	Location	Year to be Completed
East Kendall 13	6000 SW. 87A	2005

☐ None

THIS REVIEW IS FOR SERVICE IMPACT AND SERVICE AVAILABILITY ONLY AND DOES NOT CONSTITUTE NOR IMPLY SITE PLAN APPROVAL.

ALL SITE PLANS MUST BE REVIEWED AND APPROVED BY THE MIAMI-DADE FIRE RESCUE FIRE WATER & ENGINEERING BUREAU LOCATED AT 11805 SW 26 ST. BASED UPON THAT REVIEW, SITE PLANS MAY NEED MODIFICATION TO COMPLY WITH LIFE-SAFETY STANDARDS.

Reviewed by: B. J. Matthews Phone: (786) 331-4542 Date: 2/25/04
Barbara J. Matthews
Revised 1/23/04 BJM

TEAM METRO
KENDALL OFFICE

ENFORCEMENT HISTORY

Acropolis Realty LLC	8960-8970 SW 87 Ct.
APPLICANT	**ADDRESS**
03/02/05	01-398
DATE	**HEARING NUMBER**

CURRENT ENFORCEMENT HISTORY:

2/23/05	An inspection revealed no current violation
1/31/05	An inspection revealed no current violation
10/27/03	An inspection revealed no current violations. However, on:
8/01/02	An inspection revealed violations and Civil Violation Notices were issued: #803599 (failure to obtain a permit), #803600 (unauthorized use within a RU -5A district), and #888201 (Establishing a new use without prior public hearing approval). All three citations were appealed. After numerous rescheduled hearings the cases was heard on 4/30/03 and they were found guilty on the three citations. A partial payment agreement was entered into for the three citations. Only one payment was made on CVN #803599.

DISCLOSURE OF INTEREST*

If the property which is the subject of the application is owned or leased by a CORPORATION, list the principal stockholders and the percentage of stock owned by each. [Note: Where the principal officers or stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

ACROPOLIS REALTY, L.L.C.
CORPORATION NAME

NAME, ADDRESS AND OFFICE	Percentage of Stock
PED INVESTMENTS LIMITED	100%

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: Where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUST NAME

NAME AND ADDRESS	Percentage of Interest

DISCLOSURE OF INTEREST*

If the property which is the subject of the application is owned or leased by a CORPORATION, list the principal stockholders and the percentage of stock owned by each. [Note: Where the principal officers or stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

PED INVESTMENTS LIMITED
CORPORATION NAME

NAME, ADDRESS AND OFFICE	Percentage of Stock
Pablo Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	49 1/2 %
Elizabeth Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	49 1/2 %
PED HOLDINGS, INC.	1 %

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: Where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUST NAME

NAME AND ADDRESS	Percentage of Interest

DISCLOSURE OF INTEREST*

If the property which is the subject of the application is owned or leased by a CORPORATION, list the principal stockholders and the percentage of stock owned by each. [Note: Where the principal officers or stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

PED HOLDINGS, INC.
CORPORATION NAME

NAME, ADDRESS AND OFFICE	Percentage of Stock
Pablo Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	50%
Elizabeth Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	50%

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: Where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUST NAME

NAME AND ADDRESS	Percentage of Interest

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

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

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

Signature: _____

(Applicant) Pablo Delgado, President

Sworn to and subscribed before me,

this 10 day of October, 2001

(SEAL)

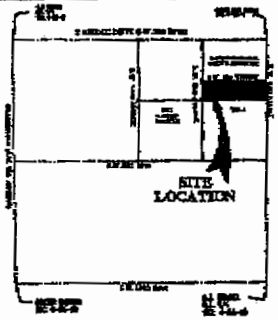
Elizabeth P. Cardenas
Notary Public, State of Florida at Large

ELIZABETH P. CARDENAS
MY COMMISSION # CC 994093
EXPIRES: January 16, 2005
Bonded Thru Notary Public Underwriters

My Commission Expires:

*Disclosure shall not be required of any entity, the equity interests in which are regularly traded on an established securities market in the United States or other country; or of any entity, the ownership interests of which are held in a limited partnership consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interest in the limited partnership.

54



LOCATION MAP
N.E. 1/4 OF SECTION 4-55-40
MIAMI-DADE COUNTY, FLORIDA
(NOT TO SCALE)

LEGAL DESCRIPTION

AGORA PROFESSIONAL BUILDING
SITE DATA LEGEND

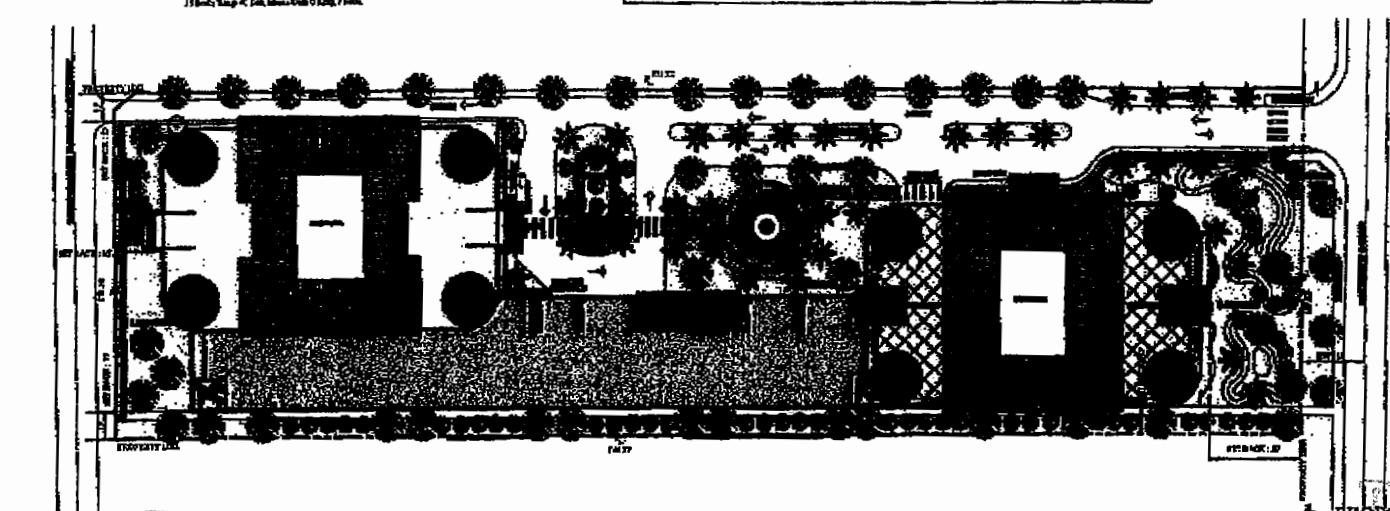
ZONING AUTHORITY:	METROPOLITAN DADE COUNTY, FLORIDA
EXISTING ZONING CLASSIFICATION:	[illegible]
PROPOSED ZONING CLASSIFICATION:	[illegible]
PROPERTY ADDRESS:	[illegible]
FLOOD CATEGORY:	[illegible]
NAME OF WATER AND SEWER UTILITIES:	MIAMI-DADE COUNTY WATER AND SEWER
PROPOSED ELECTRIC USE:	[illegible]
LAND AREA DEDUCTED ROW:	[illegible]
LOT DEPTH (IN FEET TO COURT):	[illegible]
SIGNAGE OF BUILDING:	[illegible]
SET BACKS:	[illegible]
PROPOSED BUILDING LOT COVERAGE:	[illegible]
PROPOSED PAVED STUDENT AREA:	[illegible]
LANDSCAPED OPEN SPACE:	[illegible]
PARK:	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

OWNER:	[illegible]
ARCHITECT:	[illegible]
LANDSCAPE:	[illegible]
SURVEYOR:	[illegible]

INDEX OF DRAWINGS

ARCHITECTURE
[illegible]
A-1 SITE PLAN, CIVIL, LEGAL DESCRIPTION & LOCATION MAP
A-2 GROUND & 2ND FLOOR PLANS
A-3 [illegible]
A-4 [illegible]
A-5 [illegible]
A-6 [illegible]

LANDSCAPE
[illegible]
[illegible]



PROPOSED SITE PLAN

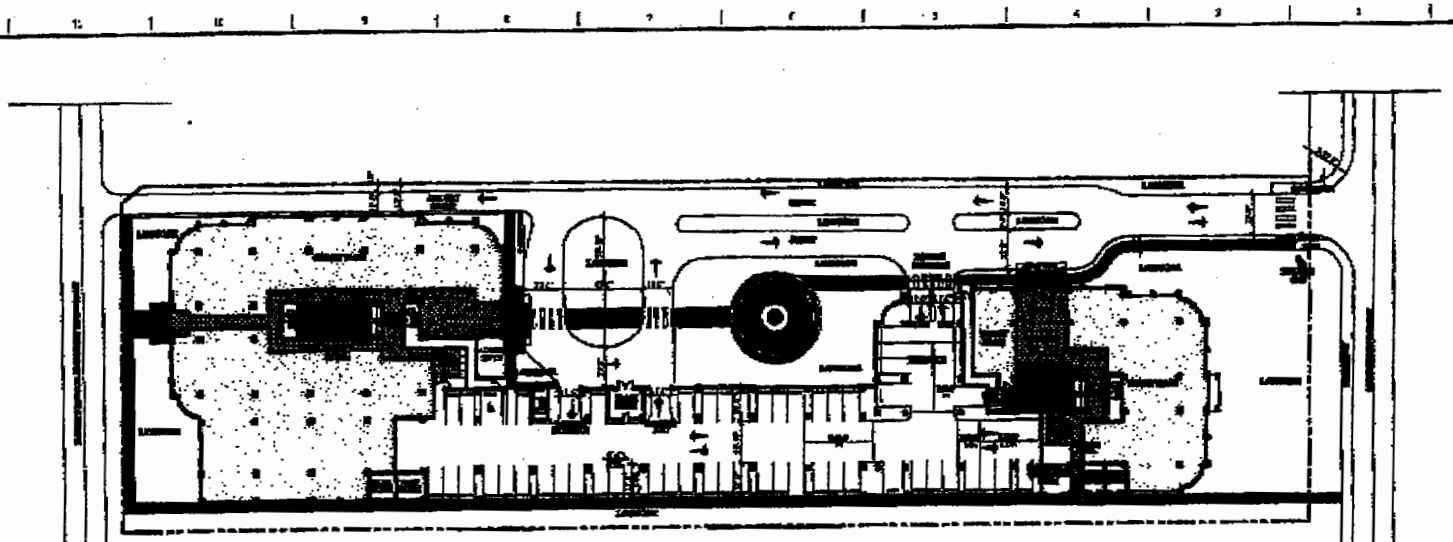
FULLERTON DIAZ ARCHITECTS INC.

Agora Professional Building

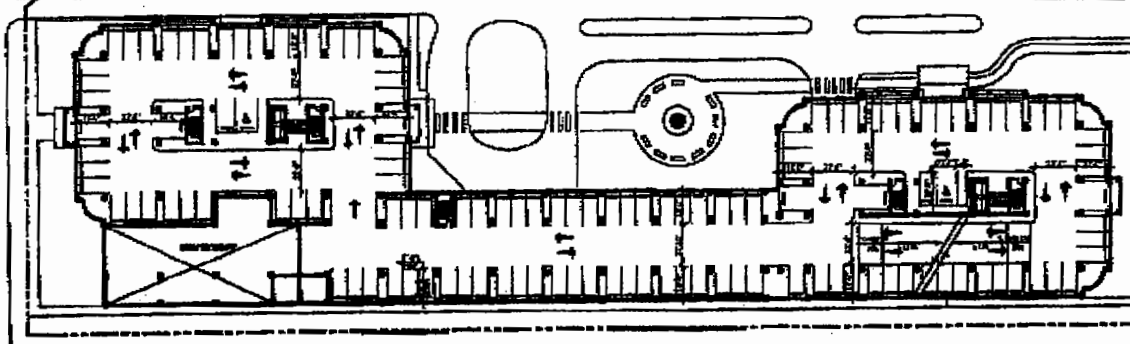
A-1

DEC 2 2004
01.398

55



1st FLOOR PLAN (GROUND LEVEL)



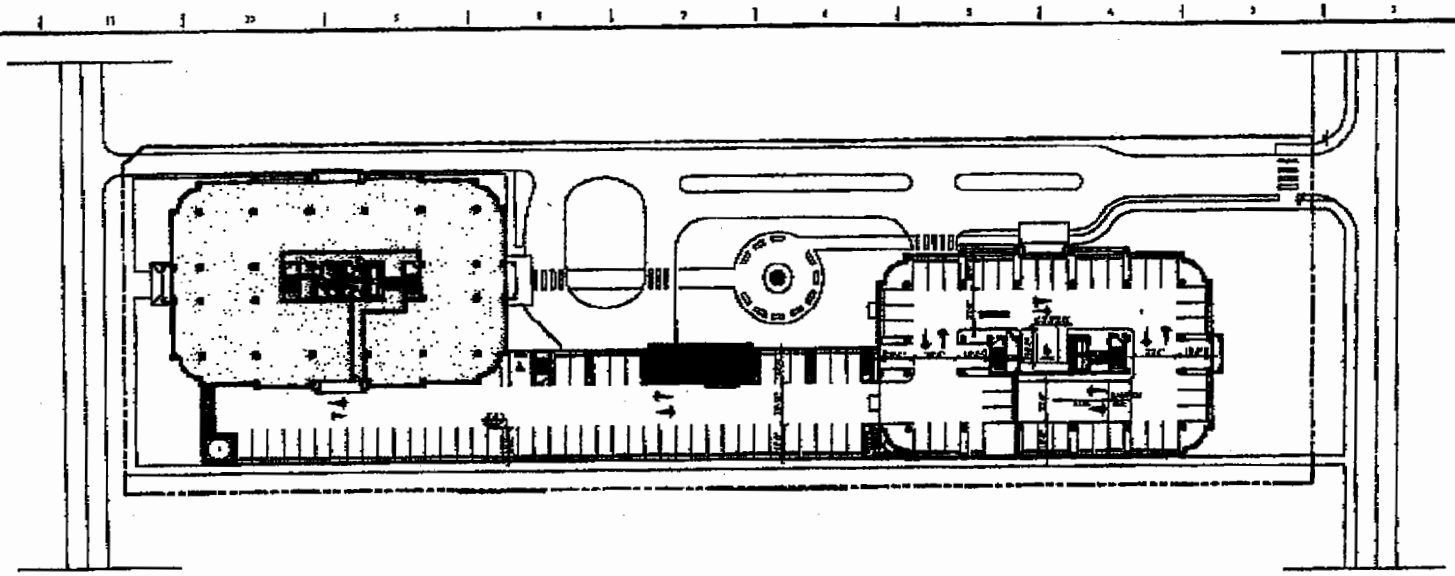
2nd FLOOR PLAN

01.398

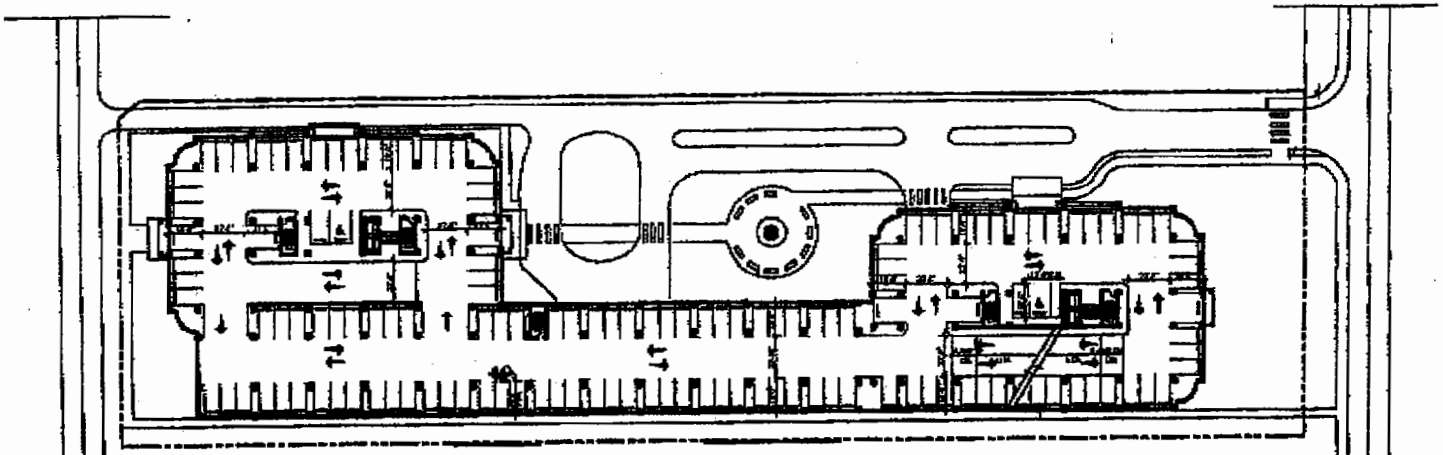
DEC 27 2004

Agora Professional Building

A-2



4TH FLOOR PLAN



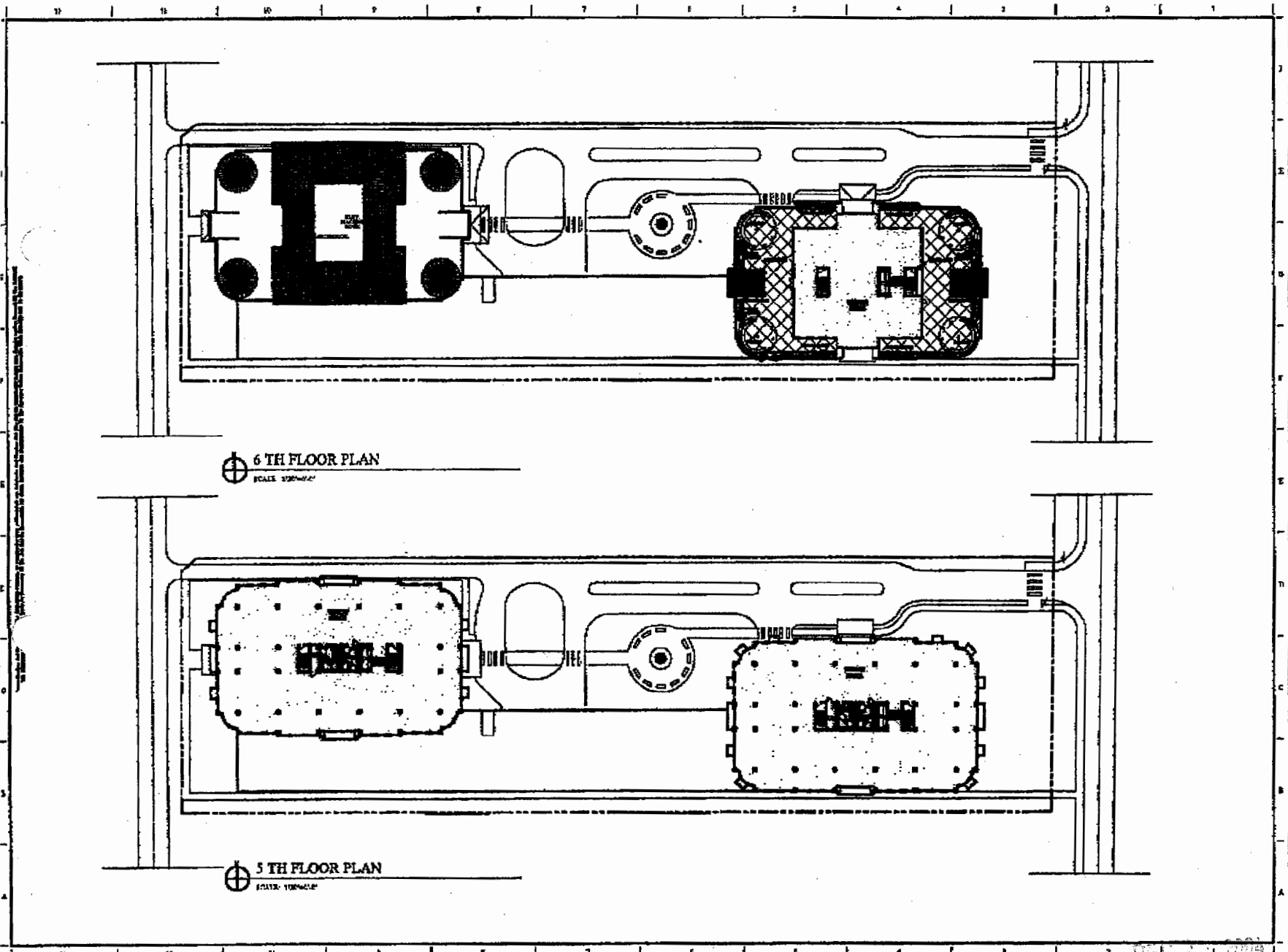
3 rd FLOOR PLAN

Agora Professional Building

A-3

01391

56



FULLERTON DIAZ ARCHITECTS INC

Agora Professional Building

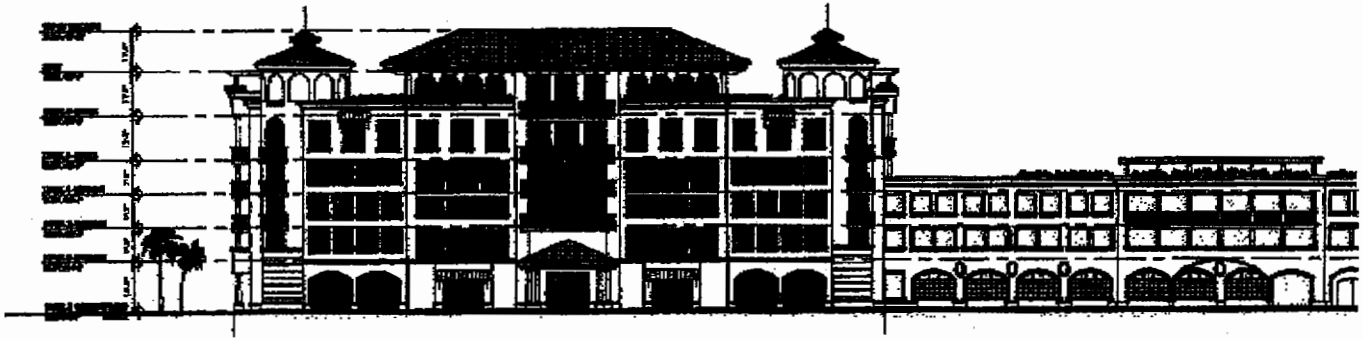
A-4

01.398

57

58

1 NORTH ELEVATION



2 NORTH ELEVATION - EAST BUILDING

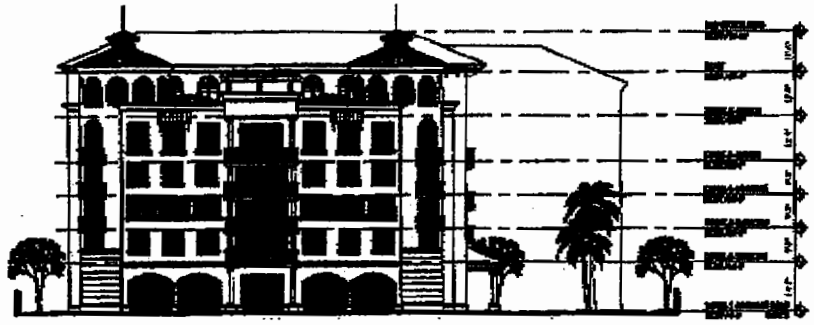
3 NORTH ELEVATION- CENTER AND WEST BUILDING

Agora Professional Building

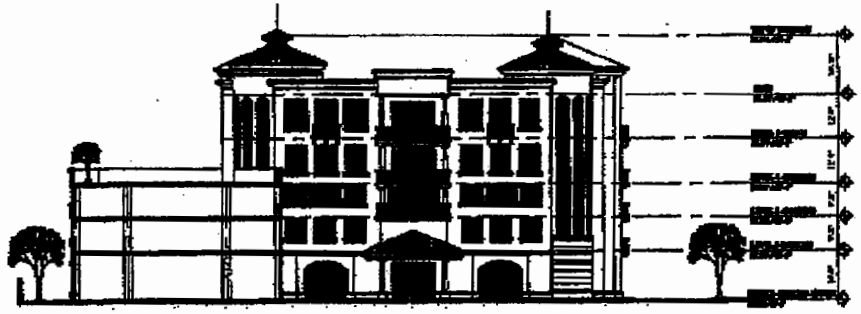
A-5

01.598

59



1 EAST ELEVATION - EAST BUILDING



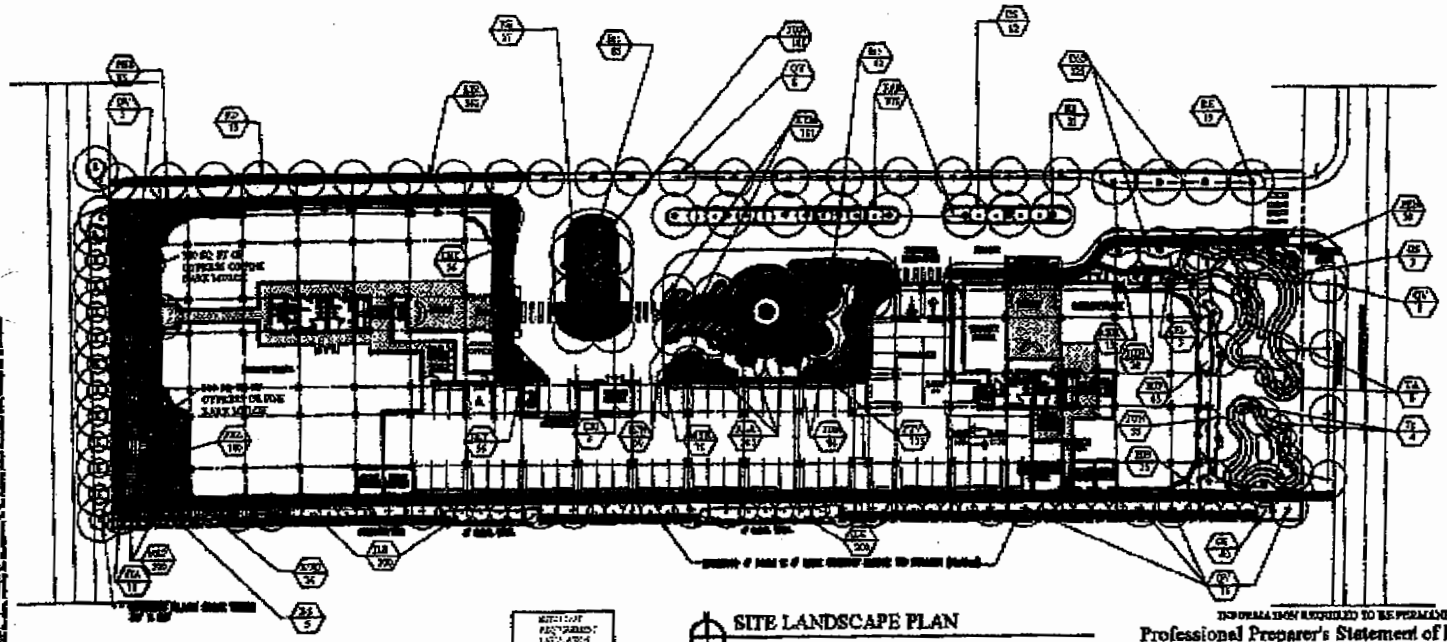
2 EAST ELEVATION - WEST BUILDING

Agora Professional Building

A-6

01.358

60



SITE LANDSCAPE PLAN

PLANT LIST:

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

LANDSCAPE REQUIREMENTS/ CALCULATIONS:

[illegible]	[illegible]	[illegible]

INFORMATION REQUIRED TO BE PERMANENTLY AFFIXED TO PLAN

Professional Preparer's Statement of Landscape Compliance

Project No. _____ Permit No. _____

Legal description Lot _____ Block _____

Subdivision Name _____ P.B. _____ Page _____

Street address _____

Located at (address) _____

I/We hereby certify that the landscaping/ruling of the plan being submitted for the above capitated location with the requirements of Chapter 35A (35-47 Landscape Ordinance) [illegible] March 24, 1992) [illegible]

Professional Preparer's Signature

Marriage Card

Print Name

State of Florida

County of Dade

The foregoing instrument was acknowledged before me this _____ day of _____ 2003, by _____, of _____, a _____ corporation, on behalf of the corporation. He/she is personally known to me or has produced _____ as identification and did/did not take an oath.

Witness my signature and official seal this _____ day of _____ 2003 in the County and State aforesaid, the date, and year aforesaid.

Notary Public _____

Print Name _____

Agora Professional Building

LP-1

DEC 1 / 2004

01.398

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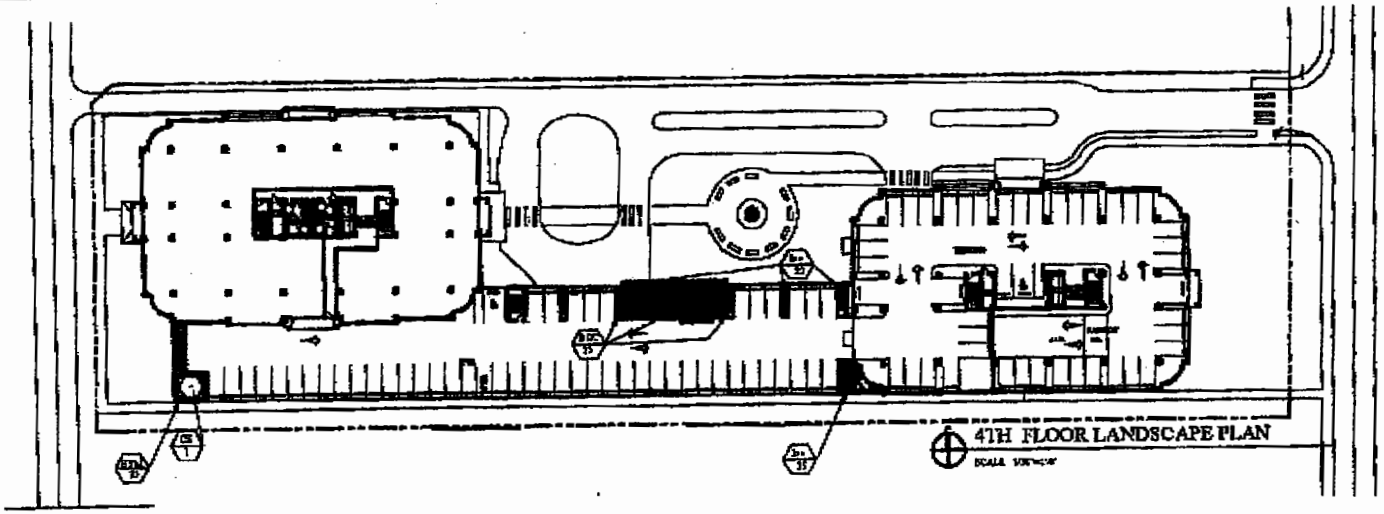
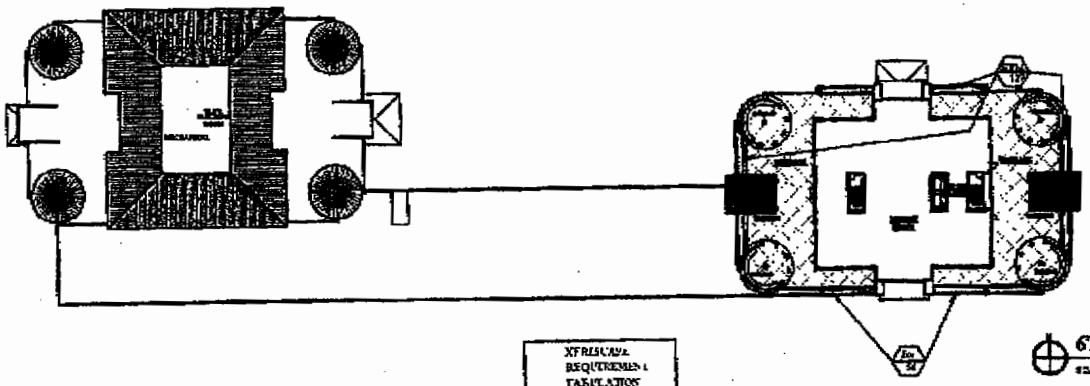


4TH FLOOR LANDSCAPE PLAN



6TH FLOOR LANDSCAPE PLAN

PLANT LIST:

SYMBOL	SCIENTIFIC NAME / COMMON NAME	QTY	SIZE	SPACING / REMARKS	XERISCAPE REQUIREMENT TABULATION: Drought Tolerance	XERISCAPE REQUIREMENT TABULATION: Salt Tolerance
	SHADE TREES AND PALM TREES				H, M, L	H, M, L
					HIGH, MEDIUM OR LOW	HIGH, MEDIUM OR LOW
CS	[illegible]	1	[illegible]	NATIVE	[illegible]	[illegible]
	SHRUBS AND GROUNDCOVERS					
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

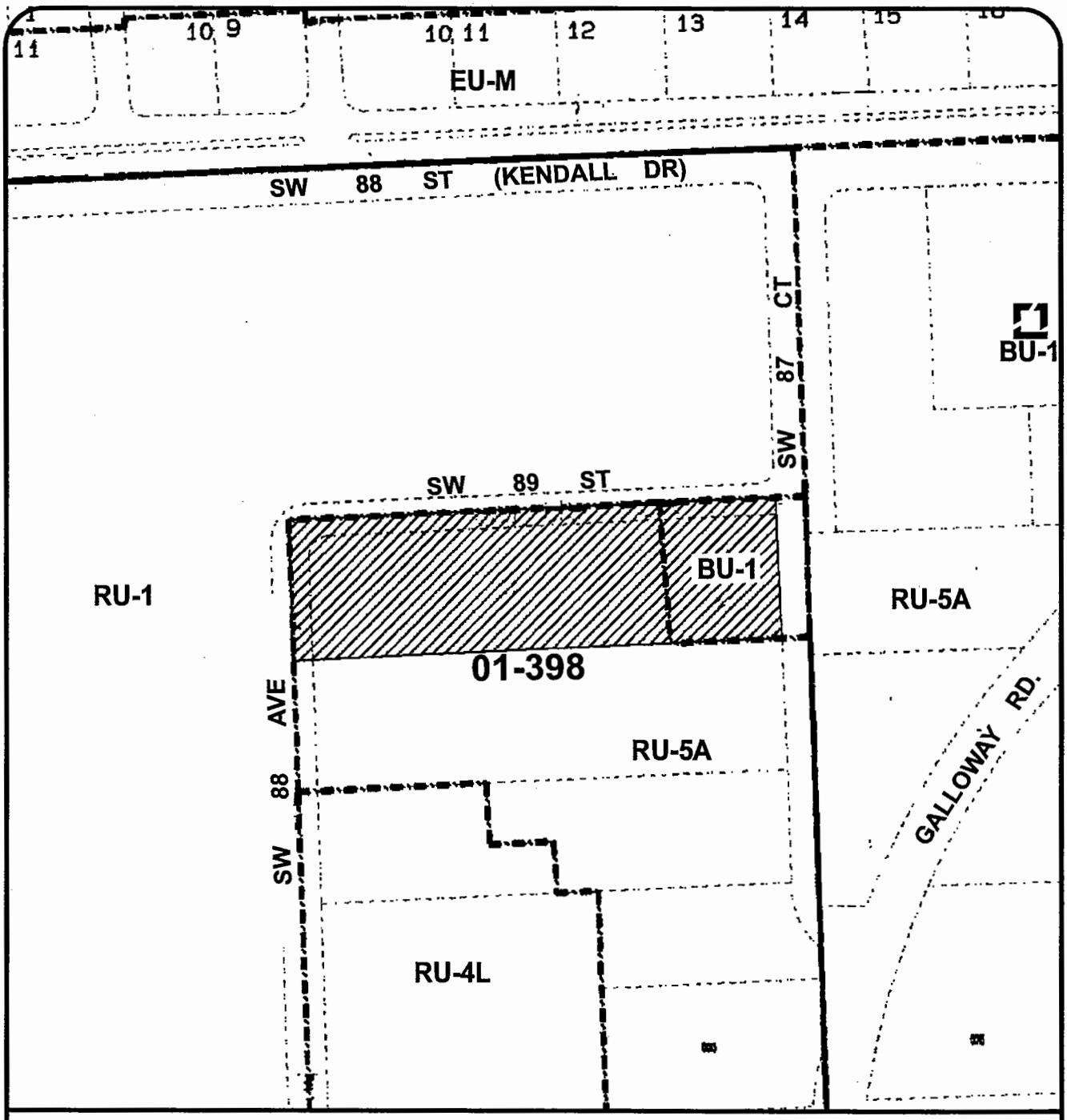
PLANT DETAILS:

FULLERTON DIAZ ARCHITECTS INC.

Agora Professional Building

LP-2

01.398



MIAMI-DADE COUNTY
HEARING MAP

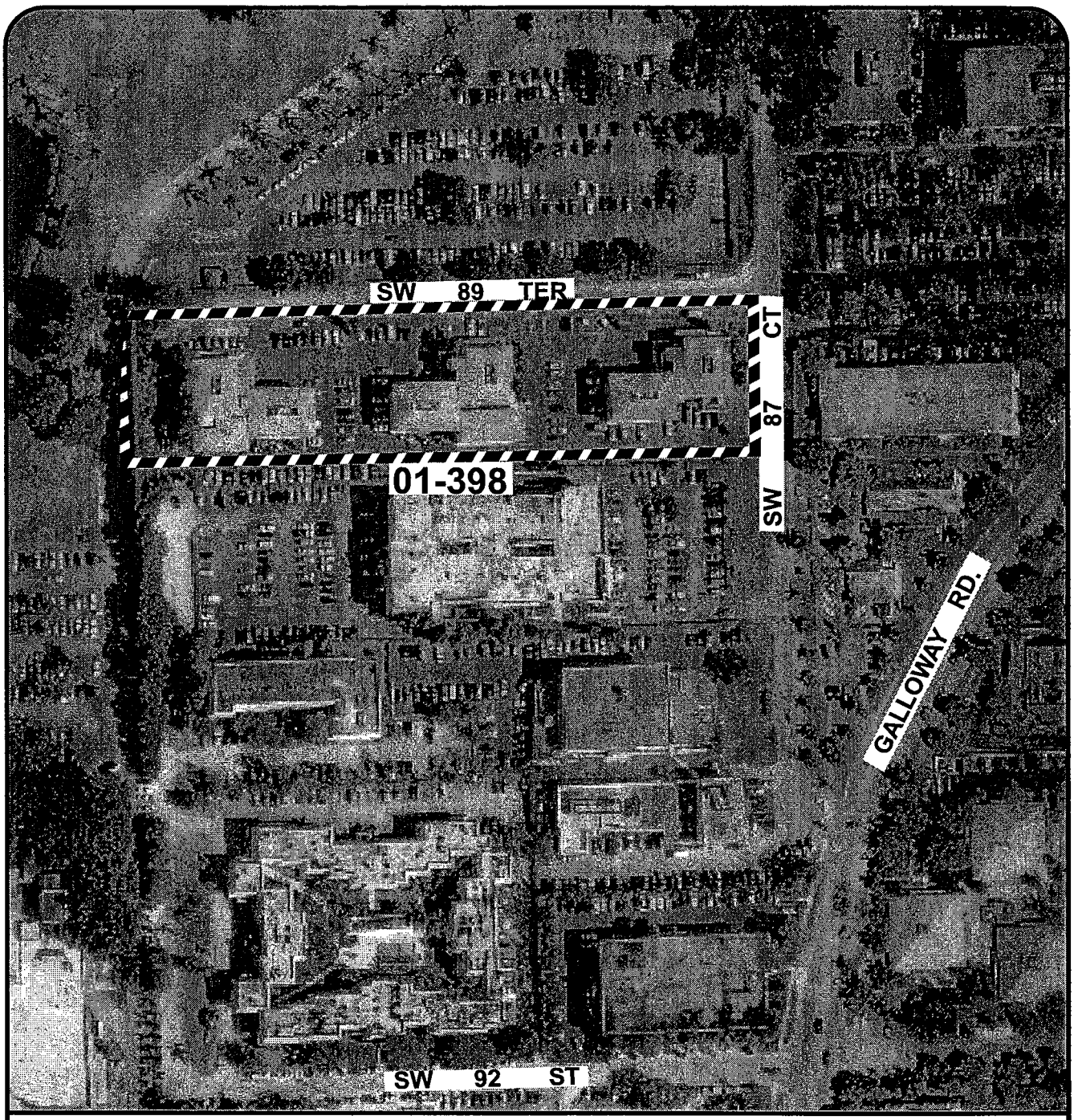
S C A L E 0 200' N

SUBJECT PROPERTY

Section: 04 Township: 55 Range: 40
Process Number: 01000398
Applicant: ACROPOLIS REALTY, LLC.
District Number: 08
Zoning Board: C12
Drafter ID: ALFREDO
Scale: 1:200'

MIAMI-DADE

G: ZONING DRAFTING. 01-398. 12/01
REVISED 10/14/03



MIAMI-DADE COUNTY
AERIAL

S C A L E
0 NTS
N

SUBJECT PROPERTY

Section: 04 Township: 55 Range: 40
Process Number: 01000398
Applicant: ACROPOLIS REALTY, LLC.
District Number: 08
Zoning Board: C12
Drafter ID: ALFREDO
Scale: NTS

MIAMI-DADE

G: ZONING DRAFTING. 01-398. 12/01

1. ACROPOLIS REALTY LLC
(Applicant)

03-11-CZ12-1 (01-398)
Area 12/District 8
Hearing Date: 1/25/05

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
1965	Mark XX	Zone change from AU to RU-5A.	CC	Approved
1966	Mark XX	Use Variance for zoning regulations, waiving 5' wall along interior side of property lines.	ZAB	Approved
1967	Mark XX	Variance zoning regulations, walls, access buildings.	ZAB	Approved
1983	Raymond Pearlson & Robert Browdy	Zone change from RU-5A to BU-1.	CC	Approved

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

DATE: OCTOBER 21, 2004 **#Z-35-04**

APPLICANT: D. ACROPOLIS REALTY LLC

MOTION: DECISION VACATED AND APPLICATION REMANDED TO THE COMMUNITY COUNCIL #12 WITH LEAVE TO AMEND THE REQUESTS IN THE APPLICATION

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				X
Diaz	S	X		
Ferguson		X		
Heyman		X		
Martinez		X		
Morales				X
Moss				X
Rolle		X		
Seijas		X		
Sorenson		X		
Sosa	M	X		
Souto		X		
Chair Carey-Shuler		X		
TOTAL		10	0	3

DATE: 10/07/04 **#Z-**

APPLICANT:D. Acropolis Realty LLC 03-11-CZ12-1

MOTION: Carried Over to Zoning Hearing of 10/21/04

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				
Diaz				
Ferguson				
Heyman				
Martinez				
Morales				
Moss				
Rolle				
Seijas				
Sorenson				
Sosa				
Souto				
Chair Carey-Shuler				
TOTAL				

DATE: 7/29/2004 **#Z-**

APPLICANT: D. ACROPOLIS REALTY LLC
(03-11-CZ12-1/01-398)

MOTION: to defer the application to October 7, 2004.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				X
Diaz				X
Ferguson		X		
Heyman	M	X		
Martinez				X
Morales				X
Moss				X
Rolle		X		
Seijas		X		
Sorenson				X
Sosa	S	X		
Souto		X		
Chair Carey-Shuler		X		
TOTAL		7	0	6

DATE: 06-10-2004 **#Z-**

APPLICANT: Acropolis Realty LLC
(03-11-CZ12-1/01-398)

MOTION: Deferred the application to July 29, 2004, with leave to amend. Applicati
at the applicant's expense.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				X
Diaz		X		
Ferguson				X
Heyman	S	X		
Martinez		X		
Morales				X
Moss		X		
Rolle		X		
Seijas		X		
Sorenson		X		
Sosa		X		
Souto				X
Chair Carey-Shuler	M	X		
TOTAL		9	0	4

DATE: April 29, 2004 **#Z-**

APPLICANT: 1. ACROPOLIS REALTY LLC-
No further notice
MOTION: DEFERRED TO JUNE 10, 2004

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				X
Diaz	S	X		
Ferguson				X
Heyman	M	X		
Martinez		X		
Morales		X		
Moss				X
Rollc		X		
Seijas		X		
Sorenson		X		
Sosa		X		
Souto		X		
Chair Carey-Shuler				X
TOTAL		9	0	4

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD AREA 12
MOTION SLIP

APPLICANT'S NAME: ACROPOLIS REALTY LLC

REPRESENTATIVE(S): CHAD WILLIARD

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
03-11-CZ12-1 (01-398)	NOVEMBER 18, 2003	CZAB12- -03

REQUESTS:
1) RU-5A & BU-1 to OPD. 2) Delete Declaration. 3) Lot area 2.94 v 3 ac. 4) FAR 0.94 v 0.86

DEPT. REC: APPROVE 1 PER 33-311(A)(8) SUBJECT TO PROFFERED COVENANT
APPROVE 2 WITH CONDITIONS PER 33-311(A)(17).

MOTION APPROVE 3 & 4 WITH CONDITIONS PER 33-311 (A)(21)

☐ WITHDRAW: ☐ Entire Application ☐ ITEMS

☒ DEFER: ☐ INDEFINITELY ☒ TO: 01-13-04 ☒ 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 STD. CONDITIONS

☐ OTHER:

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		Gerardo GOMEZ	✓		
MS.	S	Millie HERRERA	✓		
MR.		Douglas KRUEGER	✓		
M		Peggy BRODEUR	✓		
MR.	M	Nelson A. VARONA	✓		
VICE-CHAIRMAN		Robert W. WILCOSKY	✓		
CHAIRMAN		JOSE VALDEZ			✓

VOTE: 6 to 0

EXHIBITS: ☒ YES ☐ NO

COUNTY ATTORNEY: Jay Williams

MIAMI-DADE COUNTY
COMMU / ZONING APPEALS BOA. AREA 12
MOTION SLIP

APPLICANT'S NAME: **ACROPOLIS REALTY LLC**

REPRESENTATIVE(S): Chad Williard, Dr. Pablo Delgado

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
03-11-CZ12-1 (01-398)	January 27, 2004	CZAB12- -04

REQUESTS:

DEPT. REC:

☐ WITHDRAW: ☐ Entire Application ☐ ITEMS

☑ DEFER: ☐ INDEFINITELY ☑ TO: 2/10/04 ☐ 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 STD. CONDITIONS

☑ OTHER: To give applicant opportunity to present traffic study to the opposition.

TITLE	M/S	NAME	YES	NO	ABSENT
MS.		Peggy BRODEUR			✓
MR.		Gerardo GOMEZ		✓	
MS.		Millie HERRERA	✓		
MR.		Douglas A. KRUEGER	✓		
MR.	S	Nelson A. VARONA	✓		
VICE-CHAIRMAN	M	Robert W. WILCOSKY	✓		
CHAIRMAN		Jose I. VALDEZ (C.A.)			

airman
se Valdez
stained
m voting
ause he
absent
m the
t hearing
this application.
stated on the record
t he would not vote.

was
ting at the table when
motion was read.

VOTE: 4 to 1

EXHIBITS: ☐ YES ☑ NO

COUNTY ATTORNEY: Stephen Stieglitz

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MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 12

APPLICANT: Acropolis Realty LLC **PH:** Z01-398 (05-1-CZ12-1)

SECTION: 4-55-40 **DATE:** January 25, 2005

COMMISSION DISTRICT: 8 **ITEM NO.:** 1

==========

A. INTRODUCTION

o REQUESTS:

THE FOLLOWING HEARING WAS REMANDED BY THE BOARD OF COUNTY COMMISSIONERS ON 10/21/04:

(1) RU-5A & BU-1 to OPD

(2) The applicant is requesting to permit a lot with an area of 2.94 acres (3 acres required).

(3) The applicant is requesting to permit a floor area ratio of 0.80 (0.70 permitted).

OR IN THE ALTERNATIVE TO REQUESTS #1 - #3, THE FOLLOWING:

(4) RU-5A & BU-1 to RU-5A

AND WITH EITHER REQUEST:

(5) DELETION of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329.

The purpose of the request is to remove an agreement from the site which limits the uses on the commercial parcel and ties the site to a specific plan.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 & #3 may be considered under §33-311 (A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) and approval of request #5 may be considered under §33-311(A)(7) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

Plans for the OPD proposal only are on file and may be examined in the Zoning Department entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., consisting of 8 pages, dated, signed, and sealed 12-6-04 and two pages of landscape plans dated 10-22-04. Plans may be modified at public hearing.

o SUMMARY OF REQUESTS:

This application will allow the applicant to change the zoning on the property from RU-5A, Semi-Professional Office District, and BU-1, Neighborhood Business District, to OPD, Office Park District. The requests will also allow less lot area than required for

the OPD district and a greater floor area ratio than permitted. In the alternative to the aforementioned requests, the applicant is seeking a district boundary change from RU-5A and BU-1 to RU-5A. Accompanying both of the aforementioned district boundary change requests, the applicant is seeking a deletion of a Declaration of Restrictions as it pertains to the existing BU-1 zoned site.

- **LOCATION:**

  8960-70 S.W. 87 Court, Miami-Dade County, Florida.

- **SIZE:** 2.94 acres.

- **IMPACT:**

  The rezoning of the property to OPD or to RU-5A and the accompanying requests will allow the applicant to provide professional services to the community. However, this application will bring additional traffic into the area.

B. ZONING HEARINGS HISTORY:

In 1965, the Board of County Commissioners (BCC) rezoned this site from AU, Agricultural District, to RU-5A, Semi-Professional Office District. In 1966 and 1967, the Zoning Appeals Board (ZAB) waived the required walls along the interior side property lines of the aforementioned property. In 1983, the BCC rezoned the easterly 185' of the subject property from RU-5A to BU-1, Neighborhood Business District. A Declaration of Restrictions was recorded that restricted the development of the BU-1 portion of the site to the plans approved at said hearing and restricted the permitted uses to a commercial bank and a sandwich shop.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2005 and 2015 Land Use Plan designates the subject property as being within the Urban Development Boundary for **office/residential**.

2. **Uses and Zoning Not Specifically Depicted on the LUP Map**:

   Within each map category numerous land uses, zoning classifications and housing types may occur. Many existing uses and zoning classifications are not specifically depicted on the Plan map. This is due largely to the scale and appropriate specificity of the countywide LUP map, graphic limitations, and provisions for a variety of uses to occur in each LUP map category. In general, 5 acres is the smallest site depicted on the LUP map, and smaller existing sites are not shown. All existing lawful uses and zoning are deemed to be consistent with this Plan unless such a use or zoning (a) is found through a subsequent planning study, as provided in Land Use Policy 4E, to be inconsistent with the criteria set forth below; and (b) the implementation of such a finding will not result in a temporary or permanent taking or in the abrogation of vested rights as determined by the Code of Metropolitan Dade County, Florida. The criteria for determining that an existing use or zoning is inconsistent with the plan are as follows: 1) Such use or zoning does not conform with the conditions, criteria or standards for approval of such a use or zoning in the

applicable LUP map category; and 2) The use or zoning is or would be incompatible or has, or would have, an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area. Also deemed to be consistent with this Plan are uses and zoning which have been approved by a final judicial decree that has declared this Plan to be invalid or unconstitutional as applied to a specific piece of property. The presence of an existing use or zoning will not prevent the County from initiating action to change zoning in furtherance of the Plan map, objectives or policies where the foregoing criteria are met. The limitations outlined in this paragraph pertain to existing zoning and uses. All approval of new land uses must be consistent with the LUP map and the specific land use provisions of the various LUP map categories, and the objectives and policies of this Plan. However, changes may be approved to lawful uses and zoning not depicted which would make the use or zoning substantially more consistent with the Plan, and in particular the Land Use Element, than the existing use or zoning.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
RU-5A & BU-1; apartments	Office/Residential
Surrounding Properties:	
NORTH: RU-1; parking lot	Office/Residential
SOUTH: RU-5A; office building	Office/Residential
EAST: RU-5A; office building	Office/Residential
WEST: RU-1; Baptist Hospital complex	Institutional & Public Facility

The subject parcel is a narrow linear site located between SW 87 Avenue (Galloway Road) and Baptist Hospital. There is a parking lot, which serves Baptist Hospital to the north with a mixture of apartments and offices to the south.

E. SITE AND BUILDINGS:

Site Plan Review: (pertaining to the proposed OPD zoning only, no plans were submitted for the proposed alternative RU-5A zoning).

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**
Energy Considerations:	**N/A**
Roof Installations:	**N/A**
Service Areas:	**N/A**
Signage:	**N/A**
Urban Design:	**Acceptable**

F. **PERTINENT REQUIREMENTS/STANDARDS:**

The Board shall hear and grant or deny applications for **district boundary changes** taking into consideration that same must be consistent with the CDMP, with applicable area or neighborhood studies or plans, and would serve a public benefit. The Board shall take into consideration 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. The Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities, including mass transit, roads, streets, and highways or other necessary public 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, street or highways.

Section 33-311(A)(17). Modification or Elimination of Conditions and Covenants After Public Hearing. The Community Zoning Appeals Board 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 following paragraphs 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.

VI. Modification or Elimination of Conditions or Restrictive Covenants After Public Hearing, Where the Conditions or Restrictive Covenants were Accepted or Imposed

Simultaneously with a District Boundary Change. The Community Zoning Appeals Board shall approve an application to modify or eliminate a condition or part thereof, or a restrictive covenant or part thereof, which requires development of a specific site plan and which was accepted or imposed simultaneously with a district boundary change, where it is demonstrated that:

(A) The subject property would satisfy all current requirements and standards for a district boundary change to the property's present zoning district without the condition or restrictive covenant, or else the modification or elimination is sought in connection with an application for rezoning to a different district. For purposes of this requirement, new conditions or restrictive covenants may be imposed or proffered to satisfy such requirements and standards.

(B) The Community Zoning Appeals Board shall impose such conditions and requirements in connection with an approval under this subsection as shall prevent or mitigate any resulting adverse impacts to the County or to any aggrieved person who has reasonably, demonstrably and detrimentally relied upon the condition or covenant sought to be modified or eliminated.

(C) Notwithstanding the provisions of the preceding paragraphs, no application will be approved under this subsection if such approval would result in:

1. a use of land which will have a significant adverse effect upon the value of properties in the immediate vicinity;
2. community design, architecture, or layout and orientation of buildings, open space, or amenities that is inconsistent with and deleterious to the aesthetic character of the immediate vicinity;
3. a material change in the density, intensity, or use of the subject property that so differs from the density, intensity, or use of other existing or approved development in the immediate vicinity that the subject property would represent an obvious and significant departure from the established development pattern of the immediate vicinity which has a deleterious effect on its community character;
4. a substantial degradation of localized traffic patterns or a substantial adverse impact on the roadway network;
5. unmitigated demands on potable water, sanitary sewer, or stormwater treatment systems which exceed the capacity of those systems; or
6. a continued and substantial risk to human life or safety or to the environment, or a nuisance.

Section 33-311(A)(7). 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 a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to

provoke a nuisance, 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) (21) Alternative Site Development Option for Office Buildings, Laboratory Buildings and Associated Accessory Buildings and Structures (ASDO). This subsection provides for the establishment of an alternative site development option, after public hearing, for office buildings, laboratory buildings and associated accessory buildings and structures, when such uses are permitted by the underlying district regulations, in the OPD zoning district, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

An alternative **lot area and frontage** shall be approved upon demonstration of at least one of the following:

(1) the proposed lot area and frontage shall permit the development or redevelopment of a structure(s) on a lot, parcel or tract of land where such structure(s) would not otherwise be permitted by the underlying district regulations due to the size or configuration of the parcel proposed for alternative development, provided that:

(A) the lot, parcel or tract is under lawful separate ownership from any contiguous property; and

(B) the proposed alternative development will not result in the further subdivision of land; and

(C) the size and dimensions of the lot, parcel or tract are sufficient to provide all setbacks required by the underlying district regulations; and

(D) the area of the lot, parcel or tract is not less than: seventy-five percent (75%) of the minimum lot area required by the underlying district regulations; and

(E) the proposed alternative development does not result in an obvious departure from the aesthetic character of the immediate vicinity; and

(F) the frontage dimension of the lot, parcel or tract is not less than: seventy-five percent (75%) of the minimum frontage required by the applicable district regulations; except that the frontage dimension of a flag-lot, parcel or tract shall be permitted to be reduced to the minimum width necessary to allow vehicular access as determined by the County; and

(G) the resultant frontage dimension of the lot, parcel or tract provides vehicular ingress and egress to all resulting lots, parcels or tracts, including on-site access to emergency equipment; or

(2) the proposed alternative development results in landscaped open space, community design, amenities or preservation of natural resources that enhances the function or aesthetic character of the immediate vicinity in a manner not otherwise achievable through application of the applicable district regulations, provided that:

(A) the number of lots of the proposed alternative development does not exceed that normally permitted by the lot area dimensions of the underlying district regulations; and

(B) the size and dimensions of each lot, parcel or tract in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations, or, if applicable, any prior zoning actions for similar uses issued prior to the effective date of this ordinance (September 19, 2003); and

(C) the area of each lot, parcel or tract is not less than eighty percent (80%) of the area required by the applicable district regulations; and

(D) the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

(E) the resultant frontage of the lot, parcel or tract provides vehicular ingress and egress to all resulting lots, parcels or tracts, including on-site access to emergency equipment; or

(3) the proposed lot area and frontage is such that:

(A) the proposed alternative development will not result in the creation of more than two (2) lots, parcels or tracts; and

(B) the size and dimensions of each lot, parcel or tract are sufficient to provide all setbacks required by the applicable district regulations; and

(C) no lot area shall be less than the smaller of:

(i) ninety percent (90%) of the lot area required by the applicable district regulations; or

(ii) the average area of the developed lots, parcels or tracts in the immediate vicinity within the same zoning district; and

(D) the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

(E) the resultant frontage provides vehicular ingress and egress to all resulting lots, parcels or tracts, including on-site access to emergency equipment.

An alternative **floor area ratio** for a building(s) shall be approved upon demonstration of the following:

(1) total lot coverage or floor area ratio shall not be increased by more than ten percent (10%) of the lot coverage or floor area permitted by the underlying district regulations; and

(2) the proposed alternative development will not result in the destruction or removal of mature trees on the lot with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the lot; and

(3) the increase in lot coverage or floor area ratio will not result in a principal buildings, or accessory building(s) in the RU-5A district, with an architectural design, scale, mass or building materials that are not aesthetically harmonious with that of other existing or proposed structures in the immediate vicinity; and

(4) the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity.

Section 33-311 (A)(4)(c). Alternative non-use variance standard (ANUV): 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.

Section 33-311 (A)(4)(b). Non-use variances from other than airport regulations (NUV): 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.

G. NEIGHBORHOOD SERVICES:

DERM	**No objection***
Public Works	**No objection***
Parks	**No objection**
MDTA	**No objection**

Fire Rescue	**No objection**
Police	**No objection**
Schools	**No comment**

* Subject to conditions stated in their attached memoranda

H. ANALYSIS:

On February 10, 2004, pursuant to Resolution CZAB12-6-04, the Community Zoning Appeals Board-12 denied without prejudice a zone change on this property from RU-5A, Semi-Professional Office District, and BU-1, Neighborhood Business District, to OPD, Office Park District, and additional requests which would have also allowed less lot area than required for the OPD district and a greater floor area ratio than permitted. The applicant appealed the CZAB-12's decision to the Board of County Commissioners and also amended the application to add in the alternative to the rezoning to OPD district boundary change from RU-5A and BU-1 to RU-5A. Accompanying both of the aforementioned district boundary change requests, the applicant is seeking a deletion of a Declaration of Restrictions as it pertains to the existing BU-1 zoned site. The Board of County Commissioners (BCC) pursuant to Resolution Z-35-04 vacated Resolution CZAB12-6-04 and remanded this application back to the Community Zoning Appeals Board-12 with leave to amend. This application has been amended to show a reduction in the number of floors for the proposed OPD buildings from eight to six floors, causing also a reduction in the floor area ratio from 0.94 where 0.86 is permitted to 0.80 where 0.70 is permitted.

The subject property is located at 8960-70 SW 87 Court. The applicant is seeking a district boundary change on this site from RU-5A, Semi-Professional Office District, and BU-1, Neighborhood Business District, to OPD, Office Park District (Request #1). The Office Park District incorporates a concept which delineates an open space character for buildings whose principal uses are administrative, professional, or research. Uses permitted in the OPD include office buildings for business, professional, and secretarial uses that cater to the provision of services and laboratories for scientific and industrial research and development. Certain accessory uses are permitted which include, but are not limited to auditoriums, eating establishments such as coffee shops, food carry out, and sandwich shops, newsstands, tobacco shops, and private clubs. The applicant is also seeking approval for a request to permit a lot with less area than required in the OPD zoning district and to permit a floor area ratio of 0.80 where 0.70 is permitted. The applicant has submitted revised plans for the development of this site for the proposed OPD zoning district with a six story office building with a parking garage and intends to proffer a covenant limiting the development of the site to same. In the alternative to the aforementioned requests, the applicant is seeking a district boundary change from RU-5A and BU-1 to RU-5A (Request #4). Uses permitted in the RU-5A zoning district include, but are not limited to, offices for accounting, medical doctors, attorneys, dentists, model agencies, optometrists, real estate, and real estate management. Additional uses that are permitted include, but are not limited to, nursery, kindergarten, and after school care, detective agencies, stock brokers exchange-investment services, public libraries, social service bureaus, theater ticket agencies, and travel agencies. The applicant has not submitted a site plan for the development of the proposed alternative district boundary

change to RU-5A, but will comply with all RU-5A zoning requirements. The applicant is also seeking with either zone change request a deletion of a Declaration of Restrictions that restricted the development of the BU-1 portion of the site to certain commercial uses and to the plans approved at the 1983 public hearing. The Declaration of Restrictions limited the permitted uses on said parcel to a bank and a sandwich shop.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the Level of Service (LOS) standards set forth in the Master Plan. However, the applicant will have to comply with all conditions as set forth by DERM in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application. The applicant will be required to successfully close the rights-of-way for SW 89 Terrace, SW 88 Avenue, and SW 92 Street submitted as road closing petition P-743, which is pending. This application will generate an additional **228 p.m. daily peak hour vehicle trips** on the area roadways. However, said trips will not change the level of service (LOS) on same which are currently at LOS "C," "D," and "E."

Request #1 will allow the applicant to rezone the property to OPD and to provide professional office services to the community. The proposed OPD zoning will be **consistent** with the Master Plan which designates this site for Office/Residential use on the Land Use Plan (LUP) map. The proposed Office Park District as well as the site plan submitted will be **compatible** with the surrounding area which consists of the Baptist Hospital complex to the west, a parking lot for said hospital to the north, an office building to the east, and an office building to the south. In addition, although the existing BU-1 zoned portion of the site is consistent with the CDMP, the CDMP text states that changes may be approved to lawful uses and zoning not depicted which would make the use or zoning substantially more consistent with the Master Plan than the existing use or zoning. In this instance the rezoning from BU-1 to OPD would bring the property to be substantially more consistent with the office/residential designation than the existing commercial zoning.

The new standards under Section 33-311(A)(21), Alternative Site Development Option (ASDO) for Office Buildings, Laboratory Buildings and Associated Accessory Buildings and Structures, provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable alternative site development option (ASDO) standards for office buildings, laboratory buildings, and associated accessory buildings and structures. Request #2 to allow a lot area of 2.94 acres where the underlying zoning district requires 3 acres meets the standards under Section 33-311(A)(21)(1) (A) through (G) including, but not limited to, that the subject parcel is under lawful separate ownership from any contiguous property, the proposed alternative development will not result in the further subdivision of land, the area of the lot is not less than 75% of the minimum lot area required by the underlying district regulations, and the size and dimensions of the lot are sufficient to provide all setbacks required by the underlying district regulations. As such, Request #2 complies with the ASDO standards under Section 33-311(A)(21). However, request #3 to permit a floor area ratio of 0.80 where 0.70 is permitted does not comply with the ASDO standards stated under Section 33-311(A)(21) subsections 1 through 4 under the floor area ratio (FAR) standards. Among other things, the floor area ratio shall not be increased by more than

ten percent (10%) of the floor area permitted by the underlying district regulations. In this instance, the maximum FAR permitted would be 0.77 which amounts to a ten percent (10%) increase over the permitted 0.70 floor area ratio. However, the applicant is requesting 0.80. As such, Request #3 does not comply with the ASDO standards under Section 33-311(A)(21) and cannot be approved under same. If analyzed under the alternative non-use variance standard [33-311(A)(4)(c)], the applicants would have to prove that these requests are due to an unnecessary hardship and that, should it not be granted, it would not permit the reasonable use of the premises. However, since the property can be utilized in accordance with the current zoning or, if rezoned, in accordance with OPD zoning standards, staff is of the opinion that this application cannot be approved under the alternative non-use variance standard [Section 33-311(A)(4)(c)].

When analyzed under Section 33-311(A)(4)(b), the non-use variance standard, requests #2 and 3 comply with the standards in that section. Staff is of the opinion that the approval of said requests will be **compatible** with the adjacent properties and the surrounding area and that said requests maintain the basic intent and purpose of the zoning, subdivision and land use regulations. The adjacent area is primarily developed with office uses designated office/residential on the Land Use Plan (LUP) map and the Baptist Hospital facility. Accordingly, Requests #2 and 3 can be approved under Section 33-311(A)(4)(b).

Alternative Request #4 would allow the applicant to rezone the property to RU-5A and to provide semi-professional office uses for the community. RU-5A zoning would be **consistent** with the Land Use Plan (LUP) map designation of the Comprehensive Development Master Plan (CDMP). RU-5A zoning would also be potentially **compatible** with the surrounding area. Notwithstanding the aforementioned, staff notes that the RU-5A zoning would not be intensive enough to accommodate future desirable development of the subject property, and would be out of character with an area transitioning to higher intensity. Furthermore, the applicant has not submitted a site plan for the development of the site for the proposed alternative RU-5A zoning. In the absence of same and the aforesaid, staff is unable to ensure that the future development of the alternative proposed RU-5A zoning is designed in a manner that will be compatible with the future development trend of the surrounding area. As such, in the absence of a site plan, staff recommends denial without prejudice or deferral of Request #4. When reviewing the similarities and differences between the OPD District and the RU-5A zoning district staff notes that RU-5A zoning requires a 10,000 sq. ft. minimum lot area whereas the OPD District requires a minimum of 3 acres. RU-5A zoning allows a maximum height of 24' whereas OPD would allow a maximum of eight (8) stories or 100', whichever is less. RU-5A zoning permits a maximum lot coverage of 40%; minimum principal building setbacks are required to be 25' from the front and rear property lines, and 15' from interior side property lines and side property lines abutting a highway right-of-way. RU-5A allows a minimum Floor Area Ratio (FAR) of 0.40 for one story and 0.60 for two stories. OPD permits an FAR of 0.30 for the first story and allows the FAR to be increased by 0.08 for each additional story; requires setbacks of a minimum of 30' from property lines abutting any residential zoning in which only one single family, duplex, or townhouses are permitted, a minimum of 50' from front property lines for structures, and not less than 15' for all other setbacks. In both the OPD and RU-5A Districts, 28 trees are required per acre of net lot area and 1 parking space is required per 300 sq. ft. of gross floor area. The minimum landscaped open space

permitted in the OPD District for a one story building is 40% of the total lot area and the required landscaped open space is increased by 3% for each additional story or part thereof, based on the tallest structure on the property. In the RU-5A District, the minimum required landscaped open space is 25% of the total lot area.

Pertaining to Request #5 which accompanies either of the zone change requests (Request #1 and alternative Request #4), the standards 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. Request #5 as it accompanies Request #1 to rezone the subject property to OPD complies with the standards of Paragraph VI, Modification or Elimination of Conditions and Restrictive Covenants After Public Hearing, Where the Conditions or Restrictive Covenants were Accepted or imposed simultaneously with a District Boundary Change, in that as indicated in subsection (A) the elimination of said Declaration of Restrictions is sought in connection with an application for rezoning to a different district. Additionally, as indicated in subsection (B) conditions will be imposed to mitigate any resulting adverse impacts to the County. Further, as indicated in subsection (C), among other things, Request #5, as it accompanies Request #1, to delete a recorded Declaration of Restrictions will not result in a use of the land which will have a significant adverse impact upon the value of properties in the immediate vicinity, the architecture, layout, and orientation of buildings, open space, or amenities will be consistent with and will not be deleterious to the aesthetic character of the immediate vicinity, and the change in the intensity or use on the subject property will not differ from the intensity or use of other existing or approved development in the immediate vicinity that would represent an obvious and significant departure from the established development pattern of the immediate vicinity. In this regard, Request #5 as it accompanies Request #1 complies with Section 33-311(A)(17)(VI) and can be approved under said section. However, staff is unable to evaluate Request #5 as it accompanies Request #4 to rezone the subject property to RU-5A without a site plan. Without said plan, staff is unable to evaluate said request under subsection (C) and cannot ensure that said request as it accompanies the zone change request to RU-5A will not result in a use of the land which will have a significant adverse impact upon the value of properties in the immediate vicinity nor that the architecture, layout, and orientation of buildings, open space, or amenities that will be consistent with and will not be deleterious to the aesthetic character of the immediate vicinity. As such, Request #5 as it pertains to Request #4 cannot be fully analyzed under Section 33-(A)(17)(VI) and should be denied without prejudice under said section.

Request #5 as it accompanies the rezoning to OPD (Request #1) also complies with the modification or elimination standards under Section 33-311(A)(7). When considering the necessity for and the reasonableness of the elimination in relation to the present and future development of the area concerned, the deletion of said covenant in conjunction with the zone change to OPD (Request #1) will be compatible with the surrounding area and will not adversely impact same. As such, request #5 as it pertains to request #1 should be approved under Section 33-311(A)(7). However, in the absence of a site plan indicating the proposed RU-5A development, staff cannot ensure the compatibility of

Request #5 as it pertains to Request #4 (the rezoning to RU-5A) in relation to the present and future development of the area concerned. As such, request #5 as it pertains to Request #4 should be denied without prejudice under Section 33-311(A)(7).

Based on all of the aforementioned, staff recommends approval with conditions of Request #2 under Section 33-311(A)(21) or 33-311(A)(4)(b) and denial without prejudice of said request under Section 33-311(A)(4)(c); approval with conditions of Request #3 under Section 33-311(A)(4)(b) and denial without prejudice of said request under Sections 33-311(A)(21) and 33-311(A)(4)(c); approval with conditions of Request #5 under Sections 33-311(A)(17) or 33-311(A)(7) (only in conjunction with the approval of Request #1); approval of the zone change to OPD (Request #1) under Section 33-311(A)(8), subject to the Board's acceptance of the proffered covenant (only if Request #5 is approved); and denial without prejudice of the zone change to RU-5A (Request #4).

I. RECOMMENDATION:

Approval with conditions of Request #2 under Section 33-311(A)(21) or 33-311(A)(4)(b) and denial without prejudice of said request under Section 33-311(A)(4)(c); approval with conditions of Request #3 under Section 33-311(A)(4)(b) and denial without prejudice of said request under Sections 33-311(A)(21) or 33-311(A)(4)(c); approval with conditions of Request #5 under Sections 33-311(A)(17) or 33-311(A)(7) (only in conjunction with the approval of Request #1); approval of the zone change to OPD (Request #1) under Section 33-311(A)(8), subject to the Board's acceptance of the proffered covenant (only if Request #5 is approved); and denial without prejudice of the zone change to RU-5A (Request #4).

J. CONDITIONS:

The following conditions pertain to Requests #2, 3, and 5:

1. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include among other things but not be limited thereto, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., consisting of 8 pages, dated, signed, and sealed 12-6-04 and two pages of landscape plans dated 10-22-04.

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

4. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.

5. That the applicant obtain a Certificate of Use from the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

6. That the applicant comply with all the conditions and requirements of the Public Works Department.

7. That the applicant comply with all the conditions and requirements of the Department of Environmental Resources Management (DERM).

8. The Deletion of the Declaration of Restrictions (Request #5) is contingent only upon the approval of the requested zone change to OPD and the approval of the proffered covenant.

DATE INSPECTED: 10/28/03
DATE TYPED: 11/05/03
DATE REVISED: 12/23/03; 01/21/04; 02/05/04; 04/05/04; 05/17/04; 05/26/04; 06/30/04; 07/19/04; 09/13/04; 01/07/05; 01/10/05; 01/12/05
DATE FINALIZED: 01/12/05
DO'QW:AJT:MTF:LVT;JDR;JV;GB

Diane O'Quinn Williams, Director
Miami-Dade County Department of
Planning and Zoning

MIAMI-DADE

MEMORANDUM

DERM
DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT

TO: Diane O' Quinn-Williams, Director
Department of Planning and Zoning

RECEIVED
OCT 17 2003
MIAMI-DADE COUNTY
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING

DATE: October 7, 2003

SUBJECT: C-12 #Z2001000398-Revised
Acropolis Realty, LLC
S/S of SW 89th Terrace between SW 87th Court and SW 88th Avenue
SE to Permit Site Plan Approval for a Office Development
DBC from RU-5A/BU- 1 to OPD/ASDO
(RU-5A/ BU-1) (3 Ac.)
04-55-40

FROM: Alyce M. Robertson, Assistant Director
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 the Miami-Dade County, Florida. Accordingly, DERM may approve the application and it may be scheduled for public hearing. DERM has also evaluated the request insofar as the general environmental impact that may derive from it, and based upon the available information offers no objection to its approval.

Wellfield Protection:
The subject property is located within the Average Day Pumpage Wellfield Protection Area for the Alexander Orr/Snapper Creek/Southwest Wellfield Complex. Development of the subject property shall be in accordance with the regulations established in Section 24.12.1 of the Code. Since the subject request is for a non-residential land use, the owner of the property has submitted a properly executed covenant in accordance with Section 24-12.1(5) of the Code which provides that hazardous materials or wastes shall not be used, generated, handled, discharged, disposed of or stored on the subject property.

Water and Sewer Service:
Public water and public sanitary sewers can be made available to this site and connection of any existing or proposed facilities will be required. All sewer lines serving the property shall comply with the exfiltration standards as applied to development within wellfield protection areas.

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

Notwithstanding the foregoing, 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 until adequate capacity becomes available. Consequently, final development orders for this site may not be granted unless adequate capacity in the sanitary sewer collection/transmission and treatment system is available at the point in time when the

project will be contributing sewage to the system or if approval for alternative means of sewage disposal can be obtained. Use of an alternative means of sewage disposal 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:
All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage plans shall provide for full on-site retention of the stormwater runoff of a 5-year storm event. Pollution Control devices shall be required at all drainage inlet structures.

A Standard General Environmental Resource Permit from DERM shall be required for the construction and operation of the required surface water management system. The applicant is advised to contact DERM in order to obtain additional information concerning permitting requirements.

Site grading and development shall comply with the requirements of Chapter 11C of the Code of Miami-Dade County.

Section 24-12.1 of the Code provides for stormwater disposal methods within wellfield protection areas of public potable water supply wellfields. The Code requires that all stormwater runoff must be retained on-site utilizing only infiltration or seepage type drainage systems.

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 Comprehensive Development Master Plan subject to compliance with the conditions required by DERM for this proposed development order.

Operating Permits:
Section 24-35.1 of the Code authorizes DERM to require operating permits for 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 24-60 of the Code requires the preservation of tree resources. Consequently, DERM will require the preservation of all the specimen-sized trees, as defined in the Code. A Miami-Dade County tree removal permit is required prior to the removal or relocation of any trees. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

Wetlands:
The subject site is not located in jurisdictional wetlands as defined in Chapter 24-3 and 24-58 of the Code; therefore, a Class IV Permit for work in wetlands will not be required by DERM.

Notwithstanding the above, permits from the Army Corps of Engineers (USACOE), the State of Florida Department of Environmental Protection (FDEP) and the South Florida Water

Management District (SFWMD) may be required for the proposed project. The applicant is advised to contact these agencies concerning their permit procedures and requirements.

Enforcement History:
DERM has reviewed the Permits and Enforcement database and the Enforcement Case Tracking System and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

Concurrency Review Summary:
The Department has conducted a concurrency review for this application and has determined that the same meets all applicable Levels of Service standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan 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.

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval as required by the Code. Additionally, DERM has also evaluated the application so as to determined its general environmental impact and after reviewing the available information offers no objections to the approval of the request.

cc: Ruth Ellis-Myers, Zoning Evaluation-P&Z
Lynne Talleda, Zoning Hearings- P&Z
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z

PH# 01-398
CZAB-12
Rev. 1

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Name: Acropolis Realty LLC

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

The applicant must successfully close the rights-of way for SW 89 Terr., SW 88 Ave. and SW 92 St. submitted as road closing petition (P-743).

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** meet the traffic concurrency(*) criteria for an Initial Development Order. It will generate **228 PM** daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips **does not** exceed the acceptable level of service of the following roadways:

Sta. #		LOS present	LOS w/project
9172	SW 87 Ave. s/o SW 88 St.	C	C
9714	SW 104 St. w/o US-1	D	D
F-1077	SW 87 Ave. n/o SW 132 St.	C	C
F-64	SW 88 St. e/o SW 103 Ave.	E	E
9716	SW 104 St. w/o SW 107 Ave.	C	C

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

(*)Traffic concurrency is based on development information provided by the applicant where the number of peak hour vehicle trips may fluctuate.

Raul A. Pino, P.L.S.

JUL 12 2004

Date

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

RECEIVED
MAR 01 2004
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY Cherisse Demps

CHECKED BY CD AMOUNT OF FEE 1585.79.

RECEIPT # I 20041357. 013

DATE HEARD: 2/10/04

BY CZAB # 12

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. 03-11-CZ12-1 01-398

Filed in the name of (Applicant) Acropolis Realty, LLC

Name of Appellant, if other than applicant

Address/Location of APPELLANT'S property: 8960-8970 SW 87 Court, Miami-Dade County, Florida

Application, or part of Application being Appealed (Explanation): Entire Appealable Application

Appellant (name): Acropolis Realty, LLC
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)

SEE EXHIBIT "A"

27

APPELLANT MUST SIGN THIS PAGE

Date: 1st day of March, year: 2004

Signed _____

Chad Williard, Esq, Attorney for Appellant
Print Name

999 Ponce de Leon Boulevard, Suite 10000
Mailing Address

Coral Gables, Florida 33134

(305) 444-1500 (305) 443-8617
Phone Fax

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

_____
Representing

_____
Signature

_____
Print Name

_____
Address

_____ _____ _____
City State Zip

_____
Telephone Number

Subscribed and Sworn to before me on the 1 day of March, year 2004

Jessica Espinosa
Notary Public

Jessica Espinosa
Commission # DD273053
Expires: Dec. 7, 2007
Aaron Notary
1-800-350-5161

(stamp/seal)

Commission expires:

28

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

STATE OF Florida

COUNTY OF Dade

Before me the undersigned authority, personally appeared Chad Williard, Esq. (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)

X 1. Participation at the hearing
X 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

Print Name

Signature

Print Name

Appellant's signature

Chad Williard, Esq., Attorney for Appellant
Print Name

Sworn to and subscribed before me on the 1 day of March, year 2004

Appellant is personally know to me or has produced _____ as identification.

Notary
(Stamp/Seal)

Commission Expires:

Jessica Espinosa
Commission # DD273053
Expires: Dec. 7, 2007
Aaron Notary
1-800-350-5161

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

29

Approved: _____ **Mayor**

Veto: _____

Override: _____

RESOLUTION NO. Z-35-04

WHEREAS, **ACROPOLIS REALTY LLC** had applied to Community Zoning Appeals Board 12 for the following:

(1) RU-5A & BU-1 to OPD

(2) DELETION of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329.

The purpose of the request is to remove an agreement from the site, which limited the commercial uses and tied the BU-1 site to a plan.

(3) The applicant is requesting to permit a lot with an area of 2.94 acres. (The underlying zoning district regulation requires 3 acres including right-of-way dedication).

(4) The applicant is requesting to permit a floor area ratio of 0.94. (The underlying zoning regulation permits 0.86.

Plans are on file and may be examined in the Zoning Department entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., dated revised 9-2-03 and 10-2-03 and consisting of 8 pages. Plans may be modified at public hearing.

SUBJECT PROPERTY: The south ½ of the south ½ of the NE ¼ of the NE ¼ of the NE ¼, less the east 35' thereof and less the west 25' thereof, in Section 4, Township 55 South, Range 40 East. The south 20' of the right-of-way of S.W. 89 Terrace and the east 25' of S.W. 88 Avenue, thereof shall be added to the buildable site.

LOCATION: 8960-70 S.W. 87 Court, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 12 that the requested district boundary change to OPD (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 should be denied, and

that the requested deletion (Item #2), and the requests to permit a lot with an area of 2.94 acres (Item #3) and to permit a floor area ratio of 0.94 (Item #4) 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 that the requested waiver of the re-filing period should be granted and said application was denied by Resolution No. CZAB12-6-04, and

WHEREAS, **ACROPOLIS REALTY LLC** appealed the decision of Community Zoning Appeals Board 12 to the Board of County Commissioners for the following:

(1) RU-5A & BU-1 to OPD

(2) The applicant is requesting to permit a lot with an area of 2.94 acres (3 acres required).

(3) The applicant is requesting to permit a floor area ratio of 0.94 (0.86 permitted).

OR IN THE ALTERNATIVE TO REQUESTS #1 - #3, THE FOLLOWING:

(4) RU-5A & BU-1 to RU-5A

AND WITH EITHER REQUEST:

(5) DELETION of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329.

The purpose of the request is to remove an agreement from the site, which limits the uses on the commercial parcel and ties the site to a specific plan.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 & #3 may be considered under §33-311 (A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) and approval of request #5 request may be considered under §33-311(A)(7) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

Plans for the OPD proposal only are on file and may be examined in the Zoning Department entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., dated revised 9-2-03 and 10-2-03 and consisting of 8 pages. Plans may be modified at public hearing.

SUBJECT PROPERTY: The south ½ of the south ½ of the NE ¼ of the NE ¼ of the NE ¼, less the east 35′ thereof and less the west 25′ thereof, in Section 4, Township 55 South, Range 40 East. The south 20′ of the right-of-way of S.W. 89 Terrace and the east 25′ of S.W. 88 Avenue, thereof shall be added to the buildable site.

LOCATION: 8960-70 S.W. 87 Court, 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, after reviewing the record and decision of Community Zoning Appeals Board 12 and after having given an opportunity for interested parties to be heard, it is the opinion of this Board to vacate resolution CZAB12-6-04 and to remand the application back to Community Appeals Board 12 for further consideration with leave to amend, and

WHEREAS, a motion to vacate resolution CZAB12-6-02 and to remand the application back to Community Appeals Board 12 for further consideration with leave to amend was offered by Commissioner Rebeca Sosa, seconded by Commissioner Jose "Pepe" Diaz, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	absent	Dennis C. Moss	absent
Jose "Pepe" Diaz	aye	Dorrin D. Rolle	aye
Betty T. Ferguson	aye	Natacha Seijas	aye
Sally A. Heyman	aye	Katy Sorenson	aye
Joe A. Martinez	aye	Rebeca Sosa	aye
Jimmy L. Morales	absent	Javier D. Souto	aye

Chairperson Barbara M. Carey-Shuler aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that Resolution CZAB12-6-04 is vacated and that the application is hereby remanded to Community Zoning Appeals Board 12 for further consideration with leave to amend.

BE IT FURTHER RESOLVED that Resolution No. CZAB12-6-04 is hereby null and void.

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

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 21ST day of October, 2004, 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. 03-11-CZ12-1
ej

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

By KAY SULLIVAN
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 4TH DAY OF NOVEMBER, 2004.

STATE OF FLORIDA

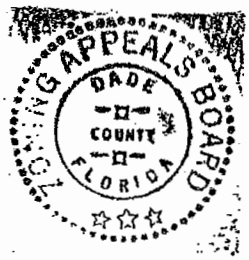
COUNTY OF MIAMI-DADE

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-35-04 adopted by said Board of County Commissioners at its meeting held on the 21st day of October, 2004.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 4th day of November, 2004.

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

SEAL



RESOLUTION NO. CZAB12-6-04

WHEREAS, **ACROPOLIS REALTY LLC** applied for the following:

(1) RU-5A & BU-1 to OPD

(2) DELETION of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329.

The purpose of the request is to remove an agreement from the site which limited the commercial uses and tied the BU-1 site to a plan.

(3) The applicant is requesting to permit a lot with an area of 2.94 acres. (The underlying zoning district regulation requires 3 acres including right-of-way dedication).

(4) The applicant is requesting to permit a floor area ratio of 0.94. (The underlying zoning regulation permits 0.86.

Plans are on file and may be examined in the Zoning Department entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., dated revised 9-2-03 and 10-2-03 and consisting of 8 pages. Plans may be modified at public hearing.

SUBJECT PROPERTY: The south ½ of the south ½ of the NE ¼ of the NE ¼ of the NE ¼, less the east 35' thereof and less the west 25' thereof, in Section 4, Township 55 South, Range 40 East. The south 20' of the right-of-way of S.W. 89 Terrace and the east 25' of S.W. 88 Avenue, thereof shall be added to the buildable site.

LOCATION: 8960-70 S.W. 87 Court, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time, the applicant requested a waiver of the refilling period, 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 OPD (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 should be denied, and that the requested deletion (Item #2), and the requests to permit a lot with an area of 2.94 acres (Item #3) and to permit a floor area ratio

of 0.94 (Item #4) 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 that the requested waiver of the refiling period should be granted, and

WHEREAS, a motion to deny Items #1-4 without prejudice and to grant the waiver of the refiling period was offered by Robert W. Wilcosky, seconded by Peggy Brodeur, and upon a poll of the members present the vote was as follows:

Peggy Brodeur	aye	Douglas Krueger	absent
Millie Herrera	absent	Nelson Varona	nay
		Robert W. Wilcosky	aye

Jose I. Valdes aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 12, that the requested district boundary change to OPD (Item #1) be and the same is hereby denied without prejudice.

BE IT FURTHER RESOLVED that the requested deletion (Item #2), and the requests to permit a lot with an area of 2.94 acres (Item #3) and to permit a floor area ratio of 0.94 (Item #4) be and the same are hereby denied without prejudice.

BE IT FURTHER RESOLVED that the requested waiver of the refiling period be and the same is hereby granted, and said refiling period is hereby waived.

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 10th day of February, 2004.

Hearing No. 03-11-CZ12-1
ej

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 Miami-Dade County Community Zoning Appeals Board 12, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB12-6-04 adopted by said Community Zoning Appeals Board at its meeting held on the 10th day of February, 2004.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 17th day of February, 2004.

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

SEAL

Exhibit "A"

The Community Zoning Appeals Board #12 ("CZAB #12") decision (memorialized in Resolution No. CZAB12-6-04; a copy of which is attached hereto and herein incorporated by reference) should be reversed in its entirety by the Miami-Dade County Board of County Commissioners because the decision was not supported by competent, substantial evidence.

As stated in the Department of Planning and Zoning Recommendation, which recommends approval of the entire Application (Hearing No. 01-398), the zoning request is compatible with the surrounding area's uses and zoning classifications and is consistent with the Comprehensive Development Master Plan. Moreover, all evidence entered into the record to be considered by CZAB #12 – a traffic impact study prepared by Harper Partners, Inc., as well as all comments and reports prepared by the various, reviewing agencies and departments of Miami-Dade County - supported the approval of the Application.

RESOLUTION NO. Z-100-83

The following resolution was offered by Commissioner Ruth Shack, seconded by Commissioner Barry D. Schreiber, and upon poll of members present the vote was as follows:

Barbara M. Carey	absent	Barry D. Schreiber	aye
Clara Oesterle	absent	Ruth Shack	aye
Beverly B. Phillips	absent	Jorge (George) Valdes	aye
James E. Redford, Jr.	aye	Stephen P. Clark	aye
Harvey Ruvin	absent		

WHEREAS, RAYMOND PEARLSON & ROBERT BROWDY had applied for the following:

A district boundary change from RU-5A (Semi-Professional Offices) to BU-1 (Neighborhood Business);

SUBJECT PROPERTY: The east 185' of the south 1/2 of the south 1/2 of the NE 1/4 of the NE 1/4 of the NE 1/4, less the east 35' thereof, in Section 4, Township 55 South, Range 40 East.

LOCATION: 8960 S.W. 87 Court, Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners, Dade County, Florida, was advertised and held, as required by law, and all interested parties concerned in the matter were heard, at which time the applicant's representative proffered a Declaration of Restrictions limiting the use of the subject property for office use and a commercial bank and sandwich shop, and upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change would be compatible with the neighborhood and area concerned and would not be in conflict with the principles and intent of the plan for the development of Dade County, Florida, and should be approved, subject to conditions, and the proffered covenant should be accepted;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the requested district boundary change to BU-1 be and the same is hereby approved and said property is hereby zoned accordingly, subject to the following conditions:

1. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things but be not limited thereto, location of building or buildings, type and location of signs, light standards, parking areas, exits and entrances, drainage, walls, fences. landscaping, etc.

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

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Metropolitan Dade County, Florida, the County hereby accepts the proffered Declaration of Restrictive Covenants and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable

zoning regulations.

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

PASSED AND ADOPTED this 9th day of June, 1983.

June, 1983
No. 83-3-CC-7
vp
6/10/83

DADE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS
Richard P. Brinker, Clerk

By RHYMOND [illegible]
Deputy Clerk

This resolution transmitted to the Clerk of the Board of County Commissioners on the 22nd day of June 1983.

1983 JUL -8 AM 58 83R181654 7-55-40

REC 11841 PG 1328

DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS that the undersigned, being the owner, or having some right, title or interest in the following described property, lying, being and situated in Dade County, Florida, to-wit:

THE EAST 185 FT. OF S 1/2 OF S 1/2 OF NE 1/4 OF NE 1/4 OF NE 1/4 LESS EAST 35 FEET, OF SECTION 4, TOWNSHIP 55 SOUTH, RANGE 40 EAST.

in order to assure the County Commission of Dade County, Florida, that the representations made to it by the owner will be abided by, voluntarily makes the following Declaration of Restrictions covering and running with the above-described real property:

(1) That said property shall be developed substantially in accordance with the spirit and intent of the plans previously submitted, prepared by MARIANO RODRIGUEZ (ARCHITECT) entitled, OFFICE ADDITION FOR PEARLSON CENTER - INCLUDING ZONING CHANGE FOR SANDWICH SHOP IN EXISTING BUILDING. dated the 15th day of MAY, 1982.

(2) ADDITION TO BE RESTRICTED SOLELY FOR USE OF COMMERCIAL BANK.

(3) TO BE RESTRICTED SOLELY FOR SANDWICH SHOP IN EXISTING BUILDING LOCATED AT 8960 S.W. 87th CT. MIAMI, FLA. 33176.

As further part of this agreement, it is hereby understood and agreed that any official inspector of the Dade County Building and Zoning Department, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and investigating 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.

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.

This Agreement on the part of the owner shall constitute a covenant running with the land and may be recorded in the public records of Dade County, Florida, [illegible] remain in full force and effect and be binding upon the undersigned.

41

1983 JUL -8 AM 58 83R181654 - 55 - 40

OFF REC 11841 PG 1328

DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS that the undersigned, being the owner, or having some right, title or interest in the following described property, lying, being and situated in Dade County, Florida, to-wit:

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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.

This Agreement on the part of the owner shall constitute a covenant running with the land and may be recorded in the public records of Dade County, Florida,

42

COCONUT GROVE BANK
1 SOUTH BAYSHORE DRIVE
COCONUT GROVE
MIAMI 33, FLORIDA

OFF REC 11841 PG 1330

Dade County Board of County Commissioners
c/o Dade County Building & Zoning Dept.
909 S.E. First Ave.
Miami, Florida, 33131

DATE May 23, 1983

ALL DRAFTS DRAWN MUST BE MARKED:
DRAWN UNDER LETTER OF CREDIT

№ 1763

GENTLEMEN:

OFF REC 11841 PG 1329

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 30 years from the date these covenants are recorded, after which time they shall be extended automatically for successive periods of ten years, unless an instrument signed by a majority of the, then, owner(s) of the real property has been recorded agreeing to change the covenants in whole, or in part, provided that the covenants have first been released by Dade County.

This Declaration of restrictive Covenants 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 of the fee simple title to the lands to be affected by such modification, amendment or release, provided that the same is also approved by the Board of County Commissioners or the Zoning Appeals Board of Metropolitan Dade County, Florida, (whichever by law has jurisdiction over such matters) after public hearing.

Should this Declaration of Restrictive Covenants be so modified, amended or released, the Director of the Metropolitan Dade County Building & Zoning Department, or his successor, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

Enforcement shall be by action at law or in equity against any parties or persons violating, or attempting to violate, any covenants, either to restrain violation or to recover damages. The prevailing party bringing the action, or suit, shall be entitled to recover, in addition to costs and disbursements

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 30 years from the date these covenants are recorded, after which time they shall be extended automatically for successive periods of ten years, unless an instrument signed by a majority of the, then, owner(s) of the real property has been recorded agreeing to change the covenants in whole, or in part, provided that the covenants have first been released by Dade County.

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Enforcement shall be by action at law or in equity against any parties or persons violating, or attempting to violate, any covenants, either to restrain violation or to recover damages. The prevailing party bringing the action, or suit, 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.

Invalidation of any one of these covenants, by judgement or Court, in no wise shall affect any of the other provisions which shall remain in full force and effect.

Signed, sealed, executed and acknowledged this 4 day of May, 1982.

WITNESSES:

COCONUT GROVE BANK
2701 SOUTH BAYSHORE DRIVE
COCONUT GROVE
MIAMI 33, FLORIDA

OFF REC 11841 PG 1330

DATE May 23, 1983

Dade County Board of County Commissioners
c/o Dade County Building & Zoning Dept.
909 S.E. First Ave.
Miami, Florida, 33131

ALL DRAFTS DRAWN MUST BE MARKED:
DRAWN UNDER LETTER OF CREDIT

№ 1763

GENTLEMEN:

WE ARE PLEASED TO ADVISE YOU THAT WE HAVE ESTABLISHED OUR IRREVOCABLE CREDIT # 1763 IN YOUR FAVOR FOR ACCOUNT OF Raymond Pearlson, 8960 S.W. 87th Court, Miami, Florida, 33176

AVAILABLE TO THE AGGREGATE AMOUNT OF US$11,160.00 (ELEVEN THOUSAND ONE HUNDRED SIXTY AND 00/100 US DOLLARS)

BY YOUR DRAFTS DRAWN AT sight ON US AND ACCOMPANIED BY THE DOCUMENTS LISTED BELOW

1-Original Letter of Credit.
2-Certificate of the Director, Dade County Building and Zoning Dept. stating that Raymond Pearlson has failed to acquire a joinder of Mortgagee (to a Declaration of Restrictions on property described as E 185' of S½ of S½ of NE4 NE4 NE4 less the East 35 feet of section 4 Township 55 S range 40 E dated May 4, 1983), or in the alternative to pay off Mortgage No. 1403 of General American Life Insurance Co., St. Louis, Mo. on the aforedescribed property (a/k/a 8960 S.W. 87th Court, Miami, Florida), on or before July 1, 1983.

RECORDED IN OFFICIAL RECORDS BOOK OF DADE COUNTY, FLORIDA
RECORD VERIFIED
RICHARD P. BRINKER
CLERK CIRCUIT COURT

THE AMOUNT AND DATE OF EACH NEGOTIATION MUST BE ENDORSED ON THE BACK HEREOF BY THE NEGOTIATING BANK.

WE HEREBY ENGAGE WITH YOU THAT ALL DRAFTS DRAWN UNDER AND IN COMPLIANCE WITH THE TERMS OF THIS CREDIT WILL BE DULY HONORED ON DELIVERY OF DOCUMENTS AS SPECIFIED IF PRESENTED TO US ON OR BEFORE July 10, 1983.

UNLESS OTHERWISE EXPRESSLY STATED, THIS CREDIT IS SUBJECT TO THE UNIFORM CUSTOMS AND PRACTICE FOR COMMERCIAL DOCUMENTARY CREDITS FIXED BY THE THIRTEENTH CONGRESS OF THE INTERNATIONAL CHAMBER OF COMMERCE. (BROCHURE 222 - 1968 REVISION) Publication 290 of 1974

VERY TRULY YOURS,

COCONUT GROVE BANK

AUTHORIZED SIGNATURE

COCONUT GROVE BANK

45

MIAMI-DADE FIRE RESCUE
Planning & Capital Improvements Bureau
ZONING COMMENTS

Hearing Number: Z01-398 Rev#2

Plans: ☑ Yes ☐ No Request: _____

Location: _____

Recommendation:
- Approved ✓
- Approved with conditions ____*
- Approved with no change from previous submittal ____
- Denial ____
- Defer to DIC comments ____

*_____

Estimated number of alarms generated annually by application: 22

If there is an impact, below is the service availability:

Station District 213 Grid 1829 DU/SF 81,646 Occupancy Type 3

Impact of additional calls on closest station:
- ☐ No Impact
- ☐ Minimal Impact
- ☒ Moderate Impact
- ☐ Severe Impact

Planned Service to Mitigate:

Service	Location	Year to be Completed
East Kendall 13	6000 SW. 87A	2005

☐ None

THIS REVIEW IS FOR SERVICE IMPACT AND SERVICE AVAILABILITY ONLY AND DOES NOT CONSTITUTE NOR IMPLY SITE PLAN APPROVAL.

ALL SITE PLANS MUST BE REVIEWED AND APPROVED BY THE MIAMI-DADE FIRE RESCUE FIRE WATER & ENGINEERING BUREAU LOCATED AT 11805 SW 26 ST. BASED UPON THAT REVIEW, SITE PLANS MAY NEED MODIFICATION TO COMPLY WITH LIFE-SAFETY STANDARDS.

Reviewed by: B. J. Matthews Phone: (786) 331-4542 Date: 2/25/04

Barbara J. Matthews

Revised 1/23/04 BJM

TEAM METRO
KENDALL OFFICE

ENFORCEMENT HISTORY

Acropolis Realty LLC	8960 SW 87 Ct.
APPLICANT	**ADDRESS**
1/25/05	01-398
DATE	**HEARING NUMBER**

CURRENT ENFORCEMENT HISTORY:

01/06/05 No open Team Metro cases.

DISCLOSURE OF INTEREST*

If the property which is the subject of the application is owned or leased by a CORPORATION, list the principal stockholders and the percentage of stock owned by each. [Note: Where the principal officers or stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

ACROPOLIS REALTY, L.L.C.
CORPORATION NAME

NAME, ADDRESS AND OFFICE	Percentage of Stock
PED INVESTMENTS LIMITED	100%

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: Where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUST NAME

NAME AND ADDRESS	Percentage of Interest

DISCLOSURE OF INTEREST*

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PED INVESTMENTS LIMITED
CORPORATION NAME

NAME, ADDRESS AND OFFICE	Percentage of Stock
Pablo Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	49 1/2 %
Elizabeth Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	49 1/2 %
PED HOLDINGS, INC.	1 %

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: Where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

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NAME AND ADDRESS	Percentage of Interest

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PED HOLDINGS, INC.
CORPORATION NAME

NAME, ADDRESS AND OFFICE	Percentage of Stock
Pablo Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	50%
Elizabeth Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	50%

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: Where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUST NAME

NAME AND ADDRESS	Percentage of Interest

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

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

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

Signature: _____

(Applicant) Pablo Delgado, President

Sworn to and subscribed before me,

this 10 day of October, 2001

(SEAL)

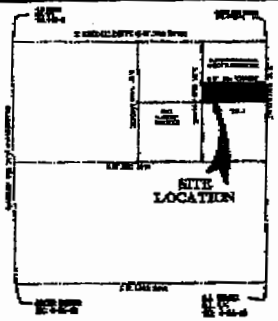
Elizabeth P. Cárdenas
Notary Public, State of Florida at Large

ELIZABETH P. CARDENAS
MY COMMISSION # CC 994093
EXPIRES: January 16, 2005
Bonded Thru Notary Public Underwriters

My Commission Expires:

*Disclosure shall not be required of any entity, the equity interests in which are regularly traded on an established securities market in the United States or other country; or of any entity, the ownership interests of which are held in a limited partnership consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interest in the limited partnership.

52



LOCATION MAP
S.E. 1/4 OF SECTION 4-55-40
MIAMI-DADE COUNTY, FLORIDA

AGORA PROFESSIONAL BUILDING
SITE DATA LEGEND

ZONING JURISDICTION:	METROPOLITAN DADE COUNTY, FLORIDA
EXISTING ZONING CLASSIFICATION:	[illegible]
DESIGNATED LAND USE CLASSIFICATION:	[illegible]
PROPERTY ADDRESS:	[illegible]
FLOOD CRITERIA:	[illegible]
NAME OF WATER AND SEWER SYSTEMS:	[illegible]
PROPOSED BUILDING USE:	[illegible]
LAND AREA DEDICATED R.O.W.:	[illegible]
LOT FRONTAGE (@ 25' IN COURT):	[illegible]
MAXIMUM OF BUILDING:	[illegible]
SETBACKS:	[illegible]
PROPOSED FLOOR LOT COVERAGE:	[illegible]
PROPOSED PAVED STREET AREA:	[illegible]
LANDSCAPED OPEN SPACE:	[illegible]
PARK:	[illegible]
T.A.Z. "BENEFICIARY":	[illegible]
OFF STREET PARKING:	[illegible]

OWNER:	[illegible]
ARCHITECT:	[illegible]
LANDSCAPE:	[illegible]
SURVEYOR:	[illegible]

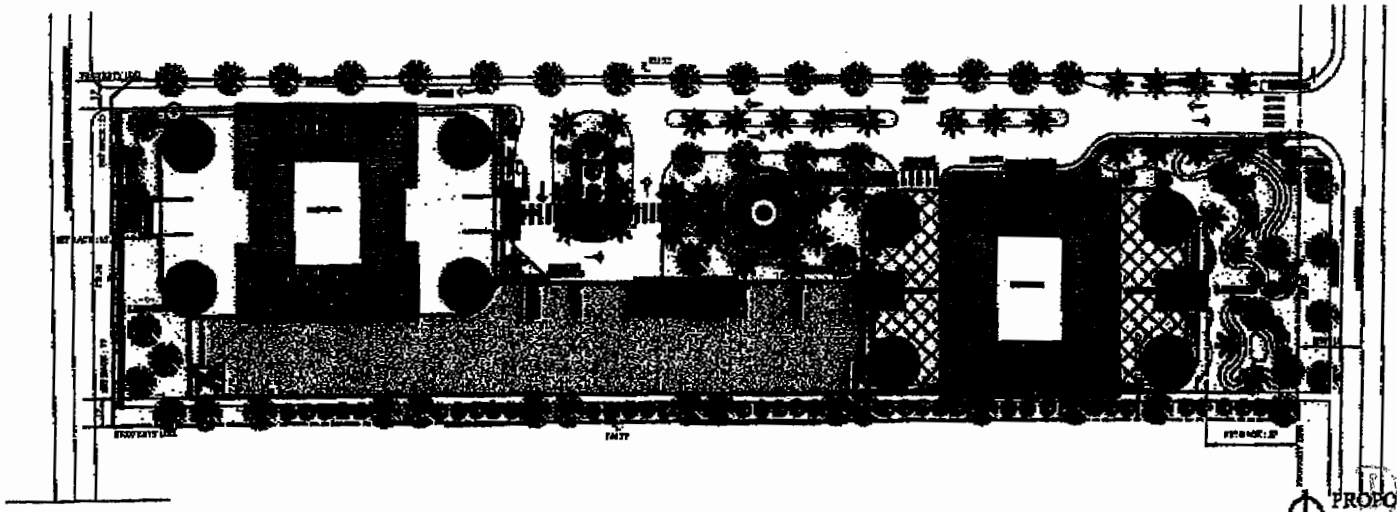
INDEX OF DRAWINGS

ARCHITECTURAL
COVER SHEET, PERSPECTIVE
A-1 SITE PLAN, GENERAL DESCRIPTION & LOCATION MAP
A-2 GROUND & 2ND FLOOR PLANS
A-3 [illegible]
A-4 [illegible]
A-5 [illegible]
A-6 [illegible]

LANDSCAPE
L-1 [illegible]
L-2 [illegible]

LEGAL DESCRIPTION

[illegible]



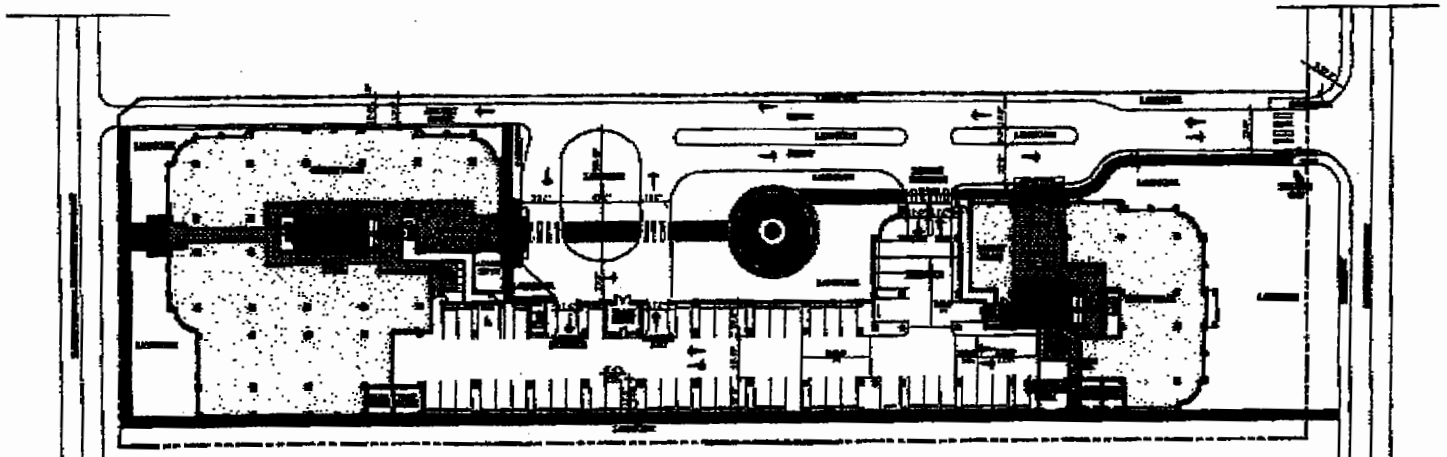
PROPOSED SITE PLAN
SCALE: [illegible]

Agora Professional Building

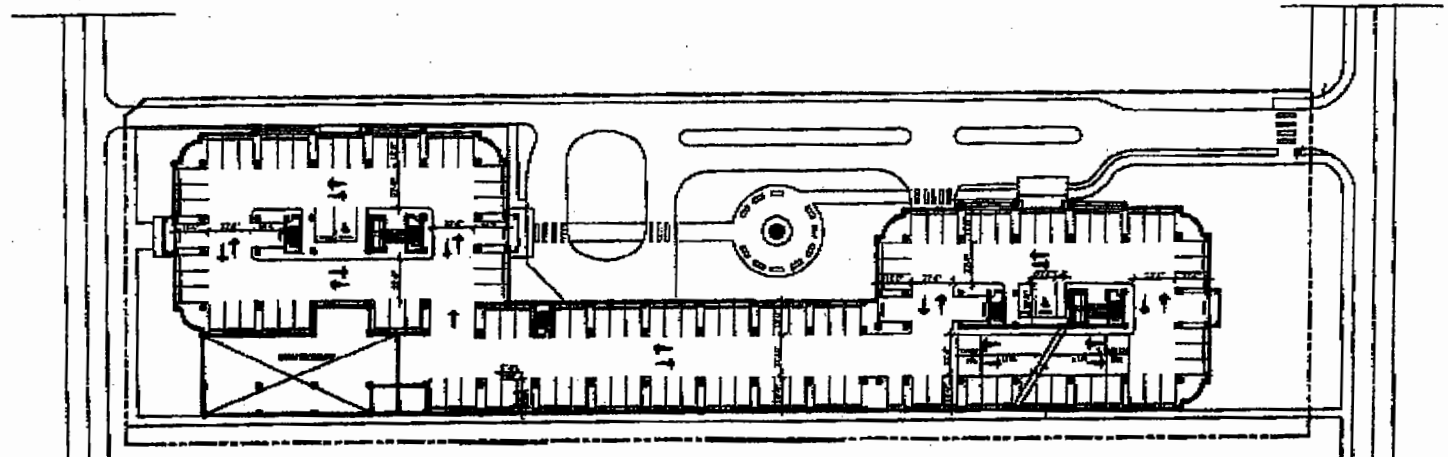
A-1

DEC 2 2004
07-398
ZONING DEPT.
MIAMI-DADE COUNTY

53



1st FLOOR PLAN (GROUND LEVEL)



2nd FLOOR PLAN

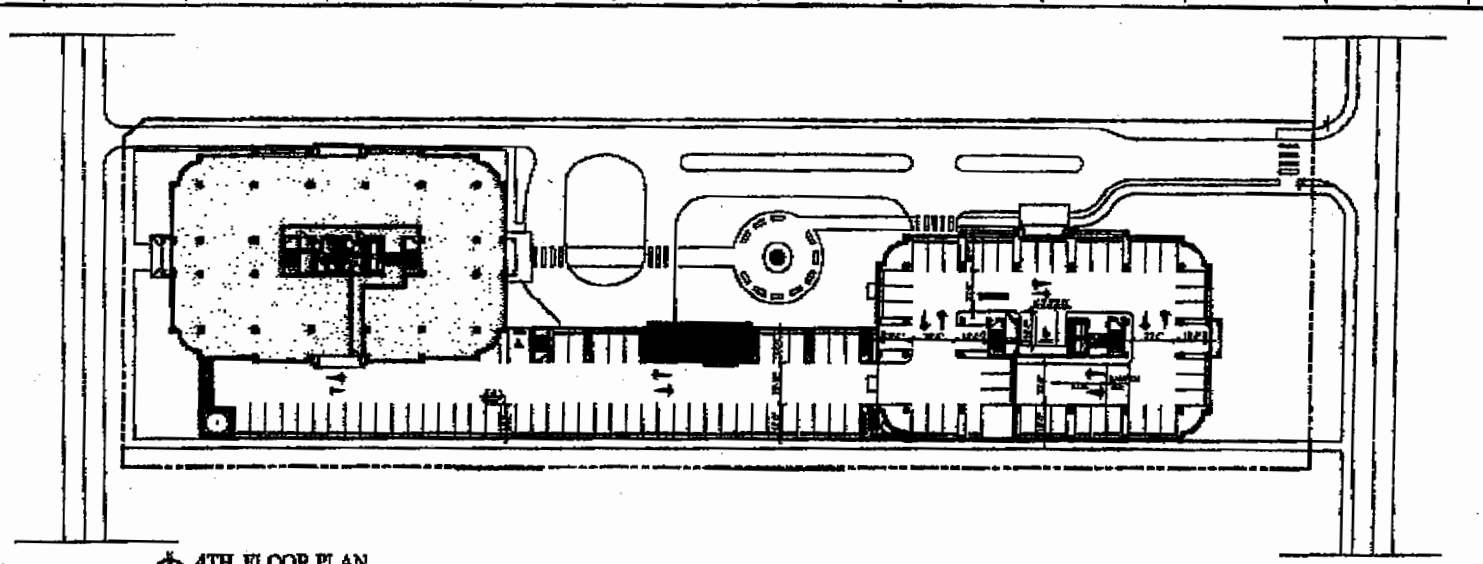
Agora Professional Building

A-2

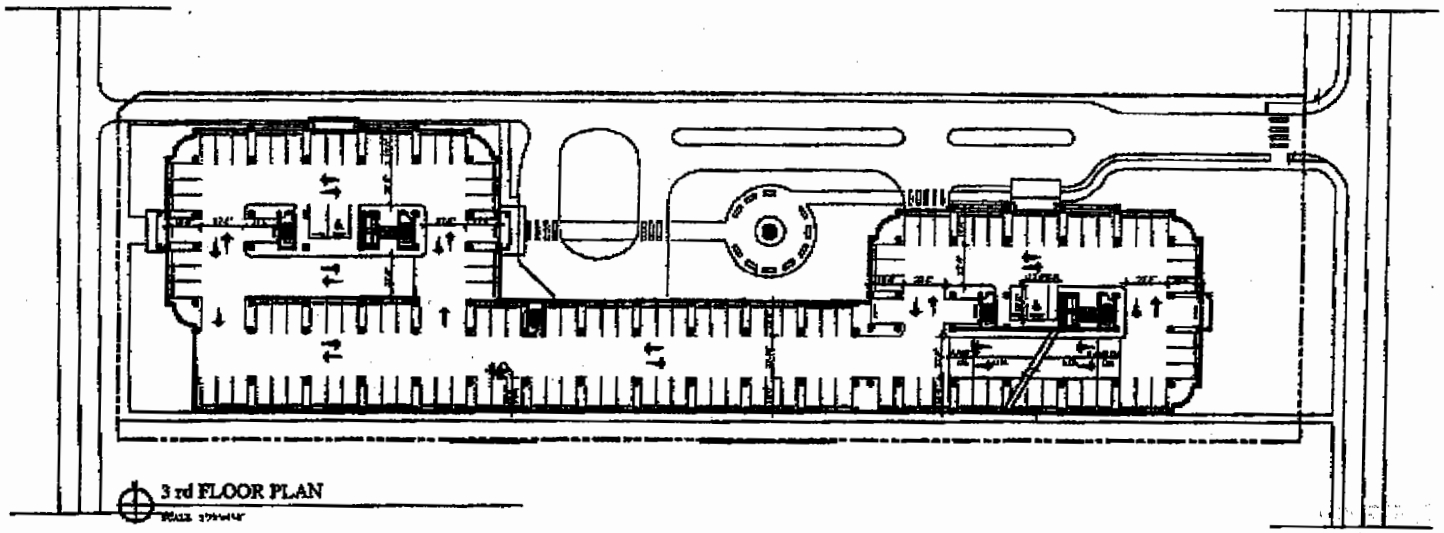
01.398

DEC 2 / 2004

54



4TH FLOOR PLAN



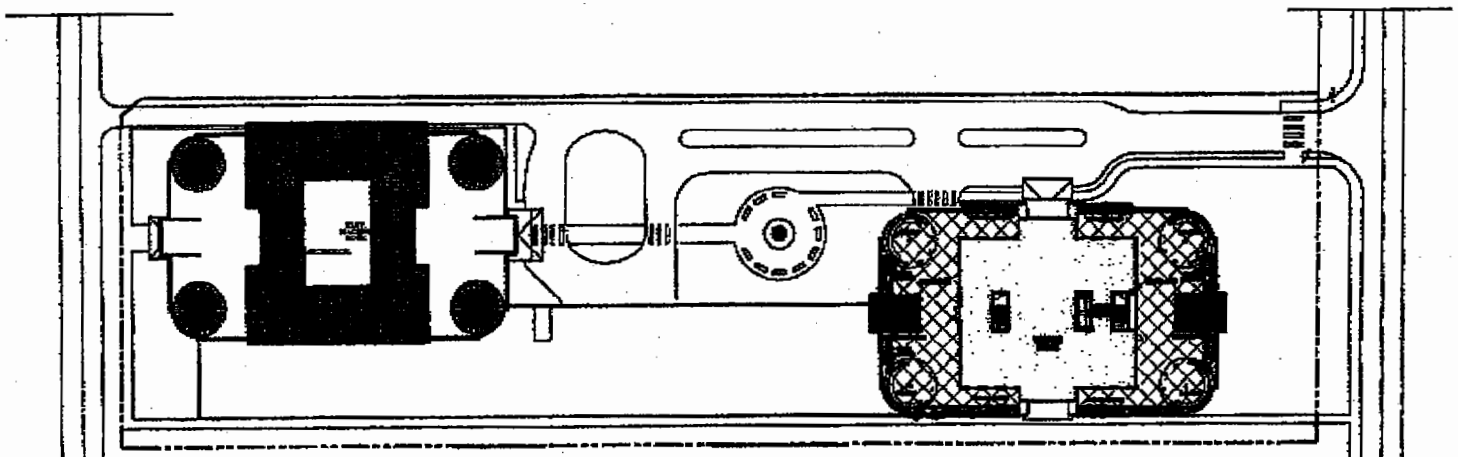
3 rd FLOOR PLAN

Agora Professional Building

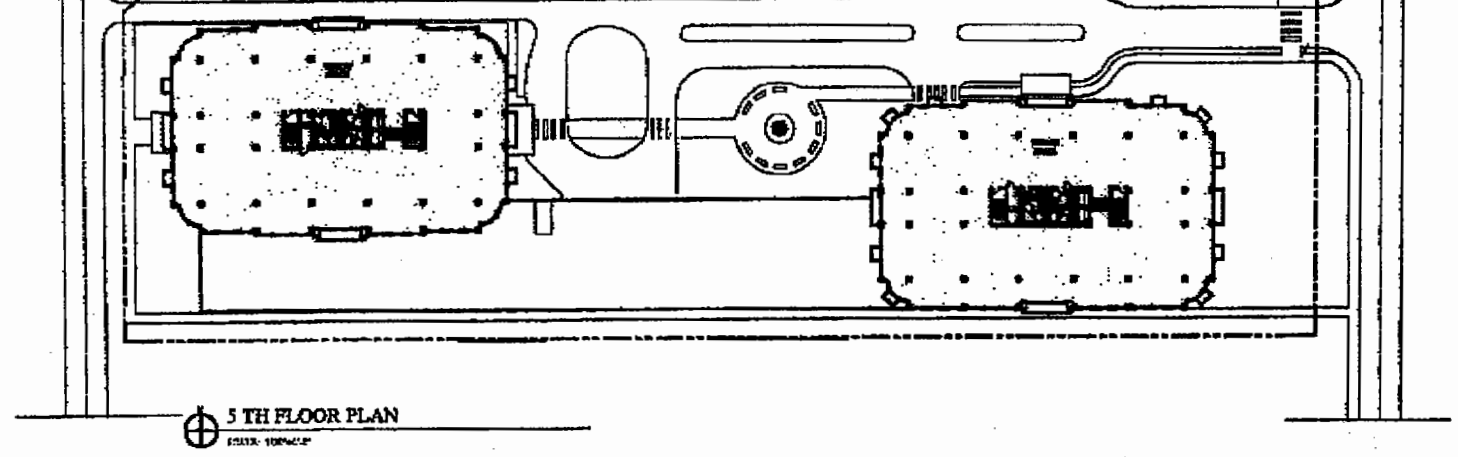
A-3

01351

55



6 TH FLOOR PLAN



5 TH FLOOR PLAN

FULLERTON DIAZ ARCHITECTURE INC

Agora Professional Building

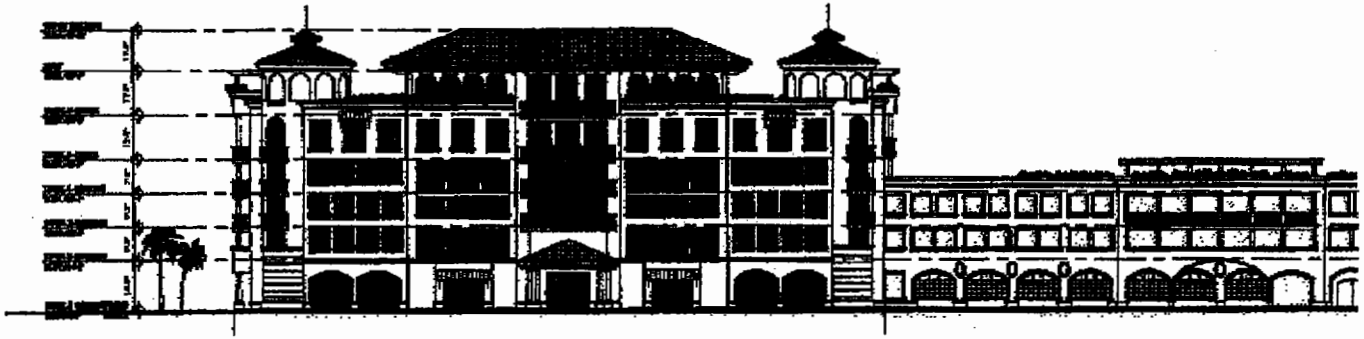
A-4

DEC 2 7 2004

01.398

56

1 NORTH ELEVATION



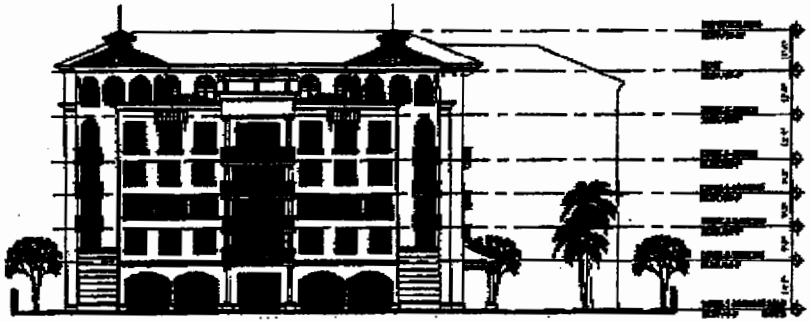
2 NORTH ELEVATION - EAST BUILDING

3 NORTH ELEVATION- CENTER AND WEST BUILDING

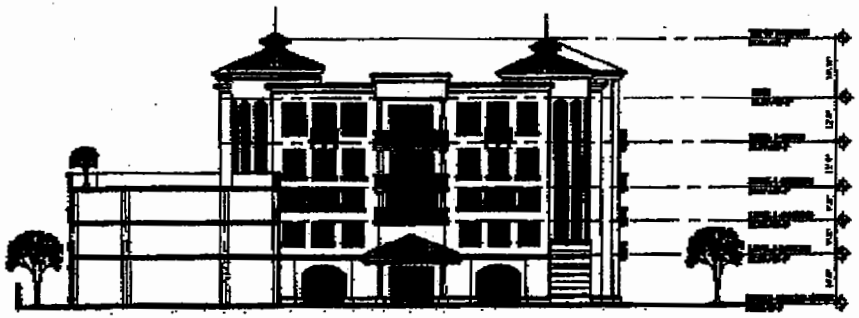
Agora Professional Building

A-5

01.598



1 EAST ELEVATION - EAST BUILDING



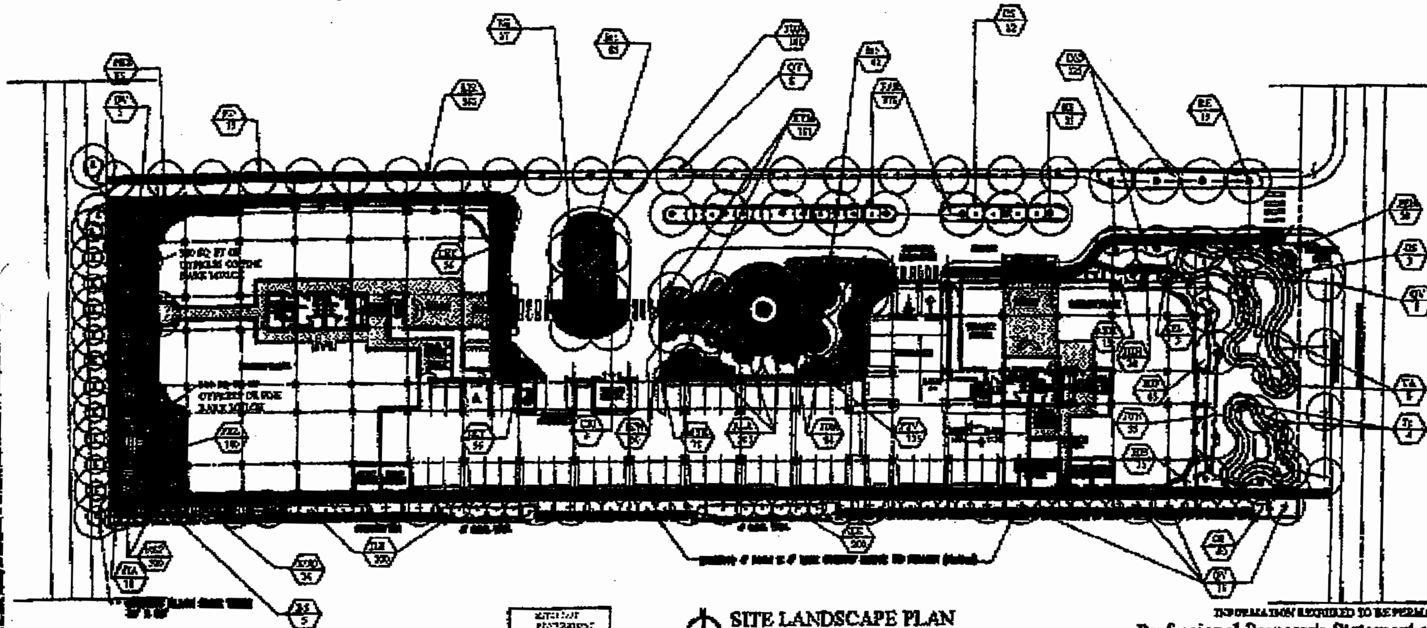
2 EAST ELEVATION - WEST BUILDING

Agora Professional Building

A-6

01.358

58



SITE LANDSCAPE PLAN

PLANT LIST:

[illegible]	[illegible]	QTY	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

LANDSCAPE REQUIRREMENTS/ CALCULATIONS:

	REQUIRED	PROVIDED
[illegible]	[illegible]	[illegible]
TOTAL TREES	[illegible]	[illegible]

INFORMATION REQUIRED TO BE PERMANENTLY AFFIXED TO PLAN

Professional Preparer's Statement of Landscape Compliance

Print Name

State of Florida

County of Dade

Notary Public

Print Name

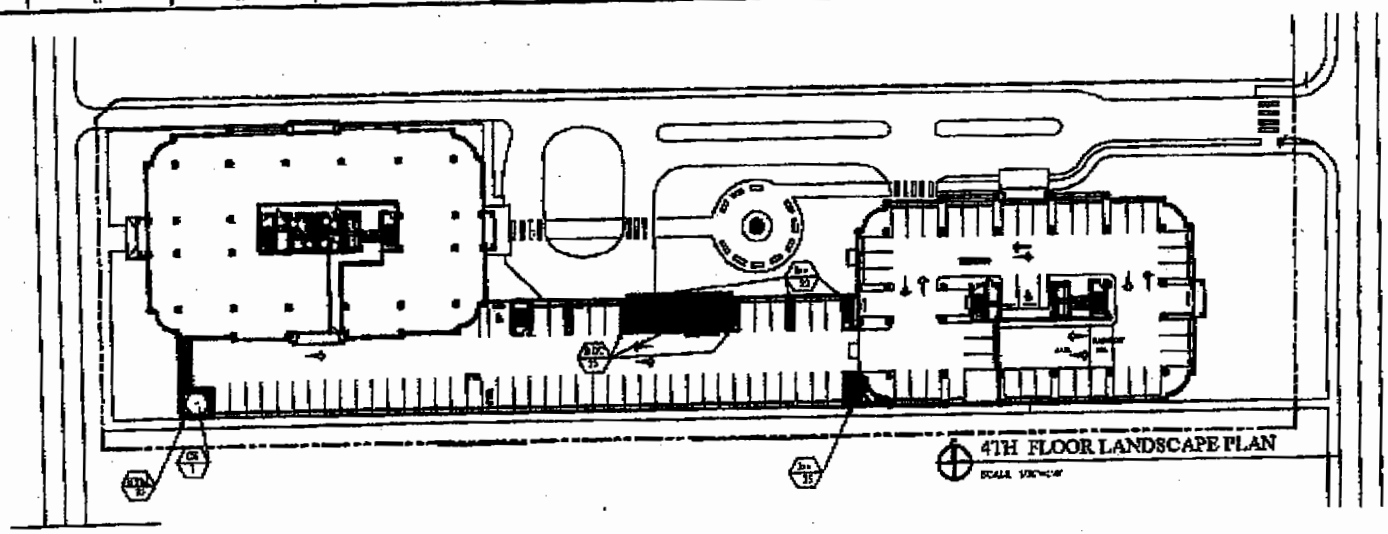
Agora Professional Building

LP-1

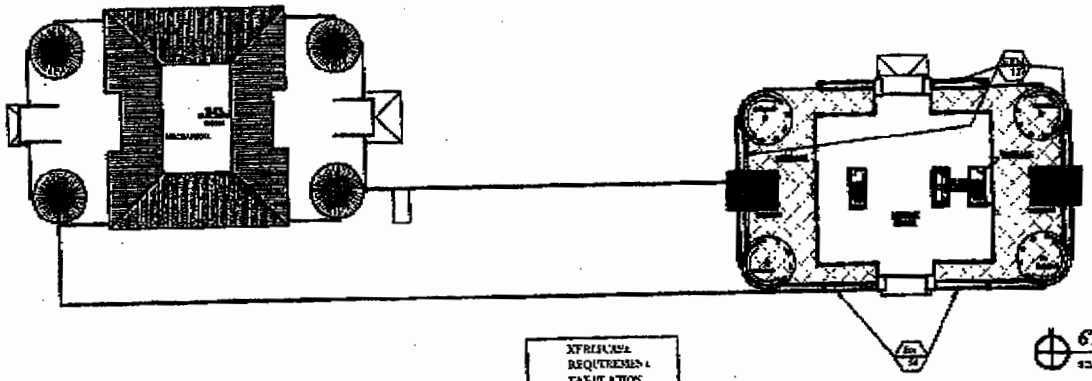
DEC 2 2004

01.358

59



4TH FLOOR LANDSCAPE PLAN



6TH FLOOR LANDSCAPE PLAN

PLANT LIST:

SYMBOL	SCIENTIFIC NAME / COMMON NAME	QTY	SIZE	SPACING / REMARKS	XERISCAPE REQUIREMENT TABULATION: Drought Tolerance	XERISCAPE REQUIREMENT TABULATION: Salt Tolerance
	SHADE TREES AND PALM TREES				H, M, L	H, M, L
					HIGH, MEDIUM OR LOW	HIGH, MEDIUM OR LOW
CS	[illegible]	1	[illegible]	NATIVE	[illegible]	[illegible]
	SHRUBS AND GROUNDCOVERS					
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PLANT DETAILS:

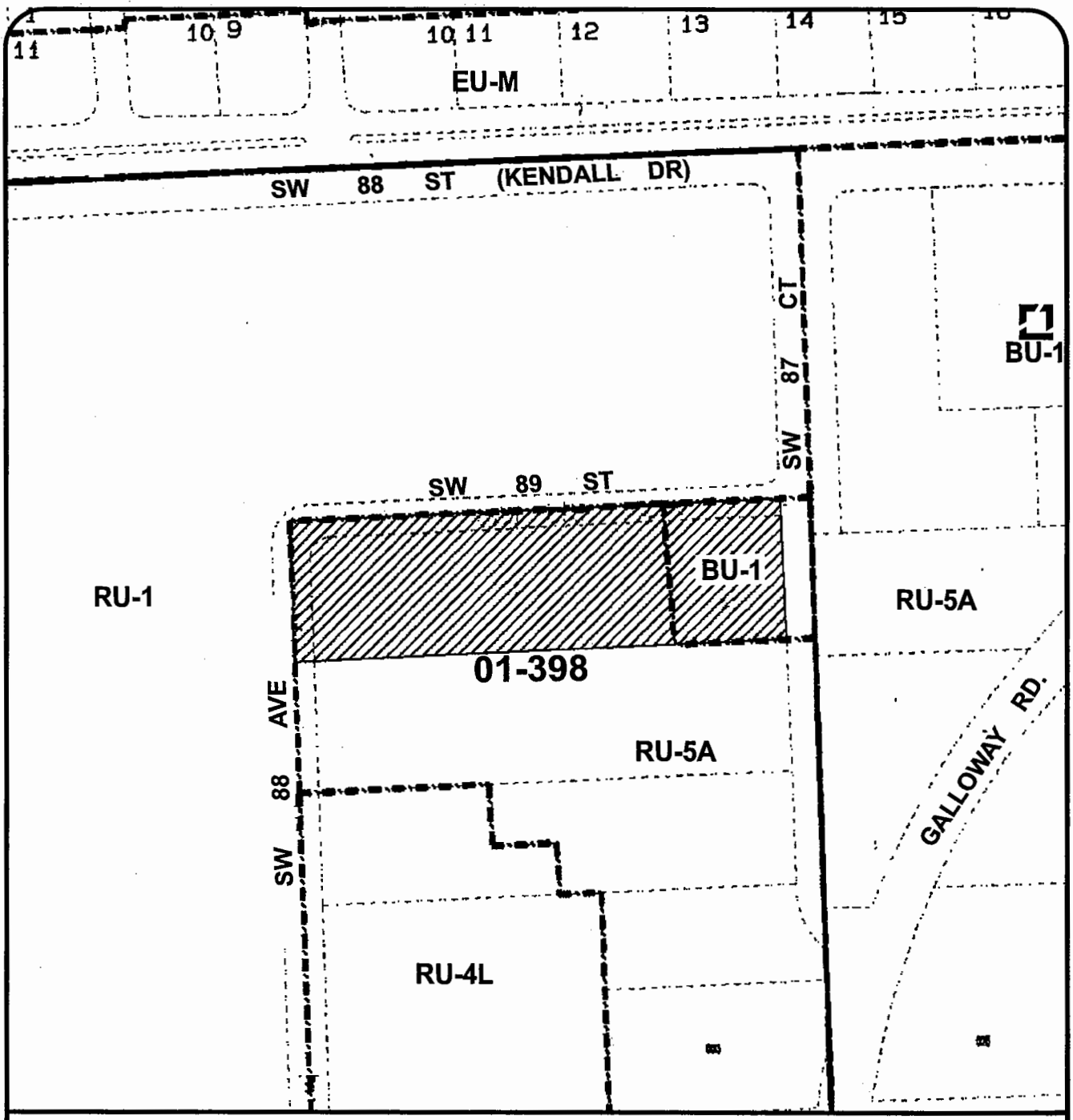
FULLERTON DIAZ ARCHITECTS INC.

Agora Professional Building

LP-2

DEC 2 / 2004

01.398



MIAMI-DADE COUNTY
HEARING MAP

S C A L E 0 200' N

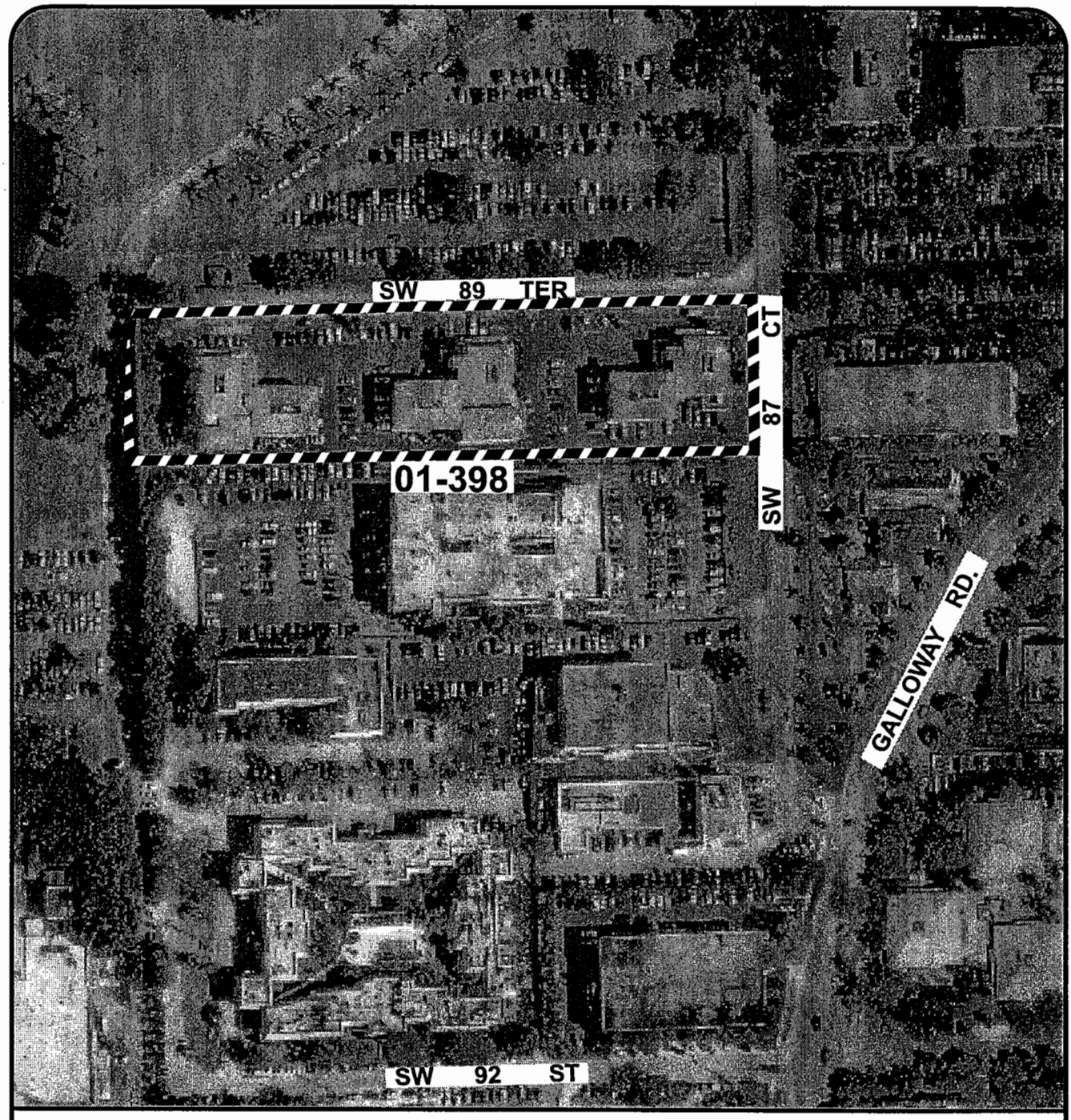
SUBJECT PROPERTY

Section: 04 Township: 55 Range: 40
Process Number: 01000398
Applicant: ACROPOLIS REALTY, LLC.
District Number: 08
Zoning Board: C12
Drafter ID: ALFREDO
Scale: 1:200'

MIAMI-DADE

G: ZONING DRAFTING. 01-398. 12/01
REVISED 10/14/03

60



MIAMI-DADE COUNTY
AERIAL

S C A L E
0 NTS
N

SUBJECT PROPERTY

Section: 04 Township: 55 Range: 40
Process Number: 01000398
Applicant: ACROPOLIS REALTY, LLC.
District Number: 08
Zoning Board: C12
Drafter ID: ALFREDO
Scale: NTS

MIAMI-DADE

G: ZONING DRAFTING. 01-398. 12/01

D. ACROPOLIS REALTY LLC
(Applicant)

03-11-CZ12-1 (01-398)
BCC/District 8
Hearing Date: 10/7/04

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
1965	Mark XX	Zone change from AU to RU-5A.	CC	Approved
1966	Mark XX	Use Variance for zoning regulations, waiving 5' wall along interior side of property lines.	ZAB	Approved
1967	Mark XX	Variance zoning regulations, walls, access buildings.	ZAB	Approved
1983	Raymond Pearlson & Robert Browdy	Zone change from RU-5A to BU-1.	CC	Approved

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

DATE: 10/07/04 **#Z-**

APPLICANT: D. Acropolis Realty LLC 03-11-CZ12-1

MOTION: Carried Over to Zoning Hearing of 10/21/04

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				
Diaz				
Ferguson				
Heyman				
Martinez				
Morales				
Moss				
Rolle				
Seijas				
Sorenson				
Sosa				
Souto				
Chair Carey-Shuler				
TOTAL				

DATE: 7/29/2004 **#Z-**

APPLICANT: D. ACROPOLIS REALTY LLC
(03-11-CZ12-1/01-398)

MOTION: to defer the application to October 7, 2004.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				X
Diaz				X
Ferguson		X		
Heyman	M	X		
Martinez				X
Morales				X
Moss				X
Rolle		X		
Seijas		X		
Sorenson				X
Sosa	S	X		
Souto		X		
Chair Carey-Shuler		X		
TOTAL		7	0	6

DATE: 06-10-2004 **#Z-**

APPLICANT: Acropolis Realty LLC
(03-11-CZ12-1/01-398)

MOTION: Deferred the application to July 29, 2004, with leave to amend. Applicati
at the applicant's expense.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				X
Diaz		X		
Ferguson				X
Heyman	S	X		
Martinez		X		
Morales				X
Moss		X		
Rolle		X		
Seijas		X		
Sorenson		X		
Sosa		X		
Souto				X
Chair Carey-Shuler	M	X		
TOTAL		9	0	4

DATE: April 29, 2004 **#Z-**

APPLICANT: 1. ACROPOLIS REALTY LLC-
No further notice
MOTION: DEFERRED TO JUNE 10, 2004

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				X
Diaz	S	X		
Ferguson				X
Heyman	M	X		
Martinez		X		
Morales		X		
Moss				X
Rollc		X		
Seijas		X		
Sorenson		X		
Sosa		X		
Souto		X		
Chair Carey-Shuler				X
TOTAL		9	0	4

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 12
MOTION SLIP

APPLICANT'S NAME: **ACROPOLIS REALTY LLC**

REPRESENTATIVE(S): Chad Williard, Dr. Pablo Delgado

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
03-11-CZ12-1 (01-398)	January 27, 2004	CZAB12- -04

REQUESTS:

DEPT. REC:

☐ WITHDRAW: ☐ Entire Application ☐ ITEMS _____

☑ DEFER: ☐ INDEFINITELY ☑ TO: 2/10/04 ☐ 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 STD. CONDITIONS

☑ OTHER: To give applicant opportunity to present traffic study to the opposition.

TITLE	M/S	NAME	YES	NO	ABSENT
MS.		Peggy BRODEUR			✓
MR.		Gerardo GOMEZ		✓	
MS.		Millie HERRERA	✓		
MR.		Douglas A. KRUEGER	✓		
MR.	S	Nelson A. VARONA	✓		
VICE-CHAIRMAN	M	Robert W. WILCOSKY	✓		
CHAIRMAN		Jose I. VALDEZ (C.A.)			

F
airman
ose Valdez
ostained
om voting
cause he
s absent
om the
st hearing
this application.
e stated on the record
at he would not vote.
e was
tting at the table when
e motion was read.

VOTE: 4 to 1

EXHIBITS: ☐ YES ☑ NO

COUNTY ATTORNEY: Stephen Stieglitz

6

MIAMI-DADE COUNTY
COMMU[illegible] [illegible]ONING APPEALS BOAR[illegible] - [illegible]EA 12
MOTION SLIP

APPLICANT'S NAME: ACROPOLIS REALTY LLC

REPRESENTATIVE(S): CHAD WILLIARD

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
03-11-CZ12-1 (01-398)	NOVEMBER 18, 2003	CZAB12- -03

REQUESTS:
1) RU-5A & BU-1 to OPD. 2) Delete Declaration. 3) Lot area 2.94 v 3 ac. 4) FAR 0.94 v 0.86

DEPT. REC: APPROVE 1 PER 33-311(A)(8) SUBJECT TO PROFFERED COVENAN.T
APPROVE 2 WITH CONDITIONS PER 33-311(A)(17).

MOTION APPROVE 3 & 4 WITH CONDITIONS PER 33-311 (A)(21)

☐ WITHDRAW: ☐ Entire Application ☐ ITEMS

☒ DEFER: ☐ INDEFINITELY ☒ TO: 01-13-04 ☒ 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 STD. CONDITIONS

☐ OTHER:

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		Gerardo GOMEZ	✓		
MS.	S	Millie HERRERA	✓		
MR.		Douglas KRUEGER	✓		
M		Peggy BRODEUR	✓		
MR.	M	Nelson A. VARONA	✓		
VICE-CHAIRMAN		Robert W. WILCOSKY	✓		
CHAIRMAN		JOSE VALDEZ			✓

VOTE: 6 to 0

EXHIBITS: ☒ YES ☐ NO

COUNTY ATTORNEY: Jay Williams

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

APPLICANT: Acropolis Realty LLC **PH:** Z01-398 (03-11-CZ12-1)

SECTION: 4-55-40 **DATE:** October 21, 2004

COMMISSION DISTRICT: 8 **ITEM NO.:** D

==========

A. INTRODUCTION

o REQUESTS:

ACROPOLIS REALTY LLC is appealing the decision of the Community Zoning Appeals Board #12 which denied in part, the following:

(1) RU-5A & BU-1 to OPD

(2) The applicant is requesting to permit a lot with an area of 2.94 acres (3 acres required).

(3) The applicant is requesting to permit a floor area ratio of 0.94 (0.86 permitted).

OR IN THE ALTERNATIVE TO REQUESTS #1 - #3, THE FOLLOWING:

(4) RU-5A & BU-1 to RU-5A

AND WITH EITHER REQUEST:

(5) DELETION of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329.

The purpose of the request is to remove an agreement from the site which limits the uses on the commercial parcel and ties the site to a specific plan.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 & #3 may be considered under §33-311 (A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) and approval of request #5 may be considered under §33-311(A)(7) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

Plans for the OPD proposal only are on file and may be examined in the Zoning Department entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., dated revised 9-2-03 and 10-2-03 and consisting of 8 pages. Plans may be modified at public hearing.

o SUMMARY OF REQUESTS:

The applicant is appealing the decision of the Community Zoning Appeals Board-12 which denied, in part, this application without prejudice. This application will allow the applicant to change the zoning on the property from RU-5A, Semi-Professional Office

District, and BU-1, Neighborhood Business District, to OPD, Office Park District. The requests will also allow less lot area than required for the OPD district and a greater floor area ratio than permitted. In the alternative to the aforementioned requests, the applicant is seeking a district boundary change from RU-5A and BU-1 to RU-5A. Accompanying both of the aforementioned district boundary change requests, the applicant is seeking a deletion of a Declaration of Restrictions as it pertains to the existing BU-1 zoned site.

- **LOCATION:**

  8960-70 S.W. 87 Court, Miami-Dade County, Florida.

- **SIZE:** 2.94 acres.

- **IMPACT:**

  The rezoning of the property to OPD or to RU-5A and the accompanying requests will allow the applicant to provide professional services to the community. However, this application will bring additional traffic into the area.

B. ZONING HEARINGS HISTORY:

In 1965, the Board of County Commissioners (BCC) rezoned this site from AU, Agricultural District, to RU-5A, Semi-Professional Office District. In 1966 and 1967, the Zoning Appeals Board (ZAB) waived the required walls along the interior side property lines of the aforementioned property. In 1983, the BCC rezoned the easterly 185' of the subject property from RU-5A to BU-1, Neighborhood Business District. A Declaration of Restrictions was recorded that restricted the development of the BU-1 portion of the site to the plans approved at said hearing and restricted the permitted uses to a commercial bank and a sandwich shop.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2005 and 2015 Land Use Plan designates the subject property as being within the Urban Development Boundary for **office/residential.**

2. **Uses and Zoning Not Specifically Depicted on the LUP Map**:

   Within each map category numerous land uses, zoning classifications and housing types may occur. Many existing uses and zoning classifications are not specifically depicted on the Plan map. This is due largely to the scale and appropriate specificity of the countywide LUP map, graphic limitations, and provisions for a variety of uses to occur in each LUP map category. In general, 5 acres is the smallest site depicted on the LUP map, and smaller existing sites are not shown. All existing lawful uses and zoning are deemed to be consistent with this Plan unless such a use or zoning (a) is found through a subsequent planning study, as provided in Land Use Policy 4E, to be inconsistent with the criteria set forth below; and (b) the implementation of such a finding will not result in a temporary or permanent taking or in the abrogation of vested rights as determined by the Code of Metropolitan Dade County, Florida. The criteria for determining that an existing use or

zoning is inconsistent with the plan are as follows: 1) Such use or zoning does not conform with the conditions, criteria or standards for approval of such a use or zoning in the applicable LUP map category; and 2) The use or zoning is or would be incompatible or has, or would have, an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area. Also deemed to be consistent with this Plan are uses and zoning which have been approved by a final judicial decree that has declared this Plan to be invalid or unconstitutional as applied to a specific piece of property. The presence of an existing use or zoning will not prevent the County from initiating action to change zoning in furtherance of the Plan map, objectives or policies where the foregoing criteria are met. The limitations outlined in this paragraph pertain to existing zoning and uses. All approval of new land uses must be consistent with the LUP map and the specific land use provisions of the various LUP map categories, and the objectives and policies of this Plan. However, changes may be approved to lawful uses and zoning not depicted which would make the use or zoning substantially more consistent with the Plan, and in particular the Land Use Element, than the existing use or zoning.

D. NEIGHBORHOOD CHARACTERISTICS:

	ZONING	LAND USE PLAN DESIGNATION
Subject Property:		
	RU-5A & BU-1; apartments	Office/Residential
Surrounding Properties:		
NORTH:	RU-1; parking lot	Office/Residential
SOUTH:	RU-5A; office building	Office/Residential
EAST:	RU-5A; office building	Office/Residential
WEST:	RU-1; Baptist Hospital complex	Institutional & Public Facility

The subject parcel is a narrow linear site located between SW 87 Avenue (Galloway Road) and Baptist Hospital. There is a parking lot which serves Baptist Hospital to the north with a mixture of apartments and offices to the south.

E. SITE AND BUILDINGS:

Site Plan Review: (pertaining to the proposed OPD zoning only, no plans were submitted for the proposed alternative RU-5A zoning).

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**
Energy Considerations:	**N/A**
Roof Installations:	**N/A**
Service Areas:	**N/A**
Signage:	**N/A**
Urban Design:	**Acceptable**

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(8). The Board shall hear and grant or deny applications for **district boundary changes** taking into consideration that same must be consistent with the CDMP, with applicable area or neighborhood studies or plans, and would serve a public benefit. The Board shall take into consideration 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. The Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities, including mass transit, roads, streets, and highways or other necessary public 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, street or highways.

Section 33-311(A)(17). Modification or Elimination of Conditions and Covenants After Public Hearing. The Community Zoning Appeals Board 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 following paragraphs 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.

VI. **Modification or Elimination of Conditions or Restrictive Covenants After Public Hearing, Where the Conditions or Restrictive Covenants were Accepted or Imposed Simultaneously with a District Boundary Change.** The Community Zoning Appeals Board shall approve an application to modify or eliminate a condition or part thereof, or a restrictive covenant or part thereof, which requires development of a specific site plan and which was accepted or imposed simultaneously with a district boundary change, where it is demonstrated that:

(A) The subject property would satisfy all current requirements and standards for a district boundary change to the property's present zoning district without the condition or restrictive covenant, or else the modification or elimination is sought in connection with an application for rezoning to a different district. For purposes of this requirement, new conditions or restrictive covenants may be imposed or proffered to satisfy such requirements and standards.

(B) The Community Zoning Appeals Board shall impose such conditions and requirements in connection with an approval under this subsection as shall prevent or mitigate any resulting adverse impacts to the County or to any aggrieved person who has reasonably, demonstrably and detrimentally relied upon the condition or covenant sought to be modified or eliminated.

(C) Notwithstanding the provisions of the preceding paragraphs, no application will be approved under this subsection if such approval would result in:

1. a use of land which will have a significant adverse effect upon the value of properties in the immediate vicinity;
2. community design, architecture, or layout and orientation of buildings, open space, or amenities that is inconsistent with and deleterious to the aesthetic character of the immediate vicinity;
3. a material change in the density, intensity, or use of the subject property that so differs from the density, intensity, or use of other existing or approved development in the immediate vicinity that the subject property would represent an obvious and significant departure from the established development pattern of the immediate vicinity which has a deleterious effect on its community character;
4. a substantial degradation of localized traffic patterns or a substantial adverse impact on the roadway network;
5. unmitigated demands on potable water, sanitary sewer, or stormwater treatment systems which exceed the capacity of those systems; or
6. a continued and substantial risk to human life or safety or to the environment, or a nuisance.

Section 33-311(A)(7). 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 a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, 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) (21) Alternative Site Development Option for Office Buildings, Laboratory Buildings and Associated Accessory Buildings and Structures (ASDO). This subsection provides for the establishment of an alternative site development option, after public hearing, for office buildings, laboratory buildings and associated accessory buildings and structures, when such uses are permitted by the underlying district regulations, in the OPD zoning district, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

An alternative **lot area and frontage** shall be approved upon demonstration of at least one of the following:

(1) the proposed lot area and frontage shall permit the development or redevelopment of a structure(s) on a lot, parcel or tract of land where such structure(s) would not otherwise be permitted by the underlying district regulations due to the size or configuration of the parcel proposed for alternative development, provided that:

(A) the lot, parcel or tract is under lawful separate ownership from any contiguous property; and

(B) the proposed alternative development will not result in the further subdivision of land; and

(C) the size and dimensions of the lot, parcel or tract are sufficient to provide all setbacks required by the underlying district regulations; and

(D) the area of the lot, parcel or tract is not less than: seventy-five percent (75%) of the minimum lot area required by the underlying district regulations; and

(E) the proposed alternative development does not result in an obvious departure from the aesthetic character of the immediate vicinity; and

(F) the frontage dimension of the lot, parcel or tract is not less than: seventy-five percent (75%) of the minimum frontage required by the applicable district regulations; except that the frontage dimension of a flag-lot, parcel or tract shall be permitted to be reduced to the minimum width necessary to allow vehicular access as determined by the County; and

(G) the resultant frontage dimension of the lot, parcel or tract provides vehicular ingress and egress to all resulting lots, parcels or tracts, including on-site access to emergency equipment; or

(2) the proposed alternative development results in landscaped open space, community design, amenities or preservation of natural resources that enhances the function or aesthetic character of the immediate vicinity in a manner not otherwise achievable through application of the applicable district regulations, provided that:

(A) the number of lots of the proposed alternative development does not exceed that normally permitted by the lot area dimensions of the underlying district regulations; and

(B) the size and dimensions of each lot, parcel or tract in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations, or, if applicable, any prior zoning actions for similar uses issued prior to the effective date of this ordinance (September 19, 2003); and

(C) the area of each lot, parcel or tract is not less than eighty percent (80%) of the area required by the applicable district regulations; and

(D) the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

(E) the resultant frontage of the lot, parcel or tract provides vehicular ingress and egress to all resulting lots, parcels or tracts, including on-site access to emergency equipment; or

(3) the proposed lot area and frontage is such that:

(A) the proposed alternative development will not result in the creation of more than two (2) lots, parcels or tracts; and

(B) the size and dimensions of each lot, parcel or tract are sufficient to provide all setbacks required by the applicable district regulations; and

(C) no lot area shall be less than the smaller of:

(i) ninety percent (90%) of the lot area required by the applicable district regulations; or

(ii) the average area of the developed lots, parcels or tracts in the immediate vicinity within the same zoning district; and

(D) the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

(E) the resultant frontage provides vehicular ingress and egress to all resulting lots, parcels or tracts, including on-site access to emergency equipment.

An alternative **floor area ratio** for a building(s) shall be approved upon demonstration of the following:

(1) total lot coverage or floor area ratio shall not be increased by more than ten percent (10%) of the lot coverage or floor area permitted by the underlying district regulations; and

(2) the proposed alternative development will not result in the destruction or removal of mature trees on the lot with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the lot; and

(3) the increase in lot coverage or floor area ratio will not result in a principal buildings, or accessory building(s) in the RU-5A district, with an architectural design, scale, mass or building materials that are not aesthetically harmonious with that of other existing or proposed structures in the immediate vicinity; and

(4) the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity.

Section 33-311 (A)(4)(c). Alternative non-use variance standard (ANUV): 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.

Section 33-311 (A)(4)(b). Non-use variances from other than airport regulations (NUV): 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.

G. NEIGHBORHOOD SERVICES:

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

* Subject to conditions stated in their attached memoranda

H. ANALYSIS:

This application was deferred from the October 7, 2004, meeting to December 21, 2004 meeting. This application was deferred from the April 29, 2004 meeting of the Board of County Commissioners upon the request of the applicant. This application was deferred from the June 10, 2004 meeting upon the request of the applicant with leave to amend the advertisement. This application was deferred from the July 29, 2004 meeting to allow the applicant additional time to obtain approval for a traffic signal from the Florida Department of Transportation (FDOT). The advertisement has been amended to include an alternative zone change request from RU-5A and BU-1 to RU-5A (Request #4) and to also include the originally requested deletion of a 1983 Declaration of Restrictions that limits the commercial uses on the site and restricts the development of the subject property to previously approved plans.

The applicant is appealing the February 10, 2004 decision of the Community Zoning Appeals Board-12 (CZAB-12) which denied in part this application without prejudice by a vote of 3-1. The applicant indicates on the appeal form that the decision of the CZAB-12 was not supported by substantial competent evidence. Staff notes that the rezoning to RU-5A (Request #4) was not a part of this application when it was considered by the CZAB-12.

The subject property is located at 8960-70 SW 87 Court. The applicant is seeking a district boundary change on this site from RU-5A, Semi-Professional Office District, and BU-1, Neighborhood Business District, to OPD, Office Park District (Request #1). The Office Park District incorporates a concept which delineates an open space character for buildings whose principal uses are administrative, professional, or research. Uses permitted in the OPD include office buildings for business, professional, and secretarial uses that cater to the provision of services and laboratories for scientific and industrial research and development. Certain accessory uses are permitted which include, but are not limited to auditoriums, eating establishments such as coffee shops, food carry out, and sandwich shops, newsstands, tobacco shops, and private clubs. The applicant is also seeking approval for a request to permit a lot with less lot area than required in the OPD zoning district and to permit a floor area ratio of 0.94 in the OPD zoning district. The applicant has submitted plans for the development of this site for the proposed OPD zoning district with an eight story office building with a parking garage and intends to proffer a covenant limiting the development of the site to same. In the alternative to the

aforementioned requests, the applicant is seeking a district boundary change from RU-5A and BU-1 to RU-5A (Request #4). Uses permitted in the RU-5A zoning district include, but are not limited to, offices for accounting, medical doctors, attorneys, dentists, model agencies, optometrists, real estate, and real estate management. Additional uses that are permitted include, but are not limited to, nursery, kindergarten, and after school care, detective agencies, stock brokers exchange-investment services, public libraries, social service bureaus, theater ticket agencies, and travel agencies. The applicant has not submitted a site plan for the development of the proposed alternative district boundary change to RU-5A. The applicant is also seeking with either zone change request a deletion of a Declaration of Restrictions that restricted the development of the BU-1 portion of the site to certain commercial uses and to the plans approved at the 1983 public hearing. The Declaration of Restrictions limited the permitted uses on said parcel to a bank and a sandwich shop.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the Level of Service (LOS) standards set forth in the Master Plan. However, the applicant will have to comply with all conditions as set forth by DERM in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application. The applicant will be required to successfully close the rights-of-way for SW 89 Terrace, SW 88 Avenue, and SW 92 Street submitted as road closing petition P-743, which is pending. This application will generate an additional **228 p.m. daily peak hour vehicle trips** on the area roadways. However, said trips will not change the level of service (LOS) on same which are currently at LOS "C," "D," and "E."

Request #1 will allow the applicant to rezone the property to OPD and to provide professional office services to the community. The proposed OPD zoning will be **consistent** with the Master Plan which designates this site for Office/Residential use on the Land Use Plan (LUP) map. The proposed Office Park District as well as the site plan submitted will be **compatible** with the surrounding area which consists of the Baptist Hospital complex to the west, a parking lot for said hospital to the north, an office building to the east, and an office building to the south. In addition, although the existing BU-1 zoned portion of the site is consistent with the CDMP, the CDMP text states that changes may be approved to lawful uses and zoning not depicted which would make the use or zoning substantially more consistent with the Master Plan than the existing use or zoning. In this instance the rezoning from BU-1 to OPD would bring the property to be substantially more consistent with the office/residential designation than the existing commercial zoning.

The new standards under Section 33-311(A)(21), Alternative Site Development Option (ASDO) for Office Buildings, Laboratory Buildings and Associated Accessory Buildings and Structures, provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable alternative site development option (ASDO) standards for office buildings, laboratory buildings, and associated accessory buildings and structures. Request #2 to allow a lot area of 2.94 acres where the underlying zoning district requires 3 acres meets the standards under Section 33-311(A)(21)(1) (A) through (G) including, but not limited to, that the subject parcel is under lawful separate ownership from any contiguous property, the

proposed alternative development will not result in the further subdivision of land, the area of the lot is not less than 75% of the minimum lot area required by the underlying district regulations, and the size and dimensions of the lot are sufficient to provide all setbacks required by the underlying district regulations. Request #3 to permit a floor area ratio of 0.94 where 0.86 is permitted also complies with the ASDO standards stated under Section 33-311(A)(21) subsections 1 through 4 under the floor area ratio standards. Among other things, the floor area ratio will not be increased by more than 10% and the proposed alternative development will not result in an obvious departure from the aesthetic character of the surrounding area. As such, Requests #2 and 3 comply with the ASDO standards under Section 33-311(A)(21). If analyzed under the alternative non-use variance standard [33-311(A)(4)(c)], the applicants would have to prove that these requests are due to an unnecessary hardship and that, should it not be granted, it would not permit the reasonable use of the premises. However, since the property can be utilized in accordance with the current zoning or, if rezoned, in accordance with OPD zoning standards, staff is of the opinion that this application cannot be approved under the alternative non-use variance standard [Section 33-311(A)(4)(c)].

When analyzed under Section 33-311(A)(4)(b), the non-use variance standard, requests #2 and 3 comply with the standards in that section. Staff is of the opinion that the approval of said requests will be **compatible** with the adjacent properties and the surrounding area and that said requests maintain the basic intent and purpose of the zoning, subdivision and land use regulations. The adjacent area is primarily developed with office uses designated office/residential on the Land Use Plan (LUP) map and the Baptist Hospital facility. Accordingly, Requests #2 and 3 can be approved under Section 33-311(A)(4)(b).

Alternative Request #4 would allow the applicant to rezone the property to RU-5A and to provide semi-professional office uses for the community. RU-5A zoning would be **consistent** with the Land Use Plan (LUP) map designation of the Comprehensive Development Master Plan (CDMP). RU-5A zoning would also be **compatible** with the surrounding area. Notwithstanding the aforementioned, staff notes that the applicant has not submitted a site plan for the development of the site for the proposed alternative RU-5A zoning. In the absence of same, staff is unable to ensure that the future development of the alternative proposed RU-5A zoning is designed in a manner that will be compatible with the surrounding area. As such, in the absence of a site plan, staff recommends denial without prejudice or deferral of Request #4. When reviewing the similarities and differences between the OPD District and the RU-5A zoning district staff notes that RU-5A zoning requires a 10,000 sq. ft. minimum lot area whereas the OPD District requires a minimum of 3 acres. RU-5A zoning allows a maximum height of 24' whereas OPD would allow a maximum of eight (8) stories or 100', whichever is less. RU-5A zoning permits a maximum lot coverage of 40%; minimum principal building setbacks are required to be 25' from the front and rear property lines, and 15' from interior side property lines and side property lines abutting a highway right-of-way. RU-5A allows a minimum Floor Area Ratio (FAR) of 0.40 for one story and 0.60 for two stories. OPD permits an FAR of 0.30 for the first story and allows the FAR to be increased by 0.08 for each additional story; requires setbacks of a minimum of 30' from property lines abutting any residential zoning in which only one single family, duplex, or townhouses are permitted, a minimum of 50' from front property lines for structures, and not less than 15' for all other setbacks. In both the OPD

and RU-5A Districts, 28 trees are required per acre of net lot area and 1 parking space is required per 300 sq. ft. of gross floor area. The minimum landscaped open space permitted in the OPD District for a one story building is 40% of the total lot area and the required landscaped open space is increased by 3% for each additional story or part thereof, based on the tallest structure on the property. In the RU-5A District, the minimum required landscaped open space is 25% of the total lot area.

Pertaining to Request #5 which accompanies either of the zone change requests (Request #1 and alternative Request #4), the standards 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. Request #5 as it accompanies Request #1 to rezone the subject property to OPD complies with the standards of Paragraph VI, Modification or Elimination of Conditions and Restrictive Covenants After Public Hearing, Where the Conditions or Restrictive Covenants were Accepted or imposed simultaneously with a District Boundary Change, in that as indicated in subsection (A) the elimination of said Declaration of Restrictions is sought in connection with an application for rezoning to a different district. Additionally, as indicated in subsection (B) conditions will be imposed to mitigate any resulting adverse impacts to the County. Further, as indicated in subsection (C), among other things, Request #5, as it accompanies Request #1, to delete a recorded Declaration of Restrictions will not result in a use of the land which will have a significant adverse impact upon the value of properties in the immediate vicinity, the architecture, layout, and orientation of buildings, open space, or amenities will be consistent with and will not be deleterious to the aesthetic character of the immediate vicinity, and the change in the intensity or use on the subject property will not differ from the intensity or use of other existing or approved development in the immediate vicinity that would represent an obvious and significant departure from the established development pattern of the immediate vicinity. In this regard, Request #5 as it accompanies Request #1 complies with Section 33-311(A)(17)(VI) and can be approved under said section. However, staff is unable to evaluate Request #5 as it accompanies Request #4 to rezone the subject property to RU-5A without a site plan. Without said plan, staff is unable to evaluate said request under subsection (C) and cannot ensure that said request as it accompanies the zone change request to RU-5A will not result in a use of the land which will have a significant adverse impact upon the value of properties in the immediate vicinity nor that the architecture, layout, and orientation of buildings, open space, or amenities that will be consistent with and will not be deleterious to the aesthetic character of the immediate vicinity. As such, Request #5 as it pertains to Request #4 cannot be analyzed under Section 33-(A)(17)(VI) and should be denied without prejudice under said section.

Request #5 as it accompanies the rezoning to OPD (Request #1) also complies with the modification or elimination standards under Section 33-311(A)(7). When considering the necessity for and the reasonableness of the elimination in relation to the present and future development of the area concerned, the deletion of said covenant in conjunction with the zone change to OPD (Request #1) will be compatible with the surrounding area and will not adversely impact same. However, in the absence of a site plan indicating the

proposed RU-5A development, staff cannot ensure the compatibility of Request #5 as it pertains to Request #4 (the rezoning to RU-5A) in relation to the present and future development of the area concerned. As such, request #5 as it pertains to Request #4 should be denied without prejudice under Section 33-311(A)(7).

Based on all of the aforementioned, staff recommends approval of the appeal; approval with conditions of Requests #2 and 3 under Section 33-311(A)(21) or 33-311(A)(4)(b) and denial without prejudice of said requests under Section 33-311(A)(4)(c); approval of Request #5 under Sections 33-311(A)(17) or 33-311(A)(7) (only in conjunction with the approval of Request #1); approval of the zone change to OPD (Request #1) under Section 33-311(A)(8), subject to the Board's acceptance of the proffered covenant (only if Request #5 is approved); and denial without prejudice of the zone change to RU-5A (Request #4).

I. RECOMMENDATION:

Approval of the appeal; approval with conditions of Requests #2 and 3 under Section 33-311(A)(21) (ASDO) and 33-311(A)(4)(b) (NUV) and denial without prejudice of said requests under Section 33-311(A)(4)(c) (ANUV); approval of Request #5 under Sections 33-311(A)(17) or 33-311(A)(7) (only if Request #1 is approved); approval of the zone change to OPD (Request #1) under Section 33-311(A)(8), subject to the Board's acceptance of the proffered covenant (only if Request #5 is approved); and denial without prejudice of the zone change to RU-5A (Request #4).

J. CONDITIONS:

The following conditions pertain to Requests #2, 3, and 5:

1. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include among other things but not be limited thereto, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., dated revised 9-2-03 and 10-2-03 and consisting of 8 pages.

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

4. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.

5. That the applicant obtain a Certificate of Use from the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

6. That the applicant comply with all the conditions and requirements of the Public Works Department.

7. That the applicant comply with all the conditions and requirements of the Department of Environmental Resources Management (DERM).

8. Approval of the rezoning to OPD with the acceptance of the Declaration of Restrictions tying the development of the property to the companion site plan is contingent upon the approval of the road closing petition P-743. No permits shall be issued prior to the approval of road closing petition P-743.

9. The Deletion of the Declaration of Restrictions (Request #5) is contingent only upon the approval of the requested zone change to OPD and the approval of the proffered covenant.

DATE INSPECTED: 10/28/03
DATE TYPED: 11/05/03
DATE REVISED: 12/23/03; 01/21/04; 02/05/04; 04/05/04; 05/17/04; 05/26/04; 06/30/04; 07/19/04; 09/13/04
DATE FINALIZED: 10/08/04
DO'QW:AJT:MTF:JDR

Diane O'Quinn Williams, Director
Miami-Dade County Department of
Planning and Zoning

MIAMI-DADE

MEMORANDUM

DERM
DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT

TO: Diane O' Quinn-Williams, Director
Department of Planning and Zoning

DATE: October 7, 2003

RECEIVED
OCT 17 2003
MIAMI-DADE COUNTY
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING

SUBJECT: C-12 #Z2001000398-Revised
Acropolis Realty, LLC
S/S of SW 89th Terrace between SW 87th Court and SW 88th Avenue
SE to Permit Site Plan Approval for a Office Development
DBC from RU-5A/BU- 1 to OPD/ASDO
(RU-5A/ BU-1) (3 Ac.)
04-55-40

FROM: Alyce M. Robertson, Assistant Director
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 the Miami-Dade County, Florida. Accordingly, DERM may approve the application and it may be scheduled for public hearing. DERM has also evaluated the request insofar as the general environmental impact that may derive from it, and based upon the available information offers no objection to its approval.

Wellfield Protection:
The subject property is located within the Average Day Pumpage Wellfield Protection Area for the Alexander Orr/Snapper Creek/Southwest Wellfield Complex. Development of the subject property shall be in accordance with the regulations established in Section 24.12.1 of the Code. Since the subject request is for a non-residential land use, the owner of the property has submitted a properly executed covenant in accordance with Section 24-12.1(5) of the Code which provides that hazardous materials or wastes shall not be used, generated, handled, discharged, disposed of or stored on the subject property.

Water and Sewer Service:
Public water and public sanitary sewers can be made available to this site and connection of any existing or proposed facilities will be required. All sewer lines serving the property shall comply with the exfiltration standards as applied to development within wellfield protection areas.

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

Notwithstanding the foregoing, 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 until adequate capacity becomes available. Consequently, final development orders for this site may not be granted unless adequate capacity in the sanitary sewer collection/transmission and treatment system is available at the point in time when the

project will be contributing sewage to the system or if approval for alternative means of sewage disposal can be obtained. Use of an alternative means of sewage disposal 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:
All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage plans shall provide for full on-site retention of the stormwater runoff of a 5-year storm event. Pollution Control devices shall be required at all drainage inlet structures.

A Standard General Environmental Resource Permit from DERM shall be required for the construction and operation of the required surface water management system. The applicant is advised to contact DERM in order to obtain additional information concerning permitting requirements.

Site grading and development shall comply with the requirements of Chapter 11C of the Code of Miami-Dade County.

Section 24-12.1 of the Code provides for stormwater disposal methods within wellfield protection areas of public potable water supply wellfields. The Code requires that all stormwater runoff must be retained on-site utilizing only infiltration or seepage type drainage systems.

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 Comprehensive Development Master Plan subject to compliance with the conditions required by DERM for this proposed development order.

Operating Permits:
Section 24-35.1 of the Code authorizes DERM to require operating permits for 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 24-60 of the Code requires the preservation of tree resources. Consequently, DERM will require the preservation of all the specimen-sized trees, as defined in the Code. A Miami-Dade County tree removal permit is required prior to the removal or relocation of any trees. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

Wetlands:
The subject site is not located in jurisdictional wetlands as defined in Chapter 24-3 and 24-58 of the Code; therefore, a Class IV Permit for work in wetlands will not be required by DERM.

Notwithstanding the above, permits from the Army Corps of Engineers (USACOE), the State of Florida Department of Environmental Protection (FDEP) and the South Florida Water

Management District (SFWMD) may be required for the proposed project. The applicant is advised to contact these agencies concerning their permit procedures and requirements.

Enforcement History:
DERM has reviewed the Permits and Enforcement database and the Enforcement Case Tracking System and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

Concurrency Review Summary:
The Department has conducted a concurrency review for this application and has determined that the same meets all applicable Levels of Service standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan 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.

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval as required by the Code. Additionally, DERM has also evaluated the application so as to determined its general environmental impact and after reviewing the available information offers no objections to the approval of the request.

cc: Ruth Ellis-Myers, Zoning Evaluation-P&Z
Lynne Talleda, Zoning Hearings- P&Z
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z

PH# 01-398
CZAB-12
Rev. 1

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Name: Acropolis Realty LLC

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

The applicant must successfully close the rights-of way for SW 89 Terr., SW 88 Ave. and SW 92 St. submitted as road closing petition (P-743).

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** meet the traffic concurrency(*) criteria for an Initial Development Order. It will generate **228 PM** daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips **does not** exceed the acceptable level of service of the following roadways:

Sta. #		LOS present	LOS w/project
9172	SW 87 Ave. s/o SW 88 St.	C	C
9714	SW 104 St. w/o US-1	D	D
F-1077	SW 87 Ave. n/o SW 132 St.	C	C
F-64	SW 88 St. e/o SW 103 Ave.	E	E
9716	SW 104 St. w/o SW 107 Ave.	C	C

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

(*)Traffic concurrency is based on development information provided by the applicant where the number of peak hour vehicle trips may fluctuate.

Raul A. Pino, P.L.S.

JUL 12 2004

Date

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

RECEIVED
MAR 01 2004
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY Cherisse Dumps

CHECKED BY CD AMOUNT OF FEE 1585.79.

RECEIPT # I-200411357. 01-3

DATE HEARD: 2/10/04

BY CZAB # 12

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. 03-11-CZ12-1 01-398

Filed in the name of (Applicant) Acropolis Realty, LLC

Name of Appellant, if other than applicant _____

Address/Location of APPELLANT'S property: 8960-8970 SW 87 Court, Miami-Dade County, Florida

Application, or part of Application being Appealed (Explanation): Entire Appealable Application

Appellant (name): Acropolis Realty, LLC
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)

SEE EXHIBIT "A"

26

APPELLANT MUST SIGN THIS PAGE

Date: 1st day of March, year: 2004

Signed _____

Chad Williard, Esq, Attorney for Appellant
Print Name

999 Ponce de Leon Boulevard, Suite 10000
Mailing Address

Coral Gables, Florida 33134

(305) 444-1500 (305) 443-8617
Phone Fax

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

_____
Representing

_____
Signature

_____
Print Name

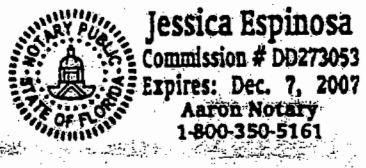
_____
Address

_____ _____ _____
City State Zip

_____
Telephone Number

Subscribed and Sworn to before me on the 1 day of March, year 2004

Jessica Espinosa
Notary Public



(stamp/seal)

Commission expires:

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

STATE OF Florida

COUNTY OF Dade

Before me the undersigned authority, personally appeared Chad Williard, Esq. (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)

X 1. Participation at the hearing
X 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

Print Name

Signature

JEFFREY M. FLANAGAN
Print Name

Appellant's signature

Chad Williard, Esq., Attorney for Appellant
Print Name

Sworn to and subscribed before me on the 1 day of March, year 2004

Appellant is personally know to me or has produced _____ as identification.

Notary
(Stamp/Seal)

Jessica Espinosa
Commission # DD273053
Expires: Dec. 7, 2007
Aaron Notary
1-800-350-5161

Commission Expires:

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

28

RESOLUTION NO. CZAB12-6-04

WHEREAS, **ACROPOLIS REALTY LLC** applied for the following:

(1) RU-5A & BU-1 to OPD

(2) DELETION of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329.

The purpose of the request is to remove an agreement from the site which limited the commercial uses and tied the BU-1 site to a plan.

(3) The applicant is requesting to permit a lot with an area of 2.94 acres. (The underlying zoning district regulation requires 3 acres including right-of-way dedication).

(4) The applicant is requesting to permit a floor area ratio of 0.94. (The underlying zoning regulation permits 0.86.

Plans are on file and may be examined in the Zoning Department entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., dated revised 9-2-03 and 10-2-03 and consisting of 8 pages. Plans may be modified at public hearing.

SUBJECT PROPERTY: The south ½ of the south ½ of the NE ¼ of the NE ¼ of the NE ¼, less the east 35' thereof and less the west 25' thereof, in Section 4, Township 55 South, Range 40 East. The south 20' of the right-of-way of S.W. 89 Terrace and the east 25' of S.W. 88 Avenue, thereof shall be added to the buildable site.

LOCATION: 8960-70 S.W. 87 Court, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time, the applicant requested a waiver of the refilling period, 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 OPD (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 should be denied, and that the requested deletion (Item #2), and the requests to permit a lot with an area of 2.94 acres (Item #3) and to permit a floor area ratio

of 0.94 (Item #4) 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 that the requested waiver of the refiling period should be granted, and

WHEREAS, a motion to deny Items #1-4 without prejudice and to grant the waiver of the refiling period was offered by Robert W. Wilcosky, seconded by Peggy Brodeur, and upon a poll of the members present the vote was as follows:

Peggy Brodeur	aye	Douglas Krueger	absent
Millie Herrera	absent	Nelson Varona	nay
		Robert W. Wilcosky	aye

Jose I. Valdes aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 12, that the requested district boundary change to OPD (Item #1) be and the same is hereby denied without prejudice.

BE IT FURTHER RESOLVED that the requested deletion (Item #2), and the requests to permit a lot with an area of 2.94 acres (Item #3) and to permit a floor area ratio of 0.94 (Item #4) be and the same are hereby denied without prejudice.

BE IT FURTHER RESOLVED that the requested waiver of the refiling period be and the same is hereby granted, and said refiling period is hereby waived.

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 10th day of February, 2004.

Hearing No. 03-11-CZ12-1
ej

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 Miami-Dade County Community Zoning Appeals Board 12, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB12-6-04 adopted by said Community Zoning Appeals Board at its meeting held on the 10th day of February, 2004.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 17th day of February, 2004.

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

SEAL

Exhibit "A"

The Community Zoning Appeals Board #12 ("CZAB #12") decision (memorialized in Resolution No. CZAB12-6-04; a copy of which is attached hereto and herein incorporated by reference) should be reversed in its entirety by the Miami-Dade County Board of County Commissioners because the decision was not supported by competent, substantial evidence.

As stated in the Department of Planning and Zoning Recommendation, which recommends approval of the entire Application (Hearing No. 01-398), the zoning request is compatible with the surrounding area's uses and zoning classifications and is consistent with the Comprehensive Development Master Plan. Moreover, all evidence entered into the record to be considered by CZAB #12 – a traffic impact study prepared by Harper Partners, Inc., as well as all comments and reports prepared by the various, reviewing agencies and departments of Miami-Dade County - supported the approval of the Application.

RESOLUTION NO. Z-100-83

The following resolution was offered by Commissioner Ruth Shack, seconded by Commissioner Barry D. Schreiber, and upon poll of members present the vote was as follows:

Barbara M. Carey	absent	Barry D. Schreiber	aye
Clara Oesterle	absent	Ruth Shack	aye
Beverly B. Phillips	absent	Jorge (George) Valdes	aye
James F. Redford, Jr.	aye	Stephen P. Clark	aye
Harvey Ruvin	absent		

WHEREAS, RAYMOND PEARLSON & ROBERT BROWDY had applied for the following.

A district boundary change from BU-5A (Semi-Professional Offices) to BU-1 (Neighborhood Business);

SUBJECT PROPERTY: The east 185' of the south 1/2 of the south 1/2 of the NE 1/4 of the NE 1/4 of the NE 1/4, less the east 35' thereof, in Section 4, Township 55 South, Range 40 East.

LOCATION: 8960 S.W. 87 Court, Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners, Dade County, Florida, was advertised and held, as required by law, and all interested parties concerned in the matter were heard, at which time the applicant's representative proffered a Declaration of Restrictions limiting the use of the subject property for office use and a commercial bank and sandwich shop, and upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change would be compatible with the neighborhood and area concerned and would not be in conflict with the principles and intent of the plan for the development of Dade County, Florida, and should be approved, subject to conditions, and the proffered covenant should be accepted;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the requested district boundary change to BU-1 be and the same is hereby approved and said property is hereby zoned accordingly, subject to the following conditions:

1. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things but be not limited thereto, location of building or buildings, type and location of signs, light standards, parking areas, exits and entrances, drainage, walls, fences. landscaping, etc.

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

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Metropolitan Dade County, Florida, the County hereby accepts the proffered Declaration of Restrictive Covenants and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable

zoning regulations.

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

PASSED AND ADOPTED this 9th day of June, 1983.

June, 1983
No. 83-3-CC-7
vp
6/10/83

DADE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS
Richard P. Brinker, Clerk

By RAYMOND [illegible]
Deputy Clerk

This resolution transmitted to the Clerk of the Board of County Commissioners on the 22nd day of June 1983.

1983 JUL -8 AM 1 -8 83R181654 1-55-40

REC 11841 PG 1328

DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS that the undersigned, being the owner, or having some right, title or interest in the following described property, lying, being and situated in Dade County, Florida, to-wit:

THE EAST 185 FT. OF S 1/2 OF S 1/2 OF NE 1/4 OF NE 1/4 OF NE 1/4 LESS EAST 35 FEET, OF SECTION 4, TOWNSHIP 55 SOUTH, RANGE 40 EAST.

in order to assure the County Commission of Dade County, Florida, that the representations made to it by the owner will be abided by, voluntarily makes the following Declaration of Restrictions covering and running with the above-described real property:

(1) That said property shall be developed substantially in accordance with the spirit and intent of the plans previously submitted, prepared by MARIANO RODRIGUEZ (ARCHITECT) entitled, OFFICE ADDITION FOR PEARLSON CENTER - INCLUDING ZONING CHANGE FOR SANDWICH SHOP IN EXISTING BUILDING. dated the 15th day of MAY, 1982.

(2) ADDITION TO BE RESTRICTED SOLELY FOR USE OF COMMERCIAL BANK.

(3) TO BE RESTRICTED SOLELY FOR SANDWICH SHOP IN EXISTING BUILDING LOCATED AT 8960 S.W. 87TH CT. MIAMI, FLA. 33176.

As further part of this agreement, it is hereby understood and agreed that any official inspector of the Dade County Building and Zoning Department, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and investigating 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.

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.

This Agreement on the part of the owner shall constitute a covenant running with the land and may be recorded in the public records of Dade County, Florida, shall remain in full force and effect and be binding upon the undersigned.

35

1983 JUL -8 3 58 83R181654 -55-40

OFF REC 11841 PG 1328

DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS that the undersigned, being the owner, or having some right, title or interest in the following described property, lying, being and situated in Dade County, Florida, to-wit:

THE EAST 185 FT. OF S 1/2 OF S 1/2 OF NE 1/4 OF NE 1/4 OF NE 1/4 LESS EAST 35 FEET OF SECTION 4, TOWNSHIP 55 SOUTH, RANGE 40 EAST.

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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.

This Agreement on the part of the owner shall constitute a covenant running with the land and may be recorded in the public records of Dade County, Florida,

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COCONUT GROVE BANK
2' SOUTH BAYSHORE DRIVE
COCONUT GROVE
MIAMI 33, FLORIDA

OFF REC 11841 PG 1330

Dade County Board of Couhty Commissioners
c/o Dade County Building & Zoning Dept.
909 S.E. First Ave.
Miami, Florida, 33131

DATE May 23, 1983

ALL DRAFTS DRAWN MUST BE MARKED:
DRAWN UNDER LETTER OF CREDIT

Nº 1763

GENTLEMEN:

OFF REC 11841 PG 1329

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 30 years from the date these covenants are recorded, after which time they shall be extended automatically for successive periods of ten years, unless an instrument signed by a majority of the, then, owner(s) of the real property has been recorded agreeing to change the covenants in whole, or in part, provided that the covenants have first been released by Dade County.

This Declaration of restrictive Covenants 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 of the fee simple title to the lands to be affected by such modification, amendment or release, provided that the same is also approved by the Board of County Commissioners or the Zoning Appeals Board of Metropolitan Dade County, Florida, (whichever by law has jurisdiction over such matters) after public hearing.

Should this Declaration of Restrictive Covenants be so modified, amended or released, the Director of the Metropolitan Dade County Building & Zoning Department, or his successor, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

Enforcement shall be by action at law or in equity against any parties or persons violating, or attempting to violate, any covenants, either to restrain violation or to recover damages. The prevailing party bringing the action, or suit, shall be entitled to recover, in addition to costs and disbursements

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 30 years from the date these covenants are recorded, after which time they shall be extended automatically for successive periods of ten years, unless an instrument signed by a majority of the, then, owner(s) of the real property has been recorded agreeing to change the covenants in whole, or in part, provided that the covenants have first been released by Dade County.

This Declaration of restrictive Covenants 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 of the fee simple title to the lands to be affected by such modification, amendment or release, provided that the same is also approved by the Board of County Commissioners or the Zoning Appeals Board of Metropolitan Dade County, Florida, (whichever by law has jurisdiction over such matters) after public hearing.

Should this Declaration of Restrictive Covenants be so modified, amended or released, the Director of the Metropolitan Dade County Building & Zoning Department, or his successor, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

Enforcement shall be by action at law or in equity against any parties or persons violating, or attempting to violate, any covenants, either to restrain violation or to recover damages. The prevailing party bringing the action, or suit, 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.

Invalidation of any one of these covenants, by judgement or Court, in no wise shall affect any of the other provisions which shall remain in full force and effect.

Signed, sealed, executed and acknowledged this 4 day of May, 1982.

WITNESSES:

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COCONUT GROVE BANK
2701 SOUTH BAYSHORE DRIVE
COCONUT GROVE
MIAMI 33, FLORIDA

OFF REC 11841 PG 1330

DATE May 23, 1983

Dade County Board of County Commissioners
c/o Dade County Building & Zoning Dept.
909 S.E. First Ave.
Miami, Florida, 33131

ALL DRAFTS DRAWN MUST BE MARKED:
DRAWN UNDER LETTER OF CREDIT

№ 1763

GENTLEMEN:

WE ARE PLEASED TO ADVISE YOU THAT WE HAVE ESTABLISHED OUR IRREVOCABLE CREDIT # 1763 IN YOUR FAVOR FOR ACCOUNT OF Raymond Pearlson, 8960 S.W. 87th Court, Miami, Florida, 33176

AVAILABLE TO THE AGGREGATE AMOUNT OF US$11,160.00 (ELEVEN THOUSAND ONE HUNDRED SIXTY AND 00/100 US DOLLARS)

BY YOUR DRAFTS DRAWN AT sight ON US AND ACCOMPANIED BY THE DOCUMENTS LISTED BELOW

1-Original Letter of Credit.
2-Certificate of the Director, Dade County Building and Zoning Dept. stating that Raymond Pearlson has failed to acquire a joinder of Mortgagee (to a Declaration of Restrictions on property described as E 185' of S½ of S½ of NE4 NE4 NE4 less the East 35 feet of section 4 Township 55 S range 40 E dated May 4, 1983), or in the alternative to pay off Mortgage No. 1403 of General American Life Insurance Co., St. Louis, Mo. on the aforedescribed property (a/k/a 8960 S.W. 87th Court, Miami, Florida), on or before July 1, 1983.

RECORDED IN OFFICIAL RECORDS BOOK OF DADE COUNTY, FLORIDA
RECORD VERIFIED
RICHARD P. BRINKER
CLERK CIRCUIT COURT

THE AMOUNT AND DATE OF EACH NEGOTIATION MUST BE ENDORSED ON THE BACK HEREOF BY THE NEGOTIATING BANK.

WE HEREBY ENGAGE WITH YOU THAT ALL DRAFTS DRAWN UNDER AND IN COMPLIANCE WITH THE TERMS OF THIS CREDIT WILL BE DULY HONORED ON DELIVERY OF DOCUMENTS AS SPECIFIED IF PRESENTED TO US ON OR BEFORE July 10, 1983.

UNLESS OTHERWISE EXPRESSLY STATED, THIS CREDIT IS SUBJECT TO THE UNIFORM CUSTOMS AND PRACTICE FOR COMMERCIAL DOCUMENTARY CREDITS FIXED BY THE THIRTEENTH CONGRESS OF THE INTERNATIONAL CHAMBER OF COMMERCE. (BROCHURE 222 - 1968 REVISION) Publication 290 of 1974

VERY TRULY YOURS,

COCONUT GROVE BANK

AUTHORIZED SIGNATURE

39

MIAMI-DADE FIRE RESCUE
Planning & Capital Improvements Bureau
ZONING COMMENTS

Hearing Number: Z01-398 Rev#2

Plans: ☑ Yes ☐ No Request: _____

Location: _____

Recommendation:
- Approved ✓
- Approved with conditions ____*
- Approved with no change from previous submittal ____
- Denial ____
- Defer to DIC comments ____

*

Estimated number of alarms generated annually by application: 22

If there is an impact, below is the service availability:

Station District 23 Grid 1829 DU/SF 81,646 Occupancy Type 3

Impact of additional calls on closest station:
- ☐ No Impact
- ☐ Minimal Impact
- ☒ Moderate Impact
- ☐ Severe Impact

Planned Service to Mitigate:

Service	Location	Year to be Completed
East Kendall 13	6000 SW. 87A	2005

☐ None

THIS REVIEW IS FOR SERVICE IMPACT AND SERVICE AVAILABILITY ONLY AND DOES NOT CONSTITUTE NOR IMPLY SITE PLAN APPROVAL.

ALL SITE PLANS MUST BE REVIEWED AND APPROVED BY THE MIAMI-DADE FIRE RESCUE FIRE WATER & ENGINEERING BUREAU LOCATED AT 11805 SW 26 ST. BASED UPON THAT REVIEW, SITE PLANS MAY NEED MODIFICATION TO COMPLY WITH LIFE-SAFETY STANDARDS.

Reviewed by: B. J. Matthews Phone: (786) 331-4542 Date: 2/25/04

Barbara J. Matthews

Revised 1/23/04 BJM

40

TEAM METRO
KENDALL OFFICE

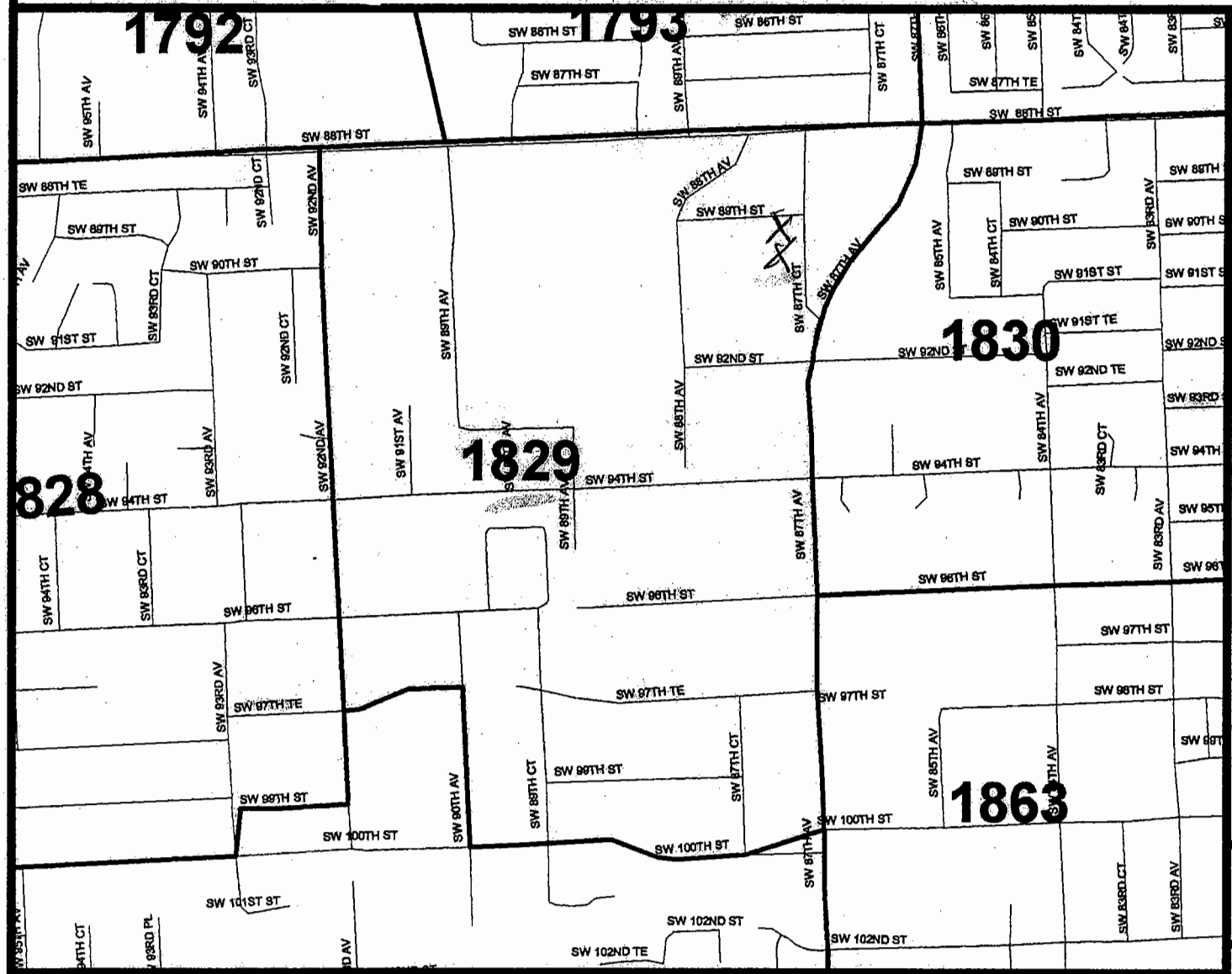
ENFORCEMENT HISTORY

Acropolis Realty, LLC	8960-8970 SW 87 Ct.
APPLICANT	**ADDRESS**
10/21/04	01-398
DATE	**HEARING NUMBER**

CURRENT ENFORCEMENT HISTORY:

7/13/04 An inspection revealed no violations. No open Team Metro cases.

Miami-Dade Police Department
Target Area - Police Grid(s): 1829
Acropolis Realty, LLC; Hearing # 01-398



Police Grids Boundaries
Boundary

0 0.08 0.16 Miles

MDPD Crime Analysis System
April 6, 2004
Data in this document represents successfully geocoded attributes.

Miar Dade Police Department
Address Query for Events occurring at 8960 SW 87 CT
For 1/1/02 Thru 2002-12-31

Miami-Dade Police Department *Crime Information Wareh*

Detail Filter: Dis.Complaint Date >= "2002-01-01" and Dis.Complaint Date < "2003-01-01" and Dis.Police District Code in ("A" , "E" , "R" , "J" , "C" , "D" , "H" , "Q" , "I" , "K" , "N" , "M" , " " , "ZZ" , "P") and Dis.Incident Address contains "8960 SW 87 CT" and Dis.Reporting Agency Code = substring ("030" , 1 , 3) and Dis.Primary Unit not contains 'SB'

Incident Address	Dis	Grid	AOP	Complaint Date	Case Number	Sig Pre	Sig Suf	Rcvd Time	Disp Time	1st Arriv Time	1st Arriv Unit
8960 SW 87 CT/# 21	K	1829	1	09/05/2002	0492531A		25A	03:40:00	03:41:00	03:47:00	K1106
8960 SW 87 CT	K	1829	1	09/05/2002	0493061A		34	11:22:00	11:28:00	11:43:00	K2503
8960 SW 87 CT/#21	K	1829	1	08/04/2002	0429413A		25A	02:41:00	02:50:00	02:55:00	K1106
8960 SW 87 CT	K	1829	2	01/25/2002		2	15	00:29:00	00:29:00	00:31:00	
8960 SW 87 CT	K	1829	2	01/25/2002			15	00:22:00	00:23:00	00:23:00	K1502
8960 SW 87 CT/#14	K	1829	1	03/05/2002			25A	08:23:00	08:28:00	08:28:00	K0000
8960 SW 87 CT #21	K	1829	1	03/21/2002			13	10:14:00	10:14:00	10:14:00	Z3304
8960 SW 87 CT STE 25	K	1829	1	04/28/2002			13	17:43:00	17:43:00	17:43:00	K3505
8960 SW 87 CT/SUITE# 25	K	1829	1	04/29/2002			15	10:37:00	10:37:00	10:43:00	
8960 SW 87 CT/STE 15	K	1829	1	06/07/2002			13	09:42:00	09:44:00	09:44:00	K2507
8960 SW 87 CT/#21	K	1829	1	08/04/2002			15	02:51:00	02:51:00	02:55:00	
8960 SW 87 CT/# 21	K	1829	1	09/05/2002			15	03:41:00	03:41:00	03:47:00	
8960 SW 87 CT/SUITE# 25	K	1829	1	04/29/2002	0233529A		14	10:29:00	10:35:00	10:43:00	K2107
8960 SW 87 CT/APT 25	K	1829	1	04/28/2002	0232186A		25A	15:43:00	16:02:00	16:13:00	K3505
8960 SW 87 CT	K	1829	2	01/25/2002	0046886A	2	49	00:22:00	00:23:00	00:23:00	K1502
8960 SW 87 CT	Q	1829	1	03/13/2002			13	09:12:00	09:12:00	09:12:00	Z3302

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Miami-Dade Police Department
Address Query for Events occurring at 8960 SW 87 CT
For 1/1/03 Thru 2003-12-31

Miami-Dade Police Department

Crime Information Wareh

Detail Filter: Dis.Complaint Date >= "2003-01-01" and Dis.Complaint Date < "2004-01-01" and Dis.Police District Code in ("A" , "E" , "R" , "J" , "C" , "D" , "H" , "Q" , "I" , "K" , "N" , "M" , " " , "ZZ" , "P") and Dis.Incident Address contains "8960 SW 87 CT" and Dis.Reporting Agency Code = substring ("030" , 1 , 3) and Dis.Primary Unit not contains 'SB'

Incident Address	Dis	Grid	AOP	Complaint Date	Case Number	Sig Pre	Sig Suf	Rcvd Time	Disp Time	1st Arriv Time
8960 SW 87 CT	K	1829	1	08/12/2003	0432313B		54	15:56:24	15:56:24	15:56:24
8960 SW 87 CT	K	1829	1	04/10/2003	0190651B		26	17:16:00	17:16:00	17:16:00
8960 SW 87 CT	K	1829	1	03/11/2003	0131611B		34	10:22:38	11:02:39	11:12:00
8960 SW 87 CT/#25	K	1829	1	02/18/2003	0092192B		25A	21:49:00	22:21:00	22:21:00
8960 SW 87 CT/#24	K	1829	1	01/17/2003	0031435B		14	15:00:00	16:40:00	16:47:00
8960 SW 87 CT	K	1829	1	01/21/2003	0038158B		18JO	12:07:00	12:09:00	12:16:00
8960 SW 87 CT/#24	K	1829	1	01/17/2003			15	16:44:00	16:44:00	16:54:00
8960 SW 87 CT/#25	K	1829	1	02/18/2003			15	22:02:00	22:02:00	22:02:00
8960 SW 87 CT/#25	K	1829	1	02/18/2003			15	22:21:00	22:21:00	22:28:00

9

Miami Dade Police Department
Address Query for Events occurring at 8970 SW 87 CT
For 1/1/02 Thru 2002-12-31

Miami-Dade Police Department

Crime Information Wareh

Detail Filter: Dis.Complaint Date >= "2002-01-01" and Dis.Complaint Date < "2003-01-01" and Dis.Police District Code in ("A" , "E" , "R" , "J" , "C" , "D" , "H" , "Q" , "I" , "K" , "N" , "M" , " " , "ZZ" , "P") and Dis.Incident Address contains "8970 SW 87 CT" and Dis.Reporting Agency Code = substring ("030" , 1 , 3) and Dis.Primary Unit not contains 'SB'

Incident Address	Dis	Grid	AOP	Complaint Date	Case Number	Sig Pre	Sig Suf	Rcvd Time	Disp Time	1st Arriv Time	1st Arriv Unit
8970 SW 87 CT.	K	1829	1	12/30/2002	0717023A		27	11:09:00	11:43:00	11:52:00	K2480
8970 SW 87 CT	K	1829	1	12/30/2002	0716943A		27	10:57:00	10:57:00	10:57:00	
8970 SW 87 CT	K	1829	1	11/22/2002	0645898A		25A	17:37:00	17:46:00	18:00:00	K3102
8970 SW 87 CT	K	1829	1	07/08/2002	0376544A		26V	21:41:00	21:41:00	21:41:00	
8970 SW 87 CT/#1	K	1829	1	05/09/2002	0255706A		25A	21:20:00	21:27:00	21:31:00	K3403
8970 SW 87 CT	K	1829	2	01/28/2002			25A	21:01:00	21:07:00	21:07:00	K0000
8970 SW 87 CT	K	1829	2	01/28/2002			15	21:30:00	21:30:00	21:30:00	
8970 SW 87 CT	K	1829	2	01/28/2002			13	21:36:00	21:36:00	21:36:00	K3207
8970 SW 87 CT	K	1829	2	01/28/2002			15	21:36:00	21:36:00	21:36:00	K3207
8970 SW 87 CT/#100	K	1829	1	04/05/2002			15	17:47:00	17:47:00	17:52:00	
8970 SW 87 CT #22	K	1829	1	04/29/2002			25A	19:48:00	19:52:00	19:52:00	K0000
8970 SW 87 CT/STE 22	K	1829	1	04/29/2002			25A	20:55:00	20:59:00	20:59:00	K0000
8970 SW 87 CT	K	1829	1	11/22/2002			15	17:46:00	17:46:00	18:00:00	
8970 SW 87 CT/STE 100	K	1829	1	05/10/2002	0256222A		25A	07:31:00	07:40:00	07:59:00	K2505
8970 SW 87 CT/#100	K	1829	1	04/05/2002	0186323A		25A	17:44:00	17:47:00	17:52:00	K3100
8970 SW 87 CT	K	1829	2	01/28/2002	0054415A		25A	21:24:00	21:25:00	21:25:00	K3207

16

Miami-Dade Police Department
Address Query for Events occurring at 8970 SW 87 CT
For 1/1/03 Thru 2003-12-31

Miami-Dade Police Department *Crime Information Wareh*

Detail Filter: Dis.Complaint Date >= "2003-01-01" and Dis.Complaint Date < "2004-01-01" and Dis.Police District Code in ("A", "E", "R", "J", "C", "D", "H", "Q", "I", "K", "N", "M", " ", "ZZ", "P") and Dis.Incident Address contains "8970 SW 87 CT" and Dis.Reporting Agency Code = substring ("030", 1, 3) and Dis.Primary Unit not contains 'SB'

Incident Address	Dis	Grid	AOP	Complaint Date	Case Number	Sig Pre	Sig Suf	Rcvd Time	Disp Time	1st Arriv Time	1st Arriv Unit
8970 SW 87 CT	K	1829	1	11/03/2003			13	15:30:46	15:30:46	15:30:46	Z4503

1

Mia ·Dade Police Department
Summarized Grid Information By Signal
For 1/1/02 Thru 2002-12-31

Detail Filter: (Dis.Complaint Date >= "2002-01-01" and Dis.Complaint Date < "2003-01-01") and (Dis.Grid in ("1829")) and (Dis.Signal Code in ("13" , "14" , "15" , "16" , "17" , "18" , "19" , "20" , "21" , "22" , "23" , "24" , "25" , "26" , "27" , "28" , "29" , "30" , "31" , "32" , "33" , "34" , "35" , "36" , "37" , "38" , "39" , "40" , "41" , "42" , "43" , "44" , "45" , "46" , "47" , "48" , "49" , "50" , "51" , "52" , "53" , "54" , "55")) and (Dis.Primary Unit not contains '0000') and (Dis.Primary Unit not contains 'SB') and (Dis.Reporting Agency Code = substring ("030" , 1 , 3))

Grid	Signal Code	Signal Description	Total
1829	13	SPECIAL INFORMATION/ASSIGNMENT	135
	14	CONDUCT INVESTIGATION	226
	15	MEET AN OFFICER	572
	16	D.U.I.	1
	17	TRAFFIC ACCIDENT	93
	18	HIT AND RUN	30
	19	TRAFFIC STOP	82
	20	TRAFFIC DETAIL	17
	21	LOST OR STOLEN TAG	7
	22	AUTO THEFT	38
	25	BURGLAR ALARM RINGING	118
	26	BURGLARY	50
	27	LARCENY	59
	28	VANDALISM	18
	29	ROBBERY	4
	30	SHOOTING	3
	32	ASSAULT	74
	33	SEX OFFENSE	8
	34	DISTURBANCE	94
	36	MISSING PERSON	10
	37	SUSPICIOUS VEHICLE	5
	38	SUSPICIOUS PERSON	15

I mi-Dade Police Departme
Summarized Grid Information By Signal
For 1/1/02 Thru 2002-12-31

Detail Filter: (Dis.Complaint Date >= "2002-01-01" and Dis.Complaint Date < "2003-01-01") and (Dis.Grid in ("1829")) and (Dis.Signal Code in ("13" , "14" , "15" , "16" , "17" , "18" , "19" , "20" , "21" , "22" , "23" , "24" , "25" , "26" , "27" , "28" , "29" , "30" , "31" , "32" , "33" , "34" , "35" , "36" , "37" , "38" , "39" , "40" , "41" , "42" , "43" , "44" , "45" , "46" , "47" , "48" , "49" , "50" , "51" , "52" , "53" , "54" , "55")) and (Dis.Primary Unit not contains '0000') and (Dis.Primary Unit not contains 'SB') and (Dis.Reporting Agency Code = substring ("030" , 1 , 3))

Grid	Signal Code	Signal Description	Total
1829.	39	PRISONER	7
	41	SICK OR INJURED PERSON	50
	43	BAKER ACT	2
	44	ATTEMPTED SUICIDE	4
	45	DEAD ON ARRIVAL	100
	49	FIRE	8
	52	NARCOTICS INVESTIGATION	3
	54	FRAUD	21

Total Signals for Grid 1829 : 1854

Total Reported: 1164 Total Not Reported: 690

Total for All Grids : 1854

Mia -Dade Police Department
Summarized Grid Information By Signal
For 1/1/03 Thru 2003-12-31

Detail Filter: (Dis.Complaint Date >= "2003-01-01" and Dis.Complaint Date < "2004-01-01") and (Dis.Grid in ("1829")) and (Dis.Signal Code in ("13" , "14" , "15" , "16" , "17" , "18" , "19" , "20" , "21" , "22" , "23" , "24" , "25" , "26" , "27" , "28" , "29" , "30" , "31" , "32" , "33" , "34" , "35" , "36" , "37" , "38" , "39" , "40" , "41" , "42" , "43" , "44" , "45" , "46" , "47" , "48" , "49" , "50" , "51" , "52" , "53" , "54" , "55")) and (Dis.Primary Unit not contains '0000') and (Dis.Primary Unit not contains 'SB') and (Dis.Reporting Agency Code = substring ("030" , 1 , 3))

Grid	Signal Code	Signal Description	Total
1829	13	SPECIAL INFORMATION/ASSIGNMENT	145
	14	CONDUCT INVESTIGATION	251
	15	MEET AN OFFICER	561
	16	D.U.I.	5
	17	TRAFFIC ACCIDENT	107
	18	HIT AND RUN	33
	19	TRAFFIC STOP	54
	20	TRAFFIC DETAIL	14
	21	LOST OR STOLEN TAG	11
	22	AUTO THEFT	24
	25	BURGLAR ALARM RINGING	116
	26	BURGLARY	49
	27	LARCENY	64
	28	VANDALISM	8
	29	ROBBERY	5
	32	ASSAULT	74
	33	SEX OFFENSE	8
	34	DISTURBANCE	94
	36	MISSING PERSON	11
	37	SUSPICIOUS VEHICLE	3
	38	SUSPICIOUS PERSON	8
	39	PRISONER	7

I ami-Dade Police Departme
Summarized Grid Information By Signal
For 1/1/03 Thru 2003-12-31

Detail Filter: (Dis.Complaint Date >= "2003-01-01" and Dis.Complaint Date < "2004-01-01") and (Dis.Grid in ("1829")) and (Dis.Signal Code in ("13" , "14" , "15" , "16" , "17" , "18" , "19" , "20" , "21" , "22" , "23" , "24" , "25" , "26" , "27" , "28" , "29" , "30" , "31" , "32" , "33" , "34" , "35" , "36" , "37" , "38" , "39" , "40" , "41" , "42" , "43" , "44" , "45" , "46" , "47" , "48" , "49" , "50" , "51" , "52" , "53" , "54" , "55")) and (Dis.Primary Unit not contains '0000') and (Dis.Primary Unit not contains 'SB') and (Dis.Reporting Agency Code = substring ("030" , 1 , 3))

Grid	Signal Code	Signal Description	Total
1829	41	SICK OR INJURED PERSON	62
	43	BAKER ACT	4
	44	ATTEMPTED SUICIDE	4
	45	DEAD ON ARRIVAL	113
	47	BOMB OR EXPLOSIVE ALERT	5
	49	FIRE	3
	52	NARCOTICS INVESTIGATION	2
	54	FRAUD	10

Total Signals for Grid 1829 : 1855

Total Reported: 1169 Total Not Reported: 686

Total for All Grids : 1855

MIAMI-DADE POLICE DEPARTMENT
t I and Part II Crimes w/o AOA
Reporting Agency: MDPD
From 1/1/02 Thru 1/1/03
YEAR: 2002

Prompt Variable Used: All County: N

Grid(s): 1829

PART I Crimes	Total Crimes
110A - RAPE	3
130A - AGGRAVATED ASSAULT	10
2200 - BURGLARY	10
230A - POCKET PICKING	1
230D - SHOPLIFTING FROM BUILDING	1
230F - SHOPLIFTING FROM A MOTOR VEHICLE	40
230G - SHOPLIFTING ALL OTHERS	52
2400 - MOTOR VEHICLE THEFT	24

MIAMI-DADE POLICE DEPARTMENT
Part I and Part II Crimes w/o AC
Reporting Agency: MDPD
From 1/1/02 Thru 1/1/03
YEAR: 2002

Prompt Variable Used: All County: N

Grid(s): 1829

PART II Crimes	Total Crimes
130B - SIMPLE ASSAULT	18
350A - NARCOTIC BUY/SELL/POSS/IMPORT/MANUF	4
260A - FRAUD CON/SWINDLE/FALSE PRET.	5
260D - IMPERSONATION	5

Grand Total: 173

Detail Filter: OI.Incident From Date Time >= "2002-01-01" and OI.Incident From Date Time < "2003-01-01" and OI.Offense.Ucr Code in ('090A' , '1200' , '130A' , '130D' , '2200' , '230A' , '230B' , '230C' , '230D' , '230E' , '230F' , '230G' , '2400' , '090C' , '130B' , '130E' , '350A' , '350B' , '5100' , '2700' , '260A' , '260B' , '260D' , '260E' , '260F' , '1000' , '2000' , '110A' , '110B' , '110C') and OI.Aoa Agency Code = '000' and OI.Clearance Type Description <> 'UNFOUNDED' and OI.Report Written YN = 'Y' and (All County = 'Y' or All County = 'N' and OI.Grid in ("1829")) and OI.Reporting_Agency_Code = "030"

Miami-Dade Police Department

MIAMI-DADE POLICE DEPARTMENT
't I and Part II Crimes w/o AOA
Reporting Agency: MDPD
From 1/1/03 Thru 1/1/04
YEAR: 2003

Crime Information Warehouse

Prompt Variable Used: All County: N

Grid(s): 1829

PART I Crimes	Total Crimes
110A - RAPE	1
1200 - ROBBERY	2
130A - AGGRAVATED ASSAULT	5
2200 - BURGLARY	7
230F - SHOPLIFTING FROM A MOTOR VEHICLE	38
230G - SHOPLIFTING ALL OTHERS	56
2400 - MOTOR VEHICLE THEFT	14

MIAMI-DADE POLICE DEPARTMENT
Part I and Part II Crimes w/o AO
Reporting Agency: MDPD
From 1/1/03 Thru 1/1/04
YEAR: 2003

Prompt Variable Used: All County: N

Grid(s): 1829

PART II - Crimes	Total Crimes
130B - SIMPLE ASSAULT	19
130E - SIMPLE STALKING	2
350A - NARCOTIC BUY/SELL/POSS/IMPORT/MANUF	2
260A - FRAUD CON/SWINDLE/FALSE PRET.	4
260B - FRAUD CREDIT CARD/ATM	2
260D - IMPERSONATION	7

Grand Total: 159

Detail Filter: OI.Incident From Date Time >= "2003-01-01" and OI.Incident From Date Time < "2004-01-01" and OI.Offense.Ucr Code in ('090A' , '1200' , '130A' , '130D' , '2200' , '230A' , '230B' , '230C' , '230D' , '230E' , '230F' , '230G' , '2400' , '090C' , '130B' , '130E' , '350A' , '350B' , '5100' , '2700' , '260A' , '260B' , '260D' , '260E' , '260F' , '1000' , '2000' , '110A' , '110B' , '110C') and OI.Aoa Agency Code = '000' and OI.Clearance Type Description <> 'UNFOUNDED' and OI.Report Written YN = 'Y' and (All County = 'Y' or All County = 'N' and OI.Grid in ("1829")) and OI.Reporting_Agency_Code = "030"

DISCLOSURE OF INTEREST*

If the property which is the subject of the application is owned or leased by a CORPORATION, list the principal stockholders and the percentage of stock owned by each. [Note: Where the principal officers or stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

ACROPOLIS REALTY, L.L.C.
CORPORATION NAME

NAME, ADDRESS AND OFFICE	Percentage of Stock
PED INVESTMENTS LIMITED	100%

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: Where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUST NAME

NAME AND ADDRESS	Percentage of Interest

DISCLOSURE OF INTEREST*

If the property which is the subject of the application is owned or leased by a CORPORATION, list the principal stockholders and the percentage of stock owned by each. [Note: Where the principal officers or stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

PED INVESTMENTS LIMITED
CORPORATION NAME

NAME, ADDRESS AND OFFICE	Percentage of Stock
Pablo Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	49 1/2 %
Elizabeth Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	49 1/2 %
PED HOLDINGS, INC.	1 %

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: Where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUST NAME

NAME AND ADDRESS	Percentage of Interest

DISCLOSURE OF INTEREST*

If the property which is the subject of the application is owned or leased by a CORPORATION, list the principal stockholders and the percentage of stock owned by each. [Note: Where the principal officers or stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

PED HOLDINGS, INC.
CORPORATION NAME

NAME, ADDRESS AND OFFICE	Percentage of Stock
Pablo Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	50%
Elizabeth Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	50%

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: Where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUST NAME

NAME AND ADDRESS	Percentage of Interest

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

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

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

Signature: _____

(Applicant) Pablo Delgado, President

Sworn to and subscribed before me,

this 10 day of October, 2001

(SEAL)

Elizabeth R. Cárdenas
Notary Public, State of Florida at Large

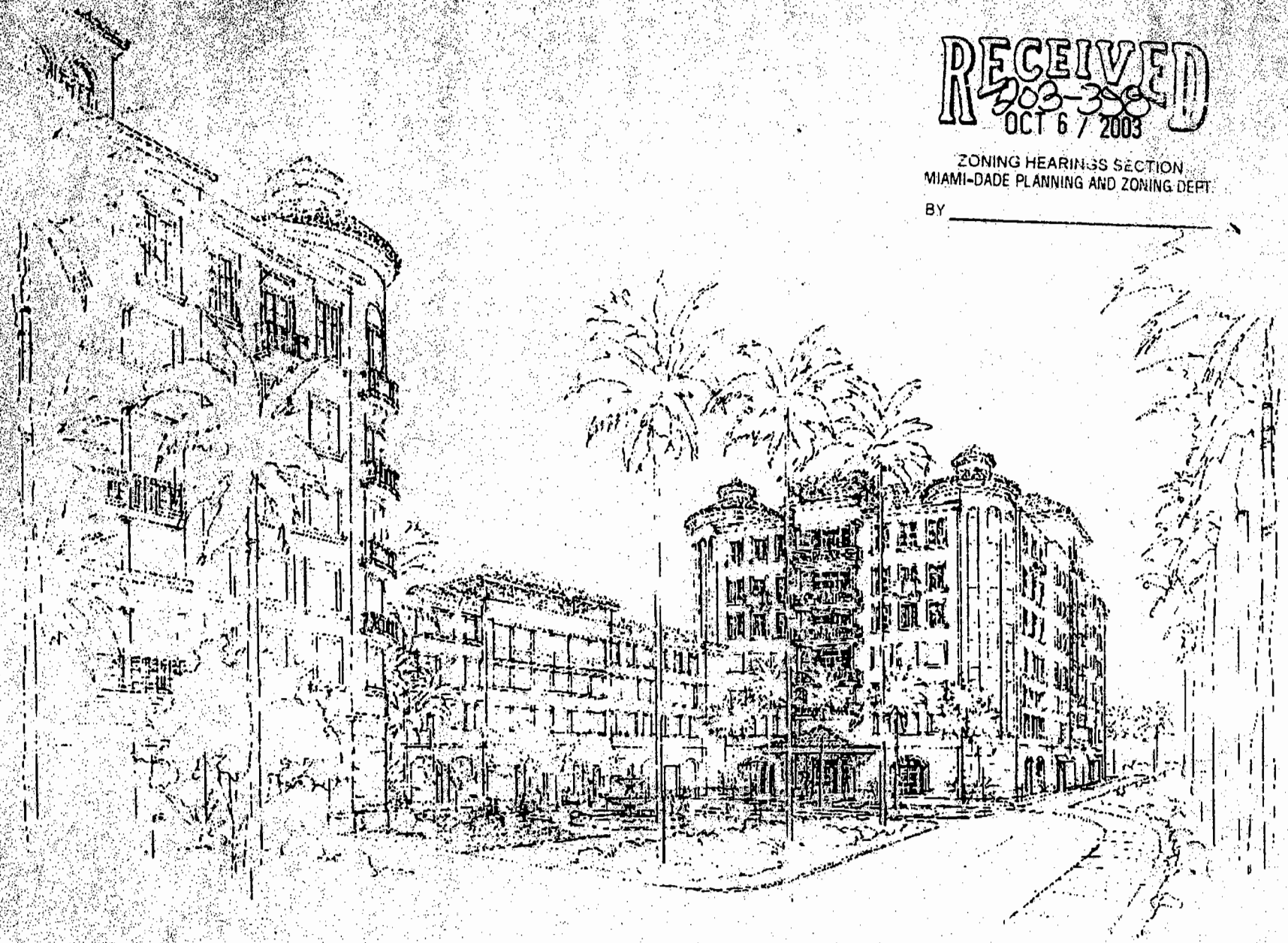
ELIZABETH P. CARDENAS
MY COMMISSION # CC 994093
EXPIRES: January 16, 2005
Bonded Thru Notary Public Underwriters

My Commission Expires:

*Disclosure shall not be required of any entity, the equity interests in which are regularly traded on an established securities market in the United States or other country; or of any entity, the ownership interests of which are held in a limited partnership consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interest in the limited partnership.

59

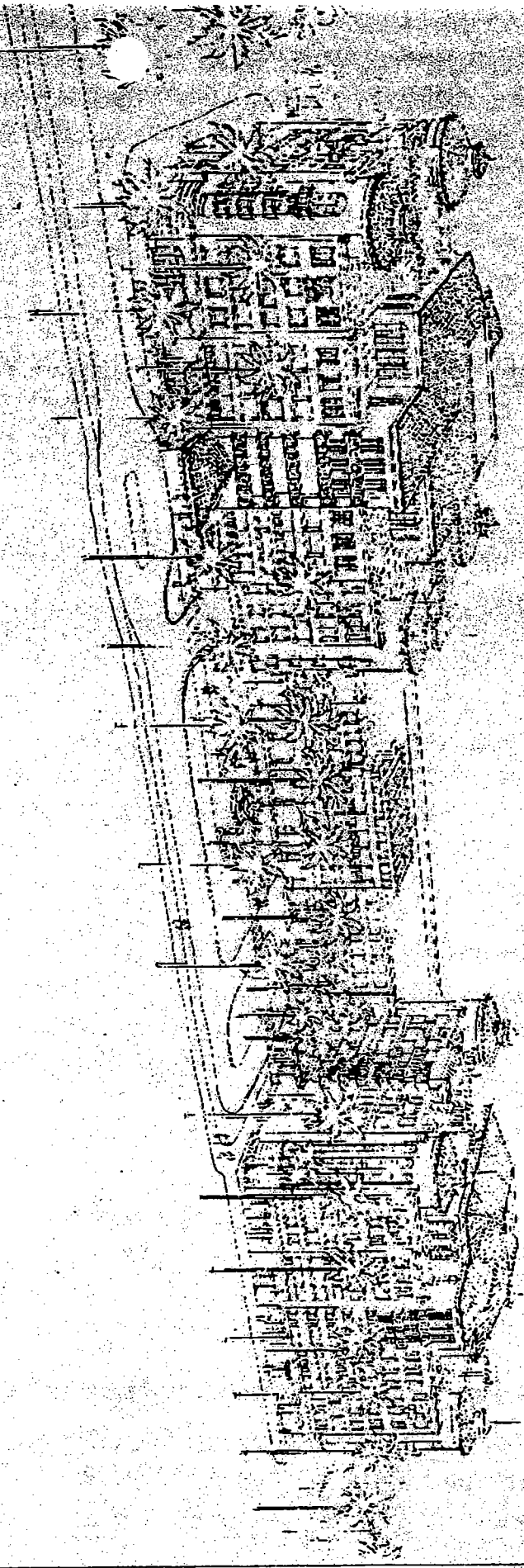
RECEIVED
203-398
OCT 6 / 2003
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____



FULLERTON DIAZ ARCHITECTS INC.

AGORA PROFESSIONAL BUILDING

8960 SW 87TH COURT MIAMI, FLORIDA 33176



FULLERTON DIAZ ARCHITECTS INC.

Agora Professional Building

[illegible] SW 8TH COURT MIAMI, FLORIDA [illegible]

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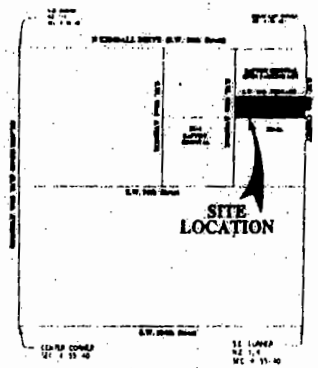


LOCATION MAP
N.E. 1/4 OF SECTION 4-55-40
MIAMI-DADE COUNTY, FLORIDA
(NOT TO SCALE)

AGORA PROFESSIONAL BUILDING
SITE DATA LEGEND

ZONING AUTHORITY :	METROPOLITAN DADE COUNTY, FLORIDA
EXISTING ZONING CLASSIFICATION :	BU-1A (SEMI-PROFESSIONAL OFFICE DISTRICT) BU-1 (NEIGHBORHOOD BUSINESS DISTRICT)
DESIGNATED ZONING CLASSIFICATION :	OPD (OFFICE PARK DISTRICT)
PROPERTY ADDRESS :	8940 SW 87 TH COURT MIAMI, FLORIDA 33176
FLOOD CRITERIA :	FLOOD ZONE " AE" B.F.E. 8'
NAME OF WATER AND SEWER UTILITIES:	MIAMI DADE COUNTY WATER AND SEWER
PROPOSED PRINCIPAL USE:	MEDICAL OFFICE BUILDING
LAND AREA INCLUDING R.O.W.	138,047.38 SF. OR 3.04 ACRES (MINIMUM REQUIRED = 5 ACRES)
LOT FRONTAGE (@ SW 87 TH COURT)	202.82' (MINIMUM REQUIRED =100)
HEIGHT OF BUILDING:	ALLOWED : (8 STORY) 100' MAX. PROVIDED: (6 STORY) 69' 0" TO THE TOP OF THE ROOF
SET BACKS	REQUIRED : 50 FRONT, 15' SIDES AND REAR PROVIDED : 50 FRONT@ SW 87TH COURT, 15 SIDES AND REAR
PROPOSED BUILDING LOT COVERAGE:	30,891 SF. OR 46 % OF SITE
PROPOSED PAVED STREETS AREA:	17,311 SF. OR 13.69 % OF SITE
LANDSCAPED OPEN SPACE :	REQUIRED: 46 % OF SITE - OR 138,047.38 X 0.46 = 30,915 sf 50% REQUIRED AT GROUND FLOOR: 30,915 X 0.50 = 47129 sf PROVIDED: 50 % OF SITE OR 64,390 sf OPEN SPACE AT GROUND FLOOR : 51,308 sf OPEN SPACE AT 5TH LEVEL : 663 sf OPEN SPACE AT 7TH LEVEL ROOF : 3,394 sf OPEN SPACE AT 8TH LEVEL ROOF : 4,044 sf REFER TO LANDSCAPE DRAWINGS FOR GREEN AREA AND EXISTING TREE INFORMATION
F.A.R.	ALLOWED: 110,139 sf 0.80 % OF SITE FOR 8 STORY OR (138,047X 0.80) PROVIDED: 111, 157 sf 0.80 % OF SITE ; 10 % OVER ALLOWED FAR
F.A.R. BREAK DOWN	LEVEL 1 15,155 sf LEVEL 2 16,908 sf LEVEL 3 16,363 sf LEVEL 4 15,753 sf LEVEL 5 4,799 sf
OFF STREET PARKING	REQUIRED : 404 PARKING SPACES (OFFICE : 1/ 300 sf) PROVIDED: 375 PARKING SPACES (OFFICE : 1/ 310 sf) (MIN. 8'-6" W. X 18'-0" L.)

OWNER	ACROPOLIS REALTY, LLC 9130 N. KENDALL DRIVE SUITE 403 MIAMI, FLORIDA 33176 PH: (305) 270-7999 FAX: (305) 301-270-6701
ARCHITECT	FULLERTON DIAZ ARCHITECTS 346 ALTARA AVENUE CORAL GABLES, FL 33146 PH: (305) 442-4200 FAX: (305) 501-444-0042
LANDSCAPE	MARIANO CORRAL & ASSOCIATES 1995 S.W. 110 th AVENUE MIAMI, FL. 33165 PH: (305) 551-1262 FAX: (305) 551-3081
SURVEYOR	ALBERTO LORENZO-LUCACHI 933 SW 122nd AVENUE MIAMI, FL 33184 PH: (305) 220-6397 FAX: (305) 226-6403

INDEX OF DRAWINGS

ARCHITECTURE

COVER SHEET, PERSPECTIVE

A-0 PERSPECTIVE

A-1 SITE PLAN, LEGEND, LEGAL DESCRIPTION & LOCATION MAP

A-2 GROUND, 2ND, 3RD & 4TH FLOOR PLANS

A-3 5TH AND 6TH FLOOR PLANS

A-4 7TH & 8TH FLOOR PLANS

A-5 NORTH ELEVATIONS

A-6 EAST ELEVATIONS

LANDSCAPE

LP-1 SITE LANDSCAPE PLAN (LEVEL 1)

LP-2 PLANTER LANDSCAPE (LEVEL 5, 7, 8)

LEGAL DESCRIPTION

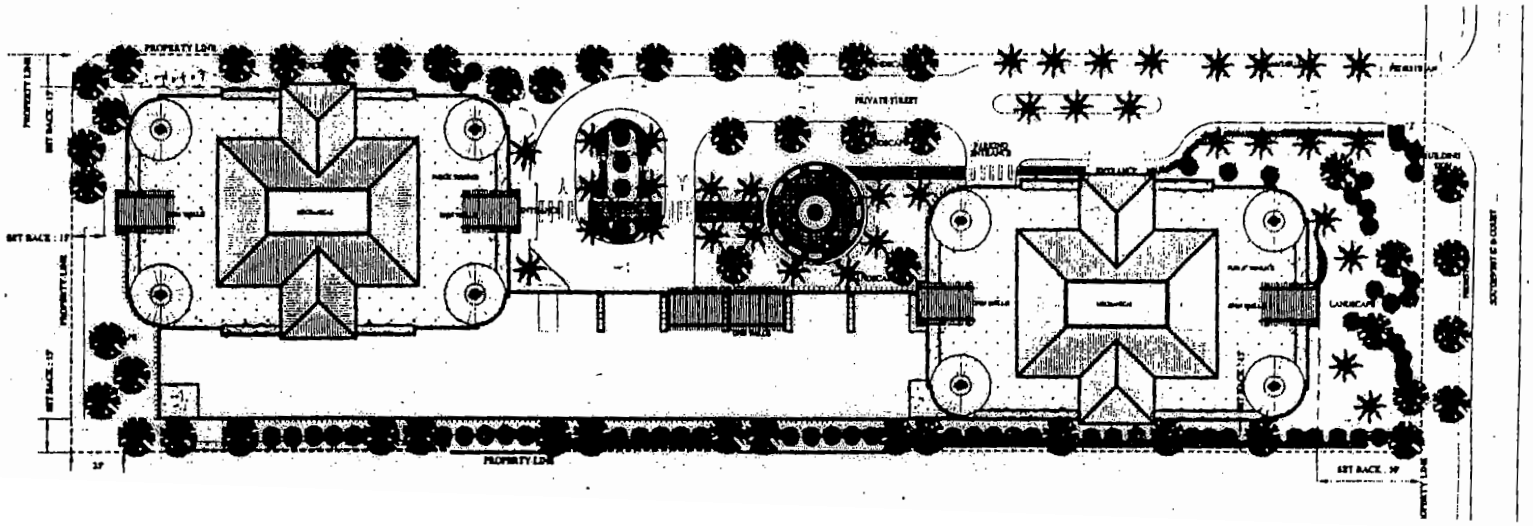
The South 1/2 of the South 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4, less the East 25 feet thereof in Section 4, Township 55 South, Range 40 East, Miami-Dade County, Florida.

TOGETHER WITH:

The South 25.00 feet of the North 1/2, of the South 1/2, of the Northeast 1/4, of the Northeast 1/4, of the Northeast 1/4, of Section 4, Township 55 South, Range 40 East, Miami-Dade County, Florida, lying and being more fully described as follows: Commence at the South 1/4, of the South 1/2, of the Northeast 1/4, of the Northeast 1/4, of the Northeast 1/4, of Section 4, Township 55 South, Range 40 East, Miami-Dade County, Florida, thence run North 88°-56'-00" West along the South line of the said South 1/2, of the South 1/2, of the Northeast 1/4, of the Northeast 1/4, of the Northeast 1/4, of Section 4, for a distance of 25.00 feet to the POINT OF BEGINNING of the parcel of land herein described; thence run North 00°-00'-00" East along a line parallel with the East line of the South 1/2, of the South 1/2, of the Northeast 1/4, of the Northeast 1/4, of the Northeast 1/4, of Section 4, for a distance of 25.00 feet; thence run North 88°-56'-00" West along a line parallel with the South line of the South 1/2, of the South 1/2, of the Northeast 1/4, of the Northeast 1/4, of the Northeast 1/4, of Section 4, for a distance of 1,344.66 feet to a point of intersection with a line parallel to and 40.00 feet West of the East line of the South 1/2, of the South 1/2, of the Northeast 1/4, of the Northeast 1/4, of the Northeast 1/4, of Section 4; thence run South 00°-00'-00" West along said parallel line for a distance of 25.00 feet to the South line of the South 1/2, of the South 1/2, of the Northeast 1/4, of the Northeast 1/4, of the Northeast 1/4, of Section 4; thence run South 88°-56'-00" East along said South line of the South 1/2, of the South 1/2, of the Northeast 1/4, of the Northeast 1/4, of the Northeast 1/4, of Section 4, for a distance of 1,344.66 feet to a point of intersection with a line parallel to and 25.00 feet West of the East line of the South 1/2, of the South 1/2, of the Northeast 1/4, of the Northeast 1/4, of the Northeast 1/4, of Section 4; thence run South 00°-00'-00" East along said parallel line for a distance of 25.00 feet to the POINT OF BEGINNING.

LESS:

The East 25.00 feet of the South 25.00 feet of the North 1/2, of the South 1/2, of the Northeast 1/4, of the Northeast 1/4, of the Northeast 1/4, of Section 4, Township 55 South, Range 40 East, Miami-Dade County, Florida.



FULLERTON DIAZ ARCHITECTS INC

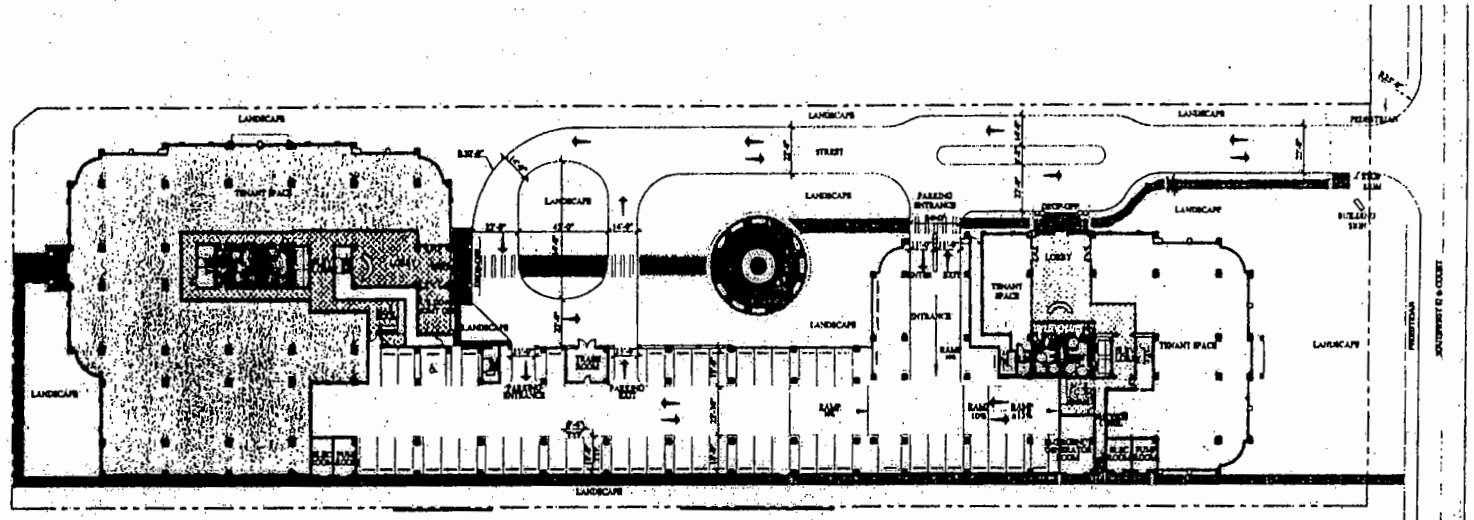
Agora Professional Building

8940 SW 87th COURT MIAMI, FLORIDA 33176

PLANS / LEGEND
LOCATION MAP

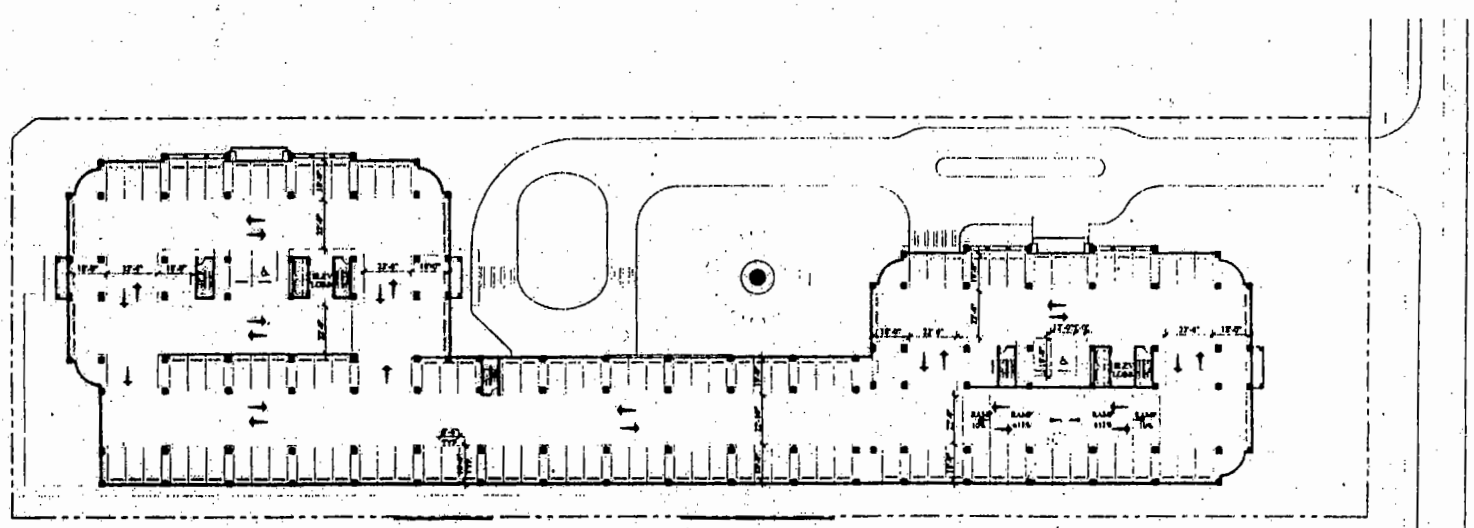
61

1-209



1ST FLOOR PLAN (GROUND LEVEL)

SCALE: 1/30"=1'-0"



2nd, 3rd,& 4th FLOOR PLAN-TYPICAL

SCALE: 1/30"=1'-0"

FULLERTON DIAZ ARCHITECTS INC

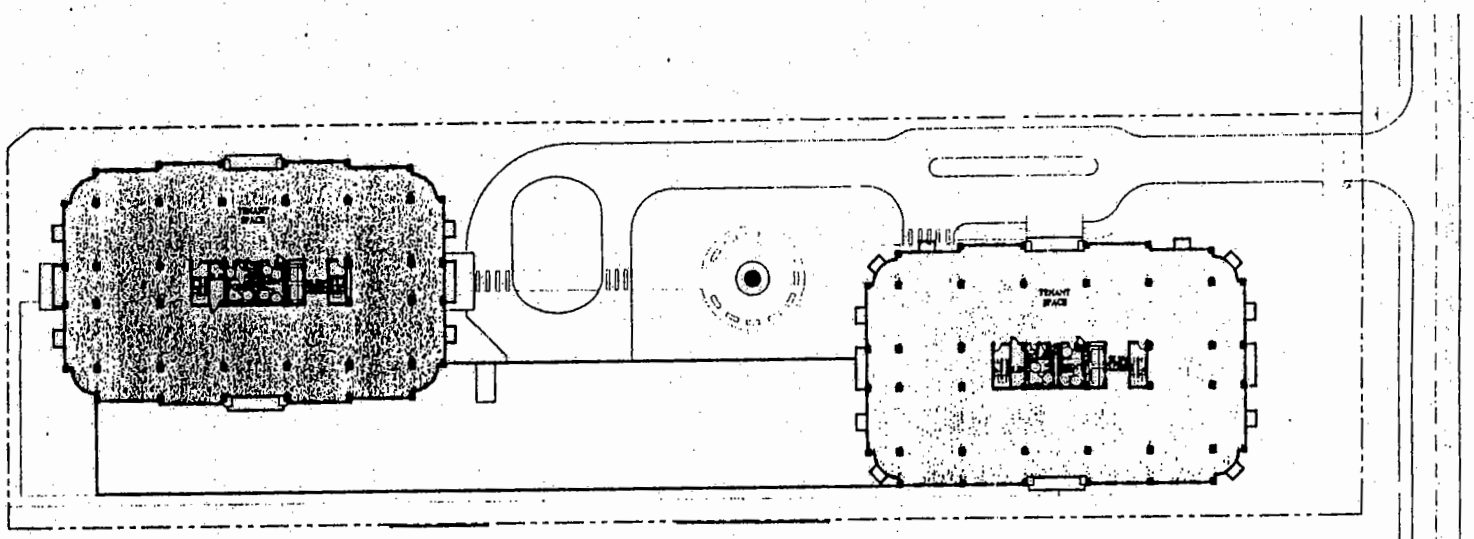
Architecture
Interior Design
Planning

Agora Professional Building

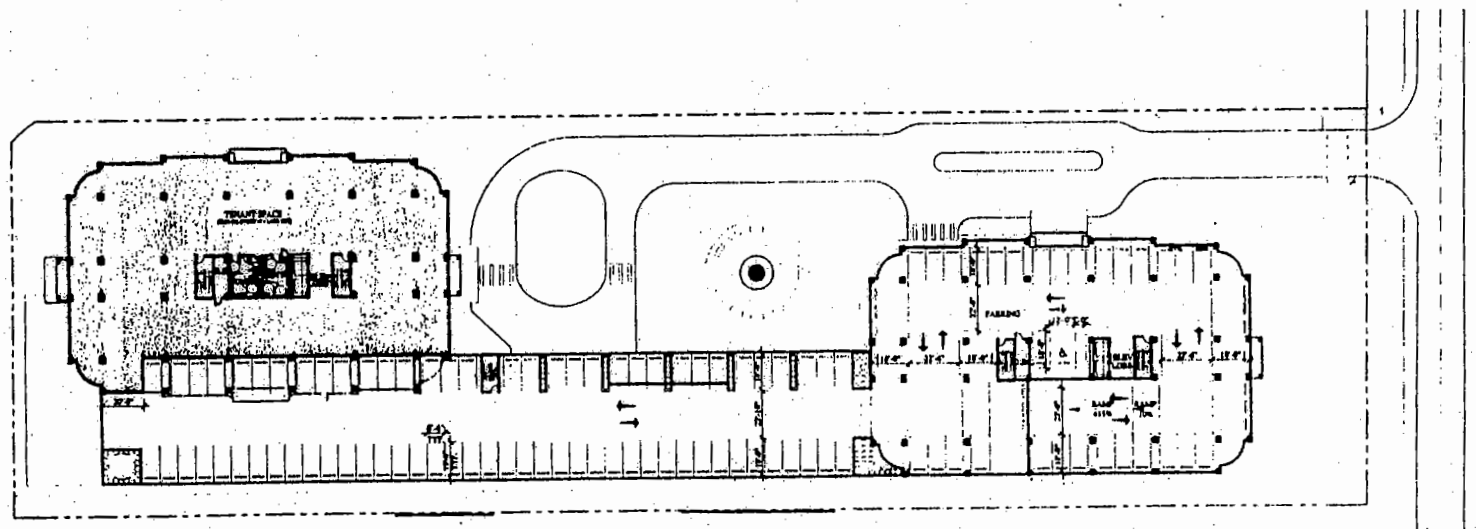
[1] & 4TH FLOOR PLANS

A-2

01-398



6TH FLOOR PLAN
SCALE: 1/30"=1'-0"



5 TH FLOOR PLAN
SCALE: 1/30"=1'-0"

FULLERTON DIAZ ARCHITECTS INC.

Agora Professional Building

FULLERTON DIAZ ARCHITECTS INC.
Architecture
Interior Design
Planning

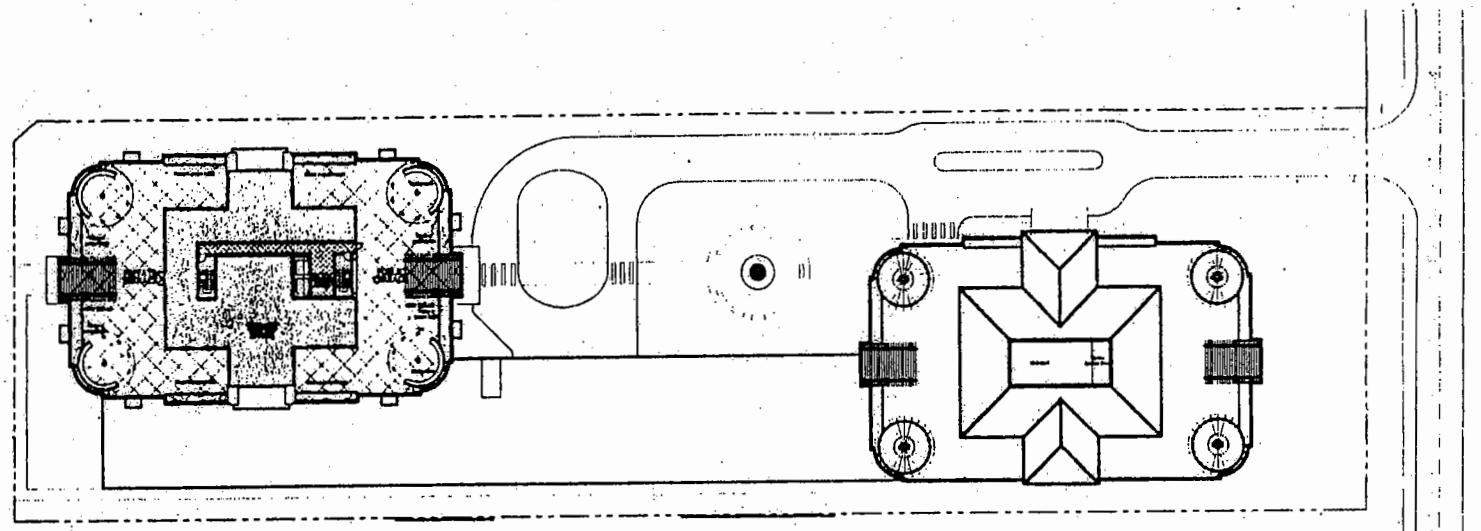
Drawing Title
5TH & 6TH FLOOR PLANS

Revisions

No.	Description	Date
1	[illegible]	[illegible]
2	[illegible]	[illegible]

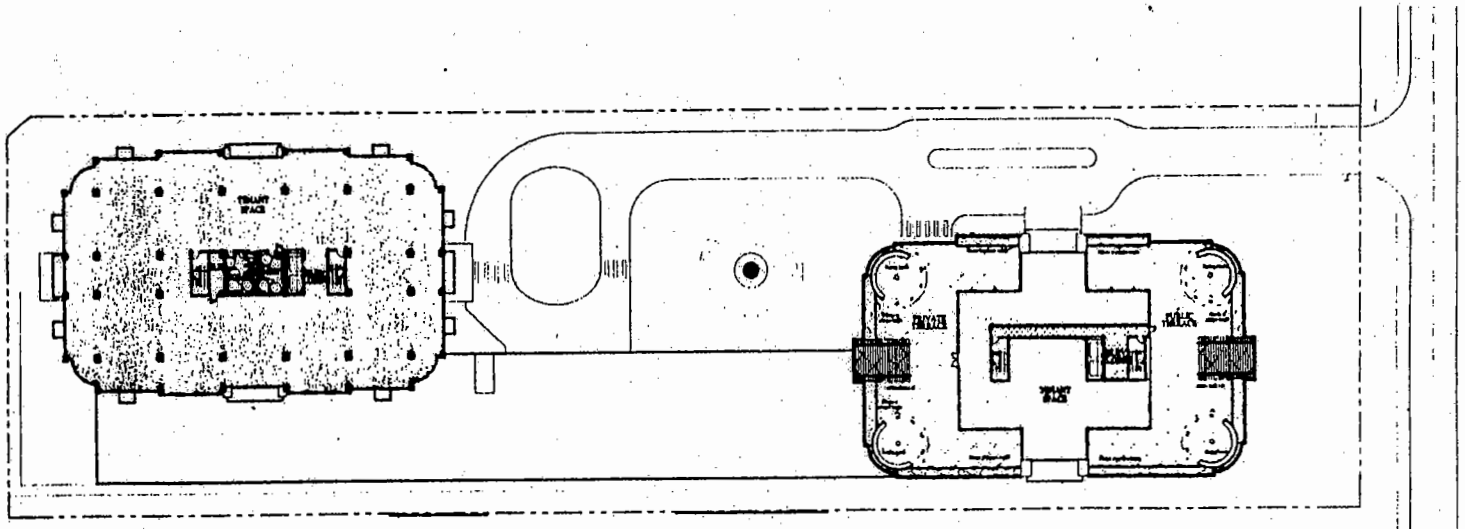
Sheet Number

A-3



8 TH FLOOR PLAN

SCALE: 1/30"=1'-0"



7TH FLOOR PLAN

SCALE: 1/30"=1'-0"

FULLERTON DIAZ ARCHITECTS INC.

Architecture
Interior Design
Planning

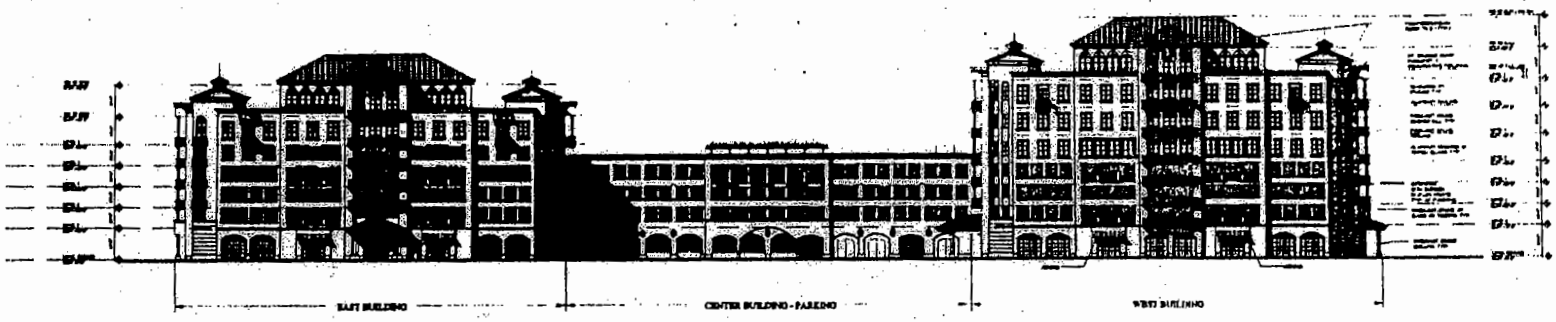
FULLERTON DIAZ ARCHITECTS INC.

Agora Professional Building

7TH & 8TH FLOOR PLANS

A-4

64



1 NORTH ELEVATION
SCALE: 1/50"=1'-0"

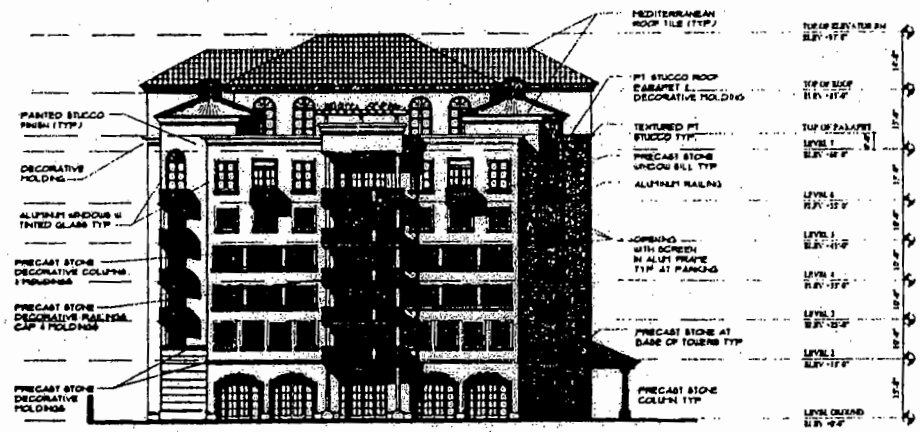
2 NORTH ELEVATION - EAST BUILDING
SCALE: 1/16"=1'-0"

3 NORTH ELEVATION- CENTER AND WEST BUILDING
SCALE: 1/16"=1'-0"

FULLERTON DIAZ ARCHITECTS INC.

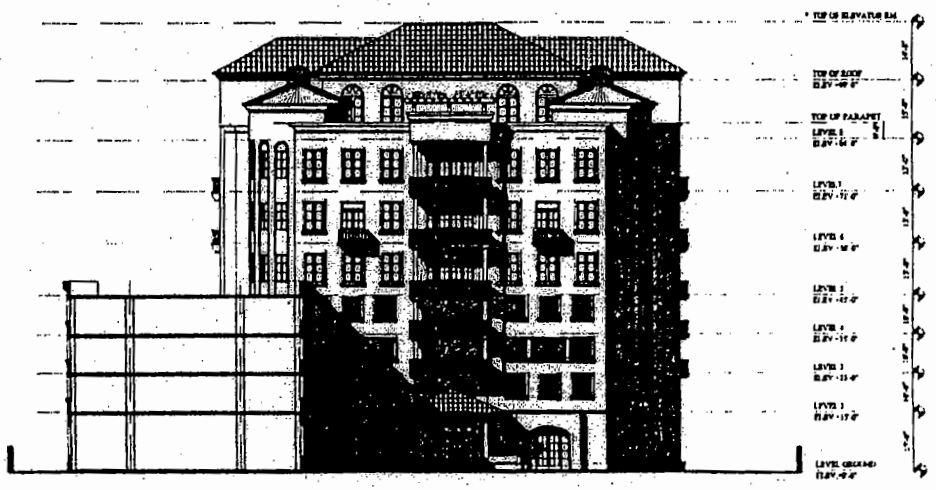
Agora Professional Building

A-5



1 EAST ELEVATION - PHASE I

SCALE: 1/16"=1'-0"



2 EAST ELEVATION- PHASE II

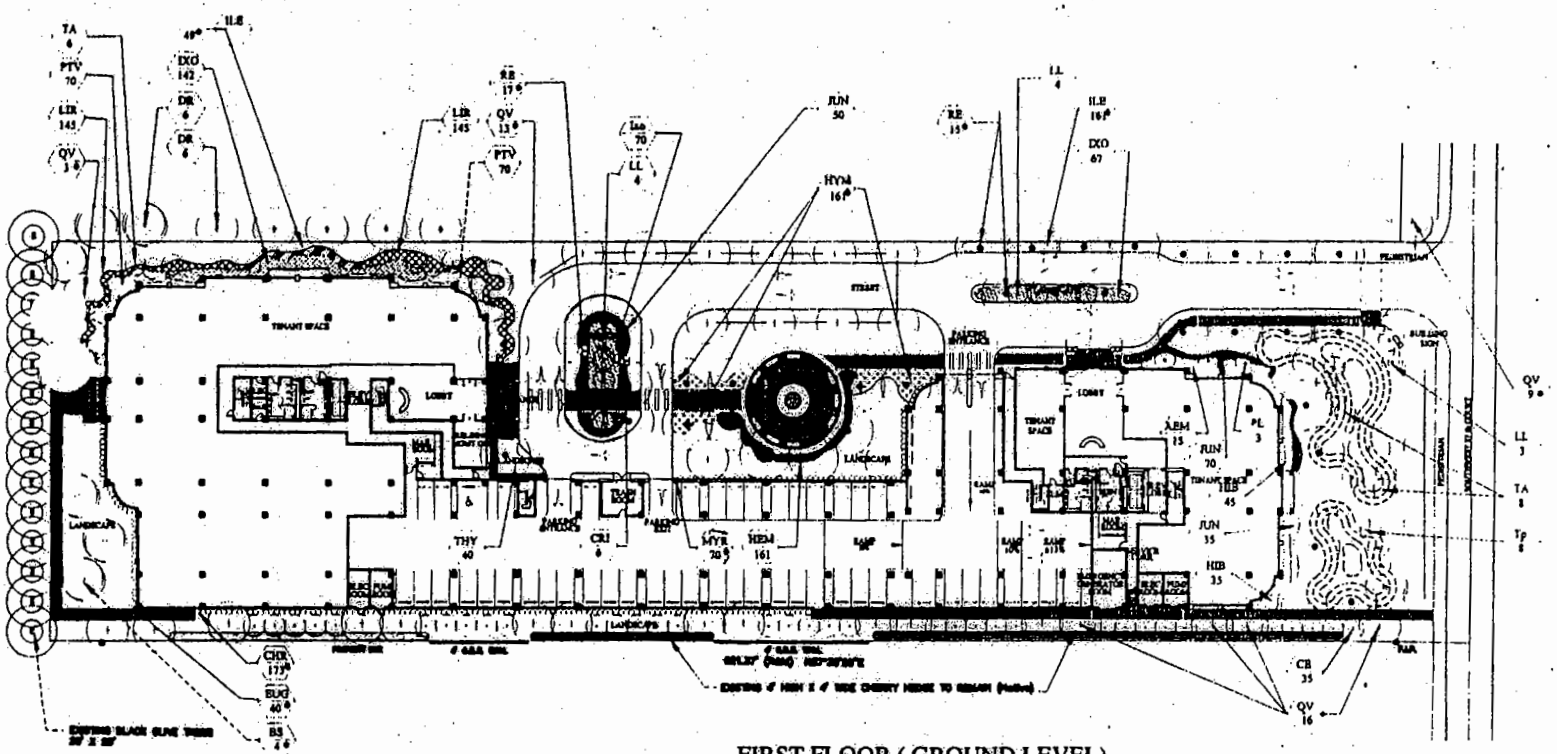
SCALE: 1/16"=1'-0"

FULLERTON DIAZ ARCHITECTS INC.

Agora Professional Building

PHASE I & II
EAST ELEVATIONS

A-6



FIRST FLOOR (GROUND LEVEL)

SCALE: 1" = 30'

PLANT LIST:

SYMBOL	SCIENTIFIC NAME / COMMON NAME	QTY.	SIZE	SPACING / REMARKS		H, M, L	H, M, L
	SHADE TREES AND PALM TREES					HIGH, MEDIUM OR LOW	HIGH, MEDIUM OR LOW
BS	BURSERA SIMARUBA / GUMBO LIMBO	7	12 FT. X 5 SPR.		NATIVE	HIGH	HIGH
CB	CONOCARPUS ERECTUS SERICEUS / SILVER BUTTONWOOD	11	8 x Pkgs		NATIVE	HIGH	HIGH
BS	ROYSTONEA REGIA / ROYAL POINCIANA	6	12 FT. X 5 SPR.	3-1/2" CALIPER MIN.		HIGH	HIGH
QV	QUERCUS VIRGINIANA / LIVE OAK	42	12 FT. X 5 SPR.	3" CAL. MIN.	NATIVE	HIGH	HIGH
SR	SYNTHEMA REGIA / ROYAL PALM	16	30' OA	Matched 8 & 8	NATIVE	HIGH	MEDIUM
LL	LIGUSTRUM LUCIDUM / PRIVET	11	30% Pkgs	MAS TI TRUNK		MEDIUM	LOW
RL	RHAPHIS LITTORALIS / CATTLEY MAYA	5	12 x Pkgs	8 & 8		HIGH	MEDIUM
TA	TABEBUIA CAERULEA / YELLOW TRUMPET TREE	14	12' x Pkgs	8 & 8		HIGH	MEDIUM
TP	TABEBUIA PITHECOBYLLA / PINK TRUMPET TREE	4	12' x Pkgs	8 & 8		HIGH	MEDIUM
	SHRUBS AND GROUNDCOVERS						
ARM	ALPINIA PURPURATA / RED GINGER / PINK GINGER	11	3 GAL.	FOC		MEDIUM	LOW
CIU	CIBOTIUM JAMATENSE / GIANT CIBOTIUM	6	3 GALS			HIGH	HIGH
CIR	CHRYSOBALANUS ICACO / COCO PLUM	179	3 GAL.	36" OC	NATIVE	HIGH	HIGH
BUC	BUCEPHALANDRA FOETIDA / SPANISH ELDERBERRY	40	3 GAL.	36" OC	NATIVE	HIGH	HIGH
HYM	HYMENOCALLIS LATIFOLIA / SPIDER LILY	161	3 GAL.	3' OC	NATIVE	HIGH	HIGH
MD	MONSTERA D. S. / SWISS CHEESE PLANT	68	3 GAL.	36" OC		LOW	MEDIUM
MIM	MIMOSA CALLIS / PINK TIPPED TREE / PINK POWDER PUFF TREE	161	3 GAL.	18" OC		HIGH	HIGH
ILE	ILEX VOMITORIA NANA / DWARF YAUPON	110	3 GAL.	3' OC	NATIVE	HIGH	HIGH
OSO	OSMANTHUS SUBSP. FRAGRANS / SWEET OSMANTHUS	270	3 GAL.	36" OC		MEDIUM	MEDIUM
JUN	JUNIPERUS CHINENSIS / PFITZER JUNIPER	128	3 GAL.	3' OC		HIGH	MEDIUM
LIR	LIRIOPE M. / EVERGREEN GIANT / GIANT LIRIOPE	286	1 GAL.	18" OC		HIGH	HIGH
MYR	MYRCIANTHES FRAGRANS / SIMPSONS STOPPER	70	3 GAL.	36" OC	NATIVE	HIGH	HIGH
HEM	HEMIGRAPHIS ALTERNATA / RED IRON PLANT	161	1 GAL.	36" OC		HIGH	HIGH
PNF	PHILODENDRON SELLOUM / TREE PHILODENDRON	5	3 GAL.	3' OC		HIGH	MEDIUM
THY	GALPHIMIA GLAUCA / THRYALLIS	40	1 GAL.	3' OC		MEDIUM	MEDIUM

LANDSCAPE REQUIREMENT TABULATION	Drought Tolerance	Salt Tolerance
	H, M, L	H, M, L

LANDSCAPE REQUIREMENTS/ CALCULATIONS:

INFORMATION REQUIRED TO BE PERMANENTLY AFFIXED TO PLAN

ZONING DISTRICT OPD (GROSS LOT AREA 2.94 ACRES 128,129 S.F.

LAWN AREA CALCULATION	REQUIRED	PROVIDED
A. 38,438.70 TOTAL S.F. OF LANDSCAPED OPEN SPACE REQUIRED (30%)		
B. MAXIMUM LAWN AREA (SOD) PERMITTED = 35 % X 38,438.70 S.F.	13,453.54	22,132.89
TREES		
A. TWENTY-EIGHT (28) PER ACRE 28 X 2.94 ACRES=	82	86
B. STREET TREE REQUIREMENTS 450 L.F. 30=	18	18
TOTAL TREES	100	104
B. 30% PALMS ALLOWED OF TOTAL NON REQ. No. OF TREES	30	12
% PALMS PERMITTED TO COUNT AS 1:1 BASIS	30	30
C. % NATIVE REQUIRED: No. TREES PROVIDED X 35 %=	36	101 (98%)
SHRUBS		
A. SHRUBS REQUIRED: 10 PER TREE 100 = (100 x 10)=	1000	1195
B. No. SHRUBS ALLOWED X 35 % = No. OF NATIVE SHRUBS REQUIRED	350	806 (100%)

IRRIGATION PLAN:

100% irrigation coverage with a min. overlap of 30%

INFORMATION REQUIRED TO BE PERMANENTLY AFFIXED TO PLAN

Professional Preparer's Statement of Landscape Compliance

Process No. Permit No.

Legal description: Lot Block

Subdivision Name P.B. Page

Development Name

Located at (address)

I/We hereby certify that the landscaping/irrigation plan being submitted for the above captioned complies with the requirements of Chapter 18A (18-13 Landscape Ordinance Effective March 24, 1998) as to the species, height, trunk width, and location at time of planting, and that the species shown are in accordance with the accepted species approved by Miami-Dade County and that none of the species are from the prohibited list. Additionally, automatic sprinkler system (if applicable) complies with the requirements of said ordinance as to the type of heads, spray system, location, etc

Professional Preparer's Signature

Mariano Corral
Print Name

State of Florida
County of Dade

The foregoing instrument was acknowledge before me this day of 2003,

by of a corporation,

on behalf of the corporation. He/she is personally known to me or has produced

as identification and did/did not take an oath

Witness my signature and official seal this day of ,2003,

in the County and State aforesaid, the date, year aforesaid

Notary Public

Print Name

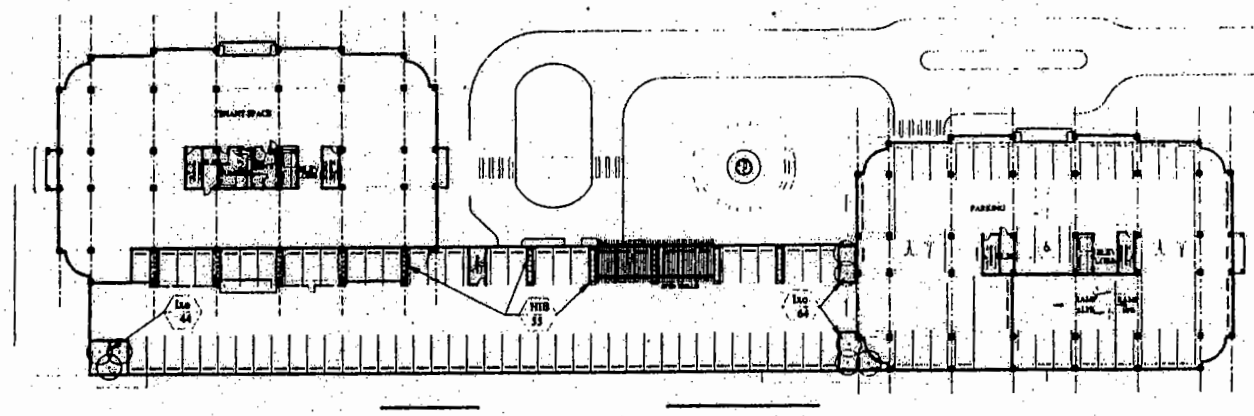
DRB SET

MARIANO CORRAL
Landscape Architecture
Golf Course Design
Land Planning
Urban Design

ULLERTON DIAZ ARCHITECTS INC

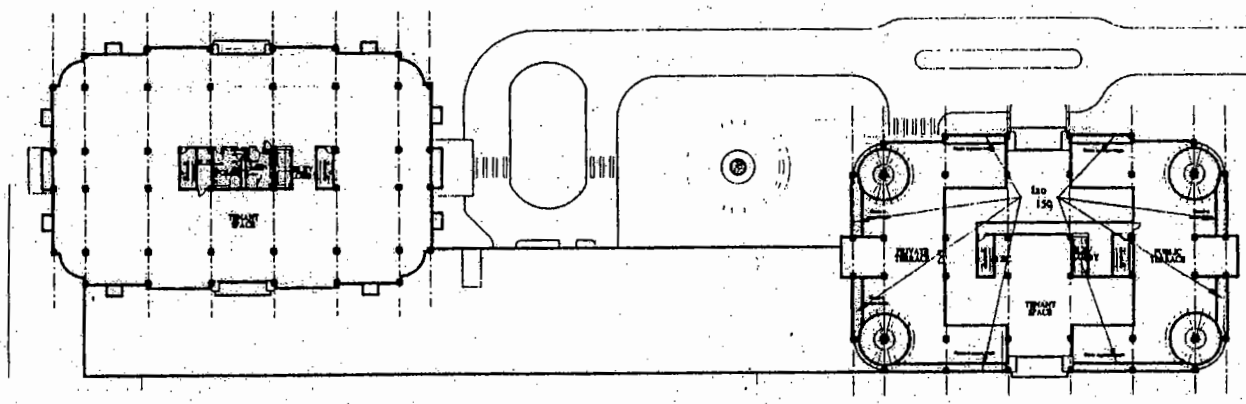
SITE LANDSCAPE PLAN
LEVEL 1

LP-1



FIFTH (5) FLOOR LEVEL

SCALE: 1"= 30'



REPEAT SAME AMOUNT FOR 8TH LEVEL FLOOR

SEVENTH AND EIGHTH FLOOR LEVEL

SCALE: 1"= 30'

SYMBOL	SCIENTIFIC NAME / COMMON NAME	QTY.	SIZE	SPACING / REMARKS	XERISCAPE REQUIREMENT TABULATION: Drought Tolerance H, M, L	XERISCAPE REQUIREMENT TABULATION: Salt Tolerance H, M, L
	SHADE TREES AND PALM TREES				HIGH, MEDIUM OR LOW	HIGH, MEDIUM OR LOW
PR	PTYCHOSPERMA ELEGANS/ ALEXANDER PALM	8	12' OA BOT		MEDIUM	MEDIUM
	SHRUBS AND GROUNDCOVERS					
HIB	HIBISCUS S. R. 'RED'/ RED HIBISCUS	53	3 GAL.	30" OC	LOW	MEDIUM
DLO	DORA NORA GRANT / PINK DORA	400	3 GAL.	30" OC	MEDIUM	MEDIUM

General Notes

1. All plant materials to be Florida No 1 or better
2. All landscape areas shall be irrigated with a min. overlap of 50 Provide Rain Sensor
3. Contractor is to do his own take off and if there are any discrepancies he is to bring it to the attention of the Landscape Architect, prior to commencing work
4. Landscape Contractor is to identify all utilities lines and underground lines prior to commencing work, for the health and welfare of his employees
5. All sod to be St. Augustine floratam solid sod

PLANT DETAILS:

DRB SET

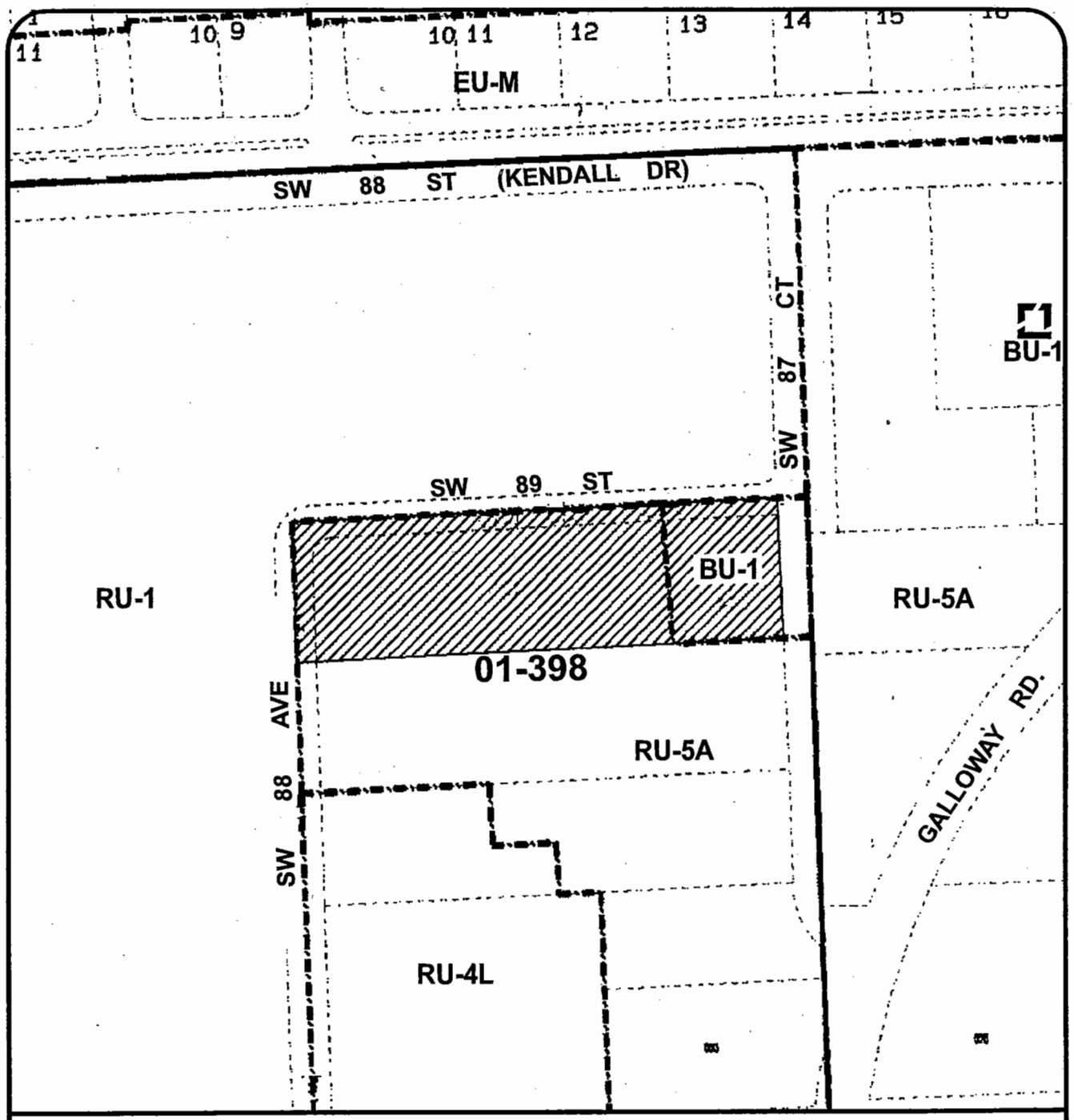
FULLERTON DIAZ ARCHITECTS INC

MUNANO CORAL

8TH COURT SOUTHWEST 90TH STREET
KENDALL, FLORIDA

PLANTER LANDSCA
LEVEL 5 / 8

LP--2



MIAMI-DADE COUNTY
HEARING MAP

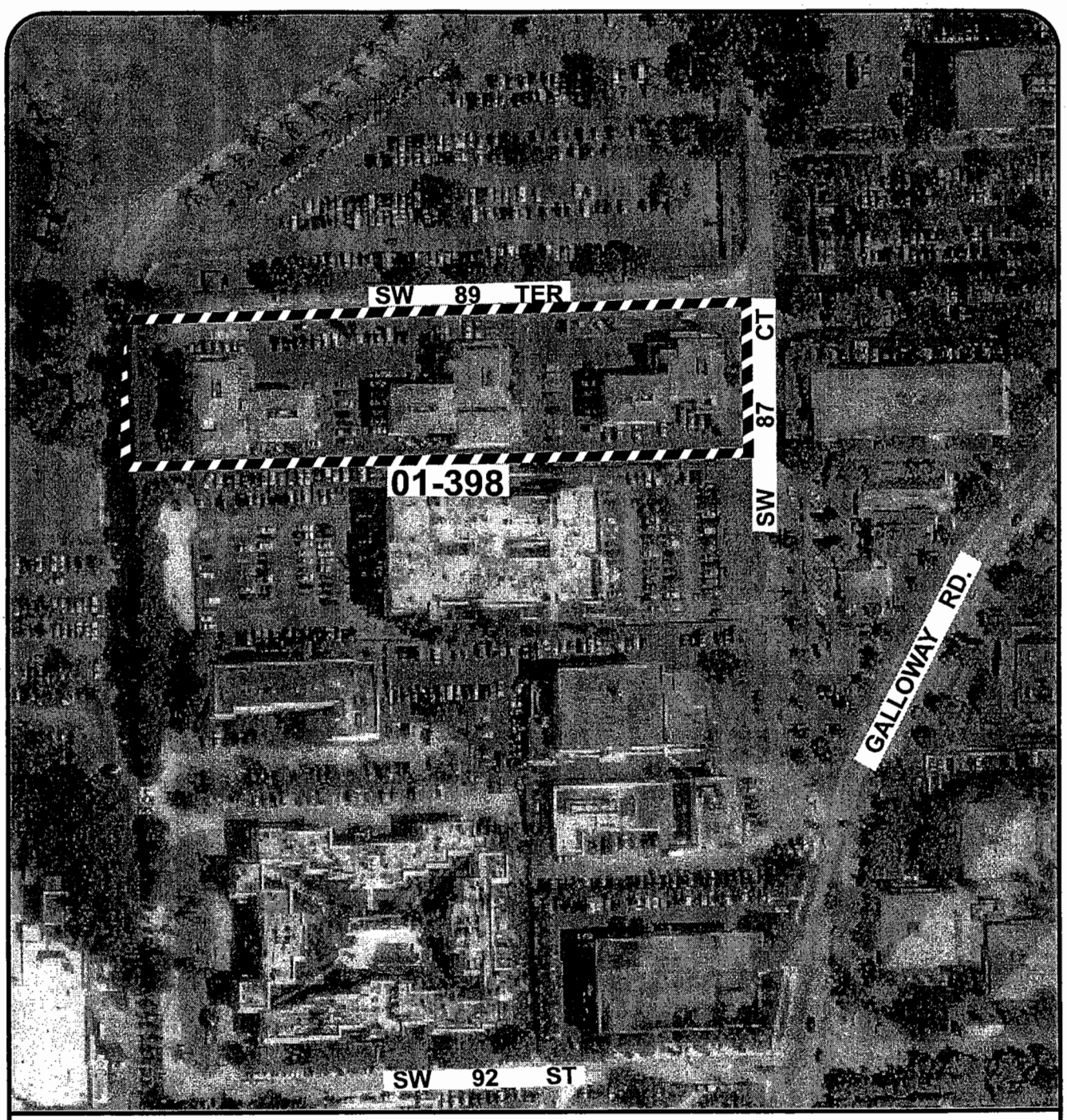
S C A L E 0 200' N

SUBJECT PROPERTY

Section: 04 Township: 55 Range: 40
Process Number: 01000398
Applicant: ACROPOLIS REALTY, LLC.
District Number: 08
Zoning Board: C12
Drafter ID: ALFREDO
Scale: 1:200'

MIAMI-DADE

G: ZONING DRAFTING. 01-398. 12/01
REVISED 10/14/03



MIAMI-DADE COUNTY
AERIAL

S C A L E
0 NTS
N

SUBJECT PROPERTY

Section: 04 Township: 55 Range: 40
Process Number: 01000398
Applicant: ACROPOLIS REALTY, LLC.
District Number: 08
Zoning Board: C12
Drafter ID: ALFREDO
Scale: NTS

MIAMI-DADE

G: ZONING DRAFTING. 01-398. 12/01

D. ACROPOLIS REALTY LLC
(Applicant)

03-11-CZ12-1 (01-398)
BCC/District 8
Hearing Date: 7/29/04

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
1965	Mark XX	Zone change from AU to RU-5A.	CC	Approved
1966	Mark XX	Use Variance for zoning regulations, waiving 5' wall along interior side of property lines.	ZAB	Approved
1967	Mark XX	Variance zoning regulations, walls, access buildings.	ZAB	Approved
1983	Raymond Pearlson & Robert Browdy	Zone change from RU-5A to BU-1.	CC	Approved

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 12
MOTION SLIP

APPLICANT'S NAME: ACROPOLIS REALTY LLC

REPRESENTATIVE(S): CHAD WILLIARD

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
03-11-CZ12-1 (01-398)	NOVEMBER 18, 2003	CZAB12- -03

REQUESTS:
1) RU-5A & BU-1 to OPD. 2) Delete Declaration. 3) Lot area 2.94 v 3 ac. 4) FAR 0.94 v 0.86

DEPT. REC: APPROVE 1 PER 33-311(A)(8) SUBJECT TO PROFFERED COVENAN.T
APPROVE 2 WITH CONDITIONS PER 33-311(A)(17).

MOTION APPROVE 3 & 4 WITH CONDITIONS PER 33-311 (A)(21)

☐ WITHDRAW: ☐ Entire Application ☐ ITEMS

☒ DEFER: ☐ INDEFINITELY ☒ TO: 01-13-04 ☒ 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 STD. CONDITIONS

☐ OTHER:

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		Gerardo GOMEZ	✓		
MS.	S	Millie HERRERA	✓		
MR.		Douglas KRUEGER	✓		
M		Peggy BRODEUR	✓		
MR.	M	Nelson A. VARONA	✓		
VICE-CHAIRMAN		Robert W. WILCOSKY	✓		
CHAIRMAN		JOSE VALDEZ			✓

VOTE: 6 to 0

EXHIBITS: ☒ YES ☐ NO

COUNTY ATTORNEY: Jay Williams

2

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 12
MOTION SLIP

APPLICANT'S NAME: **ACROPOLIS REALTY LLC**

REPRESENTATIVE(S): Chad Williard, Dr. Pablo Delgado

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
03-11-CZ12-1 (01-398)	January 27, 2004	CZAB12- -04

REQUESTS:

DEPT. REC:

☐ WITHDRAW: ☐ Entire Application ☐ ITEMS _____

☑ DEFER: ☐ INDEFINITELY ☑ TO: 2/10/04 ☐ 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 STD. CONDITIONS

☑ OTHER: To give applicant opportunity to present traffic study to the opposition.

TITLE	M/S	NAME	YES	NO	ABSENT
MS.		Peggy BRODEUR			✓
MR.		Gerardo GOMEZ		✓	
MS.		Millie HERRERA	✓		
MR.		Douglas A. KRUEGER	✓		
MR.	S	Nelson A. VARONA	✓		
VICE-CHAIRMAN	M	Robert W. WILCOSKY	✓		
CHAIRMAN		Jose I. VALDEZ (C.A.)			

* Chairman Jose Valdez abstained from voting because he was absent from the last hearing on this application. He stated on the record that he would not vote. He was sitting at the table when the motion was read.

VOTE: 4 to 1

EXHIBITS: ☐ YES ☑ NO

COUNTY ATTORNEY: Stephen Stieglitz

DATE: April 29, 2004 **#Z-**

APPLICANT: 1. ACROPOLIS REALTY LLC-
No further notice
MOTION: DEFERRED TO JUNE 10, 2004

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				X
Diaz	S	X		
Ferguson				X
Heyman	M	X		
Martinez		X		
Morales		X		
Moss				X
Rollc		X		
Seijas		X		
Sorenson		X		
Sosa		X		
Souto		X		
Chair Carey-Shuler				X
TOTAL		9	0	4

DATE: 06-10-2004 **#Z-**

APPLICANT: Acropolis Realty LLC
(03-11-CZ12-1/01-398)

MOTION: Deferred the application to July 29, 2004, with leave to amend. Applicati
at the applicant's expense.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				X
Diaz		X		
Ferguson				X
Heyman	S	X		
Martinez		X		
Morales				X
Moss		X		
Rolle		X		
Seijas		X		
Sorenson		X		
Sosa		X		
Souto				X
Chair Carey-Shuler	M	X		
TOTAL		9	0	4

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

APPLICANT: Acropolis Realty LLC **PH:** Z01-398 (03-11-CZ12-1)

SECTION: 4-55-40 **DATE:** July 29, 2004

COMMISSION DISTRICT: 8 **ITEM NO.:** D

==========

A. INTRODUCTION

o REQUESTS:

ACROPOLIS REALTY LLC is appealing the decision of the Community Zoning Appeals Board #12 which denied in part, the following:

(1) RU-5A & BU-1 to OPD

(2) The applicant is requesting to permit a lot with an area of 2.94 acres (3 acres required).

(3) The applicant is requesting to permit a floor area ratio of 0.94 (0.86 permitted).

OR IN THE ALTERNATIVE TO REQUESTS #1 - #3, THE FOLLOWING:

(4) RU-5A & BU-1 to RU-5A

AND WITH EITHER REQUEST:

(5) DELETION of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329.

The purpose of the request is to remove an agreement from the site which limits the uses on the commercial parcel and ties the site to a specific plan.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 & #3 may be considered under §33-311 (A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) and approval of request #5 may be considered under §33-311(A)(7) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

Plans for the OPD proposal only are on file and may be examined in the Zoning Department entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., dated revised 9-2-03 and 10-2-03 and consisting of 8 pages. Plans may be modified at public hearing.

o SUMMARY OF REQUESTS:

The applicant is appealing the decision of the Community Zoning Appeals Board-12 which denied, in part, this application without prejudice. This application will allow the applicant to change the zoning on the property from RU-5A, Semi-Professional Office

District, and BU-1, Neighborhood Business District, to OPD, Office Park District. The requests will also allow less lot area than required for the OPD district and a greater floor area ratio than permitted. In the alternative to the aforementioned requests, the applicant is seeking a district boundary change from RU-5A and BU-1 to RU-5A. Accompanying both of the aforementioned district boundary change requests, the applicant is seeking a deletion of a Declaration of Restrictions as it pertains to the existing BU-1 zoned site.

- **LOCATION:**

  8960-70 S.W. 87 Court, Miami-Dade County, Florida.

- **SIZE:** 2.94 acres.

- **IMPACT:**

  The rezoning of the property to OPD or to RU-5A and the accompanying requests will allow the applicant to provide professional services to the community. However, this application will bring additional traffic into the area.

B. ZONING HEARINGS HISTORY:

In 1965, the Board of County Commissioners (BCC) rezoned this site from AU, Agricultural District, to RU-5A, Semi-Professional Office District. In 1966 and 1967, the Zoning Appeals Board (ZAB) waived the required walls along the interior side property lines of the aforementioned property. In 1983, the BCC rezoned the easterly 185' of the subject property from RU-5A to BU-1, Neighborhood Business District. A Declaration of Restrictions was recorded that restricted the development of the BU-1 portion of the site to the plans approved at said hearing and restricted the permitted uses to a commercial bank and a sandwich shop.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2005 and 2015 Land Use Plan designates the subject property as being within the Urban Development Boundary for **office/residential**.

2. **Uses and Zoning Not Specifically Depicted on the LUP Map**:

   Within each map category numerous land uses, zoning classifications and housing types may occur. Many existing uses and zoning classifications are not specifically depicted on the Plan map. This is due largely to the scale and appropriate specificity of the countywide LUP map, graphic limitations, and provisions for a variety of uses to occur in each LUP map category. In general, 5 acres is the smallest site depicted on the LUP map, and smaller existing sites are not shown. All existing lawful uses and zoning are deemed to be consistent with this Plan unless such a use or zoning (a) is found through a subsequent planning study, as provided in Land Use Policy 4E, to be inconsistent with the criteria set forth below; and (b) the implementation of such a finding will not result in a temporary or permanent taking or in the abrogation of vested rights as determined by the Code of Metropolitan Dade County, Florida. The criteria for determining that an existing use or

zoning is inconsistent with the plan are as follows: 1) Such use or zoning does not conform with the conditions, criteria or standards for approval of such a use or zoning in the applicable LUP map category; and 2) The use or zoning is or would be incompatible or has, or would have, an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area. Also deemed to be consistent with this Plan are uses and zoning which have been approved by a final judicial decree that has declared this Plan to be invalid or unconstitutional as applied to a specific piece of property. The presence of an existing use or zoning will not prevent the County from initiating action to change zoning in furtherance of the Plan map, objectives or policies where the foregoing criteria are met. The limitations outlined in this paragraph pertain to existing zoning and uses. All approval of new land uses must be consistent with the LUP map and the specific land use provisions of the various LUP map categories, and the objectives and policies of this Plan. However, changes may be approved to lawful uses and zoning not depicted which would make the use or zoning substantially more consistent with the Plan, and in particular the Land Use Element, than the existing use or zoning.

D. NEIGHBORHOOD CHARACTERISTICS:

	ZONING	LAND USE PLAN DESIGNATION
Subject Property:		
	RU-5A & BU-1; apartments	Office/Residential
Surrounding Properties:		
NORTH:	RU-1; parking lot	Office/Residential
SOUTH:	RU-5A; office building	Office/Residential
EAST:	RU-5A; office building	Office/Residential
WEST:	RU-1; Baptist Hospital complex	Institutional & Public Facility

The subject parcel is a narrow linear site located between SW 87 Avenue (Galloway Road) and Baptist Hospital. There is a parking lot which serves Baptist Hospital to the north with a mixture of apartments and offices to the south.

E. SITE AND BUILDINGS:

Site Plan Review: (pertaining to the proposed OPD zoning only, no plans were submitted for the proposed alternative RU-5A zoning).

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**
Energy Considerations:	**N/A**
Roof Installations:	**N/A**
Service Areas:	**N/A**
Signage:	**N/A**
Urban Design:	**Acceptable**

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(8). The Board shall hear and grant or deny applications for **district boundary changes** taking into consideration that same must be consistent with the CDMP, with applicable area or neighborhood studies or plans, and would serve a public benefit. The Board shall take into consideration 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. The Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities, including mass transit, roads, streets, and highways or other necessary public 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, street or highways.

Section 33-311(A)(17). Modification or Elimination of Conditions and Covenants After Public Hearing. The Community Zoning Appeals Board 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 following paragraphs 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.

VI. **Modification or Elimination of Conditions or Restrictive Covenants After Public Hearing, Where the Conditions or Restrictive Covenants were Accepted or Imposed Simultaneously with a District Boundary Change.** The Community Zoning Appeals Board shall approve an application to modify or eliminate a condition or part thereof, or a restrictive covenant or part thereof, which requires development of a specific site plan and which was accepted or imposed simultaneously with a district boundary change, where it is demonstrated that:

(A) The subject property would satisfy all current requirements and standards for a district boundary change to the property's present zoning district without the condition or restrictive covenant, or else the modification or elimination is sought in connection with an application for rezoning to a different district. For purposes of this requirement, new conditions or restrictive covenants may be imposed or proffered to satisfy such requirements and standards.

(B) The Community Zoning Appeals Board shall impose such conditions and requirements in connection with an approval under this subsection as shall prevent or mitigate any resulting adverse impacts to the County or to any aggrieved person who has reasonably, demonstrably and detrimentally relied upon the condition or covenant sought to be modified or eliminated.

(C) Notwithstanding the provisions of the preceding paragraphs, no application will be approved under this subsection if such approval would result in:

1. a use of land which will have a significant adverse effect upon the value of properties in the immediate vicinity;
2. community design, architecture, or layout and orientation of buildings, open space, or amenities that is inconsistent with and deleterious to the aesthetic character of the immediate vicinity;
3. a material change in the density, intensity, or use of the subject property that so differs from the density, intensity, or use of other existing or approved development in the immediate vicinity that the subject property would represent an obvious and significant departure from the established development pattern of the immediate vicinity which has a deleterious effect on its community character;
4. a substantial degradation of localized traffic patterns or a substantial adverse impact on the roadway network;
5. unmitigated demands on potable water, sanitary sewer, or stormwater treatment systems which exceed the capacity of those systems; or
6. a continued and substantial risk to human life or safety or to the environment, or a nuisance.

Section 33-311(A)(7). 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 a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, 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) (21) Alternative Site Development Option for Office Buildings, Laboratory Buildings and Associated Accessory Buildings and Structures (ASDO). This subsection provides for the establishment of an alternative site development option, after public hearing, for office buildings, laboratory buildings and associated accessory buildings and structures, when such uses are permitted by the underlying district regulations, in the OPD zoning district, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

An alternative **lot area and frontage** shall be approved upon demonstration of at least one of the following:

(1) the proposed lot area and frontage shall permit the development or redevelopment of a structure(s) on a lot, parcel or tract of land where such structure(s) would not otherwise be permitted by the underlying district regulations due to the size or configuration of the parcel proposed for alternative development, provided that:

(A) the lot, parcel or tract is under lawful separate ownership from any contiguous property; and

(B) the proposed alternative development will not result in the further subdivision of land; and

(C) the size and dimensions of the lot, parcel or tract are sufficient to provide all setbacks required by the underlying district regulations; and

(D) the area of the lot, parcel or tract is not less than: seventy-five percent (75%) of the minimum lot area required by the underlying district regulations; and

(E) the proposed alternative development does not result in an obvious departure from the aesthetic character of the immediate vicinity; and

(F) the frontage dimension of the lot, parcel or tract is not less than: seventy-five percent (75%) of the minimum frontage required by the applicable district regulations; except that the frontage dimension of a flag-lot, parcel or tract shall be permitted to be reduced to the minimum width necessary to allow vehicular access as determined by the County; and

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(G) the resultant frontage dimension of the lot, parcel or tract provides vehicular ingress and egress to all resulting lots, parcels or tracts, including on-site access to emergency equipment; or

(2) the proposed alternative development results in landscaped open space, community design, amenities or preservation of natural resources that enhances the function or aesthetic character of the immediate vicinity in a manner not otherwise achievable through application of the applicable district regulations, provided that:

(A) the number of lots of the proposed alternative development does not exceed that normally permitted by the lot area dimensions of the underlying district regulations; and

(B) the size and dimensions of each lot, parcel or tract in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations, or, if applicable, any prior zoning actions for similar uses issued prior to the effective date of this ordinance (September 19, 2003); and

(C) the area of each lot, parcel or tract is not less than eighty percent (80%) of the area required by the applicable district regulations; and

(D) the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

(E) the resultant frontage of the lot, parcel or tract provides vehicular ingress and egress to all resulting lots, parcels or tracts, including on-site access to emergency equipment; or

(3) the proposed lot area and frontage is such that:

(A) the proposed alternative development will not result in the creation of more than two (2) lots, parcels or tracts; and

(B) the size and dimensions of each lot, parcel or tract are sufficient to provide all setbacks required by the applicable district regulations; and

(C) no lot area shall be less than the smaller of:

(i) ninety percent (90%) of the lot area required by the applicable district regulations; or

(ii) the average area of the developed lots, parcels or tracts in the immediate vicinity within the same zoning district; and

(D) the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

(E) the resultant frontage provides vehicular ingress and egress to all resulting lots, parcels or tracts, including on-site access to emergency equipment.

An alternative **floor area ratio** for a building(s) shall be approved upon demonstration of the following:

(1) total lot coverage or floor area ratio shall not be increased by more than ten percent (10%) of the lot coverage or floor area permitted by the underlying district regulations; and

(2) the proposed alternative development will not result in the destruction or removal of mature trees on the lot with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the lot; and

(3) the increase in lot coverage or floor area ratio will not result in a principal buildings, or accessory building(s) in the RU-5A district, with an architectural design, scale, mass or building materials that are not aesthetically harmonious with that of other existing or proposed structures in the immediate vicinity; and

(4) the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity.

Section 33-311 (A)(4)(c). Alternative non-use variance standard (ANUV): 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.

Section 33-311 (A)(4)(b). Non-use variances from other than airport regulations (NUV): 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.

G. NEIGHBORHOOD SERVICES:

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

* Subject to conditions stated in their attached memoranda

H. ANALYSIS:

This application was deferred from the April 29, 2004 meeting of the Board of County Commissioners upon the request of the applicant. This application was deferred from the June 10, 2004 meeting upon the request of the applicant with leave to amend the advertisement. The advertisement has been amended to include an alternative zone change request from RU-5A and BU-1 to RU-5A (Request #4) and to also include the originally requested deletion of a 1983 Declaration of Restrictions that limits the commercial uses on the site and restricts the development of the subject property to previously approved plans. The applicant is appealing the February 10, 2004 decision of the Community Zoning Appeals Board-12 (CZAB-12) which denied in part this application without prejudice by a vote of 3-1. The appellant indicates on the appeal form that the decision of the CZAB-12 was not supported by substantial competent evidence. Staff notes that the rezoning to RU-5A (Request #4) was not a part of this application when it was considered by the CZAB-12.

The subject property is located at 8960-70 SW 87 Court. The applicant is seeking a district boundary change on this site from RU-5A, Semi-Professional Office District, and BU-1, Neighborhood Business District, to OPD, Office Park District (Request #1). The Office Park District incorporates a concept which delineates an open space character for buildings whose principal uses are administrative, professional, or research. Uses permitted in the OPD include office buildings for business, professional, and secretarial uses that cater to the provision of services and laboratories for scientific and industrial research and development. Certain accessory uses are permitted which include, but are not limited to auditoriums, eating establishments such as coffee shops, food carry out, and sandwich shops, newsstands, tobacco shops, and private clubs. The applicant is also seeking approval for a request to permit a lot with less lot area than required in the OPD zoning district and to permit a floor area ratio of 0.94 in the OPD zoning district. The applicant has submitted plans for the development of this site for the proposed OPD zoning district with an eight story office building with a parking garage and intends to proffer a covenant limiting the development of the site to same. In the alternative to the aforementioned requests, the applicant is seeking a district boundary change from RU-5A and BU-1 to RU-5A (Request #4). Uses permitted in the RU-5A zoning district include, but are not limited to, offices for accounting, medical doctors, attorneys, dentists, model agencies, optometrists, real estate, and real estate management. Additional uses that are permitted include, but are not limited to, nursery, kindergarten, and after school care,

detective agencies, stock brokers exchange-investment services, public libraries, social service bureaus, theater ticket agencies, and travel agencies. The applicant has not submitted a site plan for the development of the proposed alternative district boundary change to RU-5A. The applicant is also seeking with either zone change request a deletion of a Declaration of Restrictions that restricted the development of the BU-1 portion of the site to certain commercial uses and to the plans approved at the 1983 public hearing. The Declaration of Restrictions limited the permitted uses on said parcel to a bank and a sandwich shop.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the Level of Service (LOS) standards set forth in the Master Plan. However, the applicant will have to comply with all conditions as set forth by DERM in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application. The applicant will be required to successfully close the rights-of-way for SW 89 Terrace, SW 88 Avenue, and SW 92 Street submitted as road closing petition P-743, which is pending. This application will generate an additional **228 p.m. daily peak hour vehicle trips** on the area roadways. However, said trips will not change the level of service (LOS) on same which are currently at LOS "C," "D," and "E."

Request #1 will allow the applicant to rezone the property to OPD and to provide professional office services to the community. The proposed OPD zoning will be **consistent** with the Master Plan which designates this site for Office/Residential use on the Land Use Plan (LUP) map. The proposed Office Park District as well as the site plan submitted will be **compatible** with the surrounding area which consists of the Baptist Hospital complex to the west, a parking lot for said hospital to the north, an office building to the east, and an office building to the south. In addition, although the existing BU-1 zoned portion of the site is consistent with the CDMP, the CDMP text states that changes may be approved to lawful uses and zoning not depicted which would make the use or zoning substantially more consistent with the Master Plan than the existing use or zoning. In this instance the rezoning from BU-1 to OPD would bring the property to be substantially more consistent with the office/residential designation than the existing commercial zoning.

The new standards under Section 33-311(A)(21), Alternative Site Development Option (ASDO) for Office Buildings, Laboratory Buildings and Associated Accessory Buildings and Structures, provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable alternative site development option (ASDO) standards for office buildings, laboratory buildings, and associated accessory buildings and structures. Request #2 to allow a lot area of 2.94 acres where the underlying zoning district requires 3 acres meets the standards under Section 33-311(A)(21)(1) (A) through (G) including, but not limited to, that the subject parcel is under lawful separate ownership from any contiguous property, the proposed alternative development will not result in the further subdivision of land, the area of the lot is not less than 75% of the minimum lot area required by the underlying district regulations, and the size and dimensions of the lot are sufficient to provide all setbacks required by the underlying district regulations. Request #3 to permit a floor area ratio of 0.94 where 0.86 is permitted also complies with the ASDO standards stated under Section

33-311(A)(21) subsections 1 through 4 under the floor area ratio standards. Among other things, the floor area ratio will not be increased by more than 10% and the proposed alternative development will not result in an obvious departure from the aesthetic character of the surrounding area. As such, Requests #2 and 3 comply with the ASDO standards under Section 33-311(A)(21). If analyzed under the alternative non-use variance standard [33-311(A)(4)(c)], the applicants would have to prove that these requests are due to an unnecessary hardship and that, should it not be granted, it would not permit the reasonable use of the premises. However, since the property can be utilized in accordance with the current zoning or, if rezoned, in accordance with OPD zoning standards, staff is of the opinion that this application cannot be approved under the alternative non-use variance standard [Section 33-311(A)(4)(c)].

When analyzed under Section 33-311(A)(4)(b), the non-use variance standard, requests #2 and 3 comply with the standards in that section. Staff is of the opinion that the approval of said requests will be **compatible** with the adjacent properties and the surrounding area and that said requests maintain the basic intent and purpose of the zoning, subdivision and land use regulations. The adjacent area is primarily developed with office uses designated office/residential on the Land Use Plan (LUP) map and the Baptist Hospital facility. Accordingly, Requests #2 and 3 can be approved under Section 33-311(A)(4)(b).

Alternative Request #4 would allow the applicant to rezone the property to RU-5A and to provide semi-professional office uses for the community. RU-5A zoning would be **consistent** with the Land Use Plan (LUP) map designation of the Comprehensive Development Master Plan (CDMP). RU-5A zoning would also be **compatible** with the surrounding area. Notwithstanding the aforementioned, staff notes that the applicant has not submitted a site plan for the development of the site for the proposed alternative RU-5A zoning. In the absence of same, staff is unable to ensure that the future development of the alternative proposed RU-5A zoning is designed in a manner that will be compatible with the surrounding area. As such, in the absence of a site plan, staff recommends denial without prejudice or deferral of Request #4. When reviewing the similarities and differences between the OPD District and the RU-5A zoning district staff notes that RU-5A zoning requires a 10,000 sq. ft. minimum lot area whereas the OPD District requires a minimum of 3 acres. RU-5A zoning allows a maximum height of 24' whereas OPD would allow a maximum of eight (8) stories or 100', whichever is less. RU-5A zoning permits a maximum lot coverage of 40%; minimum principal building setbacks are required to be 25' from the front and rear property lines, and 15' from interior side property lines and side property lines abutting a highway right-of-way. RU-5A allows a minimum Floor Area Ratio (FAR) of 0.40 for one story and 0.60 for two stories. OPD permits an FAR of 0.30 for the first story and allows the FAR to be increased by 0.08 for each additional story; requires setbacks of a minimum of 30' from property lines abutting any residential zoning in which only one single family, duplex, or townhouses are permitted, a minimum of 50' from front property lines for structures, and not less than 15' for all other setbacks. In both the OPD and RU-5A Districts, 28 trees are required per acre of net lot area and 1 parking space is required per 300 sq. ft. of gross floor area. The minimum landscaped open space permitted in the OPD District for a one story building is 40% of the total lot area and the required landscaped open space is increased by 3% for each additional story or part

thereof, based on the tallest structure on the property. In the RU-5A District, the minimum required landscaped open space is 25% of the total lot area.

Pertaining to Request #5 which accompanies either of the zone change requests (Request #1 and alternative Request #4), the standards 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. Request #5 as it accompanies Request #1 to rezone the subject property to OPD complies with the standards of Paragraph VI, Modification or Elimination of Conditions and Restrictive Covenants After Public Hearing, Where the Conditions or Restrictive Covenants were Accepted or imposed simultaneously with a District Boundary Change, in that as indicated in subsection (A) the elimination of said Declaration of Restrictions is sought in connection with an application for rezoning to a different district. Additionally, as indicated in subsection (B) conditions will be imposed to mitigate any resulting adverse impacts to the County. Further, as indicated in subsection (C), among other things, Request #5, as it accompanies Request #1, to delete a recorded Declaration of Restrictions will not result in a use of the land which will have a significant adverse impact upon the value of properties in the immediate vicinity, the architecture, layout, and orientation of buildings, open space, or amenities will be consistent with and will not be deleterious to the aesthetic character of the immediate vicinity, and the change in the intensity or use on the subject property will not differ from the intensity or use of other existing or approved development in the immediate vicinity that would represent an obvious and significant departure from the established development pattern of the immediate vicinity. In this regard, Request #5 as it accompanies Request #1 complies with Section 33-311(A)(17)(VI) and can be approved under said section. However, staff is unable to evaluate Request #5 as it accompanies Request #4 to rezone the subject property to RU-5A without a site plan. Without said plan, staff is unable to evaluate said request under subsection (C) and cannot ensure that said request as it accompanies the zone change request to RU-5A will not result in a use of the land which will have a significant adverse impact upon the value of properties in the immediate vicinity nor that the architecture, layout, and orientation of buildings, open space, or amenities that will be consistent with and will not be deleterious to the aesthetic character of the immediate vicinity. As such, Request #5 as it pertains to Request #4 cannot be analyzed under Section 33-(A)(17)(VI) and should be denied without prejudice under said section.

Request #5 as it accompanies the rezoning to OPD (Request #1) also complies with the modification or elimination standards under Section 33-311(A)(7). When considering the necessity for and the reasonableness of the elimination in relation to the present and future development of the area concerned, the deletion of said covenant in conjunction with the zone change to OPD (Request #1) will be compatible with the surrounding area and will not adversely impact same. However, in the absence of a site plan indicating the proposed RU-5A development, staff cannot ensure the compatibility of Request #5 as it pertains to Request #4 (the rezoning to RU-5A) in relation to the present and future development of the area concerned. As such, request #5 as it pertains to Request #4 should be denied without prejudice under Section 33-311(A)(7).

Based on all of the aforementioned, staff recommends approval of the appeal; approval with conditions of Requests #2 and 3 under Section 33-311(A)(21) or 33-311(A)(4)(b) and denial without prejudice of said requests under Section 33-311(A)(4)(c); approval of Request #5 under Sections 33-311(A)(17) or 33-311(A)(7) (only in conjunction with the approval of Request #1); approval of the zone change to OPD (Request #1) under Section 33-311(A)(8), subject to the Board's acceptance of the proffered covenant (only if Request #5 is approved); and denial without prejudice of the zone change to RU-5A (Request #4).

I. RECOMMENDATION:

Approval of the appeal; approval with conditions of Requests #2 and 3 under Section 33-311(A)(21) (ASDO) and 33-311(A)(4)(b) (NUV) and denial without prejudice of said requests under Section 33-311(A)(4)(c) (ANUV); approval of Request #5 under Sections 33-311(A)(17) or 33-311(A)(7) (only if Request #1 is approved); approval of the zone change to OPD (Request #1) under Section 33-311(A)(8), subject to the Board's acceptance of the proffered covenant (only if Request #5 is approved); and denial without prejudice of the zone change to RU-5A (Request #4).

J. CONDITIONS:

The following conditions pertain to Requests #2, 3, and 5:

1. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include among other things but not be limited thereto, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., dated revised 9-2-03 and 10-2-03 and consisting of 8 pages.

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

4. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.

5. That the applicant obtain a Certificate of Use from the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

6. That the applicant comply with all the conditions and requirements of the Public Works Department.

7. That the applicant comply with all the conditions and requirements of the Department of Environmental Resources Management (DERM).

8. Approval of the rezoning to OPD with the acceptance of the Declaration of Restrictions tying the development of the property to the companion site plan is contingent upon the approval of the road closing petition P-743. No permits shall be issued prior to the approval of road closing petition P-743.

9. The Deletion of the Declaration of Restrictions (Request #5) is contingent only upon the approval of the requested zone change to OPD and the approval of the proffered covenant.

DATE INSPECTED: 10/28/03
DATE TYPED: 11/05/03
DATE REVISED: 12/23/03; 01/21/04; 02/05/04; 04/05/04; 05/17/04; 05/26/04; 06/30/04; 07/19/04
DATE FINALIZED: 07/19/04
DO'QW:AJT:MTF:JDR

Diane O'Quinn Williams, Director
Miami-Dade County Department of
Planning and Zoning

MIAMI-DADE

MEMORANDUM

DERM
DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT

TO: Diane O' Quinn-Williams, Director
Department of Planning and Zoning

RECEIVED
1 2003
MIAMI-DADE COUNTY
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING

DATE: October 7, 2003

SUBJECT: C-12 #Z2001000398-Revised
Acropolis Realty, LLC
S/S of SW 89th Terrace between SW 87th Court and SW 88th Avenue
SE to Permit Site Plan Approval for a Office Development
DBC from RU-5A/BU- 1 to OPD/ASDO
(RU-5A/ BU-1) (3 Ac.)
04-55-40

FROM: Alyce M. Robertson, Assistant Director
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 the Miami-Dade County, Florida. Accordingly, DERM may approve the application and it may be scheduled for public hearing. DERM has also evaluated the request insofar as the general environmental impact that may derive from it, and based upon the available information offers no objection to its approval.

Wellfield Protection:
The subject property is located within the Average Day Pumpage Wellfield Protection Area for the Alexander Orr/Snapper Creek/Southwest Wellfield Complex. Development of the subject property shall be in accordance with the regulations established in Section 24.12.1 of the Code. Since the subject request is for a non-residential land use, the owner of the property has submitted a properly executed covenant in accordance with Section 24-12.1(5) of the Code which provides that hazardous materials or wastes shall not be used, generated, handled, discharged, disposed of or stored on the subject property.

Water and Sewer Service:
Public water and public sanitary sewers can be made available to this site and connection of any existing or proposed facilities will be required. All sewer lines serving the property shall comply with the exfiltration standards as applied to development within wellfield protection areas.

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

Notwithstanding the foregoing, 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 until adequate capacity becomes available. Consequently, final development orders for this site may not be granted unless adequate capacity in the sanitary sewer collection/transmission and treatment system is available at the point in time when the

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project will be contributing sewage to the system or if approval for alternative means of sewage disposal can be obtained. Use of an alternative means of sewage disposal 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:
All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage plans shall provide for full on-site retention of the stormwater runoff of a 5-year storm event. Pollution Control devices shall be required at all drainage inlet structures.

A Standard General Environmental Resource Permit from DERM shall be required for the construction and operation of the required surface water management system. The applicant is advised to contact DERM in order to obtain additional information concerning permitting requirements.

Site grading and development shall comply with the requirements of Chapter 11C of the Code of Miami-Dade County.

Section 24-12.1 of the Code provides for stormwater disposal methods within wellfield protection areas of public potable water supply wellfields. The Code requires that all stormwater runoff must be retained on-site utilizing only infiltration or seepage type drainage systems.

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 Comprehensive Development Master Plan subject to compliance with the conditions required by DERM for this proposed development order.

Operating Permits:
Section 24-35.1 of the Code authorizes DERM to require operating permits for 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 24-60 of the Code requires the preservation of tree resources. Consequently, DERM will require the preservation of all the specimen-sized trees, as defined in the Code. A Miami-Dade County tree removal permit is required prior to the removal or relocation of any trees. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

Wetlands:
The subject site is not located in jurisdictional wetlands as defined in Chapter 24-3 and 24-58 of the Code; therefore, a Class IV Permit for work in wetlands will not be required by DERM.

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Notwithstanding the above, permits from the Army Corps of Engineers (USACOE), the State of Florida Department of Environmental Protection (FDEP) and the South Florida Water

Management District (SFWMD) may be required for the proposed project. The applicant is advised to contact these agencies concerning their permit procedures and requirements.

Enforcement History:
DERM has reviewed the Permits and Enforcement database and the Enforcement Case Tracking System and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

Concurrency Review Summary:
The Department has conducted a concurrency review for this application and has determined that the same meets all applicable Levels of Service standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan 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.

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval as required by the Code. Additionally, DERM has also evaluated the application so as to determined its general environmental impact and after reviewing the available information offers no objections to the approval of the request.

cc: Ruth Ellis-Myers, Zoning Evaluation-P&Z
Lynne Talleda, Zoning Hearings- P&Z
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z

PH# 01-398
CZAB-12
Rev. 1

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Name: Acropolis Realty LLC

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

The applicant must successfully close the rights-of way for SW 89 Terr., SW 88 Ave. and SW 92 St. submitted as road closing petition (P-743).

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** meet the traffic concurrency(*) criteria for an Initial Development Order. It will generate **228 PM** daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips **does not** exceed the acceptable level of service of the following roadways:

Sta. #		LOS present	LOS w/project
9172	SW 87 Ave. s/o SW 88 St.	C	C
9714	SW 104 St. w/o US-1	D	D
F-1077	SW 87 Ave. n/o SW 132 St.	C	C
F-64	SW 88 St. e/o SW 103 Ave.	E	E
9716	SW 104 St. w/o SW 107 Ave.	C	C

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

(*) Traffic concurrency is based on development information provided by the applicant where the number of peak hour vehicle trips may fluctuate.

Raul A. Pino, P.L.S.

JUL. 12 2004

Date

23

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

RECEIVED
MAR 01 2004
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY Cherisse Dumps

CHECKED BY CD AMOUNT OF FEE 1585.79.

RECEIPT # I 200411357. ~~01-3~~

DATE HEARD: 2/10/04

BY CZAB # 12

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. 03-11-CZ12-1 01-398

Filed in the name of (Applicant) Acropolis Realty, LLC

Name of Appellant, if other than applicant _____

Address/Location of APPELLANT'S property: 8960-8970 SW 87 Court, Miami-Dade County, Florida

Application, or part of Application being Appealed (Explanation): Entire Appealable Application

Appellant (name): Acropolis Realty, LLC
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)

SEE EXHIBIT "A"

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APPELLANT MUST SIGN THIS PAGE

Date: 1st day of March, year: 2004

Signed _____

Chad Williard, Esq, Attorney for Appellant
Print Name

999 Ponce de Leon Boulevard, Suite 10000
Mailing Address

Coral Gables, Florida 33134

(305) 444-1500 (305) 443-8617
Phone Fax

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

_____
Representing

_____
Signature

_____
Print Name

_____
Address

_____ _____ _____
City State Zip

_____
Telephone Number

Subscribed and Sworn to before me on the 1 day of March, year 2004

Jessica Espinosa
Notary Public

Jessica Espinosa
Commission # DD273053
Expires: Dec. 7, 2007
Aaron Notary
1-800-350-5161

(stamp/seal)

Commission expires:

25

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

STATE OF Florida

COUNTY OF Dade

Before me the undersigned authority, personally appeared Chad Williard, Esq. (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)

X 1. Participation at the hearing
X 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:

Ruth A. Signorile
Signature

Ruth A. Signorile
Print Name

Signature

Jeffrey M. Flanagan
Print Name

Appellant's signature

Chad Williard, Esq., Attorney for Appellant
Print Name

Sworn to and subscribed before me on the 1 day of March, year 2004

Appellant is personally know to me or has produced _____ as identification.

Jessica Espinosa
Notary
(Stamp/Seal)

Commission Expires:

Jessica Espinosa
Commission # DD273053
Expires: Dec. 7, 2007
Aaron Notary
1-800-350-5161

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

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RESOLUTION NO. CZAB12-6-04

WHEREAS, **ACROPOLIS REALTY LLC** applied for the following:

(1) RU-5A & BU-1 to OPD

(2) DELETION of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329.

The purpose of the request is to remove an agreement from the site which limited the commercial uses and tied the BU-1 site to a plan.

(3) The applicant is requesting to permit a lot with an area of 2.94 acres. (The underlying zoning district regulation requires 3 acres including right-of-way dedication).

(4) The applicant is requesting to permit a floor area ratio of 0.94. (The underlying zoning regulation permits 0.86.

Plans are on file and may be examined in the Zoning Department entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., dated revised 9-2-03 and 10-2-03 and consisting of 8 pages. Plans may be modified at public hearing.

SUBJECT PROPERTY: The south ½ of the south ½ of the NE ¼ of the NE ¼ of the NE ¼, less the east 35′ thereof and less the west 25′ thereof, in Section 4, Township 55 South, Range 40 East. The south 20′ of the right-of-way of S.W. 89 Terrace and the east 25′ of S.W. 88 Avenue, thereof shall be added to the buildable site.

LOCATION: 8960-70 S.W. 87 Court, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time, the applicant requested a waiver of the refilling period, 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 OPD (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 should be denied, and that the requested deletion (Item #2), and the requests to permit a lot with an area of 2.94 acres (Item #3) and to permit a floor area ratio

of 0.94 (Item #4) 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 that the requested waiver of the refiling period should be granted, and

WHEREAS, a motion to deny Items #1-4 without prejudice and to grant the waiver of the refiling period was offered by Robert W. Wilcosky, seconded by Peggy Brodeur, and upon a poll of the members present the vote was as follows:

Peggy Brodeur	aye	Douglas Krueger	absent
Millie Herrera	absent	Nelson Varona	nay
		Robert W. Wilcosky	aye

Jose I. Valdes aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 12, that the requested district boundary change to OPD (Item #1) be and the same is hereby denied without prejudice.

BE IT FURTHER RESOLVED that the requested deletion (Item #2), and the requests to permit a lot with an area of 2.94 acres (Item #3) and to permit a floor area ratio of 0.94 (Item #4) be and the same are hereby denied without prejudice.

BE IT FURTHER RESOLVED that the requested waiver of the refiling period be and the same is hereby granted, and said refiling period is hereby waived.

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 10th day of February, 2004.

Hearing No. 03-11-CZ12-1
ej

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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 Miami-Dade County Community Zoning Appeals Board 12, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB12-6-04 adopted by said Community Zoning Appeals Board at its meeting held on the 10th day of February, 2004.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 17th day of February, 2004.

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

SEAL

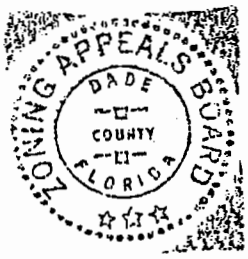

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Exhibit "A"

The Community Zoning Appeals Board #12 ("CZAB #12") decision (memorialized in Resolution No. CZAB12-6-04; a copy of which is attached hereto and herein incorporated by reference) should be reversed in its entirety by the Miami-Dade County Board of County Commissioners because the decision was not supported by competent, substantial evidence.

As stated in the Department of Planning and Zoning Recommendation, which recommends approval of the entire Application (Hearing No. 01-398), the zoning request is compatible with the surrounding area's uses and zoning classifications and is consistent with the Comprehensive Development Master Plan. Moreover, all evidence entered into the record to be considered by CZAB #12 – a traffic impact study prepared by Harper Partners, Inc., as well as all comments and reports prepared by the various, reviewing agencies and departments of Miami-Dade County - supported the approval of the Application.

RESOLUTION NO. Z-100-83

The following resolution was offered by Commissioner Ruth Shack, seconded by Commissioner Barry D. Schreiber, and upon poll of members present the vote was as follows:

Barbara M. Carey	absent	Barry D. Schreiber	aye
Clara Oesterle	absent	Ruth Shack	aye
Beverly B. Phillips	absent	Jorge (George) Valdes	aye
James F. Redford, Jr.	aye	Stephen P. Clark	aye
Harvey Ruvin	absent		

WHEREAS, RAYMOND PEARLSON & ROBERT BROWDY had applied for the following.

A district boundary change from RU-5A (Semi-Professional Offices) to BU-1 (Neighborhood Business);

SUBJECT PROPERTY: The east 185' of the south 1/2 of the south 1/2 of the NE 1/4 of the NE 1/4 of the NE 1/4, less the east 35' thereof, in Section 4, Township 55 South, Range 40 East.

LOCATION: 8960 S.W. 87 Court, Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners, Dade County, Florida, was advertised and held, as required by law, and all interested parties concerned in the matter were heard, at which time the applicant's representative proffered a Declaration of Restrictions limiting the use of the subject property for office use and a commercial bank and sandwich shop, and upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change would be compatible with the neighborhood and area concerned and would not be in conflict with the principles and intent of the plan for the development of Dade County, Florida, and should be approved, subject to conditions, and the proffered covenant should be accepted;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the requested district boundary change to BU-1 be and the same is hereby approved and said property is hereby zoned accordingly, subject to the following conditions:

1. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things but be not limited thereto, location of building or buildings, type and location of signs, light standards, parking areas, exits and entrances, drainage, walls, fences. landscaping, etc.

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

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Metropolitan Dade County, Florida, the County hereby accepts the proffered Declaration of Restrictive Covenants and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable

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zoning regulations.

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

PASSED AND ADOPTED this 9th day of June, 1983.

June, 1983
No. 83-3-CC-7
vp
6/10/83

DADE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS
Richard P. Brinker, Clerk

By RAYMOND [illegible]
Deputy Clerk

This resolution transmitted to the Clerk of the Board of County Commissioners on the 22nd day of June 1983.

1983 JUL -8 AM 10:58 83R181651 1-55-40

OFF REC 11841 PG 1328

DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS that the undersigned, being the owner, or having some right, title or interest in the following described property, lying, being and situated in Dade County, Florida, to-wit:

THE EAST 185 FT. OF S 1/2 OF S 1/2 OF NE 1/4 OF NE 1/4 OF NE 1/4 LESS EAST 35 FEET OF SECTION 4, TOWNSHIP 55 SOUTH, RANGE 40 EAST.

in order to assure the County Commission of Dade County, Florida, that the representations made to it by the owner will be abided by, voluntarily makes the following Declaration of Restrictions covering and running with the above-described real property:

(1) That said property shall be developed substantially in accordance with the spirit and intent of the plans previously submitted, prepared by MARIANO RODRIGUEZ (ARCHITECT) entitled, OFFICE ADDITION FOR PEARLSON CENTER - INCLUDING ZONING CHANGE FOR SANDWICH SHOP IN EXISTING BUILDING. dated the 15th day of MAY, 1982.

(2) ADDITION TO BE RESTRICTED SOLELY FOR USE OF COMMERCIAL BANK.

(3) TO BE RESTRICTED SOLELY FOR SANDWICH SHOP IN EXISTING BUILDING LOCATED AT 8960 S.W. 87TH CT. MIAMI, FLA. 33176.

As further part of this agreement, it is hereby understood and agreed that any official inspector of the Dade County Building and Zoning Department, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and investigating 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.

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.

This Agreement on the part of the owner shall constitute a covenant running with the land and may be recorded in the public records of Dade County, Florida, shall remain in full force and effect and be binding upon the undersigned.

33

1983 JUL -8 AM 10:58 OFF REC 11841 PG 1328 83R181654 -55-40

DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS that the undersigned, being the owner, or having some right, title or interest in the following described property, lying, being and situated in Dade County, Florida, to-wit:

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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.

This Agreement on the part of the owner shall constitute a covenant running with the land and may be recorded in the public records of Dade County, Florida,

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COCONUT GROVE BANK
2701 SOUTH BAYSHORE DRIVE
COCONUT GROVE
MIAMI 33, FLORIDA

OFF REC 11841 PG 1330

Dade County Board of County Commissioners
c/o Dade County Building & Zoning Dept.
909 S.E. First Ave.
Miami, Florida, 33131

DATE May 23, 1983

ALL DRAFTS DRAWN MUST BE MARKED:
DRAWN UNDER LETTER OF CREDIT

№ 1763

GENTLEMEN:

OFF REC 11841 PG 1329

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 30 years from the date these covenants are recorded, after which time they shall be extended automatically for successive periods of ten years, unless an instrument signed by a majority of the, then, owner(s) of the real property has been recorded agreeing to change the covenants in whole, or in part, provided that the covenants have first been released by Dade County.

This Declaration of restrictive Covenants 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 of the fee simple title to the lands to be affected by such modification, amendment or release, provided that the same is also approved by the Board of County Commissioners or the Zoning Appeals Board of Metropolitan Dade County, Florida, (whichever by law has jurisdiction over such matters) after public hearing.

Should this Declaration of Restrictive Covenants be so modified, amended or released, the Director of the Metropolitan Dade County Building & Zoning Department, or his successor, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

Enforcement shall be by action at law or in equity against any parties or persons violating, or attempting to violate, any covenants, either to restrain violation or to recover damages. The prevailing party bringing the action, or suit, shall be entitled to recover, in addition to costs and disbursements

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These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 30 years from the date these covenants are recorded, after which time they shall be extended automatically for successive periods of ten years, unless an instrument signed by a majority of the, then, owner(s) of the real property has been recorded agreeing to change the covenants in whole, or in part, provided that the covenants have first been released by Dade County.

This Declaration of restrictive Covenants 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 of the fee simple title to the lands to be affected by such modification, amendment or release, provided that the same is also approved by the Board of County Commissioners or the Zoning Appeals Board of Metropolitan Dade County, Florida, (whichever by law has jurisdiction over such matters) after public hearing.

Should this Declaration of Restrictive Covenants be so modified, amended or released, the Director of the Metropolitan Dade County Building & Zoning Department, or his successor, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

Enforcement shall be by action at law or in equity against any parties or persons violating, or attempting to violate, any covenants, either to restrain violation or to recover damages. The prevailing party bringing the action, or suit, 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.

Invalidation of any one of these covenants, by judgement or Court, in no wise shall affect any of the other provisions which shall remain in full force and effect.

Signed, sealed, executed and acknowledged this 4 day of May, 1982.

WITNESSES:

36.

COCONUT GROVE BANK
2701 SOUTH BAYSHORE DRIVE
COCONUT GROVE
MIAMI 33, FLORIDA

OFF REC 11841 PG 1330

DATE May 23, 1983

Dade County Board of County Commissioners
c/o Dade County Building & Zoning Dept.
909 S.E. First Ave.
Miami, Florida, 33131

ALL DRAFTS DRAWN MUST BE MARKED:
DRAWN UNDER LETTER OF CREDIT

№ 1763

GENTLEMEN:

WE ARE PLEASED TO ADVISE YOU THAT WE HAVE ESTABLISHED OUR IRREVOCABLE CREDIT # 1763 IN YOUR FAVOR FOR ACCOUNT OF Raymond Pearlson, 8960 S.W. 87th Court, Miami, Florida, 33176

AVAILABLE TO THE AGGREGATE AMOUNT OF US$11,160.00 (ELEVEN THOUSAND ONE HUNDRED SIXTY AND 00/100 US DOLLARS)

BY YOUR DRAFTS DRAWN AT sight ON US AND ACCOMPANIED BY THE DOCUMENTS LISTED BELOW

1-Original Letter of Credit.
2-Certificate of the Director, Dade County Building and Zoning Dept. stating that Raymond Pearlson has failed to acquire a joinder of Mortgagee (to a Declaration of Restrictions on property described as E 185' of S½ of S½ of NE4 NE4 NE4 less the East 35 feet of section 4 Township 55 S range 40 E dated May 4, 1983), or in the alternative to pay off Mortgage No. 1403 of General American Life Insurance Co., St. Louis, Mo. on the aforedescribed property (a/k/a 8960 S.W. 87th Court, Miami, Florida), on or before July 1, 1983.

RECORDED IN OFFICIAL RECORDS BOOK OF DADE COUNTY, FLORIDA
RECORD VERIFIED
RICHARD P. BRINKER
CLERK CIRCUIT COURT

THE AMOUNT AND DATE OF EACH NEGOTIATION MUST BE ENDORSED ON THE BACK HEREOF BY THE NEGOTIATING BANK.

WE HEREBY ENGAGE WITH YOU THAT ALL DRAFTS DRAWN UNDER AND IN COMPLIANCE WITH THE TERMS OF THIS CREDIT WILL BE DULY HONORED ON DELIVERY OF DOCUMENTS AS SPECIFIED IF PRESENTED TO US ON OR BEFORE July 10, 1983.

UNLESS OTHERWISE EXPRESSLY STATED, THIS CREDIT IS SUBJECT TO THE UNIFORM CUSTOMS AND PRACTICE FOR COMMERCIAL DOCUMENTARY CREDITS FIXED BY THE THIRTEENTH CONGRESS OF THE INTERNATIONAL CHAMBER OF COMMERCE. (BROCHURE 222 - 1968 REVISION) Publication 290 of 1974

VERY TRULY YOURS,

COCONUT GROVE BANK

AUTHORIZED SIGNATURE

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MIAMI-DADE FIRE RESCUE
Planning & Capital Improvements Bureau
ZONING COMMENTS

Hearing Number: Z01-398. Rev#2

Plans: ☑ Yes ☐ No Request: _____

Location: _____

Recommendation:
- Approved ✓
- Approved with conditions ____*
- Approved with no change from previous submittal ____
- Denial ____
- Defer to DIC comments ____

*_____

Estimated number of alarms generated annually by application: 22

If there is an impact, below is the service availability:

Station District 23 Grid 1829 DU/SF 81,646 Occupancy Type 3

Impact of additional calls on closest station:
- ☐ No Impact
- ☐ Minimal Impact
- ☒ Moderate Impact
- ☐ Severe Impact

Planned Service to Mitigate:

Service	Location	Year to be Completed
East Kendall 13	6000 SW 87A	2005

☐ None

THIS REVIEW IS FOR SERVICE IMPACT AND SERVICE AVAILABILITY ONLY AND DOES NOT CONSTITUTE NOR IMPLY SITE PLAN APPROVAL.

ALL SITE PLANS MUST BE REVIEWED AND APPROVED BY THE MIAMI-DADE FIRE RESCUE FIRE WATER & ENGINEERING BUREAU LOCATED AT 11805 SW 26 ST. BASED UPON THAT REVIEW, SITE PLANS MAY NEED MODIFICATION TO COMPLY WITH LIFE-SAFETY STANDARDS.

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Reviewed by: B. J. Matthews Phone: (786) 331-4542 Date: 2/25/04

Barbara J. Matthews

Revised 1/23/04 BJM

TEAM METRO
KENDALL OFFICE

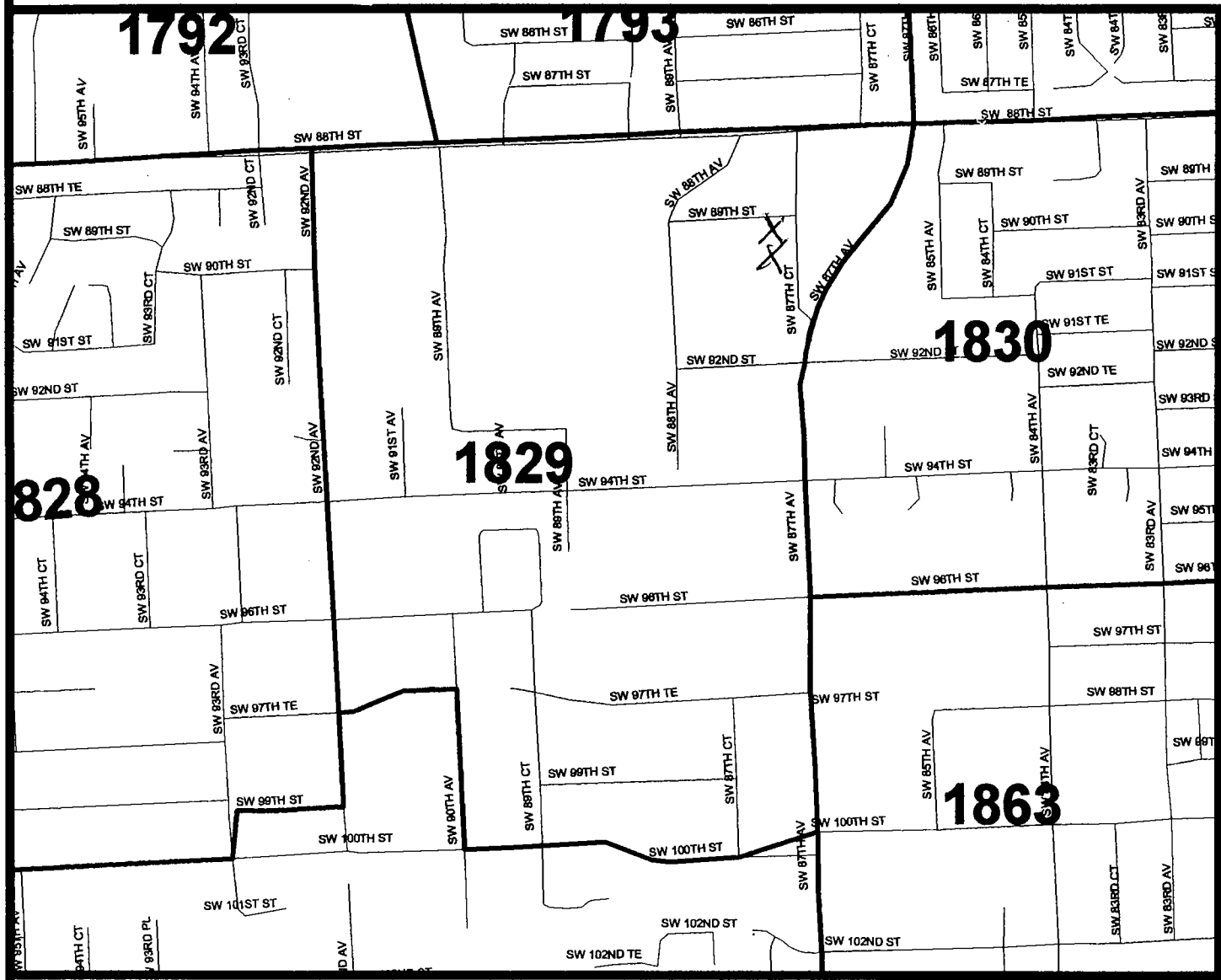
ENFORCEMENT HISTORY

Acropolis Realty, LLC	8960-8970 SW 87 Ct.
APPLICANT	**ADDRESS**
07/29/04	01-398
DATE	**HEARING NUMBER**

CURRENT ENFORCEMENT HISTORY:

7/13/04 An inspection revealed no violations. No open Team Metro cases.

Miami-Dade Police Department
Target Area - Police Grid(s): 1829
Acropolis Realty, LLC; Hearing # 01-398



0 0.08 0.16 Miles

Police Grids Boundaries
Boundary

MDPD Crime Analysis System
April 6, 2004
Data in this document represents successfully geocoded attributes.

ami-Dade Police Departm t

Address Query for Events occurring at 8960 SW 87 CT
For 1/1/02 Thru 2002-12-31

Miami-Dade Police Department *Crime Information Wareh*

Detail Filter: Dis.Complaint Date >= "2002-01-01" and Dis.Complaint Date < "2003-01-01" and Dis.Police District Code in ("A" , "E" , "R" , "J" , "C" , "D" , "H" , "Q" , "I" , "K" , "N" , "M" , " " , "ZZ" , "P") and Dis.Incident Address contains "8960 SW 87 CT" and Dis.Reporting Agency Code = substring ("030" , 1 , 3) and Dis.Primary Unit not contains 'SB'

Incident Address	Dis	Grid	AOP	Complaint Date	Case Number	Sig Pre	Sig Suf	Rcvd Time	Disp Time	1st Arriv Time	1st Arriv Unit
8960 SW 87 CT/# 21	K	1829	1	09/05/2002	0492531A		25A	03:40:00	03:41:00	03:47:00	K1106
8960 SW 87 CT	K	1829	1	09/05/2002	0493061A		34	11:22:00	11:28:00	11:43:00	K2503
8960 SW 87 CT/#21	K	1829	1	08/04/2002	0429413A		25A	02:41:00	02:50:00	02:55:00	K1106
8960 SW 87 CT	K	1829	2	01/25/2002		2	15	00:29:00	00:29:00	00:31:00	
8960 SW 87 CT	K	1829	2	01/25/2002			15	00:22:00	00:23:00	00:23:00	K1502
8960 SW 87 CT/#14	K	1829	1	03/05/2002			25A	08:23:00	08:28:00	08:28:00	K0000
8960 SW 87 CT #21	K	1829	1	03/21/2002			13	10:14:00	10:14:00	10:14:00	Z3304
8960 SW 87 CT STE 25	K	1829	1	04/28/2002			13	17:43:00	17:43:00	17:43:00	K3505
8960 SW 87 CT/SUITE# 25	K	1829	1	04/29/2002			15	10:37:00	10:37:00	10:43:00	
8960 SW 87 CT/STE 15	K	1829	1	06/07/2002			13	09:42:00	09:44:00	09:44:00	K2507
8960 SW 87 CT/#21	K	1829	1	08/04/2002			15	02:51:00	02:51:00	02:55:00	
8960 SW 87 CT/# 21	K	1829	1	09/05/2002			15	03:41:00	03:41:00	03:47:00	
8960 SW 87 CT/SUITE# 25	K	1829	1	04/29/2002	0233529A		14	10:29:00	10:35:00	10:43:00	K2107
8960 SW 87 CT/APT 25	K	1829	1	04/28/2002	0232186A		25A	15:43:00	16:02:00	16:13:00	K3505
8960 SW 87 CT	K	1829	2	01/25/2002	0046886A	2	49	00:22:00	00:23:00	00:23:00	K1502
8960 SW 87 CT	Q	1829	1	03/13/2002			13	09:12:00	09:12:00	09:12:00	Z3302

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M mi-Dade Police Departmer

Address Query for Events occurring at 8960 SW 87 CT
For 1/1/03 Thru 2003-12-31

Miami-Dade Police Department *Crime Information Wareh*

Detail Filter: Dis.Complaint Date >= "2003-01-01" and Dis.Complaint Date < "2004-01-01" and Dis.Police District Code in ("A" , "E" , "R" , "J" , "C" , "D" , "H" , "Q" , "I" , "K" , "N" , "M" , " " , "ZZ" , "P") and Dis.Incident Address contains "8960 SW 87 CT" and Dis.Reporting Agency Code = substring ("030" , 1 , 3) and Dis.Primary Unit not contains 'SB'

Incident Address	Dis	Grid	AOP	Complaint Date	Case Number	Sig Pre	Sig Suf	Rcvd Time	Disp Time	1st Arriv Time
8960 SW 87 CT	K	1829	1	08/12/2003	0432313B		54	15:56:24	15:56:24	15:56:24
8960 SW 87 CT	K	1829	1	04/10/2003	0190651B		26	17:16:00	17:16:00	17:16:00
8960 SW 87 CT	K	1829	1	03/11/2003	0131611B		34	10:22:38	11:02:39	11:12:00
8960 SW 87 CT/#25	K	1829	1	02/18/2003	0092192B		25A	21:49:00	22:21:00	22:21:00
8960 SW 87 CT/#24	K	1829	1	01/17/2003	0031435B		14	15:00:00	16:40:00	16:47:00
8960 SW 87 CT	K	1829	1	01/21/2003	0038158B		18JO	12:07:00	12:09:00	12:16:00
8960 SW 87 CT/#24	K	1829	1	01/17/2003			15	16:44:00	16:44:00	16:54:00
8960 SW 87 CT/#25	K	1829	1	02/18/2003			15	22:02:00	22:02:00	22:02:00
8960 SW 87 CT/#25	K	1829	1	02/18/2003			15	22:21:00	22:21:00	22:28:00

9

Miami-Dade Police Department
Address Query for Events occurring at 8970 SW 87 CT
For 1/1/02 Thru 2002-12-31

Miami-Dade Police Department

Crime Information Wareh

Detail Filter: Dis.Complaint Date >= "2002-01-01" and Dis.Complaint Date < "2003-01-01" and Dis.Police District Code in ("A" , "E" , "R" , "J" , "C" , "D" , "H" , "Q" , "I" , "K" , "N" , "M" , " " , "ZZ" , "P") and Dis.Incident Address contains "8970 SW 87 CT" and Dis.Reporting Agency Code = substring ("030" , 1 , 3) and Dis.Primary Unit not contains 'SB'

Incident Address	Dis	Grid	AOP	Complaint Date	Case Number	Sig Pre	Sig Suf	Rcvd Time	Disp Time	1st Arriv Time	1st Arriv Unit
8970 SW 87 CT.	K	1829	1	12/30/2002	0717023A		27	11:09:00	11:43:00	11:52:00	K2480
8970 SW 87 CT	K	1829	1	12/30/2002	0716943A		27	10:57:00	10:57:00	10:57:00	
8970 SW 87 CT	K	1829	1	11/22/2002	0645898A		25A	17:37:00	17:46:00	18:00:00	K3102
8970 SW 87 CT	K	1829	1	07/08/2002	0376544A		26V	21:41:00	21:41:00	21:41:00	
8970 SW 87 CT/#1	K	1829	1	05/09/2002	0255706A		25A	21:20:00	21:27:00	21:31:00	K3403
8970 SW 87 CT	K	1829	2	01/28/2002			25A	21:01:00	21:07:00	21:07:00	K0000
8970 SW 87 CT	K	1829	2	01/28/2002			15	21:30:00	21:30:00	21:30:00	
8970 SW 87 CT	K	1829	2	01/28/2002			13	21:36:00	21:36:00	21:36:00	K3207
8970 SW 87 CT	K	1829	2	01/28/2002			15	21:36:00	21:36:00	21:36:00	K3207
8970 SW 87 CT/#100	K	1829	1	04/05/2002			15	17:47:00	17:47:00	17:52:00	
8970 SW 87 CT #22	K	1829	1	04/29/2002			25A	19:48:00	19:52:00	19:52:00	K0000
8970 SW 87 CT/STE 22	K	1829	1	04/29/2002			25A	20:55:00	20:59:00	20:59:00	K0000
8970 SW 87 CT	K	1829	1	11/22/2002			15	17:46:00	17:46:00	18:00:00	
8970 SW 87 CT/STE 100	K	1829	1	05/10/2002	0256222A		25A	07:31:00	07:40:00	07:59:00	K2505
8970 SW 87 CT/#100	K	1829	1	04/05/2002	0186323A		25A	17:44:00	17:47:00	17:52:00	K3100
8970 SW 87 CT	K	1829	2	01/28/2002	0054415A		25A	21:24:00	21:25:00	21:25:00	K3207

M mi-Dade Police Departmer

Address Query for Events occurring at 8970 SW 87 CT
For 1/1/03 Thru 2003-12-31

Miami-Dade Police Department *Crime Information Wareh*

Detail Filter: Dis.Complaint Date >= "2003-01-01" and Dis.Complaint Date < "2004-01-01" and Dis.Police District Code in ("A" , "E" , "R" , "J" , "C" , "D" , "H" , "Q" , "I" , "K" , "N" , "M" , " " , "ZZ" , "P") and Dis.Incident Address contains "8970 SW 87 CT" and Dis.Reporting Agency Code = substring ("030" , 1 , 3) and Dis.Primary Unit not contains 'SB'

Incident Address	Dis	Grid	AOP	Complaint Date	Case Number	Sig Pre	Sig Suf	Rcvd Time	Disp Time	1st Arriv Time	1st Arriv Unit
8970 SW 87 CT	K	1829	1	11/03/2003			13	15:30:46	15:30:46	15:30:46	Z4503

Miami-Dade Police Department
Summarized Grid Information By Signal
For 1/1/02 Thru 2002-12-31

Detail Filter: (Dis.Complaint Date >= "2002-01-01" and Dis.Complaint Date < "2003-01-01") and (Dis.Grid in ("1829")) and (Dis.Signal Code in ("13" , "14" , "15" , "16" , "17" , "18" , "19" , "20" , "21" , "22" , "23" , "24" , "25" , "26" , "27" , "28" , "29" , "30" , "31" , "32" , "33" , "34" , "35" , "36" , "37" , "38" , "39" , "40" , "41" , "42" , "43" , "44" , "45" , "46" , "47" , "48" , "49" , "50" , "51" , "52" , "53" , "54" , "55")) and (Dis.Primary Unit not contains '0000') and (Dis.Primary Unit not contains 'SB') and (Dis.Reporting Agency Code = substring ("030" , 1 , 3))

Grid	Signal Code	Signal Description	Total
1829	13	SPECIAL INFORMATION/ASSIGNMENT	135
	14	CONDUCT INVESTIGATION	226
	15	MEET AN OFFICER	572
	16	D.U.I.	1
	17	TRAFFIC ACCIDENT	93
	18	HIT AND RUN	30
	19	TRAFFIC STOP	82
	20	TRAFFIC DETAIL	17
	21	LOST OR STOLEN TAG	7
	22	AUTO THEFT	38
	25	BURGLAR ALARM RINGING	118
	26	BURGLARY	50
	27	LARCENY	59
	28	VANDALISM	18
	29	ROBBERY	4
	30	SHOOTING	3
	32	ASSAULT	74
	33	SEX OFFENSE	8
	34	DISTURBANCE	94
	36	MISSING PERSON	10
	37	SUSPICIOUS VEHICLE	5
	38	SUSPICIOUS PERSON	15

I ami-Dade Police Departme
Summarized Grid Information By Signal
For 1/1/02 Thru 2002-12-31

Detail Filter: (Dis.Complaint Date >= "2002-01-01" and Dis.Complaint Date < "2003-01-01") and (Dis.Grid in ("1829")) and (Dis.Signal Code in ("13" , "14" , "15" , "16" , "17" , "18" , "19" , "20" , "21" , "22" , "23" , "24" , "25" , "26" , "27" , "28" , "29" , "30" , "31" , "32" , "33" , "34" , "35" , "36" , "37" , "38" , "39" , "40" , "41" , "42" , "43" , "44" , "45" , "46" , "47" , "48" , "49" , "50" , "51" , "52" , "53" , "54" , "55")) and (Dis.Primary Unit not contains '0000') and (Dis.Primary Unit not contains 'SB') and (Dis.Reporting Agency Code = substring ("030" , 1 , 3))

Grid	Signal Code	Signal Description	Total
1829.	39	PRISONER	7
	41	SICK OR INJURED PERSON	50
	43	BAKER ACT	2
	44	ATTEMPTED SUICIDE	4
	45	DEAD ON ARRIVAL	100
	49	FIRE	8
	52	NARCOTICS INVESTIGATION	3
	54	FRAUD	21

Total Signals for Grid 1829 : 1854

Total Reported: 1164 Total Not Reported: 690

Total for All Grids : 1854

Miami-Dade Police Department
Summarized Grid Information By Signal
For 1/1/03 Thru 2003-12-31

Detail Filter: (Dis.Complaint Date >= "2003-01-01" and Dis.Complaint Date < "2004-01-01") and (Dis.Grid in ("1829")) and (Dis.Signal Code in ("13" , "14" , "15" , "16" , "17" , "18" , "19" , "20" , "21" , "22" , "23" , "24" , "25" , "26" , "27" , "28" , "29" , "30" , "31" , "32" , "33" , "34" , "35" , "36" , "37" , "38" , "39" , "40" , "41" , "42" , "43" , "44" , "45" , "46" , "47" , "48" , "49" , "50" , "51" , "52" , "53" , "54" , "55")) and (Dis.Primary Unit not contains '0000') and (Dis.Primary Unit not contains 'SB') and (Dis.Reporting Agency Code = substring ("030" , 1 , 3))

Grid	Signal Code	Signal Description	Total
1829	13	SPECIAL INFORMATION/ASSIGNMENT	145
	14	CONDUCT INVESTIGATION	251
	15	MEET AN OFFICER	561
	16	D.U.I.	5
	17	TRAFFIC ACCIDENT	107
	18	HIT AND RUN	33
	19	TRAFFIC STOP	54
	20	TRAFFIC DETAIL	14
	21	LOST OR STOLEN TAG	11
	22	AUTO THEFT	24
	25	BURGLAR ALARM RINGING	116
	26	BURGLARY	49
	27	LARCENY	64
	28	VANDALISM	8
	29	ROBBERY	5
	32	ASSAULT	74
	33	SEX OFFENSE	8
	34	DISTURBANCE	94
	36	MISSING PERSON	11
	37	SUSPICIOUS VEHICLE	3
	38	SUSPICIOUS PERSON	8
	39	PRISONER	7

(ami-Dade Police Departme
Summarized Grid Information By Signal
For 1/1/03 Thru 2003-12-31

Detail Filter: (Dis.Complaint Date >= "2003-01-01" and Dis.Complaint Date < "2004-01-01") and (Dis.Grid in ("1829")) and (Dis.Signal Code in ("13" , "14" , "15" , "16" , "17" , "18" , "19" , "20" , "21" , "22" , "23" , "24" , "25" , "26" , "27" , "28" , "29" , "30" , "31" , "32" , "33" , "34" , "35" , "36" , "37" , "38" , "39" , "40" , "41" , "42" , "43" , "44" , "45" , "46" , "47" , "48" , "49" , "50" , "51" , "52" , "53" , "54" , "55")) and (Dis.Primary Unit not contains '0000') and (Dis.Primary Unit not contains 'SB') and (Dis.Reporting Agency Code = substring ("030" , 1 , 3))

Grid	Signal Code	Signal Description	Total
1829.	41	SICK OR INJURED PERSON	62
	43	BAKER ACT	4
	44	ATTEMPTED SUICIDE	4
	45	DEAD ON ARRIVAL	113
	47	BOMB OR EXPLOSIVE ALERT	5
	49	FIRE	3
	52	NARCOTICS INVESTIGATION	2
	54	FRAUD	10

Total Signals for Grid 1829 : 1855

Total Reported: 1169 Total Not Reported: 686

Total for All Grids : 1855

MIAMI-DADE POLICE DEPARTMENT
Part I and Part II Crimes w/o A \
Reporting Agency: MDPD
From 1/1/02 Thru 1/1/03
YEAR: 2002

Prompt Variable Used: All County: N

Grid(s): 1829

PART I Crimes	Total Crimes
110A - RAPE	3
130A - AGGRAVATED ASSAULT	10
2200 - BURGLARY	10
230A - POCKET PICKING	1
230D - SHOPLIFTING FROM BUILDING	1
230F - SHOPLIFTING FROM A MOTOR VEHICLE	40
230G - SHOPLIFTING ALL OTHERS	52
2400 - MOTOR VEHICLE THEFT	24

Prompt Variable Used: All County: N

Grid(s): 1829

PART II Crimes	Total Crimes
130B - SIMPLE ASSAULT	18
350A - NARCOTIC BUY/SELL/POSS/IMPORT/MANUF	4
260A - FRAUD CON/SWINDLE/FALSE PRET.	5
260D - IMPERSONATION	5

Grand Total: 173

Detail Filter: OI.Incident From Date Time >= "2002-01-01" and OI.Incident From Date Time < "2003-01-01" and OI.Offense.Ucr Code in ('090A' , '1200' , '130A' , '130D' , '2200' , '230A' , '230B' , '230C' , '230D' , '230E' , '230F' , '230G' , '2400' , '090C' , '130B' , '130E' , '350A' , '350B' , '5100' , '2700' , '260A' , '260B' , '260D' , '260E' , '260F' , '1000' , '2000' , '110A' , '110B' , '110C') and OI.Aoa Agency Code = '000' and OI.Clearance Type Description <> 'UNFOUNDED' and OI.Report Written YN = 'Y' and (All County = 'Y' or All County = 'N' and OI.Grid in ("1829")) and OI.Reporting_Agency_Code = "030"

Miami-Dade Police Department

MIAMI-DADE POLICE DEPARTMENT
Part I and Part II Crimes w/o A
Reporting Agency: MDPD
From 1/1/03 Thru 1/1/04
YEAR: 2003

Crime Information Warehouse

Prompt Variable Used: All County: N

Grid(s): 1829

PART I Crimes	Total Crimes
110A - RAPE	1
1200 - ROBBERY	2
130A - AGGRAVATED ASSAULT	5
2200 - BURGLARY	7
230F - SHOPLIFTING FROM A MOTOR VEHICLE	38
230G - SHOPLIFTING ALL OTHERS	56
2400 - MOTOR VEHICLE THEFT	14

Prompt Variable Used: All County: N

Grid(s): 1829

PART II Crimes	Total Crimes
130B - SIMPLE ASSAULT	19
130E - SIMPLE STALKING	2
350A - NARCOTIC BUY/SELL/POSS/IMPORT/MANUF	2
260A - FRAUD CON/SWINDLE/FALSE PRET.	4
260B - FRAUD CREDIT CARD/ATM	2
260D - IMPERSONATION	7

Grand Total: 159

Detail Filter: OI.Incident From Date Time >= "2003-01-01" and OI.Incident From Date Time < "2004-01-01" and OI.Offense.Ucr Code in ('090A' , '1200' , '130A' , '130D' , '2200' , '230A' , '230B' , '230C' , '230D' , '230E' , '230F' , '230G' , '2400' , '090C' , '130B' , '130E' , '350A' , '350B' , '5100' , '2700' , '260A' , '260B' , '260D' , '260E' , '260F' , '1000' , '2000' , '110A' , '110B' , '110C') and OI.Aoa Agency Code = '000' and OI.Clearance Type Description <> 'UNFOUNDED' and OI.Report Written YN = 'Y' and (All County = 'Y' or All County = 'N' and OI.Grid in ("1829")) and OI.Reporting_Agency_Code = "030"

DISCLOSURE OF INTEREST*

If the property which is the subject of the application is owned or leased by a CORPORATION, list the principal stockholders and the percentage of stock owned by each. [Note: Where the principal officers or stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

ACROPOLIS REALTY, L.L.C.
CORPORATION NAME

NAME, ADDRESS AND OFFICE	Percentage of Stock
PED INVESTMENTS LIMITED	100%

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: Where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUST NAME

NAME AND ADDRESS	Percentage of Interest

DISCLOSURE OF INTEREST*

If the property which is the subject of the application is owned or leased by a CORPORATION, list the principal stockholders and the percentage of stock owned by each. [Note: Where the principal officers or stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

PED INVESTMENTS LIMITED
CORPORATION NAME

NAME, ADDRESS AND OFFICE	Percentage of Stock
Pablo Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	49 1/2 %
Elizabeth Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	49 1/2 %
PED HOLDINGS, INC.	1 %

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: Where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUST NAME

NAME AND ADDRESS	Percentage of Interest

DISCLOSURE OF INTEREST*

If the property which is the subject of the application is owned or leased by a CORPORATION, list the principal stockholders and the percentage of stock owned by each. [Note: Where the principal officers or stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

PED HOLDINGS, INC.
CORPORATION NAME

NAME, ADDRESS AND OFFICE	Percentage of Stock
Pablo Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	50%
Elizabeth Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	50%

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: Where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUST NAME

NAME AND ADDRESS	Percentage of Interest

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

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

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

Signature: _____

(Applicant) Pablo Delgado, President

Sworn to and subscribed before me,

this 10 day of October, 2001

(SEAL)

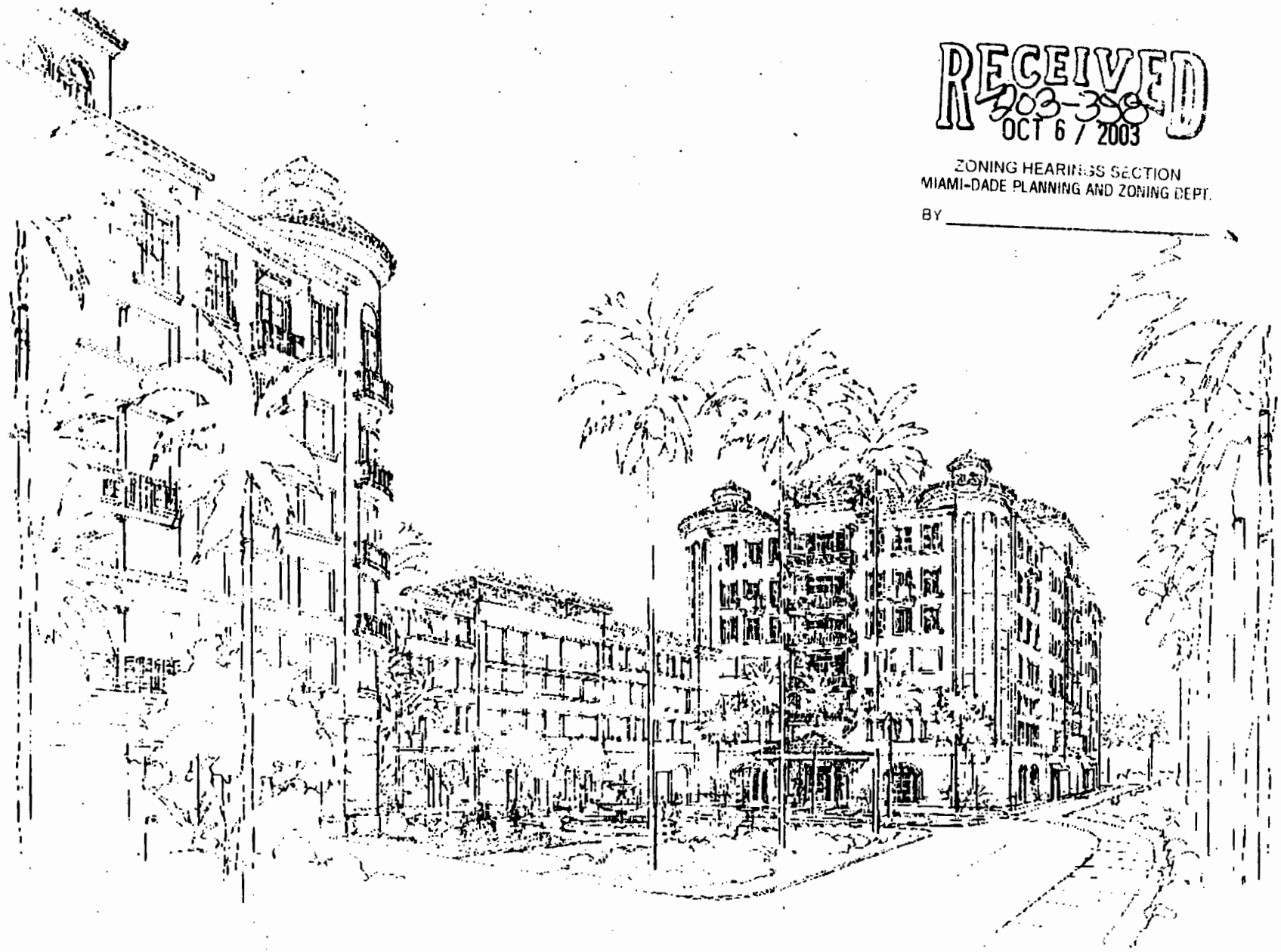
Elizabeth P. Cardenas
Notary Public, State of Florida at Large

ELIZABETH P. CARDENAS
MY COMMISSION # CC 994093
EXPIRES: January 16, 2005
Bonded Thru Notary Public Underwriters

My Commission Expires:

*Disclosure shall not be required of any entity, the equity interests in which are regularly traded on an established securities market in the United States or other country; or of any entity, the ownership interests of which are held in a limited partnership consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interest in the limited partnership.

RECEIVED
203-358
OCT 6 / 2003
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____



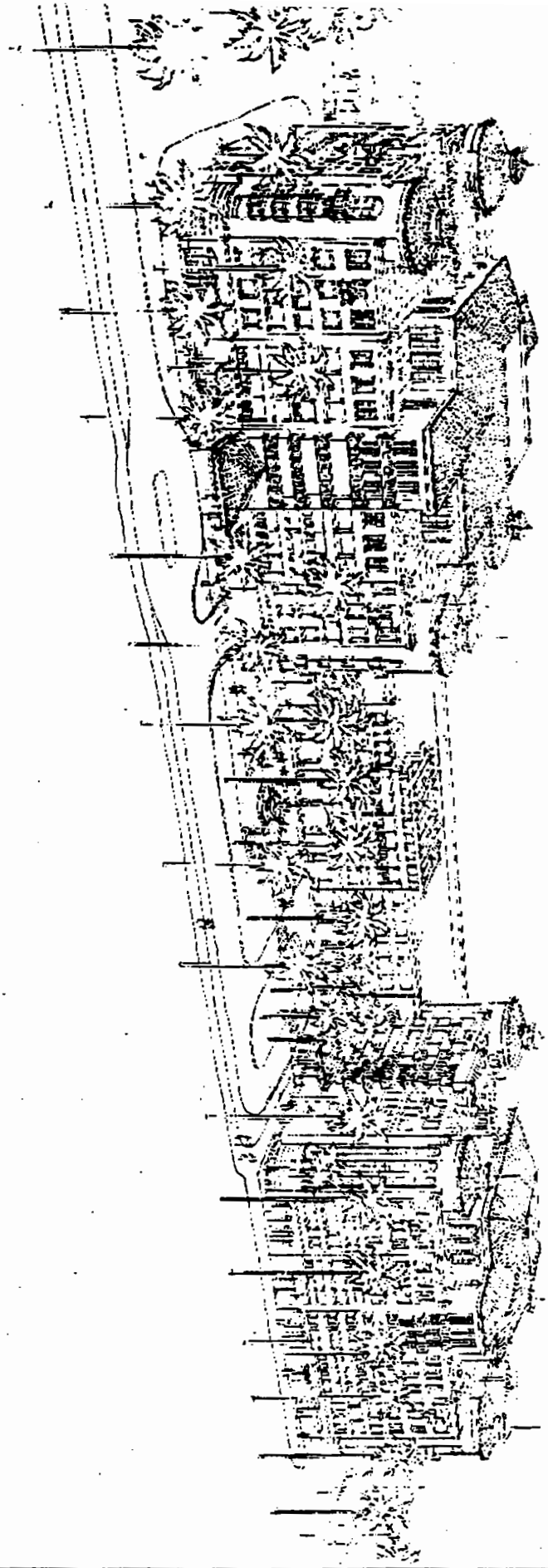
FULLERTON DIAZ ARCHITECTS INC

AGORA PROFESSIONAL BUILDING

8960 SW 87TH COURT MIAMI, FLORIDA 33176

5

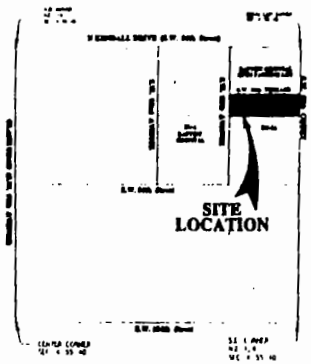
85



FULLERTON DIAZ ARCHITECTS INC.

Agora Professional Building

A-0



LOCATION MAP
N.E. 1/4 OF SECTION 4-55-40
MIAMI-DADE COUNTY, FLORIDA
(NOT TO SCALE)

AGORA PROFESSIONAL BUILDING
SITE DATA LEGEND

ZONING AUTHORITY :	METROPOLITAN DADE COUNTY, FLORIDA
EXISTING ZONING CLASSIFICATION :	BU 1A (SEMI PROFESSIONAL OFFICE DISTRICT) BU-1 (NEIGHBORHOOD BUSINESS DISTRICT)
DESIGNATED ZONING CLASSIFICATION :	OPD (OFFICE PARK DISTRICT)
PROPERTY ADDRESS :	6940 SW 87 TH COURT MIAMI, FLORIDA 33156
FLOOD CRITERIA :	FLOOD ZONE " AE " B F E 9
NAME OF WATER AND SEWER UTILITIES	MIAMI DADE COUNTY WATER AND SEWER
PROPOSED PRINCIPAL USE:	MEDICAL OFFICE BUILDING
LAND AREA INCLUDING R.O.W.	130,067.36 SF. OR 2.94 ACRES (MINIMUM REQUIRED = 5 ACRES)
LOT FRONTAGE (@ SW 87 TH COURT) :	202.82' (MINIMUM REQUIRED =100')
HEIGHT OF BUILDING:	ALLOWED : (8 STORY) 100' MAX. PROVIDED : (8 STORY) 99' 6" TO THE TOP OF THE ROOF
SET BACKS	REQUIRED : 50' FRONT, 15' SIDES AND REAR PROVIDED : 50' FRONT@ SW 87TH COURT, 15 SIDES AND REAR
PROPOSED BUILDING LOT COVERAGE:	30,891 SF. OR 46 % OF SITE
PROPOSED PAVED STREETS AREA:	17,331 SF. OR 13.69 % OF SITE
LANDSCAPED OPEN SPACE :	REQUIRED: 46 % OF SITE OR 130,056 X 0.46 = 59,813 sf 50% REQUIRED AT GROUND FLOOR: 59,813 X 0.50 = 67129 sf PROVIDED: 50 % OF SITE OR 64,900 sf OPEN SPACE AT GROUND FLOOR : 51,708 sf OPEN SPACE AT 5TH LEVEL : 663 sf OPEN SPACE AT 7TH LEVEL ROOF : 5,934 sf OPEN SPACE AT 8TH LEVEL ROOF : 6,044 sf REFER TO LANDSCAPE DRAWINGS FOR GREEN AREA AND EXISTING TREE INFORMATION
F.A.R.	ALLOWED: 118,130 sf 0.90 % OF SITE FOR 8 STORY OR (130,067X 0.90) PROVIDED: 121,152 sf 0.94 % OF SITE , 30 % OVER ALLOWED FAR
F.A.R. BREAK DOWN	LEVEL 1 : 13,193 sf LEVEL 2 : 16,905 sf LEVEL 3 : 16,343 sf LEVEL 4 : 15,922 sf LEVEL 5 : 6,798 sf
OFF STREET PARKING	REQUIRED : 404 PARKING SPACES (OFFICE : 1/ 300 sf) PROVIDED: 371 PARKING SPACES (OFFICE : 1/ 310 sf) (MIN 9'-6" W. X 18'-0" L.)

OWNER — **ACROPOLIS REALTY, LLC**
6950 N. KENDALL DRIVE SUITE 401
MIAMI, FLORIDA 33156
PH: (305) 270-7999 FAX (305) 303-270-6788

ARCHITECT — **FULLERTON DIAZ ARCHITECTS**
366 ALTARA AVENUE
CORAL GABLES, FL 33146
PH: (305) 442-4300 FAX: (305) 305-444-4982

LANDSCAPE — **MARIANO CORRAL & ASSOCIATES**
3995 S W 110 th AVENUE
MIAMI, FL 33165
PH: (305) 551-1262 FAX (305) 555-2081

SURVEYOR — **ALBERTO LORENZO-LUCACHI**
933 SW 128nd AVENUE
MIAMI, FL 33184
PH: (305) 270-6397 FAX (305) 226-6403

LEGAL DESCRIPTION

The South 1/2 of the South 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4, less the East 25 feet thereof in Section 4, Township 55 South, Range 40 East, Miami-Dade County, Florida.

TOGETHER WITH:

[illegible]

LESS:

The East 25.00 feet of the South 25.00 feet of the North 1/2 of the South 1/2, of the Northeast 1/4, of the Northeast 1/4, of the Northeast 1/4, of Section 4, Township 55 South, Range 40 East, Miami-Dade County, Florida.

INDEX OF DRAWINGS

ARCHITECTURE

COVER SHEET, PERSPECTIVE

A-0 PERSPECTIVE

A-1 SITE PLAN, LEGEND, LEGAL DESCRIPTION & LOCATION MAP

A-2 GROUND, 2ND 3RD & 4TH FLOOR PLANS

A-3 5TH AND 6TH FLOOR PLANS

A-4 7TH & 8TH FLOOR PLANS

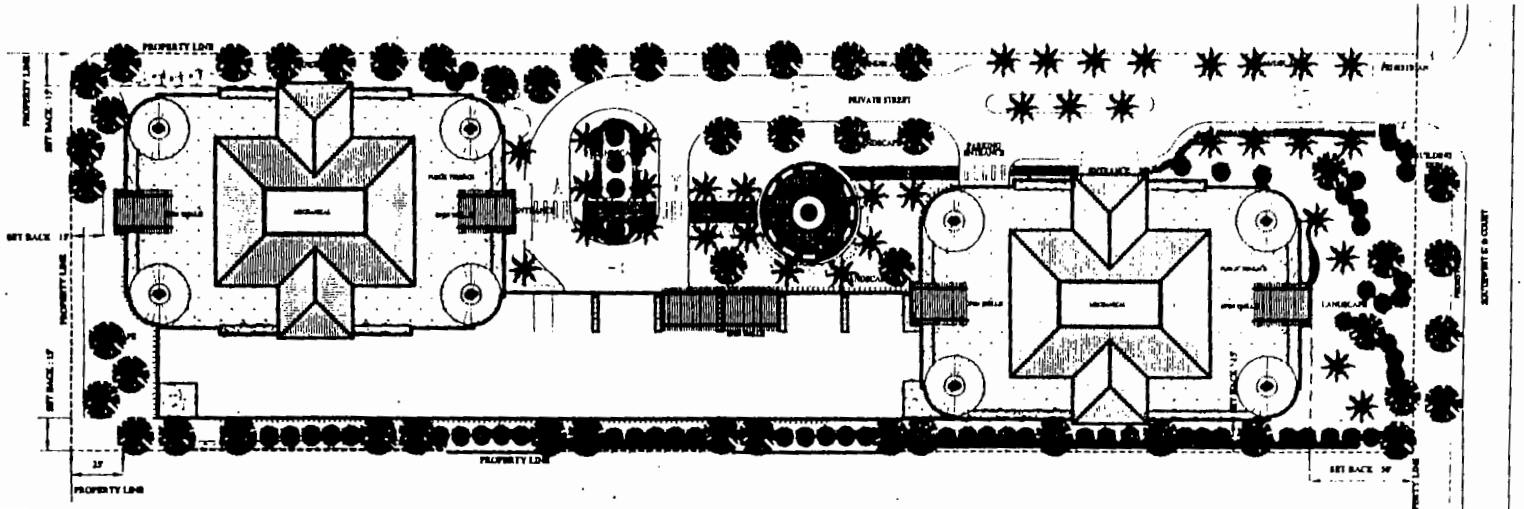
A-5 NORTH ELEVATIONS

A-6 EAST ELEVATIONS

LANDSCAPE

LP-1 SITE LANDSCAPE PLAN (1 OF 1)

LP-2 PLANTER LANDSCAPE (2 OF 2) [illegible]



PROPOSED SITE PLAN

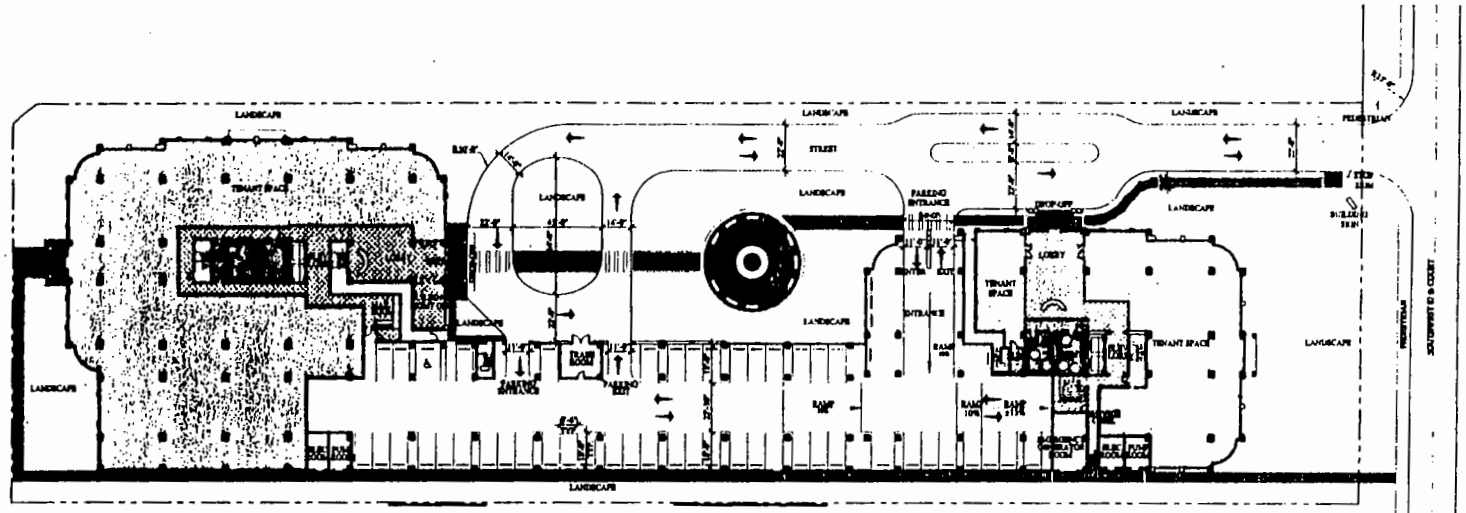
FULLERTON DIAZ ARCHITECTS INC.

Agora Professional Building

8940 SW 87TH COURT MIAMI, FLORIDA 33156

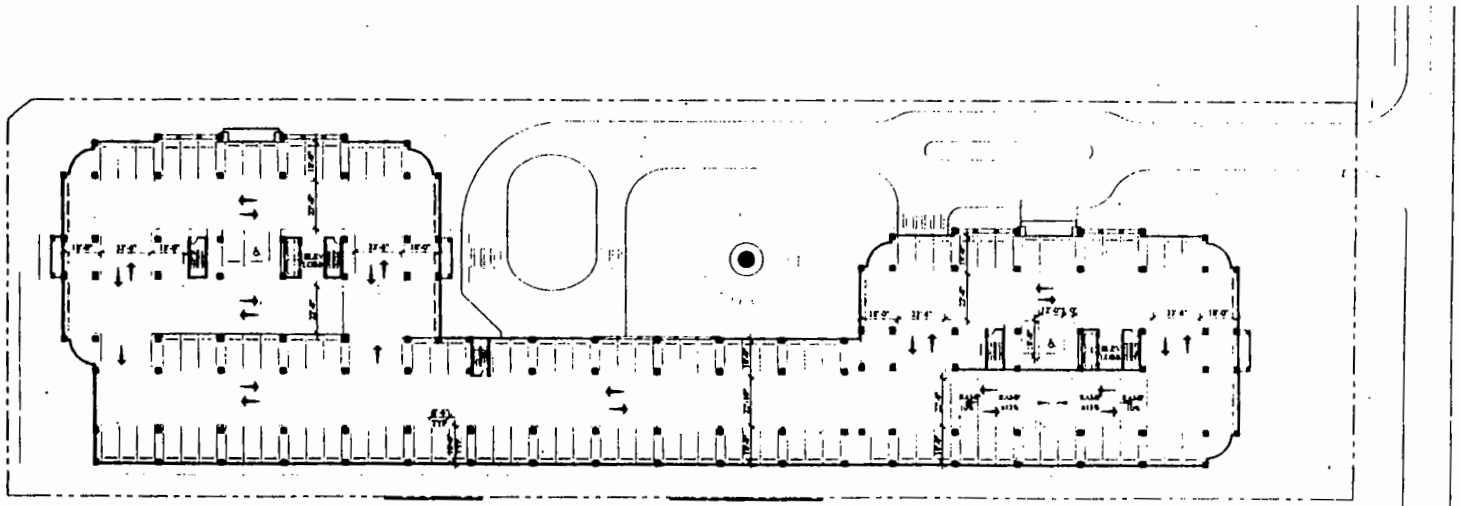
PLANS / LEGEND
LOCATION MAP

A-1



1ST FLOOR PLAN (GROUND LEVEL)

SCALE: 1'30"=1'-0"



2nd, 3rd,& 4th FLOOR PLAN-TYPICAL

SCALE: 1'30"=1'-0"

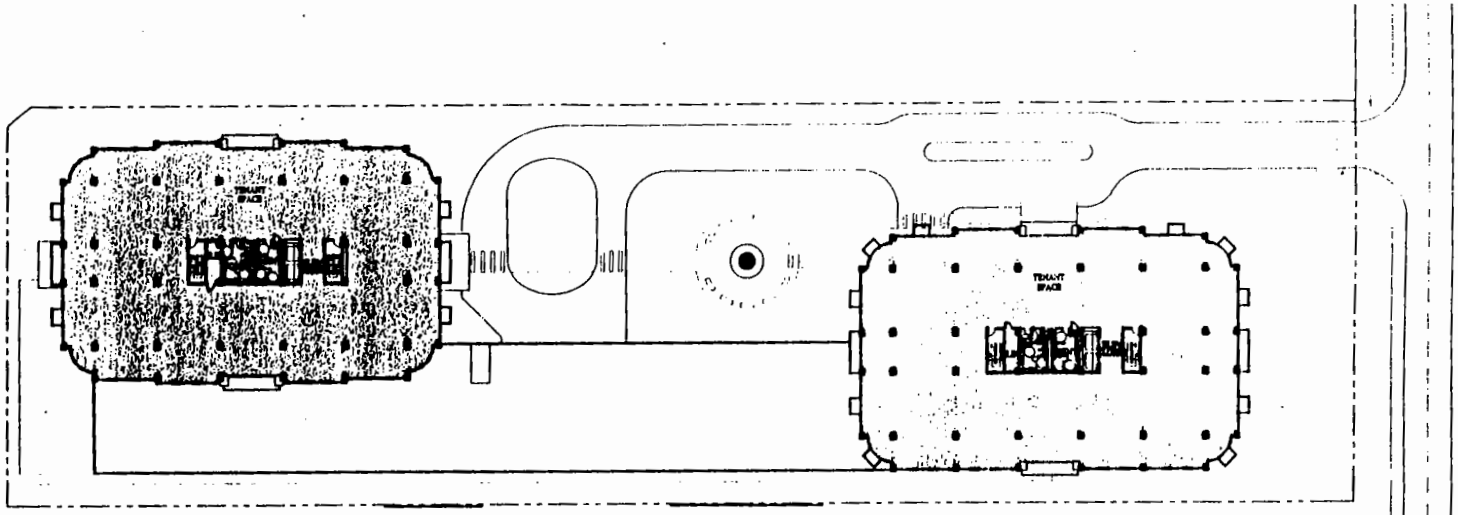
FULLERTON DIAZ ARCHITECTS INC

FULLERTON DIAZ ARCHITECTS INC.
Architecture
Interior Design
Planning

Agora Professional Building

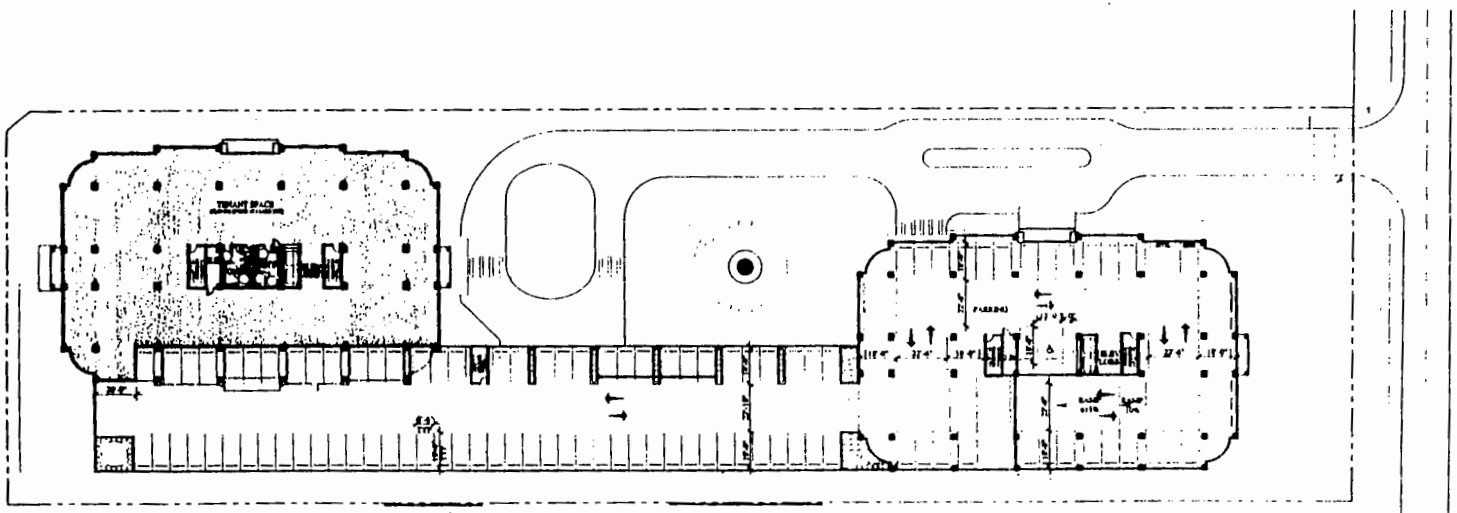
L 2 3 & 4TH FLOOR PLANS

A-2



6TH FLOOR PLAN

SCALE: 1/30"=1'-0"



5 TH FLOOR PLAN

SCALE: 1/30"=1'-0"

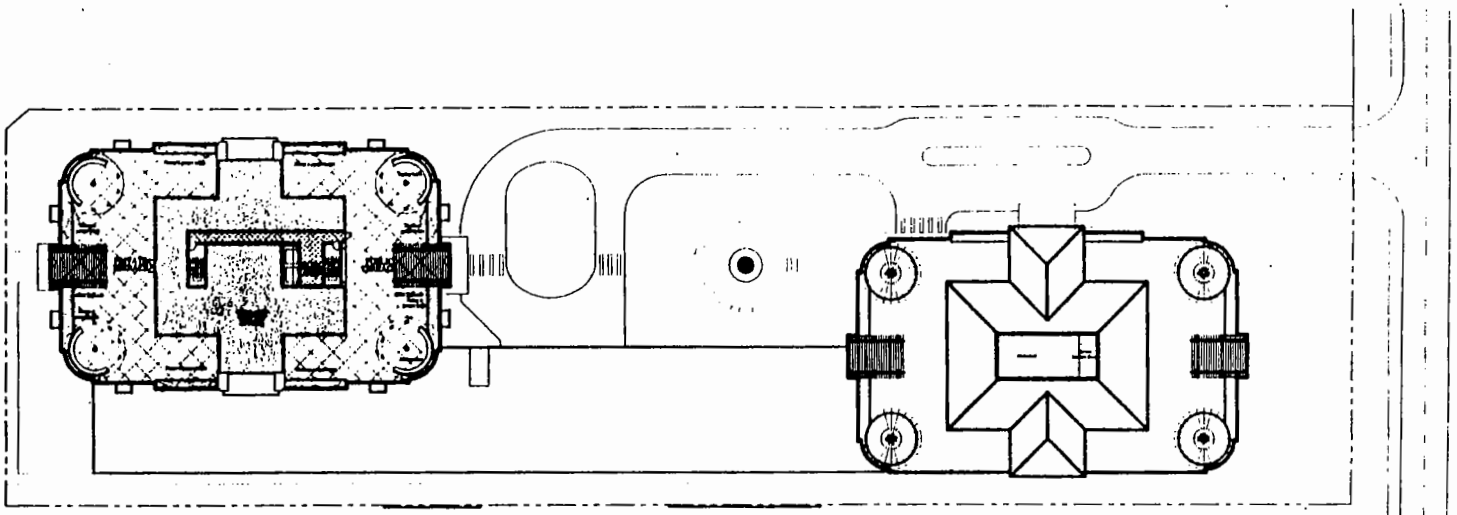
FULLERTON DÍAZ ARCHITECTS INC.

Architecture
Interior Design
Planning

Agora Professional Building

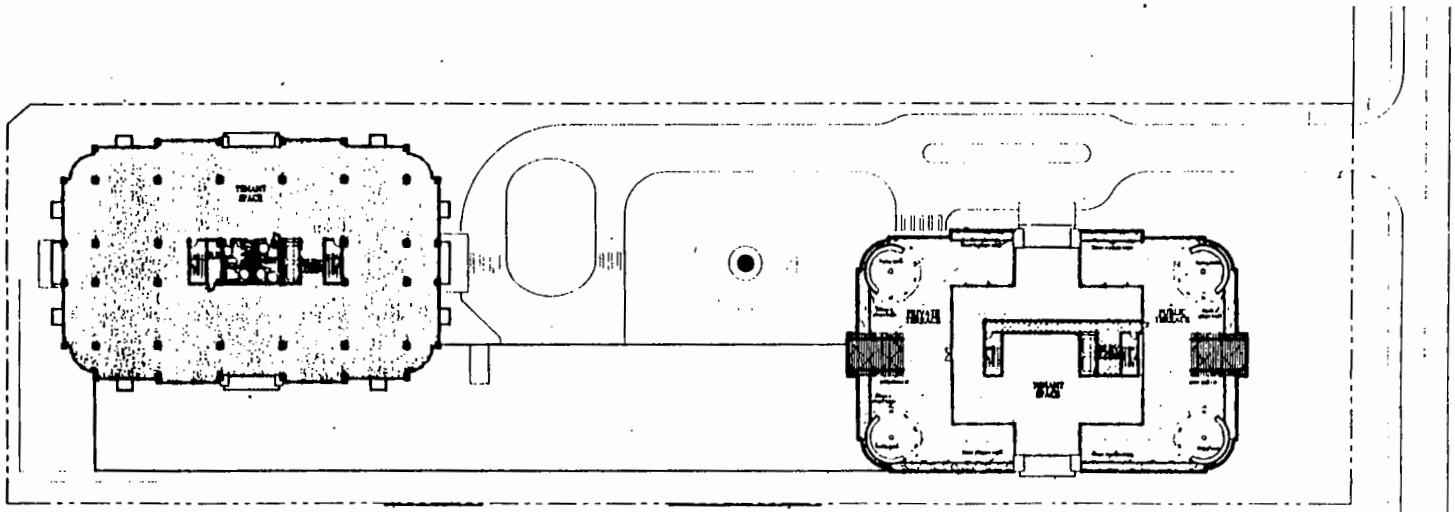
5TH & 6TH FLOOR PLANS

A-3



8 TH FLOOR PLAN

SCALE: 1/30"=1'-0"



7TH FLOOR PLAN

SCALE: 1/30"=1'-0"

FULLERTON DIAZ ARCHITECTS INC

FULLERTON DIAZ ARCHITECTS INC
Architecture
Interior Design
Planning

Agora Professional Building

7TH & 8TH FLOOR PLANS

A-4

1 NORTH ELEVATION
SCALE: 1/30"=1'-0"

2 NORTH ELEVATION - EAST BUILDING
SCALE: 1/16"=1'-0"

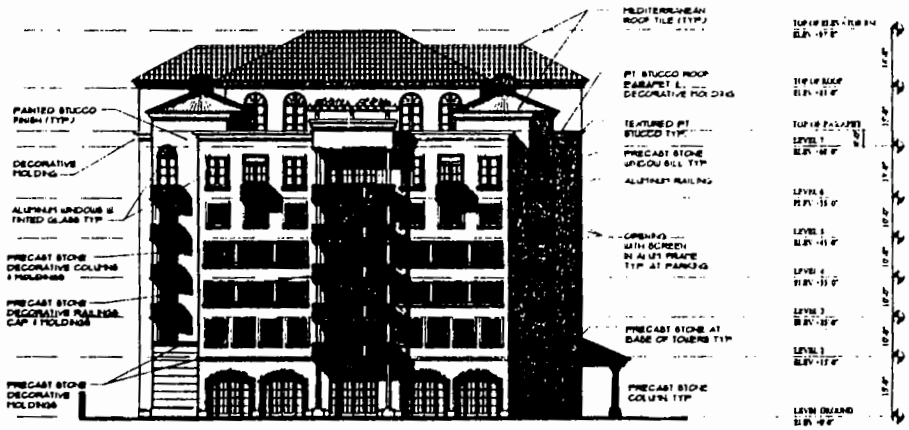
3 NORTH ELEVATION- CENTER AND WEST BUILDING
SCALE: 1/16"=1'-0"

FULLERTON DIAZ ARCHITECTS INC.

FULLERTON DIAZ ARCHITECTS INC.

Agora Professional Building

A-5



1 **EAST ELEVATION - PHASE I**

SCALE: 1/16"=1'-0"

2 **EAST ELEVATION- PHASE II**

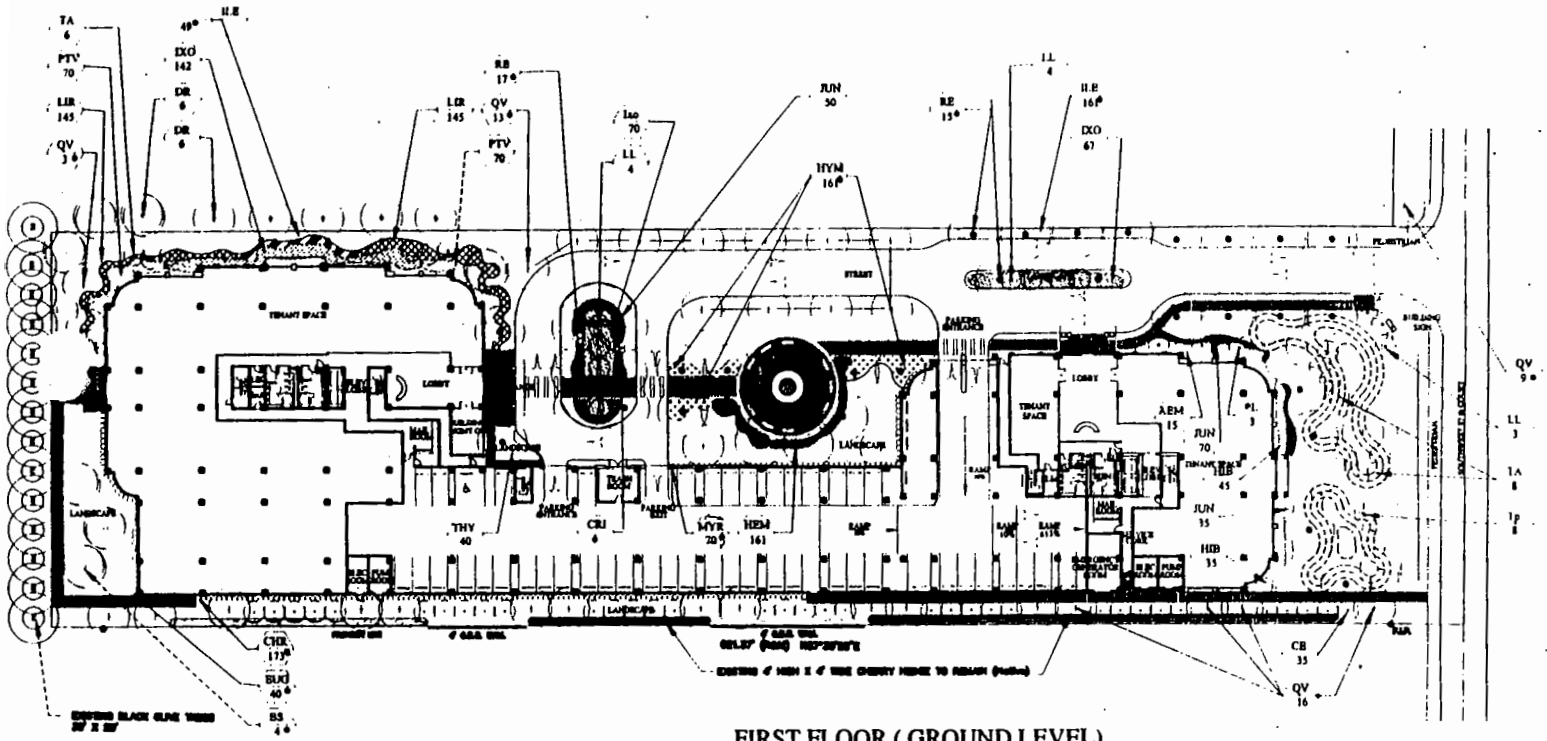
SCALE: 1/16"=1'-0"

FULLERTON DIAZ ARCHITECTS INC.

Agora Professional Building

PHASE I & II
EAST ELEVATIONS

A-6



FIRST FLOOR (GROUND LEVEL)

SCALE: 1" = 30'

NT LIST:

SYMBOL	SCIENTIFIC NAME / COMMON NAME	QTY.	SIZE	SPACING / REMARKS		XERISCAPE REQUIREMENT TABULATION: Drought Tolerance H, M, L	Salt Tolerance H, M, L
	SHADE TREES AND PALM TREES					HIGH, MEDIUM OR LOW	HIGH, MEDIUM OR LOW
BS	BUCIDA BUCERAS / GUMBO LIMBO	7	12'HT X 5' SPR		NATIVE	HIGH	HIGH
CB	CONOCARPUS ERECTUS ERECTUS / BUTTONWOOD	11	8 x 8'spr		NATIVE	HIGH	HIGH
BB	BELIZIA BOIA / ROYAL POINCIANA	6	12'HT X 5' SPR	5-1/2" CALIPER MIN.		HIGH	HIGH
QV	QUERCUS VIRGINIANA / LIVE OAK	44	12'HT X 5' SPR	2" CAL MIN	NATIVE	HIGH	HIGH
RE	ROYSTONEA ELATA / FLORIDA ROYAL PALM	36	20' OA	Matched 8 & 8	NATIVE	HIGH	MEDIUM
LL	LIGUSTRUM LUCIDUM / PRIVET	11	10'x 8'spr	MULTI TRUNK		MEDIUM	LOW
PI	PODIUM LITYOSALD / CATTLEY GUAVA	5	12' x 8'spr	8 & 8		HIGH	MEDIUM
TA	TABEBUIA CAIAIBA / YELLOW TRUMPET TREE	14	12' x 8'spr	8 & 8		HIGH	MEDIUM
TP	TABEBUIA HETEROPHYLLA / PINK TRUMPET TREE	4	12' x 8'spr	8 & 8		HIGH	MEDIUM
	SHRUBS AND GROUNDCOVERS						
ABM	ALPINIA PURPURATA BEBE MEMORIAL / PINK GINGER	12	3 GAL	FULL		MEDIUM	LOW
CIN	CRINUM AMABILUM / GIANT CRINUM	6	7 GALS			HIGH	HIGH
LIR	CHRYSOBALANUS ICACO / COCO PLUM	179	3 GAL	36" OC	NATIVE	HIGH	HIGH
BUG	BUCIDA BUCERAS / GUMBO STOPPER	40	3 GAL	36" OC	NATIVE	HIGH	HIGH
HYM	HYMENOCALLIS LATIFOLIA / SPIDER LILY	164	1 GAL	3' OC	NATIVE	HIGH	HIGH
HIB	HIBISCUS R. S. 'SIBO' / RED HIBISCUS	80	3 GAL	36" OC		LOW	MEDIUM
MHM	MONOCALLIS THIS THIS THIS THIS / HAY LILLY	161	GAL	18" OC		HIGH	HIGH
RB	RUELLIA NOTITIENA / BLUE BUSH / PINK MAY TAPION	240	1 GAL	3' OC	NATIVE	HIGH	HIGH
BRO	BROMELIA PINGUIN / PINK BROMELIA	270	1 GAL	18" OC		MEDIUM	MEDIUM
JUN	JUNIPERUS PARSONSII / JUNIPER	128	3 GAL	5 OC		HIGH	HIGH
LIR	LIRIOPE M. SYNBURNIE / GIANT LIRIOPE	350	GAL	18" OC		HIGH	MEDIUM
MYR	MYRICA CERIFERA / BAYBERRY	70	3 GAL	36" OC	NATIVE	HIGH	HIGH
BOI	BOUGAINVILLEA / BOUGAINVILLEA	105	3 GAL	36" OC		HIGH	HIGH
PHP	PHILODENDRON SAMARU	6	3 GAL	3' OC		HIGH	MEDIUM
TRV	TRACHELOSPERMUM / TRIVY ALLIS	48	3 GAL	3' OC		MEDIUM	MEDIUM

LANDSCAPE REQUIREMENTS/ CALCULATIONS:

INFORMATION REQUIRED TO BE PERMANENTLY AFFIXED TO PLAN

ZONING DISTRICT CPD (GROSS LOT AREA 2.94 AC REF 128,129 S.F.

LAWN AREA CALCULATION	REQUIRED	PROVIDED
A. 38,438.70 TOTAL S.F. OF LANDSCAPED OPEN SPACE REQUIRED (30%)		
B. MAXIMUM LAWN AREA (50%) PERMITTED = 35 % X 38,438.70 S.F.	13,453.54	22,132.89
TREES		
A. TWENTY EIGHT(28) PER ACRES 28 X 2.94 ACRES=	82	86
B. STREET TREE REQUIREMENTS 60 L.F. 35%	18	18
TOTAL TREES	100	104
B. 30% PALMS ALLOWED OF TOTAL MIN. REQ. No. OF TREES	32	12
50 PALMS PERMITTED TO COUNT AS 1:1 BASIS	32	32
C. % NATIVES REQUIRED: No. TREES PROVIDED X 35 %=	36	101 (98%)
SHRUBS		
A. SHRUBS REQUIRED: 10 PER TREE(100) = (100 x 10)=	1000	1195
B. No. SHRUBS ALLOWED X 35 %= No. OF NATIVE SHRUBS REQUIRED	350	806 (80%)

IRRIGATION PLAN.

100% irrigation coverage with a min. overlap of 30%

INFORMATION REQUIRED TO BE PERMANENTLY AFFIXED TO PLAN

Professional Preparer's Statement of Landscape Compliance

Process No. Permit No.

Legal description: Lot Block

Subdivision Name P.B. Page

Development Name

Located at (address)

I/We hereby certify that the landscaping/irrigation plan being submitted for the above captioned complies with the requirements of Chapter 18A (18-13 Landscape Ordinance Effective March 24, 1998) as to the species, height, trunk width, and location at time of planting, and that the species shown are in accordance with the accepted species approved by Miami-Dade County and that none of the species are from the prohibited list.

Additionally, automatic sprinkler system (if applicable) complies with the requirements of said ordinance as to the type of heads, spray system, location, etc

Professional Preparer's Signature

Mariano Corral
Print Name

State of Florida
County of Dade

The forgoing instrument was acknowledge before me this day of 2003,

by of a corporation,

on behalf of the corporation He/she is personally known to me or has produced

as identification and did/did not take an oath

Witness my signature and official seal this day of ,2003,

in the County and State aforesaid, the date, and year aforesaid

Notary Public

Print Name

DRB SET

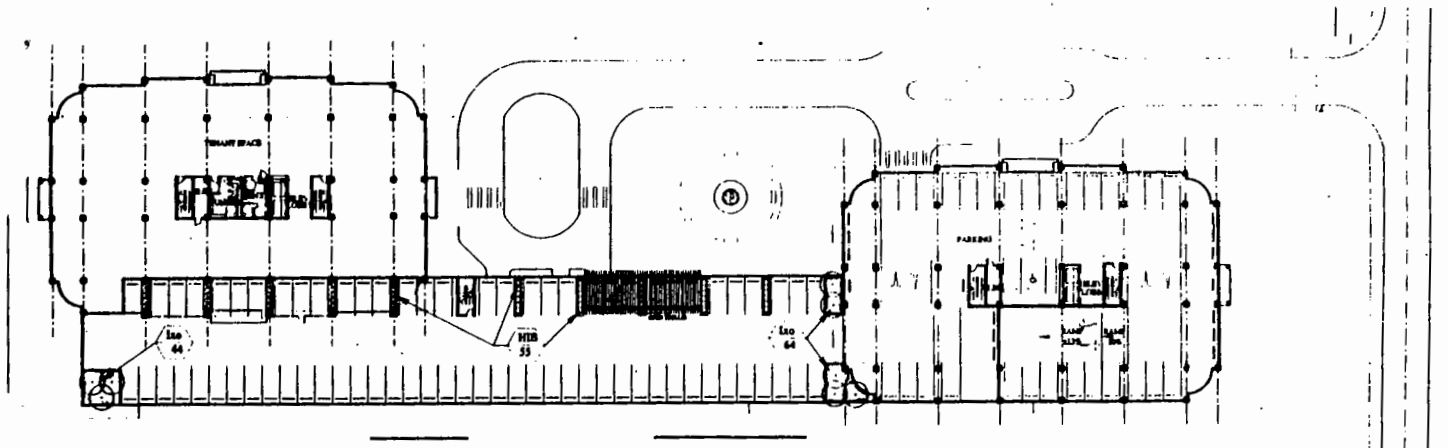
MARIANO CORRAL
Landscape Architecture
Golf Course Design
Land Planning
Urban Design

FULLERTON DIAZ ARCHITECTS INC

97TH COURT SOUTHWEST 107TH STREET
KENDALL, FLORIDA

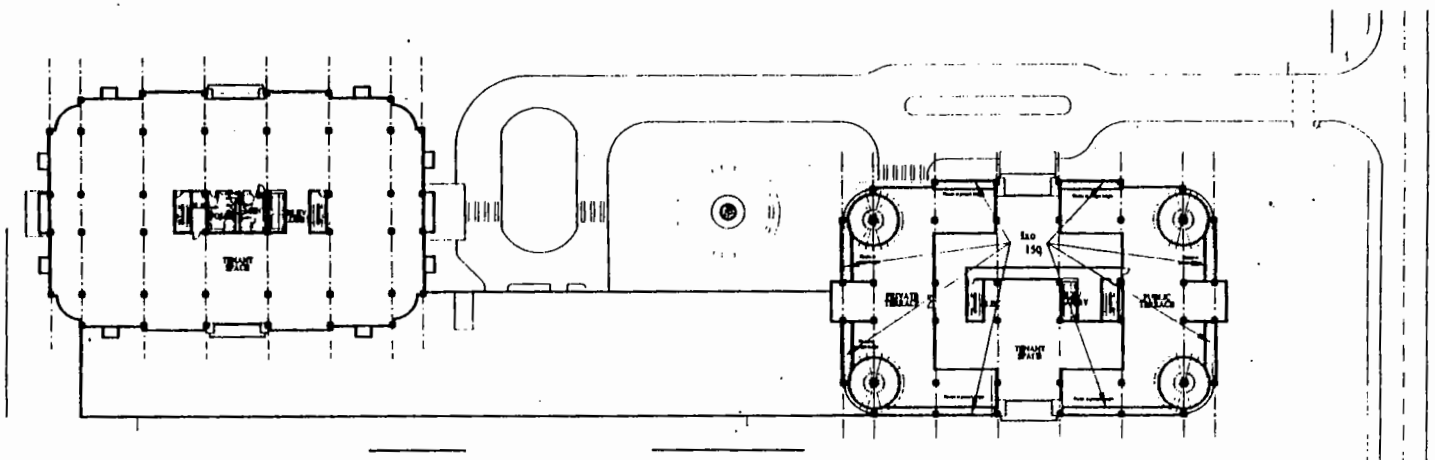
SITE LANDSCAPE PLAN
LEVEL 1

LP-1



FIFTH (5) FLOOR LEVEL

SCALE: 1" = 30'



REPEAT SAME AMOUNT FOR 8TH LEVEL FLOOR

SEVENTH AND EIGHTH FLOOR LEVEL

SCALE: 1" = 30'

SYMBOL	SCIENTIFIC NAME / COMMON NAME	QTY.	SIZE	SPACING / REMARKS	XERISCAPE REQUIREMENT TABULATION Drought Tolerance H, M, L	Salt Tolerance H, M, L
	SHADE TREES AND PALM TREES				HIGH, MEDIUM OR LOW	HIGH, MEDIUM OR LOW
PE	PTYCHOSPERMA ELEGANS/ ALEXANDER PALM	8	12' OA BUT		MEDIUM	MEDIUM
	SHRUBS AND GROUNDCOVERS					
HIB	HIBISCUS S. R. 'RED' RED HIBISCUS	55	3 GAL.	30" OC	LOW	MEDIUM
IXO	IXORA NORA GRANT PINK IXORA	400	3 GAL.	30" OC	MEDIUM	MEDIUM

General Notes

1. All plant materials to be Florida No 1 or better
2. All landscape areas shall be [illegible] with a min. overlap of 50 Provide Rain Sensor
3. Contractor is to do his own take off and if there are any discrepancies he is to bring it to the attention of the Landscape Architect, [illegible] commencing work
4. Landscape Contractor is to identify all utilities zones and underground lines prior to commencing work, for the health and welfare of his [illegible]
5. All sod to be St. Augustine floratum solid sod

PLANT DETAILS:

DRB SET

FULLERTON DIAZ ARCHITECTS INC.

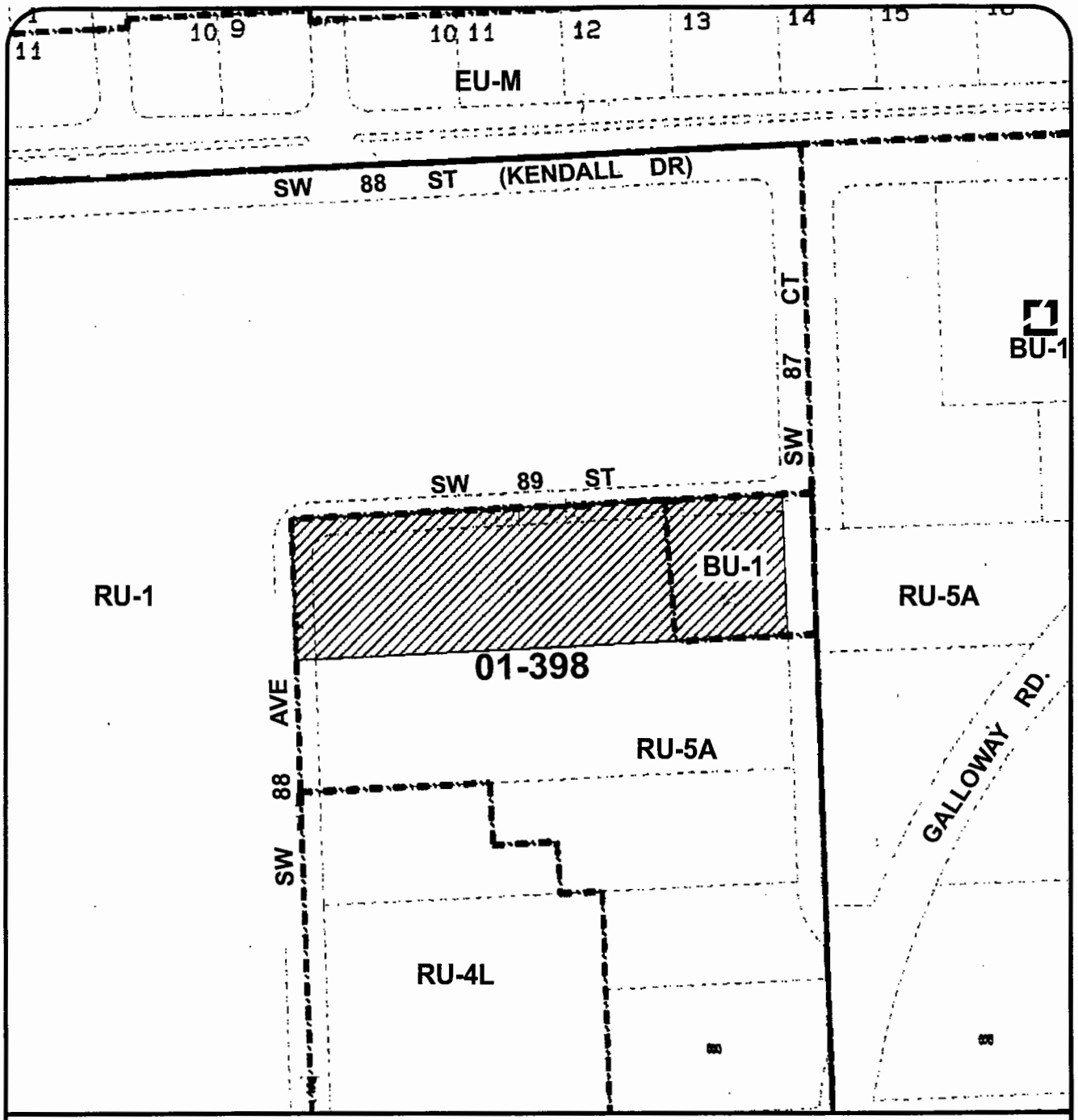
MARIANO CORRAL

Landscape Architecture
Golf Course Design
Planning
Urban Design

87TH COURT SOUTHWEST 88TH STREET
KENDALL, FLORIDA

Drawing Title: PLANTER LANDSCAPE LEVEL 5 7 8

LP-2



MIAMI-DADE COUNTY
HEARING MAP

S C A L E 0 200' N

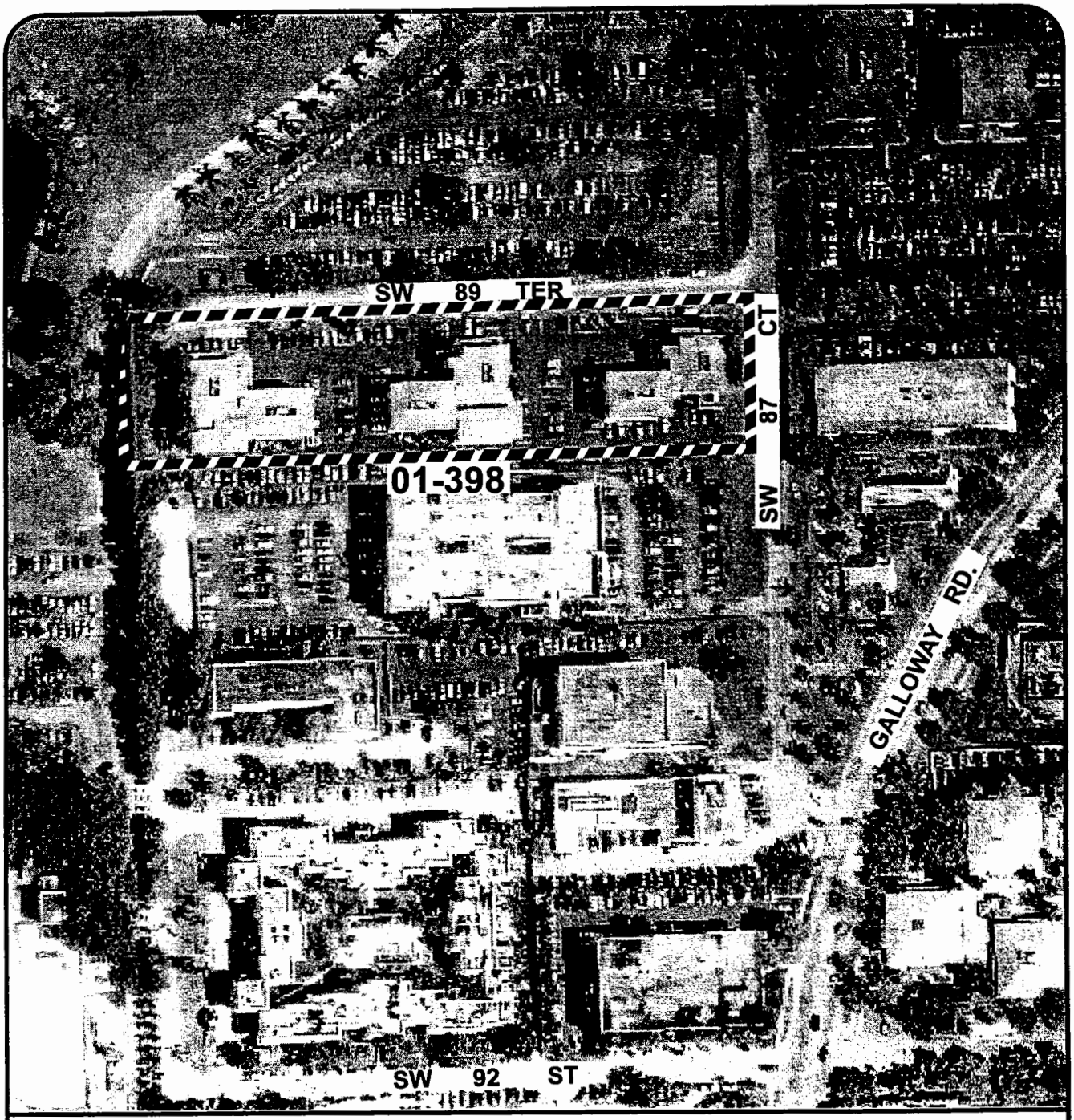
SUBJECT PROPERTY

Section: 04 Township: 55 Range: 40
Process Number: 01000398
Applicant: ACROPOLIS REALTY, LLC.
District Number: 08
Zoning Board: C12
Drafter ID: ALFREDO
Scale: 1:200'

MIAMI-DADE

G: ZONING DRAFTING. 01-398. 12/01
REVISED 10/14/03

67



MIAMI-DADE COUNTY
AERIAL

S C A L E
0 NTS
N

SUBJECT PROPERTY

Section: 04 Township: 55 Range: 40
Process Number: 01000398
Applicant: ACROPOLIS REALTY, LLC.
District Number: 08
Zoning Board: C12
Drafter ID: ALFREDO
Scale: NTS

MIAMI-DADE

G: ZONING DRAFTING. 01-398. 12/01

B. ACROPOLIS REALTY LLC
(Applicant)

03-11-CZ12-1 (01-398)
BCC/District 8
Hearing Date: 6/10/04

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
1965	Mark XX	Zone change from AU to RU-5A.	CC	Approved
1966	Mark XX	Use Variance for zoning regulations, waiving 5' wall along interior side of property lines.	ZAB	Approved
1967	Mark XX	Variance zoning regulations, walls, access buildings.	ZAB	Approved
1983	Raymond Pearlson & Robert Browdy	Zone change from RU-5A to BU-1.	CC	Approved

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
COMMU TY ZONING APPEALS BOAR - AREA 12
MOTION SLIP

APPLICANT'S NAME: ACROPOLIS REALTY LLC

REPRESENTATIVE(S): CHAD WILLIARD

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
03-11-CZ12-1 (01-398)	NOVEMBER 18, 2003	CZAB12- -03

REQUESTS:
1) RU-5A & BU-1 to OPD. 2) Delete Declaration. 3) Lot area 2.94 v 3 ac. 4) FAR 0.94 v 0.86

DEPT. REC: APPROVE 1 PER 33-311(A)(8) SUBJECT TO PROFFERED COVENAN.T
APPROVE 2 WITH CONDITIONS PER 33-311(A)(17).

MOTION APPROVE 3 & 4 WITH CONDITIONS PER 33-311 (A)(21)

☐ WITHDRAW: ☐ Entire Application ☐ ITEMS

☒ DEFER: ☐ INDEFINITELY ☒ TO: 01-13-04 ☒ 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 STD. CONDITIONS

☐ OTHER:

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		Gerardo GOMEZ	✓		
MS.	S	Millie HERRERA	✓		
MR.		Douglas KRUEGER	✓		
M		Peggy BRODEUR	✓		
MR.	M	Nelson A. VARONA	✓		
VICE-CHAIRMAN		Robert W. WILCOSKY	✓		
CHAIRMAN		JOSE VALDEZ			✓

VOTE: 6 to 0

EXHIBITS: ☒ YES ☐ NO

COUNTY ATTORNEY: Jay Williams

2

MIAMI-DADE COUNTY
COMM ITY ZONING APPEALS BO - AREA 12
MOTION SLIP

APPLICANT'S NAME: **ACROPOLIS REALTY LLC**

REPRESENTATIVE(S): Chad Williard, Dr. Pablo Delgado

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
03-11-CZ12-1 (01-398)	January 27, 2004	CZAB12- -04

REQUESTS:

DEPT. REC:

☐ WITHDRAW: ☐ Entire Application ☐ ITEMS _____

☑ DEFER: ☐ INDEFINITELY ☑ TO: 2/10/04 ☐ 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 STD. CONDITIONS

☑ OTHER: To give applicant opportunity to present traffic study to the opposition.

TITLE	M/S	NAME	YES	NO	ABSENT
MS.		Peggy BRODEUR			✓
MR.		Gerardo GOMEZ		✓	
MS.		Millie HERRERA	✓		
MR.		Douglas A. KRUEGER	✓		
MR.	S	Nelson A. VARONA	✓		
VICE-CHAIRMAN	M	Robert W. WILCOSKY	✓		
CHAIRMAN		Jose I. VALDEZ (C.A.)			

* Chairman Jose Valdez abstained from voting because he was absent from the last hearing on this application. He stated on the record that he would not vote. He was sitting at the table when the motion was read.

VOTE: 4 to 1

EXHIBITS: ☐ YES ☑ NO

COUNTY ATTORNEY: Stephen Stieglitz

3

DATE: April 29, 2004 **#Z-**

APPLICANT: 1. ACROPOLIS REALTY LLC-
No further notice
MOTION: DEFERRED TO JUNE 10, 2004

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				X
Diaz	S	X		
Ferguson				X
Heyman	M	X		
Martinez		X		
Morales		X		
Moss				X
Rollc		X		
Seijas		X		
Sorenson		X		
Sosa		X		
Souto		X		
Chair Carey-Shuler				X
TOTAL		9	0	4

zoning regulations.

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

PASSED AND ADOPTED this 9th day of June, 1983.

June, 1983
No. 83-3-CC-7
vp
6/10/83

DADE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS
Richard P. Brinker, Clerk

By RAYMOND
Deputy Clerk

This resolution transmitted to the Clerk of the Board of County Commissioners on the 22nd day of June 1983.

1983 JUL -8 10:58 83R181654-55-70

OFF REC 11841 PG 1328

DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS that the undersigned, being the owner, or having some right, title or interest in the following described property, lying, being and situated in Dade County, Florida, to-wit:

THE EAST 185 Ft. OF S 1/2 OF S 1/2 OF NE 1/4 OF NE 1/4 OF NE 1/4 LESS EAST 35 FEET OF SECTION 4, TOWNSHIP 55 SOUTH, RANGE 40 EAST.

in order to assure the County Commission of Dade County, Florida, that the representations made to it by the owner will be abided by, voluntarily makes the following Declaration of Restrictions covering and running with the above-described real property:

(1) That said property shall be developed substantially in accordance with the spirit and intent of the plans previously submitted, prepared by MARIANO RODRIGUEZ (ARCHITECT) entitled, OFFICE ADDITION FOR PEARLSON CENTER - INCLUDING ZONING CHANGE FOR SANDWICH SHOP IN EXISTING BUILDING. dated the 15th day of MAY, 1982.

(2) ADDITION TO BE RESTRICTED SOLELY FOR USE OF COMMERCIAL BANK.

(3) TO BE RESTRICTED SOLELY FOR SANDWICH SHOP IN EXISTING BUILDING LOCATED AT 8960 S.W. 87th CT. MIAMI, FLA. 33176.

As further part of this agreement, it is hereby understood and agreed that any official inspector of the Dade County Building and Zoning Department, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and investigating 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.

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.

This Agreement on the part of the owner shall constitute a covenant running with the land and may be recorded in the public records of Dade County, Florida, [illegible] in full force and effect and be binding upon the undersigned.

28

1983 JUL -8 AM 10:58 OFF REC 11841 PG 1328 83R18165 1-55-40

DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS that the undersigned, being the owner, or having some right, title or interest in the following described property, lying, being and situated in Dade County, Florida, to-wit:

THE EAST 185 Ft. OF S 1/2 OF S 1/2 OF NE 1/4 OF NE 1/4 OF NE 1/4 LESS EAST 35 FEET OF SECTION 4, TOWNSHIP 55 SOUTH, RANGE 40 EAST.

in order to assure the County Commission of Dade County, Florida, that the representations made to it by the owner will be abided by, voluntarily makes the following Declaration of Restrictions covering and running with the above-described real property:

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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.

This Agreement on the part of the owner shall constitute a covenant running with the land and may be recorded in the public records of Dade County, Florida,

29

COCONUT GROVE BANK
2701 SOUTH BAYSHORE DRIVE
COCONUT GROVE
MIAMI 33, FLORIDA

OFF REC 11841 PG 1330

Dade County Board of County Commissioners
c/o Dade County Building & Zoning Dept.
909 S.E. First Ave.
Miami, Florida, 33131

DATE May 23, 1983

ALL DRAFTS DRAWN MUST BE MARKED:
DRAWN UNDER LETTER OF CREDIT

Nº 1763

GENTLEMEN:

OFF REC 11841 PG 1329

Declaration of Restrictions Page Two

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 30 years from the date these covenants are recorded, after which time they shall be extended automatically for successive periods of ten years, unless an instrument signed by a majority of the, then, owner(s) of the real property has been recorded agreeing to change the covenants in whole, or in part, provided that the covenants have first been released by Dade County.

This Declaration of restrictive Covenants 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 of the fee simple title to the lands to be affected by such modification, amendment or release, provided that the same is also approved by the Board of County Commissioners or the Zoning Appeals Board of Metropolitan Dade County, Florida, (whichever by law has jurisdiction over such matters) after public hearing.

Should this Declaration of Restrictive Covenants be so modified, amended or released, the Director of the Metropolitan Dade County Building & Zoning Department, or his successor, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

Enforcement shall be by action at law or in equity against any parties or persons violating, or attempting to violate, any covenants, either to restrain violation or to recover damages. The prevailing party bringing the action, or suit, shall be entitled to recover, in addition to costs and disbursements

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These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 30 years from the date these covenants are recorded, after which time they shall be extended automatically for successive periods of ten years, unless an instrument signed by a majority of the, then, owner(s) of the real property has been recorded agreeing to change the covenants in whole, or in part, provided that the covenants have first been released by Dade County.

This Declaration of restrictive Covenants 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 of the fee simple title to the lands to be affected by such modification, amendment or release, provided that the same is also approved by the Board of County Commissioners or the Zoning Appeals Board of Metropolitan Dade County, Florida, (whichever by law has jurisdiction over such matters) after public hearing.

Should this Declaration of Restrictive Covenants be so modified, amended or released, the Director of the Metropolitan Dade County Building & Zoning Department, or his successor, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

Enforcement shall be by action at law or in equity against any parties or persons violating, or attempting to violate, any covenants, either to restrain violation or to recover damages. The prevailing party bringing the action, or suit, 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.

Invalidation of any one of these covenants, by judgement or Court, in no wise shall affect any of the other provisions which shall remain in full force and effect.

Signed, sealed, executed and acknowledged this 4 day of May, 1982.

WITNESSES:

COCONUT GROVE BANK
2701 SOUTH BAYSHORE DRIVE
COCONUT GROVE
MIAMI 33, FLORIDA

OFF REC 11841 PG 1330

DATE May 23, 1983

Dade County Board of County Commissioners
c/o Dade County Building & Zoning Dept.
909 S.E. First Ave.
Miami, Florida, 33131

ALL DRAFTS DRAWN MUST BE MARKED:
DRAWN UNDER LETTER OF CREDIT

№ 1763

GENTLEMEN:

WE ARE PLEASED TO ADVISE YOU THAT WE HAVE ESTABLISHED OUR IRREVOCABLE CREDIT # 1763 IN YOUR FAVOR FOR ACCOUNT OF Raymond Pearlson, 8960 S.W. 87th Court, Miami, Florida, 33176

AVAILABLE TO THE AGGREGATE AMOUNT OF US$11,160.00 (ELEVEN THOUSAND ONE HUNDRED SIXTY AND 00/100 US DOLLARS)

BY YOUR DRAFTS DRAWN AT sight ON US AND ACCOMPANIED BY THE DOCUMENTS LISTED BELOW

1-Original Letter of Credit.
2-Certificate of the Director, Dade County Building and Zoning Dept. stating that Raymond Pearlson has failed to acquire a joinder of Mortgagee (to a Declaration of Restrictions on property described as E 185' of S½ of S½ of NE4 NE4 NE4 less the East 35 feet of section 4 Township 55 S range 40 E dated May 4, 1983), or in the alternative to pay off Mortgage No. 1403 of General American Life Insurance Co., St. Louis, Mo. on the aforedescribed property (a/k/a 8960 S.W. 87th Court, Miami, Florida), on or before July 1, 1983.

RECORDED IN OFFICIAL RECORDS BOOK OF DADE COUNTY, FLORIDA
RECORD VERIFIED
RICHARD P. BRINKER
CLERK CIRCUIT COURT

THE AMOUNT AND DATE OF EACH NEGOTIATION MUST BE ENDORSED ON THE BACK HEREOF BY THE NEGOTIATING BANK.

WE HEREBY ENGAGE WITH YOU THAT ALL DRAFTS DRAWN UNDER AND IN COMPLIANCE WITH THE TERMS OF THIS CREDIT WILL BE DULY HONORED ON DELIVERY OF DOCUMENTS AS SPECIFIED IF PRESENTED TO US ON OR BEFORE July 10, 1983.

UNLESS OTHERWISE EXPRESSLY STATED, THIS CREDIT IS SUBJECT TO THE UNIFORM CUSTOMS AND PRACTICE FOR COMMERCIAL DOCUMENTARY CREDITS FIXED BY THE THIRTEENTH CONGRESS OF THE INTERNATIONAL CHAMBER OF COMMERCE. (BROCHURE 222 - 1962 REVISION) Publication 290 of 1974

VERY TRULY YOURS,

COCONUT GROVE BANK

AUTHORIZED SIGNATURE

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RESOLUTION NO. CZAB12-6-04

WHEREAS, **ACROPOLIS REALTY LLC** applied for the following:

(1) RU-5A & BU-1 to OPD

(2) DELETION of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329.

The purpose of the request is to remove an agreement from the site which limited the commercial uses and tied the BU-1 site to a plan.

(3) The applicant is requesting to permit a lot with an area of 2.94 acres. (The underlying zoning district regulation requires 3 acres including right-of-way dedication).

(4) The applicant is requesting to permit a floor area ratio of 0.94. (The underlying zoning regulation permits 0.86.

Plans are on file and may be examined in the Zoning Department entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., dated revised 9-2-03 and 10-2-03 and consisting of 8 pages. Plans may be modified at public hearing.

SUBJECT PROPERTY: The south ½ of the south ½ of the NE ¼ of the NE ¼ of the NE ¼, less the east 35′ thereof and less the west 25′ thereof, in Section 4, Township 55 South, Range 40 East. The south 20′ of the right-of-way of S.W. 89 Terrace and the east 25′ of S.W. 88 Avenue, thereof shall be added to the buildable site.

LOCATION: 8960-70 S.W. 87 Court, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time, the applicant requested a waiver of the refilling period, 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 OPD (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 should be denied, and that the requested deletion (Item #2), and the requests to permit a lot with an area of 2.94 acres (Item #3) and to permit a floor area ratio

of 0.94 (Item #4) 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 that the requested waiver of the refiling period should be granted, and

WHEREAS, a motion to deny Items #1-4 without prejudice and to grant the waiver of the refiling period was offered by Robert W. Wilcosky, seconded by Peggy Brodeur, and upon a poll of the members present the vote was as follows:

Peggy Brodeur	aye	Douglas Krueger	absent
Millie Herrera	absent	Nelson Varona	nay
		Robert W. Wilcosky	aye

Jose I. Valdes aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 12, that the requested district boundary change to OPD (Item #1) be and the same is hereby denied without prejudice.

BE IT FURTHER RESOLVED that the requested deletion (Item #2), and the requests to permit a lot with an area of 2.94 acres (Item #3) and to permit a floor area ratio of 0.94 (Item #4) be and the same are hereby denied without prejudice.

BE IT FURTHER RESOLVED that the requested waiver of the refiling period be and the same is hereby granted, and said refiling period is hereby waived.

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 10th day of February, 2004.

Hearing No. 03-11-CZ12-1
ej

STATE OF FLORIDA

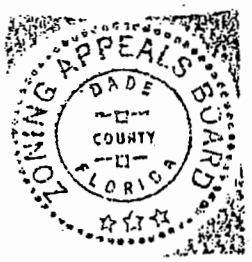
COUNTY OF MIAMI-DADE

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 Miami-Dade County Community Zoning Appeals Board 12, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB12-6-04 adopted by said Community Zoning Appeals Board at its meeting held on the 10th day of February, 2004.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 17th day of February, 2004.

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

SEAL



TEAM METRO
KENDALL OFFICE

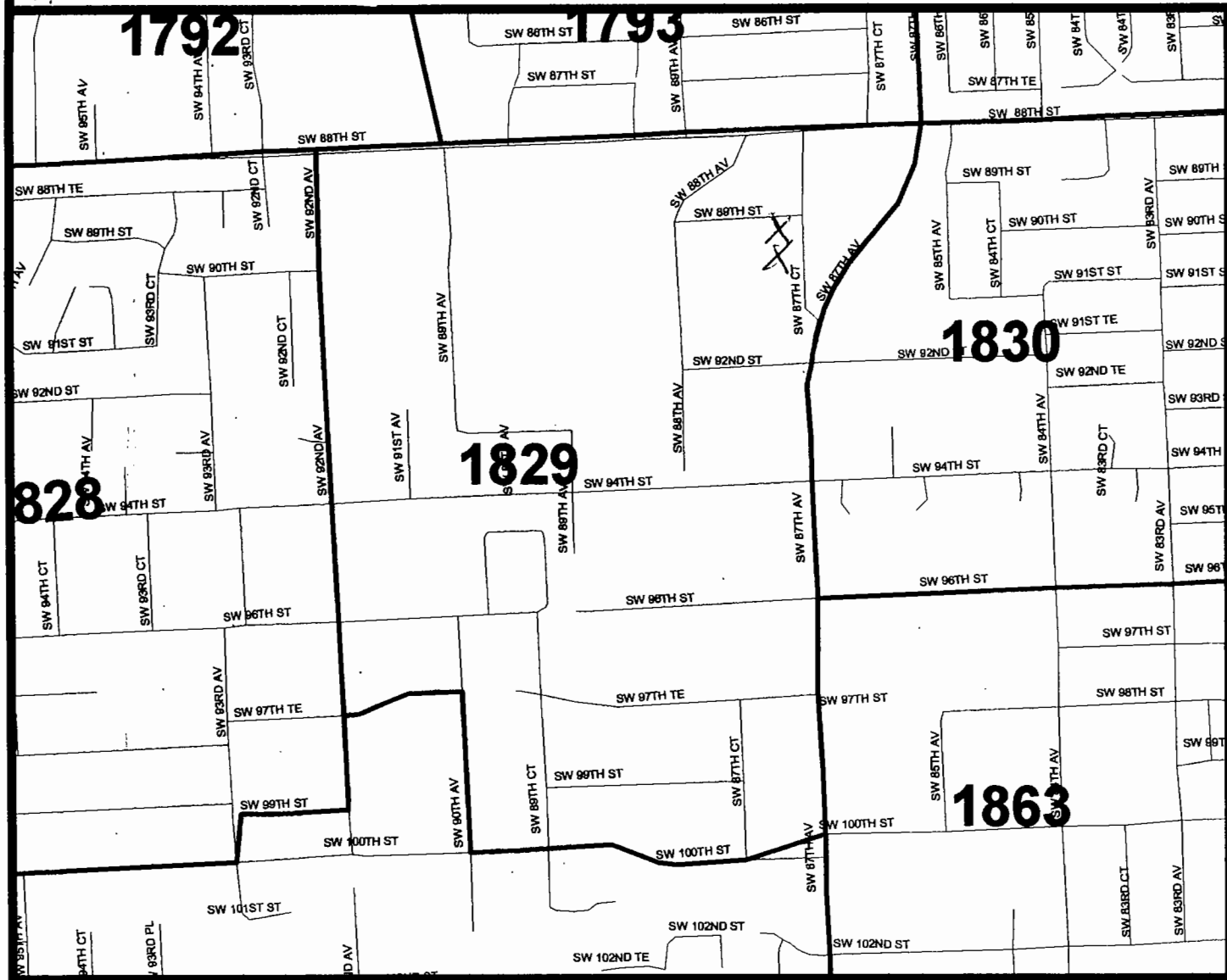
ENFORCEMENT HISTORY

Acropolis Realty LLC	8960-8970 SW 87 Ct.
APPLICANT	**ADDRESS**
6/10/04	01-398
DATE	**HEARING NUMBER**

CURRENT ENFORCEMENT HISTORY:

04/19/04	No prior open Team Metro cases. Case 200212004597 has been sent to lien. An inspection of the property found outdoor dining at this site. This is considered an unusual use, which requires approval at a public hearing. A courtesy warning letter was issued on 4/19/04 for this code violation.

Miami-Dade Police Department
Target Area - Police Grid(s): 1829
Acropolis Realty, LLC; Hearing # 01-398



Police Grids Boundaries
Boundary

MDPD Crime Analysis System
April 6, 2004
Data in this document represents successfully geocoded attributes.

0 0.08 0.16 Miles

Miami-Dade Police Departme
Address Query for Events occurring at 8960 SW 87 CT
For 1/1/02 Thru 2002-12-31

Miami-Dade Police Department

Crime Information Wareh

Detail Filter: Dis.Complaint Date >= "2002-01-01" and Dis.Complaint Date < "2003-01-01" and Dis.Police District Code in ("A" , "E" , "R" , "J" , "C" , "D" , "H" , "Q" , "I" , "K" , "N" , "M" , " " , "ZZ" , "P") and Dis.Incident Address contains "8960 SW 87 CT" and Dis.Reporting Agency Code = substring ("030" , 1 , 3) and Dis.Primary Unit not contains 'SB'

Incident Address	Dis	Grid	AOP	Complaint Date	Case Number	Sig Pre	Sig Suf	Rcvd Time	Disp Time	1st Arriv Time	1st Arriv Unit
8960 SW 87 CT/# 21	K	1829	1	09/05/2002	0492531A		25A	03:40:00	03:41:00	03:47:00	K1106
8960 SW 87 CT	K	1829	1	09/05/2002	0493061A		34	11:22:00	11:28:00	11:43:00	K2503
8960 SW 87 CT/#21	K	1829	1	08/04/2002	0429413A		25A	02:41:00	02:50:00	02:55:00	K1106
8960 SW 87 CT	K	1829	2	01/25/2002		2	15	00:29:00	00:29:00	00:31:00	
8960 SW 87 CT	K	1829	2	01/25/2002			15	00:22:00	00:23:00	00:23:00	K1502
8960 SW 87 CT/#14	K	1829	1	03/05/2002			25A	08:23:00	08:28:00	08:28:00	K0000
8960 SW 87 CT #21	K	1829	1	03/21/2002			13	10:14:00	10:14:00	10:14:00	Z3304
8960 SW 87 CT STE 25	K	1829	1	04/28/2002			13	17:43:00	17:43:00	17:43:00	K3505
8960 SW 87 CT/SUITE# 25	K	1829	1	04/29/2002			15	10:37:00	10:37:00	10:43:00	
8960 SW 87 CT/STE 15	K	1829	1	06/07/2002			13	09:42:00	09:44:00	09:44:00	K2507
8960 SW 87 CT/#21	K	1829	1	08/04/2002			15	02:51:00	02:51:00	02:55:00	
8960 SW 87 CT/# 21	K	1829	1	09/05/2002			15	03:41:00	03:41:00	03:47:00	
8960 SW 87 CT/SUITE# 25	K	1829	1	04/29/2002	0233529A		14	10:29:00	10:35:00	10:43:00	K2107
8960 SW 87 CT/APT 25	K	1829	1	04/28/2002	0232186A		25A	15:43:00	16:02:00	16:13:00	K3505
8960 SW 87 CT	K	1829	2	01/25/2002	0046886A	2	49	00:22:00	00:23:00	00:23:00	K1502
8960 SW 87 CT	Q	1829	1	03/13/2002			13	09:12:00	09:12:00	09:12:00	Z3302

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Miami-Dade Police Department
Address Query for Events occurring at 8960 SW 87 CT
For 1/1/03 Thru 2003-12-31

Miami-Dade Police Department

Crime Information Warehouse

Detail Filter: Dis.Complaint Date >= "2003-01-01" and Dis.Complaint Date < "2004-01-01" and Dis.Police District Code in ("A" , "E" , "R" , "J" , "C" , "D" , "H" , "Q" , "I" , "K" , "N" , "M" , " " , "ZZ" , "P") and Dis.Incident Address contains "8960 SW 87 CT" and Dis.Reporting Agency Code = substring ("030" , 1 , 3) and Dis.Primary Unit not contains 'SB'

Incident Address	Dis	Grid	AOP	Complaint Date	Case Number	Sig Pre	Sig Suf	Rcvd Time	Disp Time	1st Arriv Time
8960 SW 87 CT	K	1829	1	08/12/2003	0432313B		54	15:56:24	15:56:24	15:56:24
8960 SW 87 CT	K	1829	1	04/10/2003	0190651B		26	17:16:00	17:16:00	17:16:00
8960 SW 87 CT	K	1829	1	03/11/2003	0131611B		34	10:22:38	11:02:39	11:12:00
8960 SW 87 CT/#25	K	1829	1	02/18/2003	0092192B		25A	21:49:00	22:21:00	22:21:00
8960 SW 87 CT/#24	K	1829	1	01/17/2003	0031435B		14	15:00:00	16:40:00	16:47:00
8960 SW 87 CT	K	1829	1	01/21/2003	0038158B		18JO	12:07:00	12:09:00	12:16:00
8960 SW 87 CT/#24	K	1829	1	01/17/2003			15	16:44:00	16:44:00	16:54:00
8960 SW 87 CT/#25	K	1829	1	02/18/2003			15	22:02:00	22:02:00	22:02:00
8960 SW 87 CT/#25	K	1829	1	02/18/2003			15	22:21:00	22:21:00	22:28:00

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Miami-Dade Police Department
Address Query for Events occurring at 8970 SW 87 CT
For 1/1/02 Thru 2002-12-31

Miami-Dade Police Department *Crime Information Wareh*

Detail Filter: Dis.Complaint Date >= "2002-01-01" and Dis.Complaint Date < "2003-01-01" and Dis.Police District Code in ("A" , "E" , "R" , "J" , "C" , "D" , "H" , "Q" , "I" , "K" , "N" , "M" , " " , "ZZ" , "P") and Dis.Incident Address contains "8970 SW 87 CT" and Dis.Reporting Agency Code = substring ("030" , 1 , 3) and Dis.Primary Unit not contains 'SB'

Incident Address	Dis	Grid	AOP	Complaint Date	Case Number	Sig Pre	Sig Suf	Rcvd Time	Disp Time	1st Arriv Time	1st Arriv Unit
8970 SW 87 CT.	K	1829	1	12/30/2002	0717023A		27	11:09:00	11:43:00	11:52:00	K2480
8970 SW 87 CT	K	1829	1	12/30/2002	0716943A		27	10:57:00	10:57:00	10:57:00	
8970 SW 87 CT	K	1829	1	11/22/2002	0645898A		25A	17:37:00	17:46:00	18:00:00	K3102
8970 SW 87 CT	K	1829	1	07/08/2002	0376544A		26V	21:41:00	21:41:00	21:41:00	
8970 SW 87 CT/#1	K	1829	1	05/09/2002	0255706A		25A	21:20:00	21:27:00	21:31:00	K3403
8970 SW 87 CT	K	1829	2	01/28/2002			25A	21:01:00	21:07:00	21:07:00	K0000
8970 SW 87 CT	K	1829	2	01/28/2002			15	21:30:00	21:30:00	21:30:00	
8970 SW 87 CT	K	1829	2	01/28/2002			13	21:36:00	21:36:00	21:36:00	K3207
8970 SW 87 CT	K	1829	2	01/28/2002			15	21:36:00	21:36:00	21:36:00	K3207
8970 SW 87 CT/#100	K	1829	1	04/05/2002			15	17:47:00	17:47:00	17:52:00	
8970 SW 87 CT #22	K	1829	1	04/29/2002			25A	19:48:00	19:52:00	19:52:00	K0000
8970 SW 87 CT/STE 22	K	1829	1	04/29/2002			25A	20:55:00	20:59:00	20:59:00	K0000
8970 SW 87 CT	K	1829	1	11/22/2002			15	17:46:00	17:46:00	18:00:00	
8970 SW 87 CT/STE 100	K	1829	1	05/10/2002	0256222A		25A	07:31:00	07:40:00	07:59:00	K2505
8970 SW 87 CT/#100	K	1829	1	04/05/2002	0186323A		25A	17:44:00	17:47:00	17:52:00	K3100
8970 SW 87 CT	K	1829	2	01/28/2002	0054415A		25A	21:24:00	21:25:00	21:25:00	K3207

Miami-Dade Police Department
Address Query for Events occurring at 8970 SW 87 CT
For 1/1/03 Thru 2003-12-31

Miami-Dade Police Department *Crime Information Warehouse*

Detail Filter: Dis.Complaint Date >= "2003-01-01" and Dis.Complaint Date < "2004-01-01" and Dis.Police District Code in ("A" , "E" , "R" , "J" , "C" , "D" , "H" , "Q" , "I" , "K" , "N" , "M" , " " , "ZZ" , "P") and Dis.Incident Address contains "8970 SW 87 CT" and Dis.Reporting Agency Code = substring ("030" , 1 , 3) and Dis.Primary Unit not contains 'SB'

Incident Address	Dis	Grid	AOP	Complaint Date	Case Number	Sig Pre	Sig Suf	Rcvd Time	Disp Time	1st Arriv Time	1st Arriv Unit
8970 SW 87 CT	K	1829	1	11/03/2003			13	15:30:46	15:30:46	15:30:46	Z4503

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[ami-Dade Police Departme
Summarized Grid Information By Signal
For 1/1/02 Thru 2002-12-31

Detail Filter: (Dis.Complaint Date >= "2002-01-01" and Dis.Complaint Date < "2003-01-01") and (Dis.Grid in ("1829")) and (Dis.Signal Code in ("13" , "14" , "15" , "16" , "17" , "18" , "19" , "20" , "21" , "22" , "23" , "24" , "25" , "26" , "27" , "28" , "29" , "30" , "31" , "32" , "33" , "34" , "35" , "36" , "37" , "38" , "39" , "40" , "41" , "42" , "43" , "44" , "45" , "46" , "47" , "48" , "49" , "50" , "51" , "52" , "53" , "54" , "55")) and (Dis.Primary Unit not contains '0000') and (Dis.Primary Unit not contains 'SB') and (Dis.Reporting Agency Code = substring ("030" , 1 , 3))

Grid	Signal Code	Signal Description	Total
1829	13	SPECIAL INFORMATION/ASSIGNMENT	135
	14	CONDUCT INVESTIGATION	226
	15	MEET AN OFFICER	572
	16	D.U.I.	1
	17	TRAFFIC ACCIDENT	93
	18	HIT AND RUN	30
	19	TRAFFIC STOP	82
	20	TRAFFIC DETAIL	17
	21	LOST OR STOLEN TAG	7
	22	AUTO THEFT	38
	25	BURGLAR ALARM RINGING	118
	26	BURGLARY	50
	27	LARCENY	59
	28	VANDALISM	18
	29	ROBBERY	4
	30	SHOOTING	3
	32	ASSAULT	74
	33	SEX OFFENSE	8
	34	DISTURBANCE	94
	36	MISSING PERSON	10
	37	SUSPICIOUS VEHICLE	5
	38	SUSPICIOUS PERSON	15

ami-Dade Police Departm t
Summarized Grid Information By Signal
For 1/1/02 Thru 2002-12-31

Detail Filter: (Dis.Complaint Date >= "2002-01-01" and Dis.Complaint Date < "2003-01-01") and (Dis.Grid in ("1829")) and (Dis.Signal Code in ("13" , "14" , "15" , "16" , "17" , "18" , "19" , "20" , "21" , "22" , "23" , "24" , "25" , "26" , "27" , "28" , "29" , "30" , "31" , "32" , "33" , "34" , "35" , "36" , "37" , "38" , "39" , "40" , "41" , "42" , "43" , "44" , "45" , "46" , "47" , "48" , "49" , "50" , "51" , "52" , "53" , "54" , "55")) and (Dis.Primary Unit not contains '0000') and (Dis.Primary Unit not contains 'SB') and (Dis.Reporting Agency Code = substring ("030" , 1 , 3))

Grid	Signal Code	Signal Description	Total
1829.	39	PRISONER	7
	41	SICK OR INJURED PERSON	50
	43	BAKER ACT	2
	44	ATTEMPTED SUICIDE	4
	45	DEAD ON ARRIVAL	100
	49	FIRE	8
	52	NARCOTICS INVESTIGATION	3
	54	FRAUD	21

Total Signals for Grid 1829 : 1854

Total Reported: 1164 Total Not Reported: 690

Total for All Grids : 1854

[ami-Dade Police Departme
Summarized Grid Information By Signal
For 1/1/03 Thru 2003-12-31

Detail Filter: (Dis.Complaint Date >= "2003-01-01" and Dis.Complaint Date < "2004-01-01") and (Dis.Grid in ("1829")) and (Dis.Signal Code in ("13" , "14" , "15" , "16" , "17" , "18" , "19" , "20" , "21" , "22" , "23" , "24" , "25" , "26" , "27" , "28" , "29" , "30" , "31" , "32" , "33" , "34" , "35" , "36" , "37" , "38" , "39" , "40" , "41" , "42" , "43" , "44" , "45" , "46" , "47" , "48" , "49" , "50" , "51" , "52" , "53" , "54" , "55")) and (Dis.Primary Unit not contains '0000') and (Dis.Primary Unit not contains 'SB') and (Dis.Reporting Agency Code = substring ("030" , 1 , 3))

Grid	Signal Code	Signal Description	Total
1829	13	SPECIAL INFORMATION/ASSIGNMENT	145
	14	CONDUCT INVESTIGATION	251
	15	MEET AN OFFICER	561
	16	D.U.I.	5
	17	TRAFFIC ACCIDENT	107
	18	HIT AND RUN	33
	19	TRAFFIC STOP	54
	20	TRAFFIC DETAIL	14
	21	LOST OR STOLEN TAG	11
	22	AUTO THEFT	24
	25	BURGLAR ALARM RINGING	116
	26	BURGLARY	49
	27	LARCENY	64
	28	VANDALISM	8
	29	ROBBERY	5
	32	ASSAULT	74
	33	SEX OFFENSE	8
	34	DISTURBANCE	94
	36	MISSING PERSON	11
	37	SUSPICIOUS VEHICLE	3
	38	SUSPICIOUS PERSON	8
	39	PRISONER	7

'ami-Dade Police Departm t
Summarized Grid Information By Signal
For 1/1/03 Thru 2003-12-31

Detail Filter: (Dis.Complaint Date >= "2003-01-01" and Dis.Complaint Date < "2004-01-01") and (Dis.Grid in ("1829")) and (Dis.Signal Code in ("13" , "14" , "15" , "16" , "17" , "18" , "19" , "20" , "21" , "22" , "23" , "24" , "25" , "26" , "27" , "28" , "29" , "30" , "31" , "32" , "33" , "34" , "35" , "36" , "37" , "38" , "39" , "40" , "41" , "42" , "43" , "44" , "45" , "46" , "47" , "48" , "49" , "50" , "51" , "52" , "53" , "54" , "55")) and (Dis.Primary Unit not contains '0000') and (Dis.Primary Unit not contains 'SB') and (Dis.Reporting Agency Code = substring ("030" , 1 , 3))

Grid	Signal Code	Signal Description	Total
1829.	41	SICK OR INJURED PERSON	62
	43	BAKER ACT	4
	44	ATTEMPTED SUICIDE	4
	45	DEAD ON ARRIVAL	113
	47	BOMB OR EXPLOSIVE ALERT	5
	49	FIRE	3
	52	NARCOTICS INVESTIGATION	2
	54	FRAUD	10

Total Signals for Grid 1829 : 1855

Total Reported: 1169 Total Not Reported: 686

Total for All Grids : 1855

Miami-Dade Police Department

MIAMI-DADE POLICE DEPARTMENT
Part I and Part II Crimes w/o AC
Reporting Agency: MDPD
From 1/1/02 Thru 1/1/03
YEAR: 2002

Crime Information Warehouse

Prompt Variable Used: All County: N

Grid(s): 1829

PART I Crimes	Total Crimes
110A - RAPE	3
130A - AGGRAVATED ASSAULT	10
2200 - BURGLARY	10
230A - POCKET PICKING	1
230D - SHOPLIFTING FROM BUILDING	1
230F - SHOPLIFTING FROM A MOTOR VEHICLE	40
230G - SHOPLIFTING ALL OTHERS	52
2400 - MOTOR VEHICLE THEFT	24

MIAMI-DADE POLICE DEPARTMENT
Part I and Part II Crimes w/o A
Reporting Agency: MDPD
From 1/1/02 Thru 1/1/03
YEAR: 2002

Prompt Variable Used: All County: N

Grid(s): 1829

PART II Crimes	Total Crimes
130B - SIMPLE ASSAULT	18
350A - NARCOTIC BUY/SELL/POSS/IMPORT/MANUF	4
260A - FRAUD CON/SWINDLE/FALSE PRET.	5
260D - IMPERSONATION	5

Grand Total: 173

Detail Filter: OI.Incident From Date Time >= "2002-01-01" and OI.Incident From Date Time < "2003-01-01" and OI.Offense.Ucr Code in ('090A' , '1200' , '130A' , '130D' , '2200' , '230A' , '230B' , '230C' , '230D' , '230E' , '230F' , '230G' , '2400' , '090C' , '130B' , '130E' , '350A' , '350B' , '5100' , '2700' , '260A' , '260B' , '260D' , '260E' , '260F' , '1000' , '2000' , '110A' , '110B' , '110C') and OI.Aoa Agency Code = '000' and OI.Clearance Type Description <> 'UNFOUNDED' and OI.Report Written YN = 'Y' and (All County = 'Y' or All County = 'N' and OI.Grid in ("1829")) and OI.Reporting_Agency_Code = "030"

Miami-Dade Police Department

MIAMI-DADE POLICE DEPARTMENT
Part I and Part II Crimes w/o A(
Reporting Agency: MDPD
From 1/1/03 Thru 1/1/04
YEAR: 2003

Crime Information Warehouse

Prompt Variable Used: All County: N

Grid(s): 1829

PART I Crimes	Total Crimes
110A - RAPE	1
1200 - ROBBERY	2
130A - AGGRAVATED ASSAULT	5
2200 - BURGLARY	7
230F - SHOPLIFTING FROM A MOTOR VEHICLE	38
230G - SHOPLIFTING ALL OTHERS	56
2400 - MOTOR VEHICLE THEFT	14

Prompt Variable Used: All County: N

Grid(s): 1829

PART II Crimes	Total Crimes
130B - SIMPLE ASSAULT	19
130E - SIMPLE STALKING	2
350A - NARCOTIC BUY/SELL/POSS/IMPORT/MANUF	2
260A - FRAUD CON/SWINDLE/FALSE PRET.	4
260B - FRAUD CREDIT CARD/ATM	2
260D - IMPERSONATION	7

Grand Total: 159

Detail Filter: OI.Incident From Date Time >= "2003-01-01" and OI.Incident From Date Time < "2004-01-01" and OI.Offense.Ucr Code in ('090A' , '1200' , '130A' , '130D' , '2200' , '230A' , '230B' , '230C' , '230D' , '230E' , '230F' , '230G' , '2400' , '090C' , '130B' , '130E' , '350A' , '350B' , '5100' , '2700' , '260A' , '260B' , '260D' , '260E' , '260F' , '1000' , '2000' , '110A' , '110B' , '110C') and OI.Aoa Agency Code = '000' and OI.Clearance Type Description <> 'UNFOUNDED' and OI.Report Written YN = 'Y' and (All County = 'Y' or All County = 'N' and OI.Grid in ("1829")) and OI.Reporting_Agency_Code = "030"

DISCLOSURE OF INTEREST*

If the property which is the subject of the application is owned or leased by a CORPORATION, list the principal stockholders and the percentage of stock owned by each. [Note: Where the principal officers or stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

ACROPOLIS REALTY, L.L.C.
CORPORATION NAME

NAME, ADDRESS AND OFFICE	Percentage of Stock
PED INVESTMENTS LIMITED	100%

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: Where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUST NAME

NAME AND ADDRESS	Percentage of Interest

DISCLOSURE OF INTEREST*

If the property which is the subject of the application is owned or leased by a CORPORATION, list the principal stockholders and the percentage of stock owned by each. [Note: Where the principal officers or stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

PED INVESTMENTS LIMITED
CORPORATION NAME

NAME, ADDRESS AND OFFICE	Percentage of Stock
Pablo Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	49 1/2 %
Elizabeth Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	49 1/2 %
PED HOLDINGS, INC.	1 %

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: Where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUST NAME

NAME AND ADDRESS	Percentage of Interest

DISCLOSURE OF INTEREST*

If the property which is the subject of the application is owned or leased by a CORPORATION, list the principal stockholders and the percentage of stock owned by each. [Note: Where the principal officers or stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

PED HOLDINGS, INC.
CORPORATION NAME

NAME, ADDRESS AND OFFICE	Percentage of Stock
Pablo Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	50%
Elizabeth Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	50%

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: Where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUST NAME

NAME AND ADDRESS	Percentage of Interest

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

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

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

Signature: _____

(Applicant) Pablo Delgado, President

Sworn to and subscribed before me,

this 10 day of October, 2001

(SEAL)

Elizabeth P. Cardenas
Notary Public, State of Florida at Large

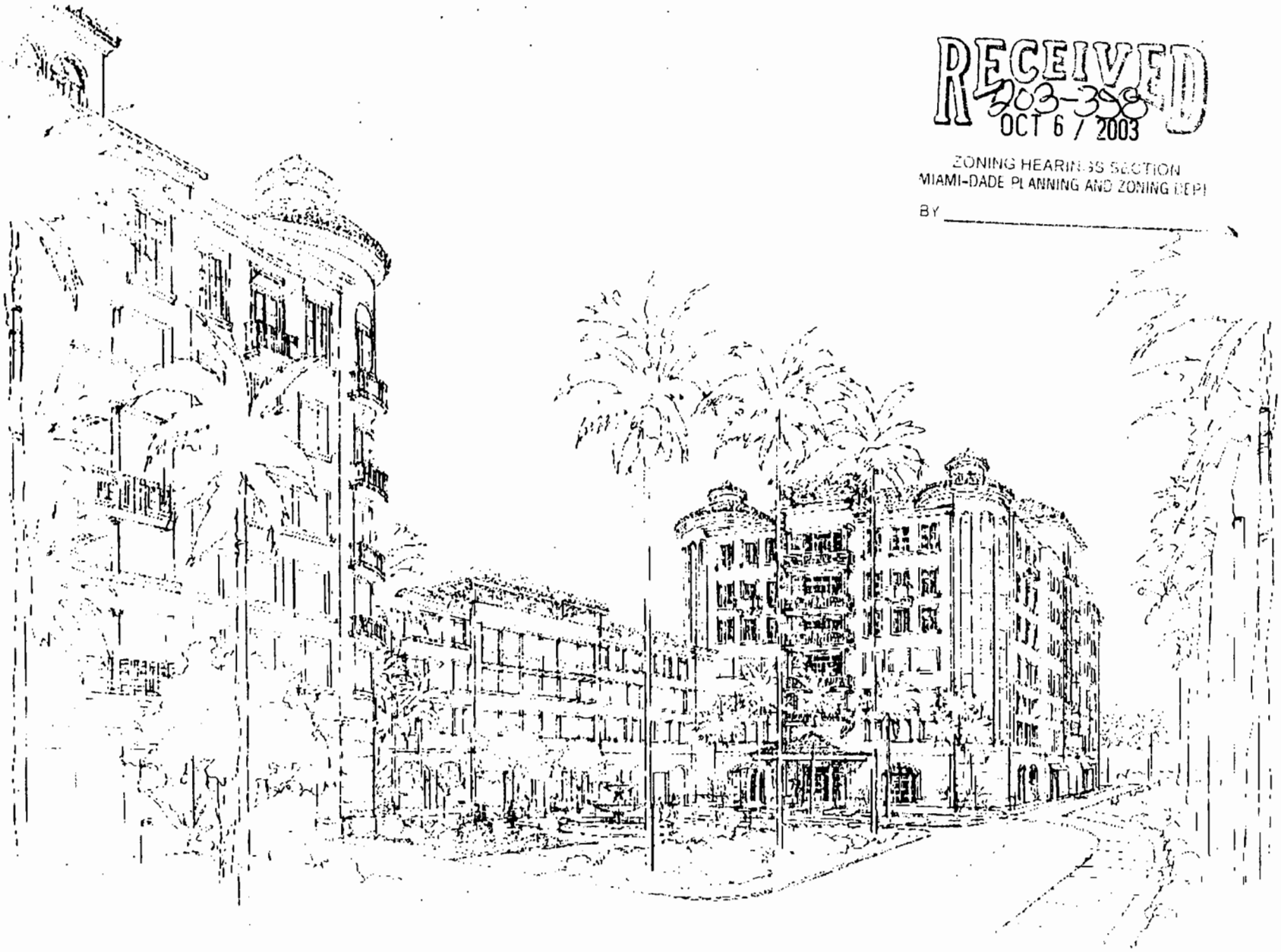
ELIZABETH P. CARDENAS
MY COMMISSION # CC 994093
EXPIRES: January 16, 2005
Bonded Thru Notary Public Underwriters

My Commission Expires:

*Disclosure shall not be required of any entity, the equity interests in which are regularly traded on an established securities market in the United States or other country; or of any entity, the ownership interests of which are held in a limited partnership consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interest in the limited partnership.

54

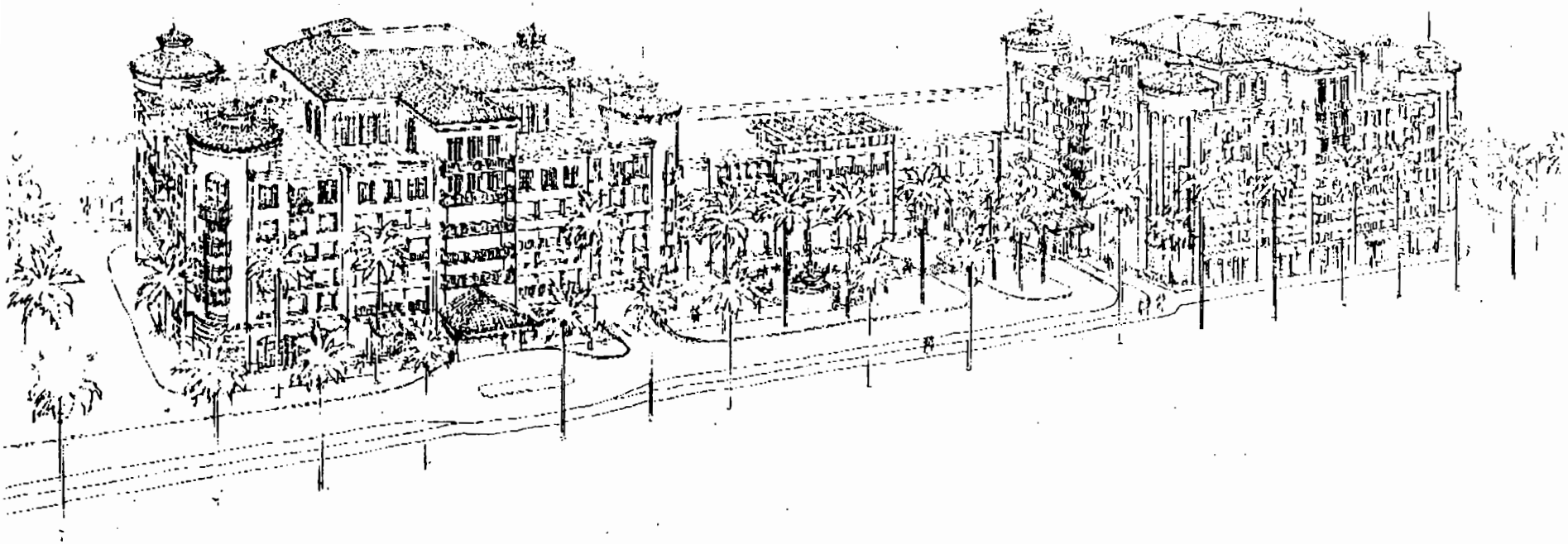
RECEIVED
303-358
OCT 6 / 2003
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY _____



F U L L E R T O N D I A Z A R C H I T E C T S I N C.

AGORA PROFESSIONAL BUILDING

8960 SW 87TH COURT MIAMI, FLORIDA 33176



FULLERTON DIAZ ARCHITECTS INC.

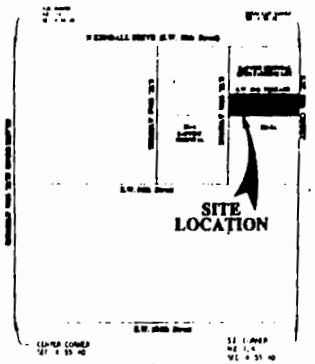
Agora Professional Building

FULLERTON DIAZ ARCHITECTS INC.
Architecture
Interior Design
Planning

PERSPECTIVE

A-0

65



LOCATION MAP
N.E. 1/4 OF SECTION 4-55-40
MIAMI-DADE COUNTY, FLORIDA
(NOT TO SCALE)

AGORA PROFESSIONAL BUILDING
SITE DATA LEGEND

ZONING AUTHORITY :	METROPOLITAN DADE COUNTY FLORIDA
EXISTING ZONING CLASSIFICATION :	BU 2A (BIMI PROFESSIONAL OFFICE DISTRICT) BU-1 (NEIGHBORHOOD BUSINESS DISTRICT)
DESIGNATED ZONING CLASSIFICATION :	OPD (OFFICE PARK DISTRICT)
PROPERTY ADDRESS :	6940 SW 87 TH COURT MIAMI, FLORIDA 331 56
FLOOD CRITERIA:	FLOOD ZONE " AE" B F E 9
NAME OF WATER AND SEWER UTILITIES	MIAMI DADE COUNTY WATER AND SEWER
PROPOSED PRINCIPAL USE:	MEDICAL OFFICE BUILDING
LAND AREA INCLUDING R.O.W.	130,007.36 SF. OR 2.94 ACRES (MINIMUM REQUIRED = 5 ACRES)
LOT FRONTAGE (@ SW 87 TH COURT) :	302 LF (MINIMUM REQUIRED =100)
HEIGHT OF BUILDING:	ALLOWED (8 STORY) 100' MAX. PROVIDED (8 STORY) 99' 6" TO THE TOP OF THE ROOF
SET BACKS	REQUIRED : 50' FRONT, 15' SIDES AND REAR PROVIDED : 50' FRONT@ SW 87TH COURT, 15 SIDES AND REAR
PROPOSED BUILDING LOT COVERAGE:	30,301 SF OR 46 % OF SITE
PROPOSED PAVED STREETS AREA:	17,331 SF. OR 13.00 % OF SITE
LANDSCAPED OPEN SPACE :	REQUIRED: 46 % OF SITE OR 130,074 X 0.46 = 59,913 sf 60% REQUIRED AT GROUND FLOOR: 30,913 X 0.60 = 47,179 sf PROVIDED: 50 % OF SITE OR 64,990 sf OPEN SPACE AT GROUND FLOOR : 51,705 sf OPEN SPACE AT 5TH LEVEL : 465 sf OPEN SPACE AT 7TH LEVEL ROOF : 3,934 sf OPEN SPACE AT 8TH LEVEL ROOF : 4,044 sf REFER TO LANDSCAPE DRAWINGS FOR GREEN AREA, AND EXISTING TREE INFORMATION
P.A.R.	ALLOWED: 110,130 sf 0.86 % OF SITE FOR 8 STORY OR (130,007X 0.86) PROVIDED: 121,123 sf 0.94 % OF SITE , 10 % UNDER ALLOWED PAR
P.A.R. BREAK DOWN	LEVEL 1 33,193 sf LEVEL 3 16,905 sf LEVEL 6 10,343 sf LEVEL 7 23,932 sf LEVEL 8 6,700 sf
OFF STREET PARKING	REQUIRED : 404 PARKING SPACES (OFFICE : 1/300 sf) PROVIDED: 373 PARKING SPACES (OFFICE : 1/310 sf) (MIN 8'-6" W. X 18'-0" L)

OWNER — **ACROPOLIS REALTY, LLC**
8950 N. KENDALL DRIVE SUITE 401
MIAMI, FLORIDA 33176
PH: (305) 270-7999 FAX (305) 305-270-6785

ARCHITECT — **FULLERTON DIAZ ARCHITECTS**
366 ALTARA AVENUE
CORAL GABLES, FL 33146
PH: (305) 662-4300 FAX: (305) 361-444-4962

LANDSCAPE — **MARIANO CORRAL & ASSOCIATES**
1995 S.W. 110 th AVENUE
MIAMI, FL 33165
PH: (305) 551-1262 FAX (305) 555-2084

SURVEYOR — **ALBERTO LORENZO-LUCACHO**
933 SW 122nd AVENUE
MIAMI, FL 33184
PH: (305) 220-6397 FAX: (305) 226-6403

LEGAL DESCRIPTION

The South 1/2 of the South 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4, less the East 25 feet thereof in Section 4, Township 55 South, Range 40 East, Miami-Dade County, Florida.

TOGETHER WITH:

[illegible]

LESS:

The East 25.00 feet of the South 25.00 feet of the North 1/2 of the South 1/2, of the Northeast 1/4 of the Northeast 1/4, of the Northeast 1/4 of Section 4, Township 55 South, Range 40 East, Miami-Dade County.

INDEX OF DRAWINGS

ARCHITECTURE

COVER SHEET, PERSPECTIVE

A 0 PERSPECTIVE

A 1 SITE PLAN, LEGEND, LEGAL DESCRIPTION & LOCATION MAP

A 2 GROUND, 2ND 3RD & 4TH FLOOR PLANS

A 3 5TH AND 6TH FLOOR PLANS

A 4 7TH & 8TH FLOOR PLANS

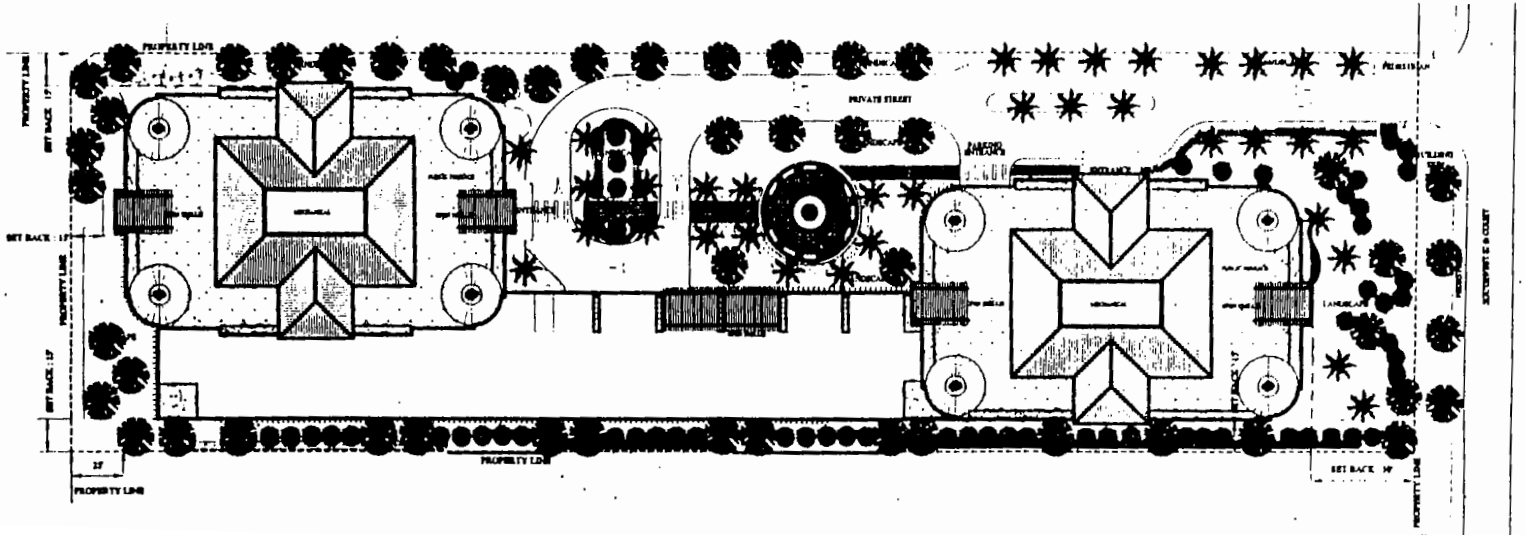
A 5 NORTH SOUTH ELEVATIONS

A 6 EAST ELEVATIONS

LANDSCAPE

LP 1 SITE LANDSCAPE PLAN (LEVEL 1)

LP 2 PLANTER LANDSCAPE LEVEL 8, 7, 5



PROPOSED SITE PLAN

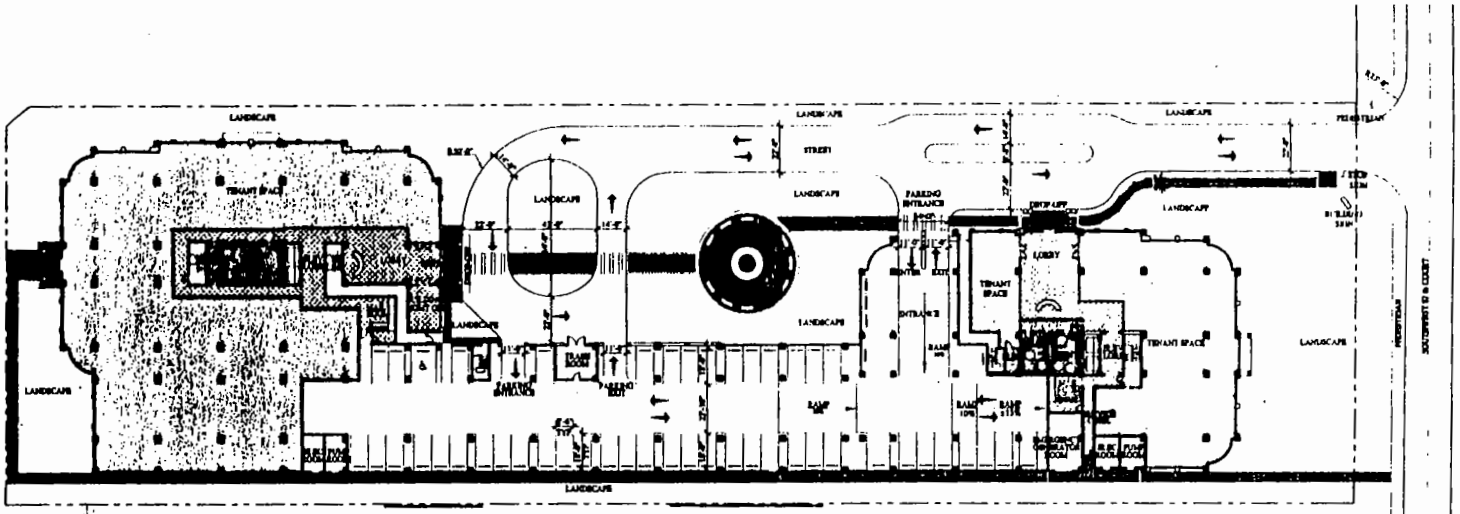
FULLERTON DIAZ ARCHITECTS INC

FULLERTON DIAZ ARCHITECTS INC.
Architecture
Interior Design
Planning

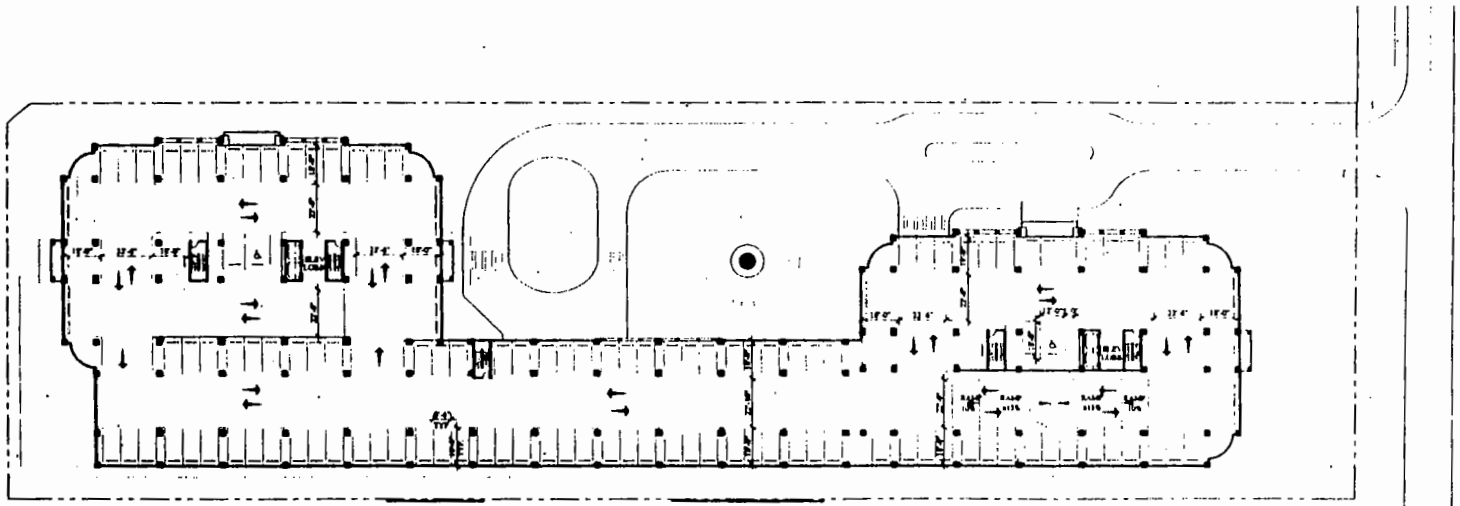
Agora Professional Building

PLANS / LEGEND
LOCATION MAP

A-1



1ST FLOOR PLAN (GROUND LEVEL)
SCALE: 1/30"=1'-0"



2nd, 3rd,& 4th FLOOR PLAN-TYPICAL
SCALE: 1/30"=1'-0"

FULLERTON DIAZ ARCHITECTS INC.

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FULLERTON DIAZ ARCHITECTS INC.
Architecture
Interior Design
Planning

Drawing Title
1, 2, 3 & 4TH FLOOR PLANS

Sheet Number
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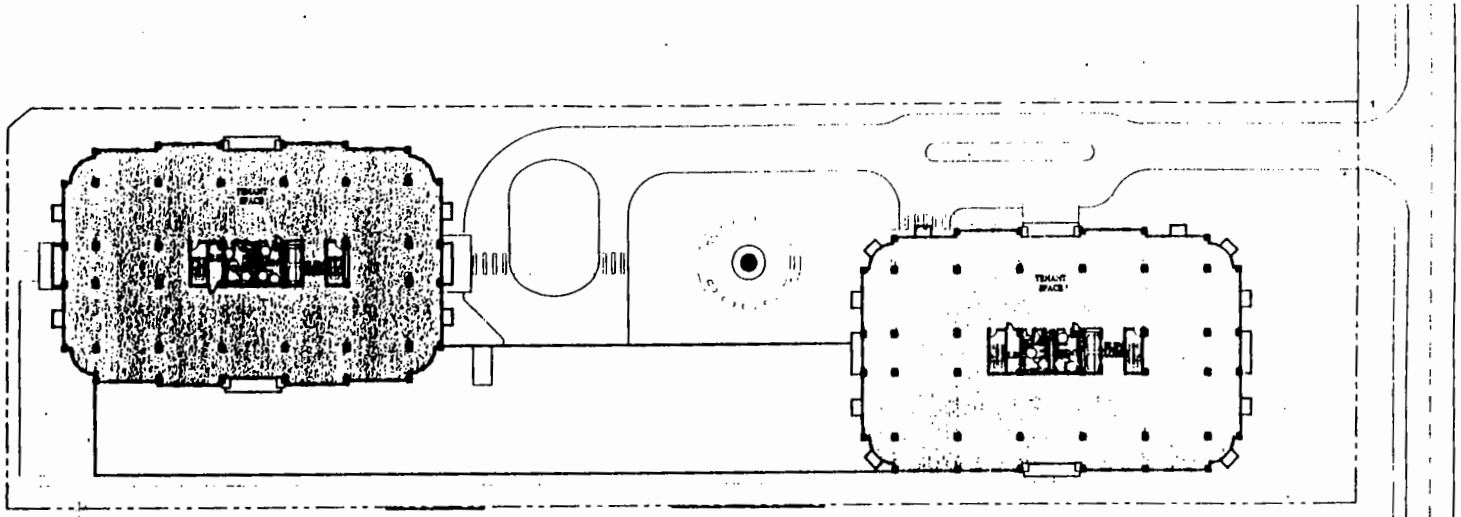
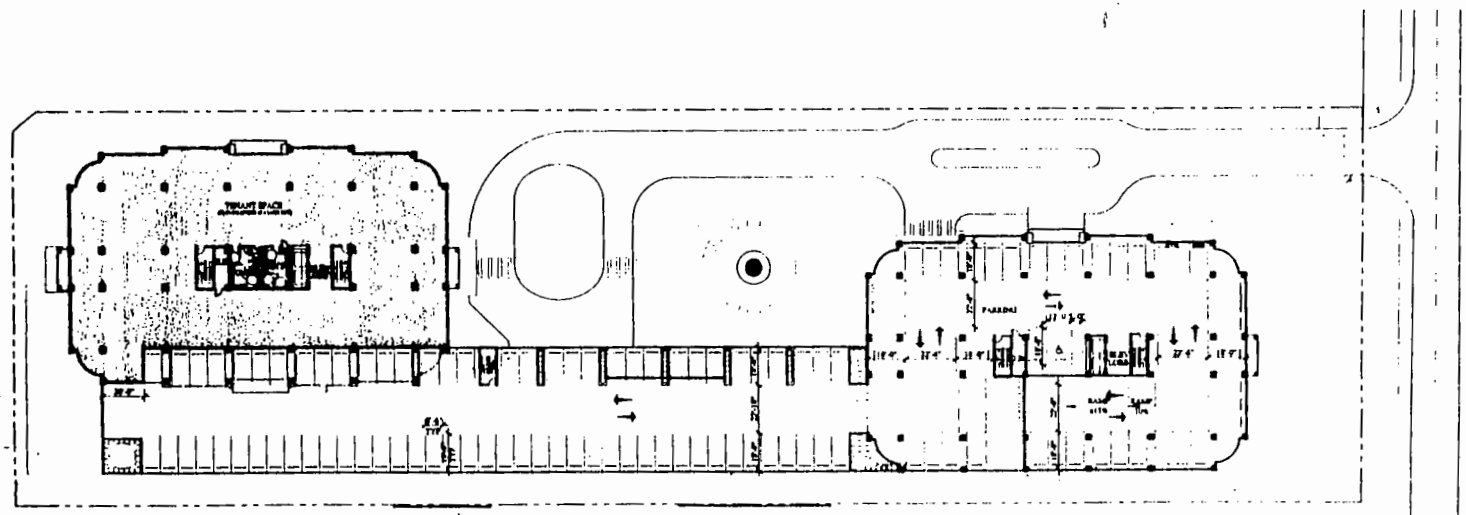


6TH FLOOR PLAN
SCALE: 1:30"=1'-0"



5 TH FLOOR PLAN
SCALE: 1:30"=1'-0"

FULLERTON DIAZ ARCHITECTS INC.

FULLERTON DIAZ ARCHITECTS INC
Architecture
Interior Design
Planning

Agora Professional Building

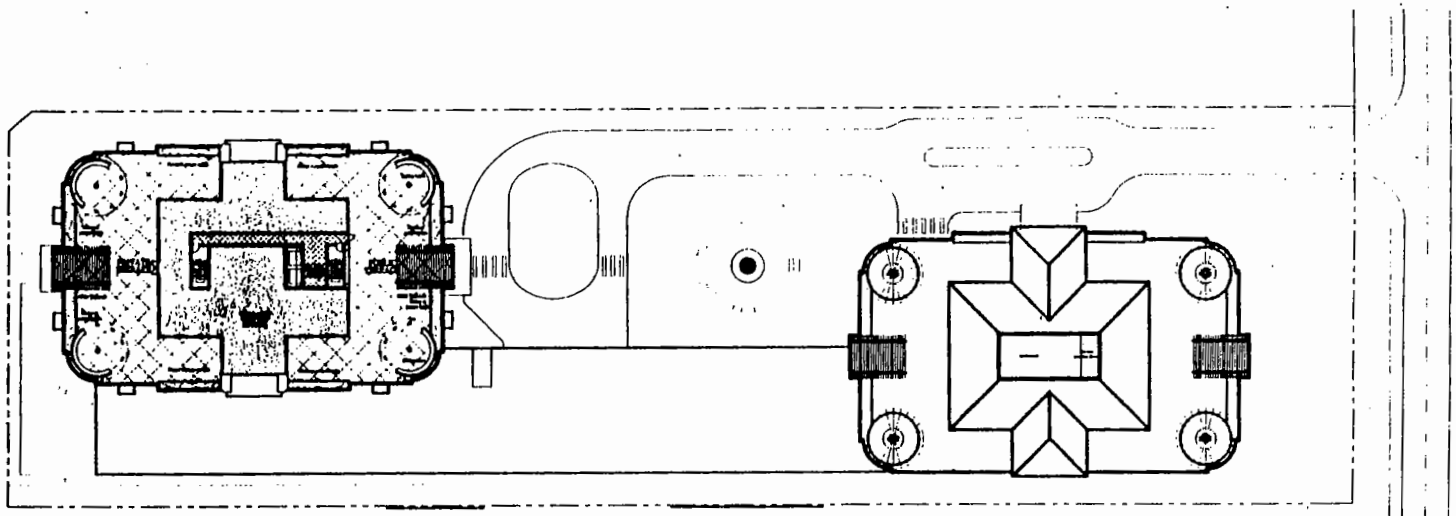
Drawing Title
5TH & 6TH FLOOR PLANS

Revisions

No	Description	Date

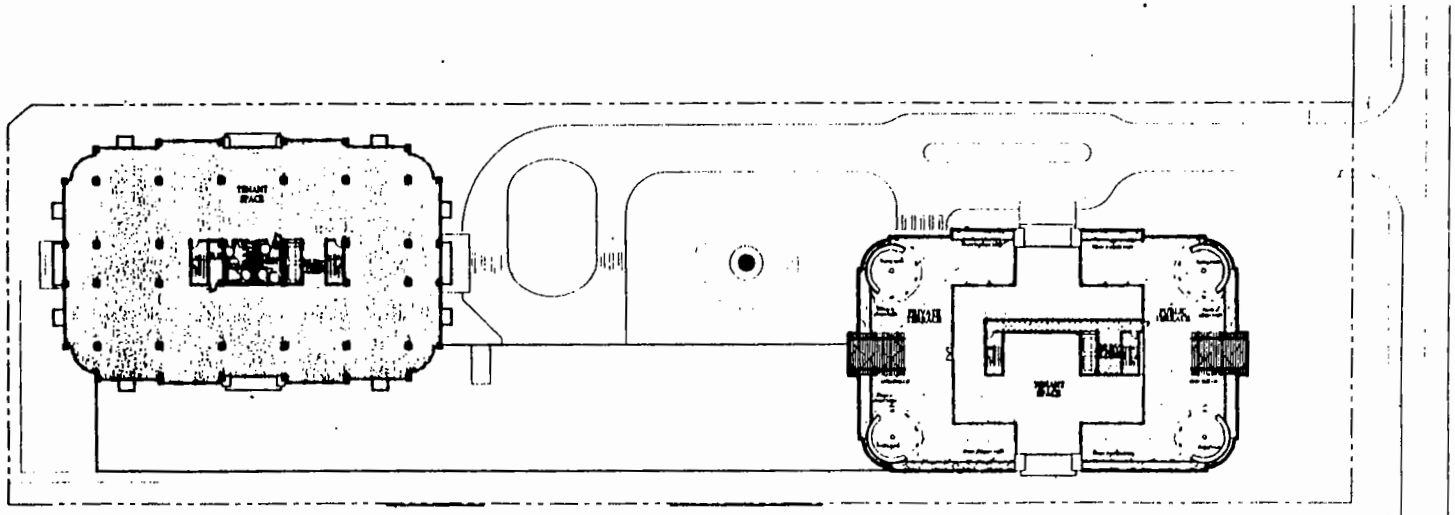
Sheet Number

A-3



8 TH FLOOR PLAN

SCALE: 1/30"=1'-0"



7TH FLOOR PLAN

SCALE: 1/30"=1'-0"

FULLERTON DIAZ ARCHITECTS INC.

Agora Professional Building

7TH & 8TH FLOOR PLANS

A-4

1 NORTH ELEVATION
SCALE: 1/30"=1'-0"

2 NORTH ELEVATION - EAST BUILDING
SCALE: 1/16"=1'-0"

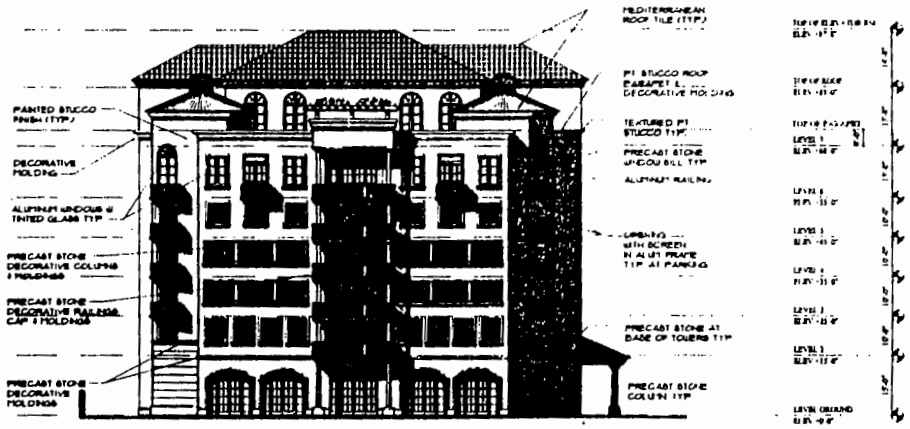
3 NORTH ELEVATION- CENTER AND WEST BUILDING
SCALE: 1/16"=1'-0"

FULLERTON DIAZ ARCHITECTS INC.

Agora Professional Building

FULLERTON DIAZ ARCHITECTS INC
Architecture
Interior Design
Planning

A-5



1 EAST ELEVATION - PHASE I

SCALE: 1/16"=1'-0"

2 EAST ELEVATION- PHASE II

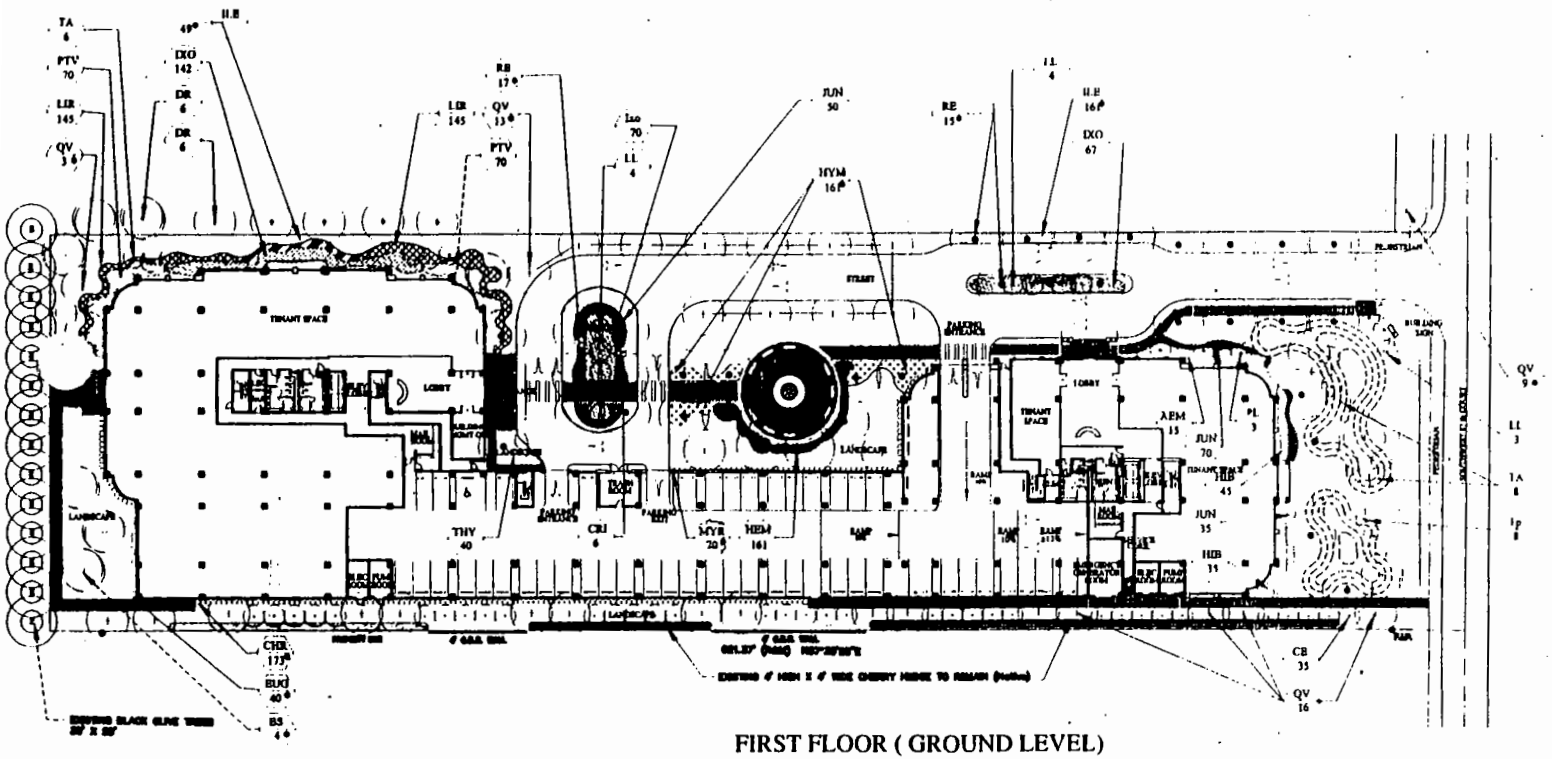
SCALE: 1/16"=1'-0"

FULLERTON DIAZ ARCHITECTS INC.

Agora Professional Building

PHASE I & II
EAST ELEVATIONS

A-6



FIRST FLOOR (GROUND LEVEL)

SCALE: 1" = 30'

PLANT LIST:

SYMBOL	SCIENTIFIC NAME / COMMON NAME	QTY.	SIZE	SPACING / REMARKS		XERISCAPE REQUIREMENT TABULATION: Drought Tolerance H, M, L	Salt Tolerance H, M, L
	SHADE TREES AND PALM TREES					HIGH, MEDIUM OR LOW	HIGH, MEDIUM OR LOW
BS	BURSERA SIMARUBA / GUMBO LIMBO	7	12'HT 2.5" DIA		NATIVE	HIGH	HIGH
CS	CONOCARPUS ERECTUS SERICEUS / SILVER BUTTONWOOD	11	8' x 8'spr		NATIVE	HIGH	HIGH
RB	PHOENIX ROEBELENII / ROYAL POINCIANA	8	12'HT 2.5" DIA	3-1/2" CALIPER MIN.		HIGH	HIGH
QV	QUERCUS VIRGINIANA / LIVE OAK	16	12'HT 2.5" DIA	2" CAL. MIN.	NATIVE	HIGH	HIGH
RE	ROYSTONEA ELATA / FLORIDA ROYAL PALM	16	20' OA	Minimum 8 & 8	NATIVE	HIGH	MEDIUM
LL	LIVISTONA CHINENSIS / PRIVET	11	10'x 8'spr	MULTI TRUNK		MEDIUM	LOW
PL	PHOENIX LITTORALIS / CATTLEY GUAVA	3	12' x 8'spr	8 & 8		HIGH	MEDIUM
TA	TABEBUIA CAERULEA / YELLOW TRUMPET TREE	14	12' x 8'spr	8 & 8		HIGH	MEDIUM
TP	TABEBUIA IMPETIGINOSA / PINK TRUMPET TREE	4	12' x 8'spr	8 & 8		HIGH	MEDIUM
	SHRUBS AND GROUNDCOVERS						
AEM	ALPINIA PURPURATA / RED GINGER / MEDIUM PINK GINGER	11	3 GAL	FULL		MEDIUM	LOW
CHI	CHRYSOPHYLLUM OLIVIFORME / GUAVA CAIMITO	6	7 GALL			HIGH	HIGH
CRI	CRINUM AMABILE / GIANT CRINUM	175	3 GAL	36" OC	NATIVE	HIGH	HIGH
BUG	BUGANVILLA SPECTABILIS / SPINES / CORDO PLUM	40	3 GAL	36" OC	NATIVE	HIGH	HIGH
HYM	HYMENOCALLIS LATIFOLIA / SPIDER LILY	161	3 GAL	3' OC	NATIVE	HIGH	HIGH
HIB	HIBISCUS S. L. 'SOUP' / RED HIBISCUS	35	3 GAL	36" OC		LOW	MEDIUM
HEM	HEMEROCALLIS THUNB. THUNB. / RED DAY LILLY	161	GAL	18" OC		HIGH	HIGH
SE	SALIX VIMINALIS NANA / SCHELLINDE SWAMP WILLOW	216	3 GAL	3' OC	NATIVE	HIGH	HIGH
ERO	ERIGERON MUCRONATUS / PINK ERIGERON	270	3 GAL	18" OC		MEDIUM	MEDIUM
AMP	AMPHIBOLIS PARSONSI / PARSONS AMPHIBOLIS	138	3 GAL	3' OC		HIGH	HIGH
LIR	LIRIOPE M. EVERGREEN GIANT / GIANT LIRIOPE	300	GAL	18" OC		HIGH	MEDIUM
MYR	MYRIANTHES FRAGRANS / EMPEROR'S STOPPER	20	3 GAL	36" OC	NATIVE	HIGH	HIGH
MIC	MICROSORUM SCOLOPENDRIA / MARINGATA	600	3 GAL	36" OC		HIGH	HIGH
PHI	PHILODENDRON SELLOUM	8	3 GAL	3' OC		HIGH	MEDIUM
TRY	GALPHIMIA GLAUCA / THRYALLIS	48	3 GAL	3' OC		MEDIUM	MEDIUM

LANDSCAPE REQUIREMENTS/ CALCULATIONS:

INFORMATION REQUIRED TO BE PERMANENTLY AFFIXED TO PLAN

ZONING DISTRICT OPD GROSS LOT AREA 2.94 ACRES 128,129 S.F.

LAWN AREA CALCULATION	REQUIRED	PROVIDED
A. 38,438.70 TOTAL S.F. OF LANDSCAPED OPEN SPACE REQUIRED (30%)		
B. MAXIMUM LAWN AREA (50%) PERMITTED = 31 % X 38,438.70 S.F.	13,453.54	22,132.89
TREES		
A. TWENTY EIGHT(28) PER ACRE 28 X 2.94 ACRES=	82	86
B. STREET TREE REQUIREMENTS 630 LF 35'=	18	18
TOTAL TREES	100	104
B. 30% PALMS ALLOWED OF TOTAL MIN. REQ. No. OF TREES	32	32
% PALMS PERMITTED TO COUNT AS 1:1 BASIS	32	32
C. % NATIVE REQUIRED. No. TREES PROVIDED X 33 %=	36	101 (98%)
SHRUBS		
A. SHRUBS REQUIRED: 10 PER TREE(100) = (100 x 10)=	1000	1195
B. No. SHRUBS ALLOWED X 33 %= No. OF NATIVE SHRUBS REQUIRED	350	800 (80%)

IRRIGATION PLAN.

100% irrigation coverage with a rain overlap of 50%

INFORMATION REQUIRED TO BE PERMANENTLY AFFIXED TO PLAN

Professional Preparer's Statement of Landscape Compliance

Process No. Permit No.

Legal description: Lot Block

Subdivision Name P.B. Page

Development Name

Located at (address)

I/We hereby certify that the landscaping/irrigation plan being submitted for the above captioned complies with the requirements of Chapter 18A (18-13 Landscape Ordinance Effective March 24, 1998) as to the species, height, trunk width, and location at time of planting, and that the species shown are in accordance with the accepted species approved by Miami-Dade County and that none of the species are from the prohibited list. Additionally, automatic sprinkler system (if applicable) complies with the requirements of said ordinance as to the type of heads, spray system, location, etc

Professional Preparer's Signature

Mariano Corral
Print Name

State of Florida
County of Dade

The foregoing instrument was acknowledged before me this day of 2001,
by of a corporation,
on behalf of the corporation. He/she is personally known to me or has produced
as identification and did/did not take an oath
Witness my signature and official seal this day of ,2001,
in the County and State aforesaid, the date, and year aforesaid

Notary Public

Print Name

DRB SET

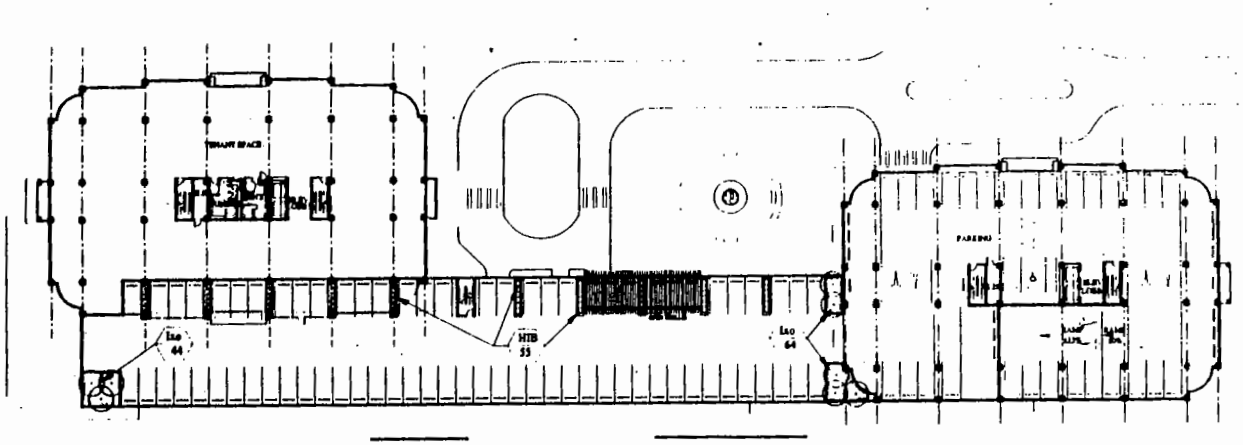
MARIANO CORRAL
Landscape Architecture
Golf Course Design
Land Planning
Urban Design

FULLERTON DIAZ ARCHITECTS INC

87TH COURT SOUTHWEST 96TH STREET
KENDALL, FLORIDA

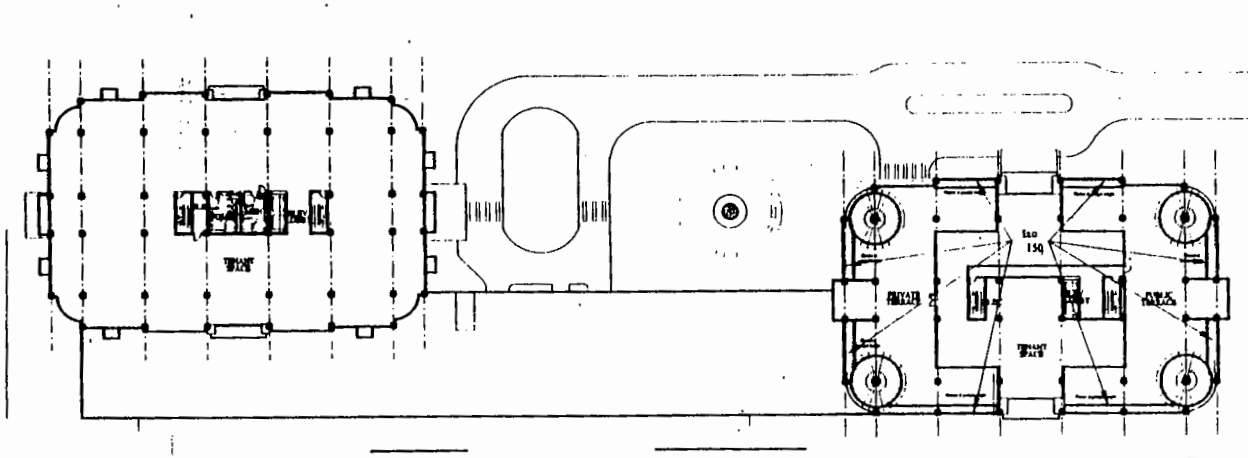
SITE LANDSCAPE PLAN
LEVEL 1

LP-1



FIFTH (5) FLOOR LEVEL

SCALE: 1" = 30'



REPEAT SAME AMOUNT FOR 8TH LEVEL FLOOR

SEVENTH AND EIGHTH FLOOR LEVEL

SCALE: 1" = 30'

SYMBOL	SCIENTIFIC NAME / COMMON NAME	QTY.	SIZE	SPACING / REMARKS	XERISCAPE REQUIREMENT TABULATION: Drought Tolerance H, M, L	Salt Tolerance H, M, L
	SHADE TREES AND PALM TREES				HIGH, MEDIUM OR LOW	HIGH, MEDIUM OR LOW
PR	PTYCHOSPERMA ELEGANS/ ALEXANDER PALM	8	12' OA BHT		MEDIUM	MEDIUM
	SHRUBS AND GROUNDCOVERS					
RHR	RHAPHIOLEPIS R. R. 'RED' RED RHAPHIOLEPIS	55	3 GAL.	30" OC	LOW	MEDIUM
OLD	OLEMA HORA GRANT PINK OLEMA	400	3 GAL.	30" OC	MEDIUM	MEDIUM

General Notes

1. All plant materials to be Florida No.1 or better
2. All landscape areas shall be irrigated with a minimum coverage of
   50 Provide Rain Sensor
3. Contractor is to do his own take off and if there are any discrepancies he is to bring it to the attention of the Landscape Architect, prior to commencing work
4. Landscape Contractor is to identify all utilities zones and underground lines prior to commencing work, for the health and welfare of his
5. All sod to be St. Augustine floratam sand sod

PLANT DETAILS:

DRB SET

FULLERTON DIAZ ARCHITECTS INC

MURANO CORRAL

Landscape Architecture
Golf Course Design
Land Planning
Urban Design

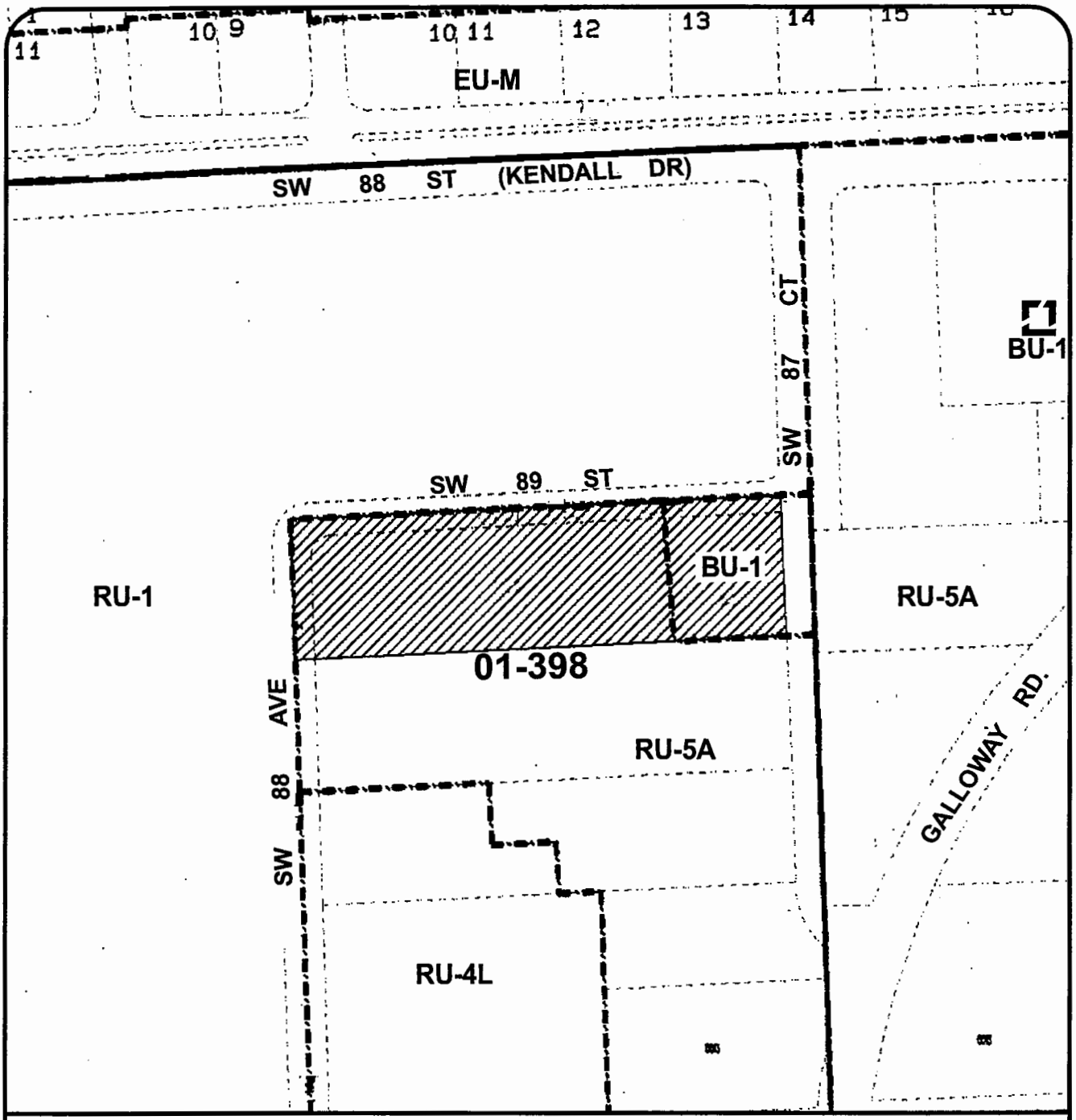
87TH COURT SOUTHWEST 96TH STREET
KENDALL, FLORIDA

Date
Date
Project Designer
Drawn By
Checked By
Job Number
Scale
File
Drawing Title
PLANTER PLAN & A
LEVEL 5 7 8

Revisions
No. Description Date

Sheet Number

LP-2



MIAMI-DADE COUNTY
HEARING MAP

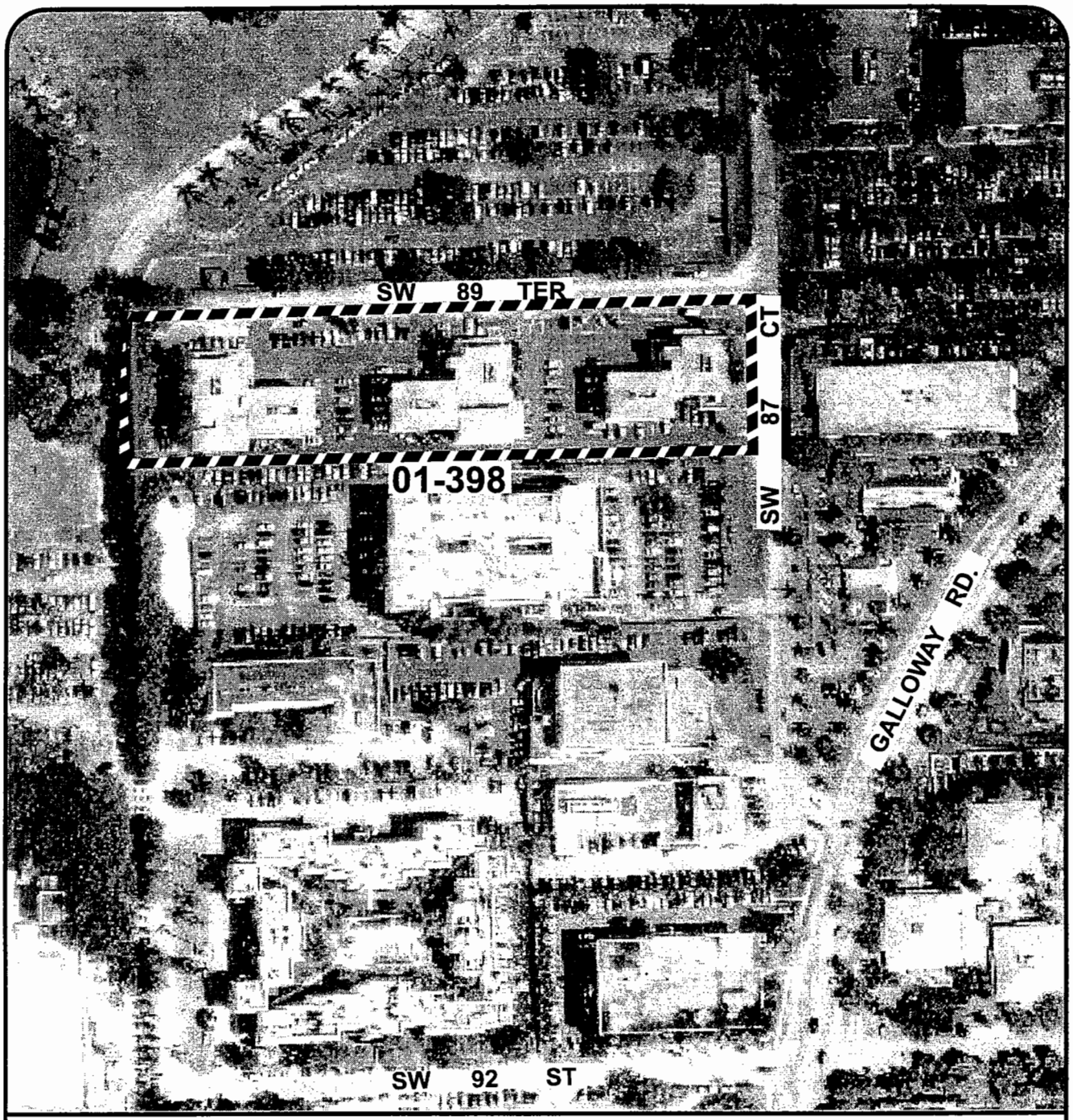
S C A L E 0 200' N

SUBJECT PROPERTY

Section: 04 Township: 55 Range: 40
Process Number: 01000398
Applicant: ACROPOLIS REALTY, LLC.
District Number: 08
Zoning Board: C12
Drafter ID: ALFREDO
Scale: 1:200'

MIAMI-DADE

G: ZONING DRAFTING. 01-398. 12/01
REVISED 10/14/03



MIAMI-DADE COUNTY
AERIAL

S C A L E
0 NTS
N

SUBJECT PROPERTY

Section: 04 Township: 55 Range: 40
Process Number: 01000398
Applicant: ACROPOLIS REALTY, LLC.
District Number: 08
Zoning Board: C12
Drafter ID: ALFREDO
Scale: NTS

MIAMI-DADE

G: ZONING DRAFTING 01-398. 12/01

1. ACROPOLIS REALTY LLC
(Applicant)

03-11-CZ12-1 (01-398)
BCC/District 8
Hearing Date: 4/29/04

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
1965	Mark XX	Zone change from AU to RU-5A.	CC	Approved
1966	Mark XX	Use Variance for zoning regulations, waiving 5' wall along interior side of property lines.	ZAB	Approved
1967	Mark XX	Variance zoning regulations, walls, access buildings.	ZAB	Approved
1983	Raymond Pearlson & Robert Browdy	Zone change from RU-5A to BU-1.	CC	Approved

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 12
MOTION SLIP

APPLICANT'S NAME: ACROPOLIS REALTY LLC

REPRESENTATIVE(S): CHAD WILLIARD

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
03-11-CZ12-1 (01-398)	NOVEMBER 18, 2003	CZAB12- -03

REQUESTS:
1) RU-5A & BU-1 to OPD. 2) Delete Declaration. 3) Lot area 2.94 v 3 ac. 4) FAR 0.94 v 0.86

DEPT. REC: APPROVE 1 PER 33-311(A)(8) SUBJECT TO PROFFERED COVENAN.T
APPROVE 2 WITH CONDITIONS PER 33-311(A)(17).

MOTION APPROVE 3 & 4 WITH CONDITIONS PER 33-311 (A)(21)

☐ WITHDRAW: ☐ Entire Application ☐ ITEMS

☒ DEFER: ☐ INDEFINITELY ☒ TO: 01-13-04 ☒ 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 STD. CONDITIONS

☐ OTHER:

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		Gerardo GOMEZ	✓		
MS.	S	Millie HERRERA	✓		
MR.		Douglas KRUEGER	✓		
M		Peggy BRODEUR	✓		
MR.	M	Nelson A. VARONA	✓		
VICE-CHAIRMAN		Robert W. WILCOSKY	✓		
CHAIRMAN		JOSE VALDEZ			✓

VOTE: 6 to 0

EXHIBITS: ☒ YES ☐ NO

COUNTY ATTORNEY: Jay Williams

2

MIAMI-DADE COUNTY
COMM ITY ZONING APPEALS BO/ - EA 12
MOTION SLIP

APPLICANT'S NAME: **ACROPOLIS REALTY LLC**

REPRESENTATIVE(S): Chad Williard, Dr. Pablo Delgado

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
03-11-CZ12-1 (01-398)	January 27, 2004	CZAB12- -04

REQUESTS:

DEPT. REC:

☐ WITHDRAW: ☐ Entire Application ☐ ITEMS _____

☑ DEFER: ☐ INDEFINITELY ☑ TO: 2/10/04 ☐ 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 STD. CONDITIONS

☑ OTHER: To give applicant opportunity to present traffic study to the opposition.

TITLE	M/S	NAME	YES	NO	ABSENT
MS.		Peggy BRODEUR			✓
MR.		Gerardo GOMEZ		✓	
MS.		Millie HERRERA	✓		
MR.		Douglas A. KRUEGER	✓		
MR.	S	Nelson A. VARONA	✓		
VICE-CHAIRMAN	M	Robert W. WILCOSKY	✓		
CHAIRMAN		Jose I. VALDEZ (C.A.)			

* Chairman Jose Valdez abstained from voting because he was absent from the last hearing on this application. He stated on the record that he would not vote. He was sitting at the table when the motion was read.

VOTE: 4 to 1

EXHIBITS: ☐ YES ☑ NO

COUNTY ATTORNEY: Stephen Stieglitz

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

APPLICANT: Acropolis Realty LLC **PH:** Z01-398 (03-11-CZ12-1)

SECTION: 4-55-40 **DATE:** April 29, 2004

COMMISSION DISTRICT: 8 **ITEM NO.:** 1

==========

A. INTRODUCTION

- **REQUESTS:**

ACROPOLIS REALTY LLC is appealing the decision of the Community Zoning Appeals Board #12 which denied the following:

(1) RU-5A & BU-1 to OPD

(2) DELETION of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329.

The purpose of the request is to remove an agreement from the site which limited the commercial uses and tied the BU-1 site to a plan.

(3) The applicant is requesting to permit a lot with an area of 2.94 acres. (The underlying zoning district regulation requires 3 acres including right-of-way dedication).

(4) The applicant is requesting to permit a floor area ratio of 0.94. (The underlying zoning regulation permits 0.86).

Plans are on file and may be examined in the Zoning Department entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., dated revised 9-2-03 and 10-2-03 and consisting of 8 pages. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:**

The applicant is appealing the decision of the Community Zoning Appeals Board-12 which denied this application without prejudice. This application will allow the applicant to change the zoning on the property from RU-5A, Semi-Professional Office District, and BU-1, Neighborhood Business District, to OPD, Office Park District. The requests will also allow less lot area than required for the OPD district, a greater floor area ratio than permitted, and the deletion of a Declaration of Restrictions as it pertains to the BU-1 zoned site.

- **LOCATION:**

8960-70 S.W. 87 Court, Miami-Dade County, Florida.

- **SIZE:** 2.94 acres.

- **IMPACT:**

  The rezoning of the property and accompanying requests will allow the applicant to provide professional services to the community. However, this application will bring additional traffic into the area.

B. ZONING HEARINGS HISTORY:

In 1965, the Board of County Commissioners (BCC) rezoned this site from AU, Agricultural District, to RU-5A, Semi-Professional Office District. In 1966 and 1967, the Zoning Appeals Board (ZAB) waived the required walls along the interior side property lines of the aforementioned property. In 1983, the BCC rezoned the easterly 185' of the subject property from RU-5A to BU-1, Neighborhood Business District. A Declaration of Restrictions was recorded that restricted the development of the BU-1 portion of the site to the plans approved at said hearing and restricted the permitted uses to a commercial bank and a sandwich shop.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

1. The Adopted 2005 and 2015 Land Use Plan designates the subject property as being within the Urban Development Boundary for **office/residential**.

2. **Uses and Zoning Not Specifically Depicted on the LUP Map**:

   Within each map category numerous land uses, zoning classifications and housing types may occur. Many existing uses and zoning classifications are not specifically depicted on the Plan map. This is due largely to the scale and appropriate specificity of the countywide LUP map, graphic limitations, and provisions for a variety of uses to occur in each LUP map category. In general, 5 acres is the smallest site depicted on the LUP map, and smaller existing sites are not shown. All existing lawful uses and zoning are deemed to be consistent with this Plan unless such a use or zoning (a) is found through a subsequent planning study, as provided in Land Use Policy 4E, to be inconsistent with the criteria set forth below; and (b) the implementation of such a finding will not result in a temporary or permanent taking or in the abrogation of vested rights as determined by the Code of Metropolitan Dade County, Florida. The criteria for determining that an existing use or zoning is inconsistent with the plan are as follows: 1) Such use or zoning does not conform with the conditions, criteria or standards for approval of such a use or zoning in the applicable LUP map category; and 2) The use or zoning is or would be incompatible or has, or would have, an unfavorable effect on the surrounding area: by causing an undue burden on transportation facilities including roadways and mass transit or other utilities and services including water, sewer, drainage, fire, rescue, police and schools; by providing inadequate off-street parking, service or loading areas; by maintaining operating hours, outdoor lighting or signage out of character with the neighborhood; by creating traffic, noise, odor, dust or glare out of character with the neighborhood; by posing a threat to the natural environment including air, water and living resources; or where the character of the buildings, including height, bulk, scale, floor area ratio or design would detrimentally impact the surrounding area. Also deemed to be consistent with this Plan are uses and zoning which have been approved by a final judicial decree that has declared this Plan to be invalid or unconstitutional as applied to a specific piece of property. The presence of an

existing use or zoning will not prevent the County from initiating action to change zoning in furtherance of the Plan map, objectives or policies where the foregoing criteria are met. The limitations outlined in this paragraph pertain to existing zoning and uses. All approval of new land uses must be consistent with the LUP map and the specific land use provisions of the various LUP map categories, and the objectives and policies of this Plan. However, changes may be approved to lawful uses and zoning not depicted which would make the use or zoning substantially more consistent with the Plan, and in particular the Land Use Element, than the existing use or zoning.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
RU-5A & BU-1; apartments	Office/Residential
Surrounding Properties:	
NORTH: RU-1; parking lot	Office/Residential
SOUTH: RU-5A; office building	Office/Residential
EAST: RU-5A; office building	Office/Residential
WEST: RU-1; Baptist Hospital complex	Institutional & Public Facility

The subject parcel is a narrow linear site located between SW 87 Avenue (Galloway Road) and Baptist Hospital. There is a parking lot which serves Baptist Hospital to the north with a mixture of apartments and offices to the south.

E. SITE AND BUILDINGS:

Site Plan Review:

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**
Energy Considerations:	**N/A**
Roof Installations:	**N/A**
Service Areas:	**N/A**
Signage:	**N/A**
Urban Design:	**Acceptable**

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(8). The Board shall hear and grant or deny applications for **district boundary changes** taking into consideration that same must be consistent with the CDMP, with applicable area or neighborhood studies or plans, and would serve a public benefit. The Board shall take into consideration 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. The Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities, including mass transit, roads, streets, and highways or other necessary public 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, street or highways.

Section 33-311(A)(17). Modification or Elimination of Conditions and Covenants After Public Hearing. The Community Zoning Appeals Board 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 following paragraphs 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.

VI. Modification or Elimination of Conditions or Restrictive Covenants After Public Hearing, Where the Conditions or Restrictive Covenants were Accepted or Imposed Simultaneously with a District Boundary Change. The Community Zoning Appeals Board shall approve an application to modify or eliminate a condition or part thereof, or a restrictive covenant or part thereof, which requires development of a specific site plan and which was accepted or imposed simultaneously with a district boundary change, where it is demonstrated that:

(A) The subject property would satisfy all current requirements and standards for a district boundary change to the property's present zoning district without the condition or restrictive covenant, or else the modification or elimination is sought in connection with an application for rezoning to a different district. For purposes of this requirement, new conditions or restrictive covenants may be imposed or proffered to satisfy such requirements and standards.

(B) The Community Zoning Appeals Board shall impose such conditions and requirements in connection with an approval under this subsection as shall prevent or mitigate any resulting adverse impacts to the County or to any aggrieved person who has reasonably, demonstrably and detrimentally relied upon the condition or covenant sought to be modified or eliminated.

(C) Notwithstanding the provisions of the preceding paragraphs, no application will be approved under this subsection if such approval would result in:

1. a use of land which will have a significant adverse effect upon the value of properties in the immediate vicinity;
2. community design, architecture, or layout and orientation of buildings, open space, or amenities that is inconsistent with and deleterious to the aesthetic character of the immediate vicinity;
3. a material change in the density, intensity, or use of the subject property that so differs from the density, intensity, or use of other existing or approved development in the immediate vicinity that the subject property would represent an obvious and significant departure from the established development pattern of the immediate vicinity which has a deleterious effect on its community character;
4. a substantial degradation of localized traffic patterns or a substantial adverse impact on the roadway network;
5. unmitigated demands on potable water, sanitary sewer, or stormwater treatment systems which exceed the capacity of those systems; or
6. a continued and substantial risk to human life or safety or to the environment, or a nuisance.

Section 33-311(A)(7). 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 a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, 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) (21) Alternative Site Development Option for Office Buildings, Laboratory Buildings and Associated Accessory Buildings and Structures. This subsection provides for the establishment of an alternative site development option, after public hearing, for office buildings, laboratory buildings and associated accessory buildings and structures, when such uses are permitted by the underlying district regulations, in the OPD zoning district, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

An alternative **lot area and frontage** shall be approved upon demonstration of at least one of the following:

(1) the proposed lot area and frontage shall permit the development or redevelopment of a structure(s) on a lot, parcel or tract of land where such structure(s) would not otherwise be permitted by the underlying district regulations due to the size or configuration of the parcel proposed for alternative development, provided that:

(A) the lot, parcel or tract is under lawful separate ownership from any contiguous property; and

(B) the proposed alternative development will not result in the further subdivision of land; and

(C) the size and dimensions of the lot, parcel or tract are sufficient to provide all setbacks required by the underlying district regulations; and

(D) the area of the lot, parcel or tract is not less than: seventy-five percent (75%) of the minimum lot area required by the underlying district regulations; and

(E) the proposed alternative development does not result in an obvious departure from the aesthetic character of the immediate vicinity; and

(F) the frontage dimension of the lot, parcel or tract is not less than: seventy-five percent (75%) of the minimum frontage required by the applicable district regulations; except that the frontage dimension of a flag-lot, parcel or tract shall be permitted to be reduced to the minimum width necessary to allow vehicular access as determined by the County; and

(G) the resultant frontage dimension of the lot, parcel or tract provides vehicular ingress and egress to all resulting lots, parcels or tracts, including on-site access to emergency equipment; or

(2) the proposed alternative development results in landscaped open space, community design, amenities or preservation of natural resources that enhances the function or aesthetic character of the immediate vicinity in a manner not otherwise achievable through application of the applicable district regulations, provided that:

(A) the number of lots of the proposed alternative development does not exceed that normally permitted by the lot area dimensions of the underlying district regulations; and

(B) the size and dimensions of each lot, parcel or tract in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations, or, if applicable, any prior zoning actions for similar uses issued prior to the effective date of this ordinance (September 19, 2003); and

(C) the area of each lot, parcel or tract is not less than eighty percent (80%) of the area required by the applicable district regulations; and

(D) the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

(E) the resultant frontage of the lot, parcel or tract provides vehicular ingress and egress to all resulting lots, parcels or tracts, including on-site access to emergency equipment; or

(3) the proposed lot area and frontage is such that:

(A) the proposed alternative development will not result in the creation of more than two (2) lots, parcels or tracts; and

(B) the size and dimensions of each lot, parcel or tract are sufficient to provide all setbacks required by the applicable district regulations; and

(C) no lot area shall be less than the smaller of:

(i) ninety percent (90%) of the lot area required by the applicable district regulations; or

(ii) the average area of the developed lots, parcels or tracts in the immediate vicinity within the same zoning district; and

(D) the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

(E) the resultant frontage provides vehicular ingress and egress to all resulting lots, parcels or tracts, including on-site access to emergency equipment.

An alternative **floor area ratio** for a building(s) shall be approved upon demonstration of the following:

(1) total lot coverage or floor area ratio shall not be increased by more than ten percent (10%) of the lot coverage or floor area permitted by the underlying district regulations; and

(2) the proposed alternative development will not result in the destruction or removal of mature trees on the lot with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the lot; and

(3) the increase in lot coverage or floor area ratio will not result in a principal buildings, or accessory building(s) in the RU-5A district, with an architectural

design, scale, mass or building materials that are not aesthetically harmonious with that of other existing or proposed structures in the immediate vicinity; and

(4) the proposed alternative development will not result in an obvious departure from the aesthetic character of in the immediate vicinity.

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.

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.

G. NEIGHBORHOOD SERVICES:

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

* Subject to conditions stated in their attached memoranda

H. ANALYSIS:

The applicant is appealing the February 10, 2004 decision of the Community Zoning Appeals Board-12 which denied this application without prejudice by a vote of 3-1. The appellant indicates on the appeal form that the decision of the Community Zoning Appeals Board-12 was not supported by substantial competent evidence.

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The subject property is located at 8960-70 SW 87 Court. The applicant is seeking a district boundary change on this site from RU-5A, Semi-Professional Office District, and BU-1, Neighborhood Business District, to OPD, Office Park District. The Office Park District incorporates a concept which delineates an open space character for buildings whose principal uses are administrative, professional, or research. Uses permitted in the OPD include office buildings for business, professional, and secretarial uses that cater to the provision of services and laboratories for scientific and industrial research and development. Certain accessory uses are permitted which include, but are not limited to auditoriums, eating establishments such as coffee shops, food carry out, and sandwich shops, newsstands, tobacco shops, and private clubs. The applicant is also seeking a deletion of a Declaration of Restrictions that restricted the development of the BU-1 portion of the site to certain commercial uses and to the plans approved at the 1983 public hearing. The Declaration of Restrictions restricted the permitted uses on said parcel to a bank and a sandwich shop. The applicant is also seeking approval for a request to permit a lot with less lot area than required and to permit a floor area ratio of 0.94. The applicant has submitted plans for the development of this site with an eight story office building with a parking garage and intends to proffer a covenant limiting the development of the site to same.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the Level of Service (LOS) standards set forth in the Master Plan. However, the applicant will have to comply with all conditions as set forth by DERM in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application. The applicant will be required to successfully close the rights-of-way for SW 89 Terrace, SW 88 Avenue, and SW 92 Street submitted as road closing petition P-743. This application will generate an additional **228 p.m. daily peak hour vehicle trips** on the area roadways. However, said trips will not change the level of service (LOS) on same which are currently at LOS "C," "D," and "E."

This application will allow the applicant to rezone the property to OPD and to provide professional offices for the community. The proposed OPD zoning will be **consistent** with the Master Plan which designates this site for Office/Residential use on the Land Use Plan (LUP) map. The proposed Office Park District as well as the site plan submitted will be **compatible** with the surrounding area which consists of the Baptist Hospital complex to the west, a parking lot for said hospital to the north, an office building to the east, and an office building to the south. In addition although the existing BU-1 zoned portion of the site in consistent with the CDMP, the CDMP text states that changes may be approved to lawful uses and zoning not depicted which would make the use or zoning substantially more consistent with the Master Plan than the existing use or zoning. In this instance the rezoning from BU-1 to OPD would bring the property to be substantially more consistent with the office/residential designation by allowing the development of an office building with ancillary uses that would serve the tenants of the office building.

The new standards 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. Request #2 complies with the standards of Paragraph VI, Modification or Elimination of Conditions and Restrictive Covenants After Public Hearing, Where the Conditions or Restrictive Covenants were Accepted or imposed simultaneously with a District Boundary Change, in that as indicated in subsection (A) the elimination of said Declaration of Restrictions is sought in connection with an application for rezoning to a different district. Additionally, as indicated in subsection (B) conditions will be imposed to mitigate any resulting adverse impacts to the County. Further, as indicated in subsection (C), among other things, Request #2 to delete a recorded Declaration of Restrictions will not result in a use of the land which will have a significant adverse impact upon the value of properties in the immediate vicinity, the architecture, layout, and orientation of buildings, open space, or amenities will be consistent with and will not be deleterious to the aesthetic character of the immediate vicinity, and the change in the intensity or use on the subject property will not differ from the intensity or use of other existing or approved development in the immediate vicinity that would represent an obvious and significant departure from the established development pattern of the immediate vicinity. In this regard, Request #2 complies with Section 33-311(A)(17)(VI).

Although Request #2 complies with the modification standards under Section 33-311(A)(17), Modification or Elimination of Conditions and Restrictive Covenants, when analyzed under Section 33-311(A)(7), the request also complies with the standards in the aforementioned section. When considering the necessity for and the reasonableness of the elimination in relation to the present and future development of the area concerned, the deletion of said covenant will be compatible with the surrounding area and will not adversely impact same. However, the deletion of the Declaration of Restrictions should only be permitted if the zone change to OPD is approved to ensure that the restrictions proffered in conjunction with the BU-1 zone change are complied with.

The new standards under Section 33-311(A)(21), Alternative Site Development Option for Office Buildings, Laboratory Buildings and Associated Accessory Buildings and Structures, provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable alternative site development option (ASDO) standards for office buildings, laboratory buildings, and associated accessory buildings and structures. Request #3 to allow a lot area of 2.94 acres where the underlying zoning district requires 3 acres meets said standards including, but not limited to, that the subject parcel is under lawful separate ownership from any contiguous property, the proposed alternative development will not result in the further subdivision of land, the area of the lot is not less than 75% of the minimum lot area required by the underlying district regulations, and the size and dimensions of the lot are sufficient to provide all setbacks required by the underlying district regulations. Request #4 to permit a floor area ratio of 0.94 where 0.86 is permitted also complies with the ASDO standards in that, among other things, the floor area ratio will not be increased by more than 10% and the proposed alternative development will not result in an obvious departure from the aesthetic character of the surrounding area. As such, Requests #3 and 4 comply with the ASDO standards under Section 33-311(A)(21). If analyzed under the alternative non-use variance standard [33-311(A)(4)(c)], the applicants would have to prove that these requests are due to an unnecessary hardship and that, should it not be granted, it would not permit the reasonable use of the premises. However, since the property can be utilized in accordance with the current BU-1 and RU-5A zoning standards, staff is of the

opinion that this application cannot be approved under the alternative non-use variance standard.

Although Requests #3 and 4 comply with the alternative site development option standards, when analyzed under Section 33-311(A)(4)(b), the non-use variance standard, said requests would also comply with the standards in that section. Staff is of the opinion that the approval of said requests will be **compatible** with the adjacent properties and the surrounding area and that said requests maintain the basic intent and purpose of the zoning, subdivision and land use regulations. The adjacent area is primarily developed with office uses designated office/residential on the Land Use Plan (LUP) map and the Baptist Hospital facility.

Based on all of the aforementioned, staff recommends approval of the appeal; approval of Request #2 under Section 33-311(A)(17), approval of the zone change to OPD under Section 33-311(A)(8), subject to the Board's acceptance of the proffered covenant (only if Request #2 is approved); and approval with conditions of Requests #3 and 4 under Section 33-311(A)(21) or 33-311(A)(4)(b).

I. RECOMMENDATION:

Approval of the appeal; approval of Request #2 under Section 33-311(A)(17), approval of the zone change to OPD under Section 33-311(A)(8), subject to the Board's acceptance of the proffered covenant (only if Request #2 is approved); and approval with conditions of Requests #3 and 4 under Section 33-311(A)(21) or 33-311(A)(4)(b).

J. CONDITIONS:

1. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include among other things but not be limited thereto, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., dated revised 9-2-03 and 10-2-03 and consisting of 8 pages.

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

4. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.

5. That the applicant obtain a Certificate of Use from the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

6. That the applicant comply with all the conditions and requirements of the Public Works Department.

7. That the applicant comply with all the conditions and requirements of the Department of Environmental Resources Management (DERM).

8. Approval of the rezoning to OPD with the acceptance of the Declaration of Restrictions tying the development of the property to the companion site plan is contingent upon the approval of the road closing petition P-743. No permits shall be issued prior to the approval of road closing petition P-743.

DATE INSPECTED: 10/28/03
DATE TYPED: 11/05/03
DATE REVISED: 12/23/03; 01/21/04; 02/05/04; 04/05/04
DATE FINALIZED: 04/15/04
DO'QW:AJT:MTF:JDR

for Diane O'Quinn Williams, Director
Miami-Dade County Department of
Planning and Zoning

MIAMI-DADE

MEMORANDUM

DERM
DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT

TO: Diane O' Quinn-Williams, Director
Department of Planning and Zoning

RECEIVED
1 ' 2003
MIAMI-DADE COUNTY
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING

DATE: October 7, 2003

SUBJECT: C-12 #Z2001000398-Revised
Acropolis Realty, LLC
S/S of SW 89th Terrace between SW 87th Court and SW 88th Avenue
SE to Permit Site Plan Approval for a Office Development
DBC from RU-5A/BU- 1 to OPD/ASDO
(RU-5A/ BU-1) (3 Ac.)
04-55-40

FROM: Alyce M. Robertson, Assistant Director
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 the Miami-Dade County, Florida. Accordingly, DERM may approve the application and it may be scheduled for public hearing. DERM has also evaluated the request insofar as the general environmental impact that may derive from it, and based upon the available information offers no objection to its approval.

Wellfield Protection:
The subject property is located within the Average Day Pumpage Wellfield Protection Area for the Alexander Orr/Snapper Creek/Southwest Wellfield Complex. Development of the subject property shall be in accordance with the regulations established in Section 24.12.1 of the Code. Since the subject request is for a non-residential land use, the owner of the property has submitted a properly executed covenant in accordance with Section 24-12.1(5) of the Code which provides that hazardous materials or wastes shall not be used, generated, handled, discharged, disposed of or stored on the subject property.

Water and Sewer Service:
Public water and public sanitary sewers can be made available to this site and connection of any existing or proposed facilities will be required. All sewer lines serving the property shall comply with the exfiltration standards as applied to development within wellfield protection areas.

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

Notwithstanding the foregoing, 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 until adequate capacity becomes available. Consequently, final development orders for this site may not be granted unless adequate capacity in the sanitary sewer collection/transmission and treatment system is available at the point in time when the

project will be contributing sewage to the system or if approval for alternative means of sewage disposal can be obtained. Use of an alternative means of sewage disposal 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:
All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage plans shall provide for full on-site retention of the stormwater runoff of a 5-year storm event. Pollution Control devices shall be required at all drainage inlet structures.

A Standard General Environmental Resource Permit from DERM shall be required for the construction and operation of the required surface water management system. The applicant is advised to contact DERM in order to obtain additional information concerning permitting requirements.

Site grading and development shall comply with the requirements of Chapter 11C of the Code of Miami-Dade County.

Section 24-12.1 of the Code provides for stormwater disposal methods within wellfield protection areas of public potable water supply wellfields. The Code requires that all stormwater runoff must be retained on-site utilizing only infiltration or seepage type drainage systems.

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 Comprehensive Development Master Plan subject to compliance with the conditions required by DERM for this proposed development order.

Operating Permits:
Section 24-35.1 of the Code authorizes DERM to require operating permits for 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 24-60 of the Code requires the preservation of tree resources. Consequently, DERM will require the preservation of all the specimen-sized trees, as defined in the Code. A Miami-Dade County tree removal permit is required prior to the removal or relocation of any trees. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

Wetlands:
The subject site is not located in jurisdictional wetlands as defined in Chapter 24-3 and 24-58 of the Code; therefore, a Class IV Permit for work in wetlands will not be required by DERM.

Notwithstanding the above, permits from the Army Corps of Engineers (USACOE), the State of Florida Department of Environmental Protection (FDEP) and the South Florida Water

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Management District (SFWMD) may be required for the proposed project. The applicant is advised to contact these agencies concerning their permit procedures and requirements.

Enforcement History:
DERM has reviewed the Permits and Enforcement database and the Enforcement Case Tracking System and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

Concurrency Review Summary:
The Department has conducted a concurrency review for this application and has determined that the same meets all applicable Levels of Service standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan 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.

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval as required by the Code. Additionally, DERM has also evaluated the application so as to determined its general environmental impact and after reviewing the available information offers no objections to the approval of the request.

cc: Ruth Ellis-Myers, Zoning Evaluation-P&Z
Lynne Talleda, Zoning Hearings- P&Z
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Name: Acropolis Realty LLC

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

The applicant must successfully close the rights-of way for SW 89 Terr., SW 88 Ave. and SW 92 St. submitted as road closing petition (P-743).

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** meet the traffic concurrency criteria for an Initial Development Order. It will generate **228 PM** daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips **does not** exceed the acceptable level of service of the following roadways:

Sta. #		LOS present	LOS w/project
9172	SW 87 Ave. s/o SW 88 St.	C	C
9714	SW 104 St. w/o US-1	D	D
F-1077	SW 87 Ave. n/o SW 132 St.	C	C
F-64	SW 88 St. e/o SW 103 Ave.	E	E
9716	SW 104 St. w/o SW 107 Ave.	C	C

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

Raul A. Pino, P.L.S.

NOV 1 8 2003
Date

MIAMI-DADE FIRE RESCUE
Planning & Capital Improvements Bureau
ZONING COMMENTS

Hearing Number: Z01-398 Rev#2

Plans: ☑ Yes ☐ No Request: _____

Location: _____

Recommendation:
- Approved ✓
- Approved with conditions ____*
- Approved with no change from previous submittal ____
- Denial ____
- Defer to DIC comments ____

*_____

Estimated number of alarms generated annually by application: 22

If there is an impact, below is the service availability:

Station District 23 Grid 1829 DU/SF 81,646 Occupancy Type 3

Impact of additional calls on closest station:
- ☐ No Impact
- ☐ Minimal Impact
- ☒ Moderate Impact
- ☐ Severe Impact

Planned Service to Mitigate:

Service	Location	Year to be Completed
East Kendall 13	6000 SW 87A	2005

☐ None

THIS REVIEW IS FOR SERVICE IMPACT AND SERVICE AVAILABILITY ONLY AND DOES NOT CONSTITUTE NOR IMPLY SITE PLAN APPROVAL.

ALL SITE PLANS MUST BE REVIEWED AND APPROVED BY THE MIAMI-DADE FIRE RESCUE FIRE WATER & ENGINEERING BUREAU LOCATED AT 11805 SW 26 ST. BASED UPON THAT REVIEW, SITE PLANS MAY NEED MODIFICATION TO COMPLY WITH LIFE-SAFETY STANDARDS.

Reviewed by: B. J. Matthews Phone: (786) 331-4542 Date: 2/25/04

Barbara J. Matthews

Revised 1/23/04 BJM

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

RECEIVED
MAR 01 2004
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY Cherise Dupps

CHECKED BY CD AMOUNT OF FEE 1585.79.

RECEIPT # I 200411357. ~~01-3~~

DATE HEARD: 2/10/04

BY CZAB # 12

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. 03-11-CZ12-1 01-398

Filed in the name of (Applicant) Acropolis Realty, LLC

Name of Appellant, if other than applicant _____

Address/Location of APPELLANT'S property: 8960-8970 SW 87 Court, Miami-Dade County, Florida

Application, or part of Application being Appealed (Explanation): Entire Appealable Application

Appellant (name): Acropolis Realty, LLC
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)

SEE EXHIBIT "A"

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APPELLANT MUST SIGN THIS PAGE

Date: 1st day of March, year: 2004

Signed _____

Chad Williard, Esq, Attorney for Appellant
Print Name

999 Ponce de Leon Boulevard, Suite 10000
Mailing Address

Coral Gables, Florida 33134

(305) 444-1500 (305) 443-8617
Phone Fax

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

_____
Representing

_____
Signature

_____
Print Name

_____
Address

_____ _____ _____
City State Zip

_____
Telephone Number

Subscribed and Sworn to before me on the 1 day of March, year 2004

_____
Notary Public

Jessica Espinosa
Commission # DD273053
Expires: Dec. 7, 2007
Aaron Notary
1-800-350-5161

(stamp/seal)

Commission expires:

22

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

STATE OF Florida

COUNTY OF Dade

Before me the undersigned authority, personally appeared Chad Williard, Esq. (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)

X 1. Participation at the hearing
X 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:

Ruth A. Signorile
Signature

Ruth A. Signorile
Print Name

Signature

Jeffrey M. Flanagan
Print Name

Appellant's signature

Chad Williard, Esq., Attorney for Appellant
Print Name

Sworn to and subscribed before me on the 1 day of March, year 2004

Appellant is personally know to me or has produced _____ as identification.

Jessica Espinosa
Notary
(Stamp/Seal)

Commission Expires:

Jessica Espinosa
Commission # DD273053
Expires: Dec. 7, 2007
Aaron Notary
1-800-350-5161

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

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Exhibit "A"

The Community Zoning Appeals Board #12 ("CZAB #12") decision (memorialized in Resolution No. CZAB12-6-04; a copy of which is attached hereto and herein incorporated by reference) should be reversed in its entirety by the Miami-Dade County Board of County Commissioners because the decision was not supported by competent, substantial evidence.

As stated in the Department of Planning and Zoning Recommendation, which recommends approval of the entire Application (Hearing No. 01-398), the zoning request is compatible with the surrounding area's uses and zoning classifications and is consistent with the Comprehensive Development Master Plan. Moreover, all evidence entered into the record to be considered by CZAB #12 – a traffic impact study prepared by Harper Partners, Inc., as well as all comments and reports prepared by the various, reviewing agencies and departments of Miami-Dade County - supported the approval of the Application.

RESOLUTION NO. Z-100-83

The following resolution was offered by Commissioner Ruth Shack, seconded by Commissioner Barry D. Schreiber, and upon poll of members present the vote was as follows:

Barbara M. Carey	absent	Barry D. Schreiber	aye
Clara Oesterle	absent	Ruth Shack	aye
Beverly B. Phillips	absent	Jorge (George) Valdes	aye
James F. Redford, Jr.	aye	Stephen P. Clark	aye
Harvey Ruvin	absent		

WHEREAS, RAYMOND PEARLSON & ROBERT BROWDY had applied for the following.

A district boundary change from RU-5A (Semi-Professional Offices) to BU-1 (Neighborhood Business);

SUBJECT PROPERTY: The east 185' of the south 1/2 of the south 1/2 of the NE 1/4 of the NE 1/4 of the NE 1/4, less the east 35' thereof, in Section 4, Township 55 South, Range 40 East.

LOCATION: 8960 S.W. 87 Court, Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners, Dade County, Florida, was advertised and held, as required by law, and all interested parties concerned in the matter were heard, at which time the applicant's representative proffered a Declaration of Restrictions limiting the use of the subject property for office use and a commercial bank and sandwich shop, and upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change would be compatible with the neighborhood and area concerned and would not be in conflict with the principles and intent of the plan for the development of Dade County, Florida, and should be approved, subject to conditions, and the proffered covenant should be accepted;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the requested district boundary change to BU-1 be and the same is hereby approved and said property is hereby zoned accordingly, subject to the following conditions:

1. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things but be not limited thereto, location of building or buildings, type and location of signs, light standards, parking areas, exits and entrances, drainage, walls, fences. landscaping, etc.

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

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Metropolitan Dade County, Florida, the County hereby accepts the proffered Declaration of Restrictive Covenants and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable

zoning regulations.

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

PASSED AND ADOPTED this 9th day of June, 1983.

June, 1983
No. 83-3-CC-7
vp
6/10/83

DADE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS
Richard P. Brinker, Clerk

By RAYMOND [illegible]
Deputy Clerk

This resolution transmitted to the Clerk of the Board of County Commissioners on the 22nd day of June 1983.

1983 JUL -8 A 10:58 83R181654-55-40

OFF REC 11841 PG 1328

DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS that the undersigned, being the owner, or having some right, title or interest in the following described property, lying, being and situated in Dade County, Florida, to-wit:

THE EAST 185 FT. OF S 1/2 OF S 1/2 OF NE 1/4 OF NE 1/4 OF NE 1/4 LESS EAST 35 FEET, OF SECTION 4, TOWNSHIP 55 SOUTH, RANGE 40 EAST.

in order to assure the County Commission of Dade County, Florida, that the representations made to it by the owner will be abided by, voluntarily makes the following Declaration of Restrictions covering and running with the above-described real property:

(1) That said property shall be developed substantially in accordance with the spirit and intent of the plans previously submitted, prepared by MARIANO RODRIGUEZ (ARCHITECT) entitled, OFFICE ADDITION FOR PEARLSON CENTER - INCLUDING ZONING CHANGE FOR SANDWICH SHOP IN EXISTING BUILDING. dated the 15th day of MAY, 1982.

(2) ADDITION TO BE RESTRICTED SOLELY FOR USE OF COMMERCIAL BANK.

(3) TO BE RESTRICTED SOLELY FOR SANDWICH SHOP IN EXISTING BUILDING LOCATED AT 8960 S.W. 87TH CT. MIAMI, FLA. 33176.

As further part of this agreement, it is hereby understood and agreed that any official inspector of the Dade County Building and Zoning Department, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and investigating 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.

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.

This Agreement on the part of the owner shall constitute a covenant running with the land and may be recorded in the public records of Dade County, Florida, and shall remain in full force and effect and be binding upon the undersigned.

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1983 JUL -8 AM 10:58 83R181651 1-55-10

OFF REC 11841 PG 1328

DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS that the undersigned, being the owner, or having some right, title or interest in the following described property, lying, being and situated in Dade County, Florida, to-wit:

THE EAST 185 Ft. OF S 1/2 OF S 1/2 OF NE 1/4 OF NE 1/4 OF NE 1/4 LESS EAST 35 FEET OF SECTION 4, TOWNSHIP 55 SOUTH, RANGE 40 EAST.

in order to assure the County Commission of Dade County, Florida, that the representations made to it by the owner will be abided by, voluntarily makes the following Declaration of Restrictions covering and running with the above-described real property:

(1) That said property shall be developed substantially in accordance with the spirit and intent of the plans previously submitted, prepared by MARIANO RODRIGUEZ (ARCHITECT) entitled, OFFICE ADDITION FOR PEARLSON CENTER - INCLUDING ZONING CHANGE FOR SANDWICH SHOP IN EXISTING BUILDING. dated the 15th day of MAY, 1982.

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As further part of this agreement, it is hereby understood and agreed that any official inspector of the Dade County Building and Zoning Department, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and investigating 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.

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.

This Agreement on the part of the owner shall constitute a covenant running with the land and may be recorded in the public records of Dade County, Florida,

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COCONUT GROVE BANK
2701 SOUTH BAYSHORE DRIVE
COCONUT GROVE
MIAMI 33, FLORIDA

OFF REC 11841 PG 1330

Dade County Board of County Commissioners
c/o Dade County Building & Zoning Dept.
909 S.E. First Ave.
Miami, Florida, 33131

DATE May 23, 1983

ALL DRAFTS DRAWN MUST BE MARKED:
DRAWN UNDER LETTER OF CREDIT

№ 1763

GENTLEMEN:

OFF REC 11841 PG 1329

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 30 years from the date these covenants are recorded, after which time they shall be extended automatically for successive periods of ten years, unless an instrument signed by a majority of the, then, owner(s) of the real property has been recorded agreeing to change the covenants in whole, or in part, provided that the covenants have first been released by Dade County.

This Declaration of restrictive Covenants 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 of the fee simple title to the lands to be affected by such modification, amendment or release, provided that the same is also approved by the Board of County Commissioners or the Zoning Appeals Board of Metropolitan Dade County, Florida, (whichever by law has jurisdiction over such matters) after public hearing.

Should this Declaration of Restrictive Covenants be so modified, amended or released, the Director of the Metropolitan Dade County Building & Zoning Department, or his successor, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

Enforcement shall be by action at law or in equity against any parties or persons violating, or attempting to violate, any covenants, either to restrain violation or to recover damages. The prevailing party bringing the action, or suit, shall be entitled to recover, in addition to costs and disbursements

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 30 years from the date these covenants are recorded, after which time they shall be extended automatically for successive periods of ten years, unless an instrument signed by a majority of the, then, owner(s) of the real property has been recorded agreeing to change the covenants in whole, or in part, provided that the covenants have first been released by Dade County.

This Declaration of restrictive Covenants 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 of the fee simple title to the lands to be affected by such modification, amendment or release, provided that the same is also approved by the Board of County Commissioners or the Zoning Appeals Board of Metropolitan Dade County, Florida, (whichever by law has jurisdiction over such matters) after public hearing.

Should this Declaration of Restrictive Covenants be so modified, amended or released, the Director of the Metropolitan Dade County Building & Zoning Department, or his successor, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

Enforcement shall be by action at law or in equity against any parties or persons violating, or attempting to violate, any covenants, either to restrain violation or to recover damages. The prevailing party bringing the action, or suit, 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.

Invalidation of any one of these covenants, by judgement or Court, in no wise shall affect any of the other provisions which shall remain in full force and effect.

Signed, sealed, executed and acknowledged this 4 day of May, 1982.

WITNESSES:

30

COCONUT GROVE BANK
2701 SOUTH BAYSHORE DRIVE
COCONUT GROVE
MIAMI 33, FLORIDA

OFF REC 11841 PG 1330

DATE May 23, 1983

Dade County Board of County Commissioners
c/o Dade County Building & Zoning Dept.
909 S.E. First Ave.
Miami, Florida, 33131

ALL DRAFTS DRAWN MUST BE MARKED:
DRAWN UNDER LETTER OF CREDIT

№ 1763

GENTLEMEN:

WE ARE PLEASED TO ADVISE YOU THAT WE HAVE ESTABLISHED OUR IRREVOCABLE CREDIT # 1763 IN YOUR FAVOR FOR ACCOUNT OF Raymond Pearlson, 8960 S.W. 87th Court, Miami, Florida, 33176

AVAILABLE TO THE AGGREGATE AMOUNT OF US$11,160.00 (ELEVEN THOUSAND ONE HUNDRED SIXTY AND 00/100 US DOLLARS)

BY YOUR DRAFTS DRAWN AT sight ON US AND ACCOMPANIED BY THE DOCUMENTS LISTED BELOW

1-Original Letter of Credit.
2-Certificate of the Director, Dade County Building and Zoning Dept. stating that Raymond Pearlson has failed to acquire a joinder of Mortgagee (to a Declaration of Restrictions on property described as E 185' of S½ of S½ of NE4 NE4 NE4 less the East 35 feet of section 4 Township 55 S range 40 E dated May 4, 1983), or in the alternative to pay off Mortgage No. 1403 of General American Life Insurance Co., St. Louis, Mo. on the aforedescribed property (a/k/a 8960 S.W. 87th Court, Miami, Florida), on or before July 1, 1983.

RECORDED IN OFFICIAL RECORDS BOOK OF DADE COUNTY, FLORIDA
RECORD VERIFIED
RICHARD P. BRINKER
CLERK CIRCUIT COURT

THE AMOUNT AND DATE OF EACH NEGOTIATION MUST BE ENDORSED ON THE BACK HEREOF BY THE NEGOTIATING BANK.

WE HEREBY ENGAGE WITH YOU THAT ALL DRAFTS DRAWN UNDER AND IN COMPLIANCE WITH THE TERMS OF THIS CREDIT WILL BE DULY HONORED ON DELIVERY OF DOCUMENTS AS SPECIFIED IF PRESENTED TO US ON OR BEFORE July 10, 1983.

UNLESS OTHERWISE EXPRESSLY STATED, THIS CREDIT IS SUBJECT TO THE UNIFORM CUSTOMS AND PRACTICE FOR COMMERCIAL DOCUMENTARY CREDITS FIXED BY THE THIRTEENTH CONGRESS OF THE INTERNATIONAL CHAMBER OF COMMERCE. (BROCHURE 222 - 1968 REVISION) Publication 290 of 1974

VERY TRULY YOURS,

COCONUT GROVE BANK

AUTHORIZED SIGNATURE

RESOLUTION NO. CZAB12-6-04

WHEREAS, **ACROPOLIS REALTY LLC** applied for the following:

(1) RU-5A & BU-1 to OPD

(2) DELETION of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329.

The purpose of the request is to remove an agreement from the site which limited the commercial uses and tied the BU-1 site to a plan.

(3) The applicant is requesting to permit a lot with an area of 2.94 acres. (The underlying zoning district regulation requires 3 acres including right-of-way dedication).

(4) The applicant is requesting to permit a floor area ratio of 0.94. (The underlying zoning regulation permits 0.86.

Plans are on file and may be examined in the Zoning Department entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., dated revised 9-2-03 and 10-2-03 and consisting of 8 pages. Plans may be modified at public hearing.

SUBJECT PROPERTY: The south ½ of the south ½ of the NE ¼ of the NE ¼ of the NE ¼, less the east 35' thereof and less the west 25' thereof, in Section 4, Township 55 South, Range 40 East. The south 20' of the right-of-way of S.W. 89 Terrace and the east 25' of S.W. 88 Avenue, thereof shall be added to the buildable site.

LOCATION: 8960-70 S.W. 87 Court, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time, the applicant requested a waiver of the refilling period, 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 OPD (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 should be denied, and that the requested deletion (Item #2), and the requests to permit a lot with an area of 2.94 acres (Item #3) and to permit a floor area ratio

of 0.94 (Item #4) 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 that the requested waiver of the refiling period should be granted, and

WHEREAS, a motion to deny Items #1-4 without prejudice and to grant the waiver of the refiling period was offered by Robert W. Wilcosky, seconded by Peggy Brodeur, and upon a poll of the members present the vote was as follows:

Peggy Brodeur	aye	Douglas Krueger	absent
Millie Herrera	absent	Nelson Varona	nay
		Robert W. Wilcosky	aye

Jose I. Valdes aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 12, that the requested district boundary change to OPD (Item #1) be and the same is hereby denied without prejudice.

BE IT FURTHER RESOLVED that the requested deletion (Item #2), and the requests to permit a lot with an area of 2.94 acres (Item #3) and to permit a floor area ratio of 0.94 (Item #4) be and the same are hereby denied without prejudice.

BE IT FURTHER RESOLVED that the requested waiver of the refiling period be and the same is hereby granted, and said refiling period is hereby waived.

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 10th day of February, 2004.

Hearing No. 03-11-CZ12-1
ej

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 Miami-Dade County Community Zoning Appeals Board 12, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB12-6-04 adopted by said Community Zoning Appeals Board at its meeting held on the 10th day of February, 2004.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 17th day of February, 2004.

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

SEAL

TEAM METRO
KENDALL OFFICE

ENFORCEMENT HISTORY

Acropolis Realty LLC	8960-8970 SW 87 Ct.
APPLICANT	**ADDRESS**
4/29/04	01-398
DATE	**HEARING NUMBER**

CURRENT ENFORCEMENT HISTORY:

03/31/04	No open Team Metro cases. A case, 200212004597 has been sent for lien. An inspection found outdoor patio dining without approval. A warning letter is being issued for the unusual use.

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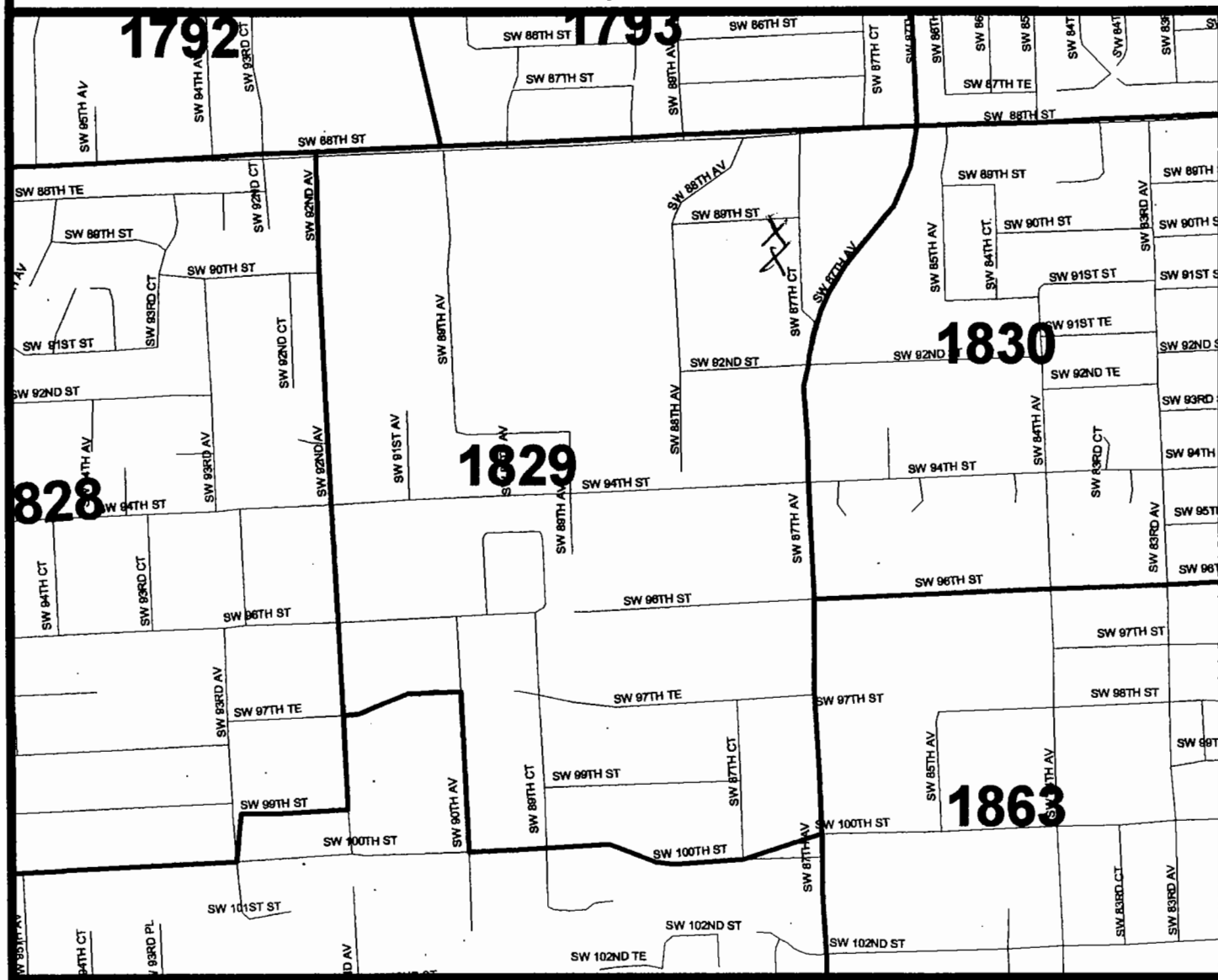
Miami-Dade Police Department
Target Area - Police Grid(s): 1829
Acropolis Realty, LLC; Hearing # 01-398

Bee Bee



0 0.08 0.16 Miles

Police Grids Boundaries
Boundary

MDPD Crime Analysis System
April 6, 2004
Data in this document represents successfully geocoded attributes.

Miami-Dade Police Department
Address Query for Events occurring at 8960 SW 87 CT
For 1/1/02 Thru 2002-12-31

Miami-Dade Police Department

Crime Information Wareh

Detail Filter: Dis.Complaint Date >= "2002-01-01" and Dis.Complaint Date < "2003-01-01" and Dis.Police District Code in ("A" , "E" , "R" , "J" , "C" , "D" , "H" , "Q" , "I" , "K" , "N" , "M" , " " , "ZZ" , "P") and Dis.Incident Address contains "8960 SW 87 CT" and Dis.Reporting Agency Code = substring ("030" , 1 , 3) and Dis.Primary Unit not contains 'SB' .

Incident Address	Dis	Grid	AOP	Complaint Date	Case Number	Sig Pre	Sig Suf	Rcvd Time	Disp Time	1st Arriv Time	1st Arriv Unit
8960 SW 87 CT/# 21	K	1829	1	09/05/2002	0492531A		25A	03:40:00	03:41:00	03:47:00	K1106
8960 SW 87 CT	K	1829	1	09/05/2002	0493061A		34	11:22:00	11:28:00	11:43:00	K2503
8960 SW 87 CT/#21	K	1829	1	08/04/2002	0429413A		25A	02:41:00	02:50:00	02:55:00	K1106
8960 SW 87 CT	K	1829	2	01/25/2002		2	15	00:29:00	00:29:00	00:31:00	
8960 SW 87 CT	K	1829	2	01/25/2002			15	00:22:00	00:23:00	00:23:00	K1502
8960 SW 87 CT/#14	K	1829	1	03/05/2002			25A	08:23:00	08:28:00	08:28:00	K0000
8960 SW 87 CT #21	K	1829	1	03/21/2002			13	10:14:00	10:14:00	10:14:00	Z3304
8960 SW 87 CT STE 25	K	1829	1	04/28/2002			13	17:43:00	17:43:00	17:43:00	K3505
8960 SW 87 CT/SUITE# 25	K	1829	1	04/29/2002			15	10:37:00	10:37:00	10:43:00	
8960 SW 87 CT/STE 15	K	1829	1	06/07/2002			13	09:42:00	09:44:00	09:44:00	K2507
8960 SW 87 CT/#21	K	1829	1	08/04/2002			15	02:51:00	02:51:00	02:55:00	
8960 SW 87 CT/# 21	K	1829	1	09/05/2002			15	03:41:00	03:41:00	03:47:00	
8960 SW 87 CT/SUITE# 25	K	1829	1	04/29/2002	0233529A		14	10:29:00	10:35:00	10:43:00	K2107
8960 SW 87 CT/APT 25	K	1829	1	04/28/2002	0232186A		25A	15:43:00	16:02:00	16:13:00	K3505
8960 SW 87 CT	K	1829	2	01/25/2002	0046886A	2	49	00:22:00	00:23:00	00:23:00	K1502
8960 SW 87 CT	Q	1829	1	03/13/2002			13	09:12:00	09:12:00	09:12:00	Z3302

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[ ]ami-Dade Police Departme[illegible]
Address Query for Events occurring at 8960 SW 87 CT
For 1/1/03 Thru 2003-12-31

Miami-Dade Police Department *Crime Information Wareh*

Detail Filter: Dis.Complaint Date >= "2003-01-01" and Dis.Complaint Date < "2004-01-01" and Dis.Police District Code in ("A" , "E" , "R" , "J" , "C" , "D" , "H" , "Q" , "I" , "K" , "N" , "M" , " " , "ZZ" , "P") and Dis.Incident Address contains "8960 SW 87 CT" and Dis.Reporting Agency Code = substring ("030" , 1 , 3) and Dis.Primary Unit not contains 'SB'

Incident Address	Dis	Grid	AOP	Complaint Date	Case Number	Sig Pre	Sig Suf	Rcvd Time	Disp Time	1st Arriv Time
8960 SW 87 CT	K	1829	1	08/12/2003	0432313B		54	15:56:24	15:56:24	15:56:24
8960 SW 87 CT	K	1829	1	04/10/2003	0190651B		26	17:16:00	17:16:00	17:16:00
8960 SW 87 CT	K	1829	1	03/11/2003	0131611B		34	10:22:38	11:02:39	11:12:00
8960 SW 87 CT/#25	K	1829	1	02/18/2003	0092192B		25A	21:49:00	22:21:00	22:21:00
8960 SW 87 CT/#24	K	1829	1	01/17/2003	0031435B		14	15:00:00	16:40:00	16:47:00
8960 SW 87 CT	K	1829	1	01/21/2003	0038158B		18JO	12:07:00	12:09:00	12:16:00
8960 SW 87 CT/#24	K	1829	1	01/17/2003			15	16:44:00	16:44:00	16:54:00
8960 SW 87 CT/#25	K	1829	1	02/18/2003			15	22:02:00	22:02:00	22:02:00
8960 SW 87 CT/#25	K	1829	1	02/18/2003			15	22:21:00	22:21:00	22:28:00

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Miami-Dade Police Department
Address Query for Events occurring at 8970 SW 87 CT
For 1/1/02 Thru 2002-12-31

Miami-Dade Police Department

Crime Information Wareh

Detail Filter: Dis.Complaint Date >= "2002-01-01" and Dis.Complaint Date < "2003-01-01" and Dis.Police District Code in ("A" , "E" , "R" , "J" , "C" , "D" , "H" , "Q" , "I" , "K" , "N" , "M" , " " , "ZZ" , "P") and Dis.Incident Address contains "8970 SW 87 CT" and Dis.Reporting Agency Code = substring ("030" , 1 , 3) and Dis.Primary Unit not contains 'SB'

Incident Address	Dis	Grid	AOP	Complaint Date	Case Number	Sig Pre	Sig Suf	Rcvd Time	Disp Time	1st Arriv Time	1st Arriv Unit
8970 SW 87 CT.	K	1829	1	12/30/2002	0717023A		27	11:09:00	11:43:00	11:52:00	K2480
8970 SW 87 CT	K	1829	1	12/30/2002	0716943A		27	10:57:00	10:57:00	10:57:00	
8970 SW 87 CT	K	1829	1	11/22/2002	0645898A		25A	17:37:00	17:46:00	18:00:00	K3102
8970 SW 87 CT	K	1829	1	07/08/2002	0376544A		26V	21:41:00	21:41:00	21:41:00	
8970 SW 87 CT/#1	K	1829	1	05/09/2002	0255706A		25A	21:20:00	21:27:00	21:31:00	K3403
8970 SW 87 CT	K	1829	2	01/28/2002			25A	21:01:00	21:07:00	21:07:00	K0000
8970 SW 87 CT	K	1829	2	01/28/2002			15	21:30:00	21:30:00	21:30:00	
8970 SW 87 CT	K	1829	2	01/28/2002			13	21:36:00	21:36:00	21:36:00	K3207
8970 SW 87 CT	K	1829	2	01/28/2002			15	21:36:00	21:36:00	21:36:00	K3207
8970 SW 87 CT/#100	K	1829	1	04/05/2002			15	17:47:00	17:47:00	17:52:00	
8970 SW 87 CT #22	K	1829	1	04/29/2002			25A	19:48:00	19:52:00	19:52:00	K0000
8970 SW 87 CT/STE 22	K	1829	1	04/29/2002			25A	20:55:00	20:59:00	20:59:00	K0000
8970 SW 87 CT	K	1829	1	11/22/2002			15	17:46:00	17:46:00	18:00:00	
8970 SW 87 CT/STE 100	K	1829	1	05/10/2002	0256222A		25A	07:31:00	07:40:00	07:59:00	K2505
8970 SW 87 CT/#100	K	1829	1	04/05/2002	0186323A		25A	17:44:00	17:47:00	17:52:00	K3100
8970 SW 87 CT	K	1829	2	01/28/2002	0054415A		25A	21:24:00	21:25:00	21:25:00	K3207

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Miami-Dade Police Department
Address Query for Events occurring at 8970 SW 87 CT
For 1/1/03 Thru 2003-12-31

Miami-Dade Police Department *Crime Information Wareh*

Detail Filter: Dis.Complaint Date >= "2003-01-01" and Dis.Complaint Date < "2004-01-01" and Dis.Police District Code in ("A" , "E" , "R" , "J" , "C" , "D" , "H" , "Q" , "I" , "K" , "N" , "M" , " " , "ZZ" , "P") and Dis.Incident Address contains "8970 SW 87 CT" and Dis.Reporting Agency Code = substring ("030" , 1 , 3) and Dis.Primary Unit not contains 'SB'

Incident Address	Dis	Grid	AOP	Complaint Date	Case Number	Sig Pre	Sig Suf	Rcvd Time	Disp Time	1st Arriv Time	1st Arriv Unit
8970 SW 87 CT	K	1829	1	11/03/2003			13	15:30:46	15:30:46	15:30:46	Z4503

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Miami-Dade Police Department
Summarized Grid Information By Signal
For 1/1/02 Thru 2002-12-31

Detail Filter: (Dis.Complaint Date >= "2002-01-01" and Dis.Complaint Date < "2003-01-01") and (Dis.Grid in ("1829")) and (Dis.Signal Code in ("13" , "14" , "15" , "16" , "17" , "18" , "19" , "20" , "21" , "22" , "23" , "24" , "25" , "26" , "27" , "28" , "29" , "30" , "31" , "32" , "33" , "34" , "35" , "36" , "37" , "38" , "39" , "40" , "41" , "42" , "43" , "44" , "45" , "46" , "47" , "48" , "49" , "50" , "51" , "52" , "53" , "54" , "55")) and (Dis.Primary Unit not contains '0000') and (Dis.Primary Unit not contains 'SB') and (Dis.Reporting Agency Code = substring ("030" , 1 , 3))

Grid	Signal Code	Signal Description	Total
1829	13	SPECIAL INFORMATION/ASSIGNMENT	135
	14	CONDUCT INVESTIGATION	226
	15	MEET AN OFFICER	572
	16	D.U.I.	1
	17	TRAFFIC ACCIDENT	93
	18	HIT AND RUN	30
	19	TRAFFIC STOP	82
	20	TRAFFIC DETAIL	17
	21	LOST OR STOLEN TAG	7
	22	AUTO THEFT	38
	25	BURGLAR ALARM RINGING	118
	26	BURGLARY	50
	27	LARCENY	59
	28	VANDALISM	18
	29	ROBBERY	4
	30	SHOOTING	3
	32	ASSAULT	74
	33	SEX OFFENSE	8
	34	DISTURBANCE	94
	36	MISSING PERSON	10
	37	SUSPICIOUS VEHICLE	5
	38	SUSPICIOUS PERSON	15

iami-Dade Police Departm t
Summarized Grid Information By Signal
For 1/1/02 Thru 2002-12-31

Detail Filter: (Dis.Complaint Date >= "2002-01-01" and Dis.Complaint Date < "2003-01-01") and (Dis.Grid in ("1829")) and (Dis.Signal Code in ("13" , "14" , "15" , "16" , "17" , "18" , "19" , "20" , "21" , "22" , "23" , "24" , "25" , "26" , "27" , "28" , "29" , "30" , "31" , "32" , "33" , "34" , "35" , "36" , "37" , "38" , "39" , "40" , "41" , "42" , "43" , "44" , "45" , "46" , "47" , "48" , "49" , "50" , "51" , "52" , "53" , "54" , "55")) and (Dis.Primary Unit not contains '0000') and (Dis.Primary Unit not contains 'SB') and (Dis.Reporting Agency Code = substring ("030" , 1 , 3))

Grid	Signal Code	Signal Description	Total
1829.	39	PRISONER	7
	41	SICK OR INJURED PERSON	50
	43	BAKER ACT	2
	44	ATTEMPTED SUICIDE	4
	45	DEAD ON ARRIVAL	100
	49	FIRE	8
	52	NARCOTICS INVESTIGATION	3
	54	FRAUD	21

Total Signals for Grid 1829 : 1854

Total Reported: 1164 Total Not Reported: 690

Total for All Grids : 1854

Miami-Dade Police Department
Summarized Grid Information By Signal
For 1/1/03 Thru 2003-12-31

Detail Filter: (Dis.Complaint Date >= "2003-01-01" and Dis.Complaint Date < "2004-01-01") and (Dis.Grid in ("1829")) and (Dis.Signal Code in ("13" , "14" , "15" , "16" , "17" , "18" , "19" , "20" , "21" , "22" , "23" , "24" , "25" , "26" , "27" , "28" , "29" , "30" , "31" , "32" , "33" , "34" , "35" , "36" , "37" , "38" , "39" , "40" , "41" , "42" , "43" , "44" , "45" , "46" , "47" , "48" , "49" , "50" , "51" , "52" , "53" , "54" , "55")) and (Dis.Primary Unit not contains '0000') and (Dis.Primary Unit not contains 'SB') and (Dis.Reporting Agency Code = substring ("030" , 1 , 3))

Grid	Signal Code	Signal Description	Total
1829	13	SPECIAL INFORMATION/ASSIGNMENT	145
	14	CONDUCT INVESTIGATION	251
	15	MEET AN OFFICER	561
	16	D.U.I.	5
	17	TRAFFIC ACCIDENT	107
	18	HIT AND RUN	33
	19	TRAFFIC STOP	54
	20	TRAFFIC DETAIL	14
	21	LOST OR STOLEN TAG	11
	22	AUTO THEFT	24
	25	BURGLAR ALARM RINGING	116
	26	BURGLARY	49
	27	LARCENY	64
	28	VANDALISM	8
	29	ROBBERY	5
	32	ASSAULT	74
	33	SEX OFFENSE	8
	34	DISTURBANCE	94
	36	MISSING PERSON	11
	37	SUSPICIOUS VEHICLE	3
	38	SUSPICIOUS PERSON	8
	39	PRISONER	7

]ami-Dade Police Departm)t
Summarized Grid Information By Signal
For 1/1/03 Thru 2003-12-31

Detail Filter: (Dis.Complaint Date >= "2003-01-01" and Dis.Complaint Date < "2004-01-01") and (Dis.Grid in ("1829")) and (Dis.Signal Code in ("13" , "14" , "15" , "16" , "17" , "18" , "19" , "20" , "21" , "22" , "23" , "24" , "25" , "26" , "27" , "28" , "29" , "30" , "31" , "32" , "33" , "34" , "35" , "38" , "37" , "38" , "39" , "40" , "41" , "42" , "43" , "44" , "45" , "46" , "47" , "48" , "49" , "50" , "51" , "52" , "53" , "54" , "55")) and (Dis.Primary Unit not contains '0000') and (Dis.Primary Unit not contains 'SB') and (Dis.Reporting Agency Code = substring ("030" , 1 , 3))

Grid	Signal Code	Signal Description	Total
1829.	41	SICK OR INJURED PERSON	62
	43	BAKER ACT	4
	44	ATTEMPTED SUICIDE	4
	45	DEAD ON ARRIVAL	113
	47	BOMB OR EXPLOSIVE ALERT	5
	49	FIRE	3
	52	NARCOTICS INVESTIGATION	2
	54	FRAUD	10

Total Signals for Grid 1829 : 1855

Total Reported: 1169 Total Not Reported: 686

Total for All Grids : 1855

MIAMI-DADE POLICE DEPARTMENT
Part I and Part II Crimes w/o A
Reporting Agency: MDPD
From 1/1/02 Thru 1/1/03
YEAR: 2002

Prompt Variable Used: All County: N

Grid(s): 1829

PART I Crimes	Total Crimes
110A - RAPE	3
130A - AGGRAVATED ASSAULT	10
2200 - BURGLARY	10
230A - POCKET PICKING	1
230D - SHOPLIFTING FROM BUILDING	1
230F - SHOPLIFTING FROM A MOTOR VEHICLE	40
230G - SHOPLIFTING ALL OTHERS	52
2400 - MOTOR VEHICLE THEFT	24

Prompt Variable Used: All County: N

Grid(s): 1829

PART II Crimes	Total Crimes
130B - SIMPLE ASSAULT	18
350A - NARCOTIC BUY/SELL/POSS/IMPORT/MANUF	4
260A - FRAUD CON/SWINDLE/FALSE PRET.	5
260D - IMPERSONATION	5

Grand Total: 173

Detail Filter: OI.Incident From Date Time >= "2002-01-01" and OI.Incident From Date Time < "2003-01-01" and OI.Offense.Ucr Code in ('090A' , '1200' , '130A' , '130D' , '2200' , '230A' , '230B' , '230C' , '230D' , '230E' , '230F' , '230G' , '2400' , '090C' , '130B' , '130E' , '350A' , '350B' , '5100' , '2700' , '260A' , '260B' , '260D' , '260E' , '260F' , '1000' , '2000' , '110A' , '110B' , '110C') and OI.Aoa Agency Code = '000' and OI.Clearance Type Description <> 'UNFOUNDED' and OI.Report Written YN = 'Y' and (All County = 'Y' or All County = 'N' and OI.Grid in ("1829")) and OI.Reporting_Agency_Code = "030"

Miami-Dade Police Department

MIAMI-DADE POLICE DEPARTMENT
Part I and Part II Crimes w/o A
Reporting Agency: MDPD
From 1/1/03 Thru 1/1/04
YEAR: 2003

Crime Information Warehouse

Prompt Variable Used: All County: N

Grid(s): 1829

PART I Crimes	Total Crimes
110A - RAPE	1
1200 - ROBBERY	2
130A - AGGRAVATED ASSAULT	5
2200 - BURGLARY	7
230F - SHOPLIFTING FROM A MOTOR VEHICLE	38
230G - SHOPLIFTING ALL OTHERS	56
2400 - MOTOR VEHICLE THEFT	14

Prompt Variable Used: All County: N

Grid(s): 1829

PART II Crimes	Total Crimes
130B - SIMPLE ASSAULT	19
130E - SIMPLE STALKING	2
350A - NARCOTIC BUY/SELL/POSS/IMPORT/MANUF	2
260A - FRAUD CON/SWINDLE/FALSE PRET.	4
260B - FRAUD CREDIT CARD/ATM	2
260D - IMPERSONATION	7

Grand Total: 159

Detail Filter: OI.Incident From Date Time >= "2003-01-01" and OI.Incident From Date Time < "2004-01-01" and OI.Offense.Ucr Code in ('090A' , '1200' , '130A' , '130D' , '2200' , '230A' , '230B' , '230C' , '230D' , '230E' , '230F' , '230G' , '2400' , '090C' , '130B' , '130E' , '350A' , '350B' , '5100' , '2700' , '260A' , '260B' , '260D' , '260E' , '260F' , '1000' , '2000' , '110A' , '110B' , '110C') and OI.Aoa Agency Code = '000' and OI.Clearance Type Description <> 'UNFOUNDED' and OI.Report Written YN = 'Y' and (All County = 'Y' or All County = 'N' and OI.Grid in ("1829")) and OI.Reporting_Agency_Code = "030"

DISCLOSURE OF INTEREST*

If the property which is the subject of the application is owned or leased by a CORPORATION, list the principal stockholders and the percentage of stock owned by each. [Note: Where the principal officers or stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

ACROPOLIS REALTY, L.L.C.
CORPORATION NAME

NAME, ADDRESS AND OFFICE	Percentage of Stock
PED INVESTMENTS LIMITED	100%

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: Where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUST NAME

NAME AND ADDRESS	Percentage of Interest

DISCLOSURE OF INTEREST*

If the property which is the subject of the application is owned or leased by a CORPORATION, list the principal stockholders and the percentage of stock owned by each. [Note: Where the principal officers or stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

PED INVESTMENTS LIMITED
CORPORATION NAME

NAME, ADDRESS AND OFFICE	Percentage of Stock
Pablo Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	49 1/2 %
Elizabeth Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	49 1/2 %
PED HOLDINGS, INC.	1 %

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: Where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUST NAME

NAME AND ADDRESS	Percentage of Interest

DISCLOSURE OF INTEREST*

If the property which is the subject of the application is owned or leased by a CORPORATION, list the principal stockholders and the percentage of stock owned by each. [Note: Where the principal officers or stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

PED HOLDINGS, INC.
CORPORATION NAME

NAME, ADDRESS AND OFFICE	Percentage of Stock
Pablo Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	50%
Elizabeth Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	50%

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: Where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUST NAME

NAME AND ADDRESS	Percentage of Interest

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

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

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

Signature: _____

(Applicant) Pablo Delgado, President

Sworn to and subscribed before me,

this 10 day of October, 2001

(SEAL)

Elizabeth P. Cardenas
Notary Public, State of Florida at Large

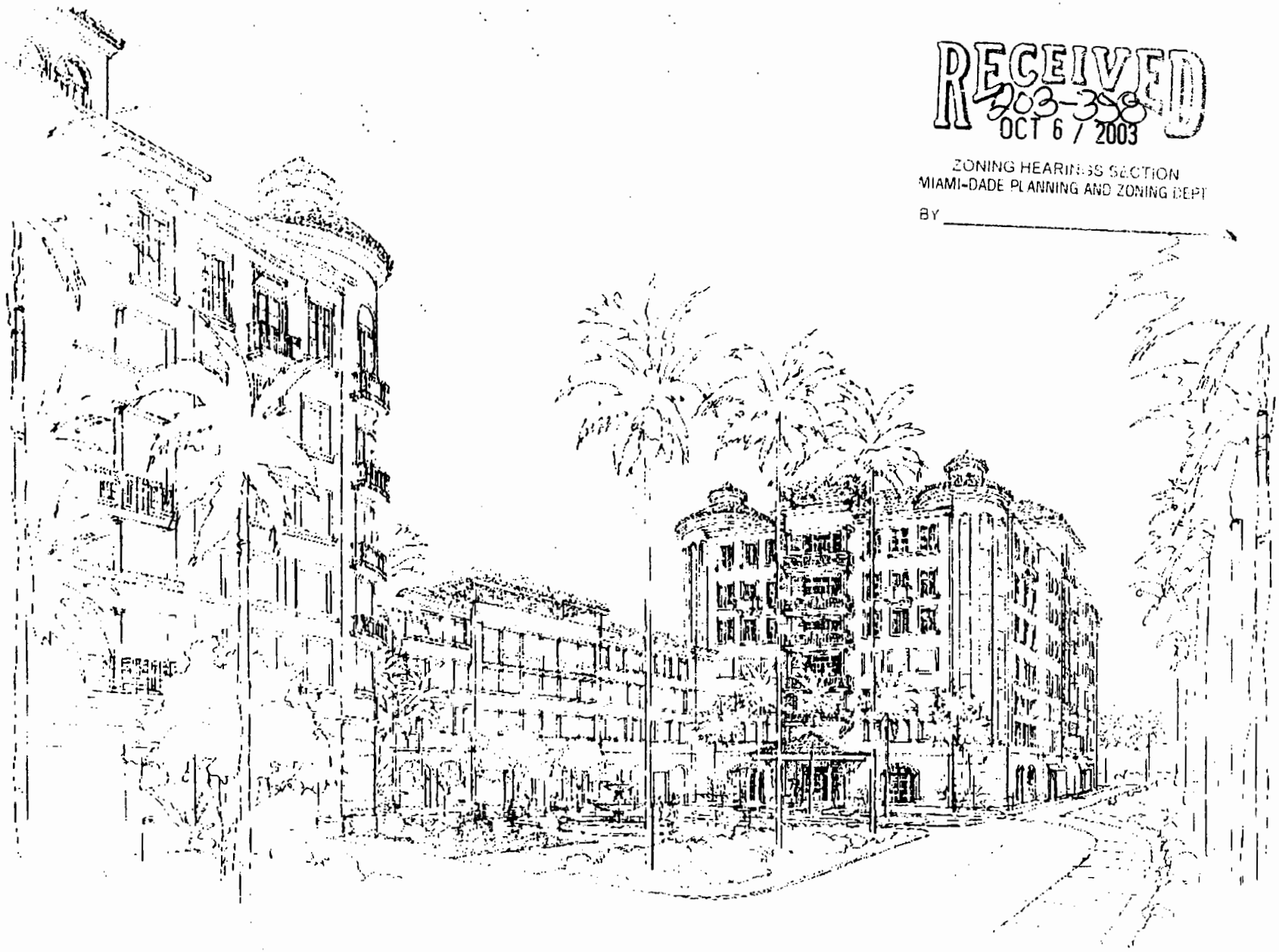
ELIZABETH P. CARDENAS
MY COMMISSION # CC 994093
EXPIRES: January 16, 2005
Bonded Thru Notary Public Underwriters

My Commission Expires:

*Disclosure shall not be required of any entity, the equity interests in which are regularly traded on an established securities market in the United States or other country; or of any entity, the ownership interests of which are held in a limited partnership consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interest in the limited partnership.

53

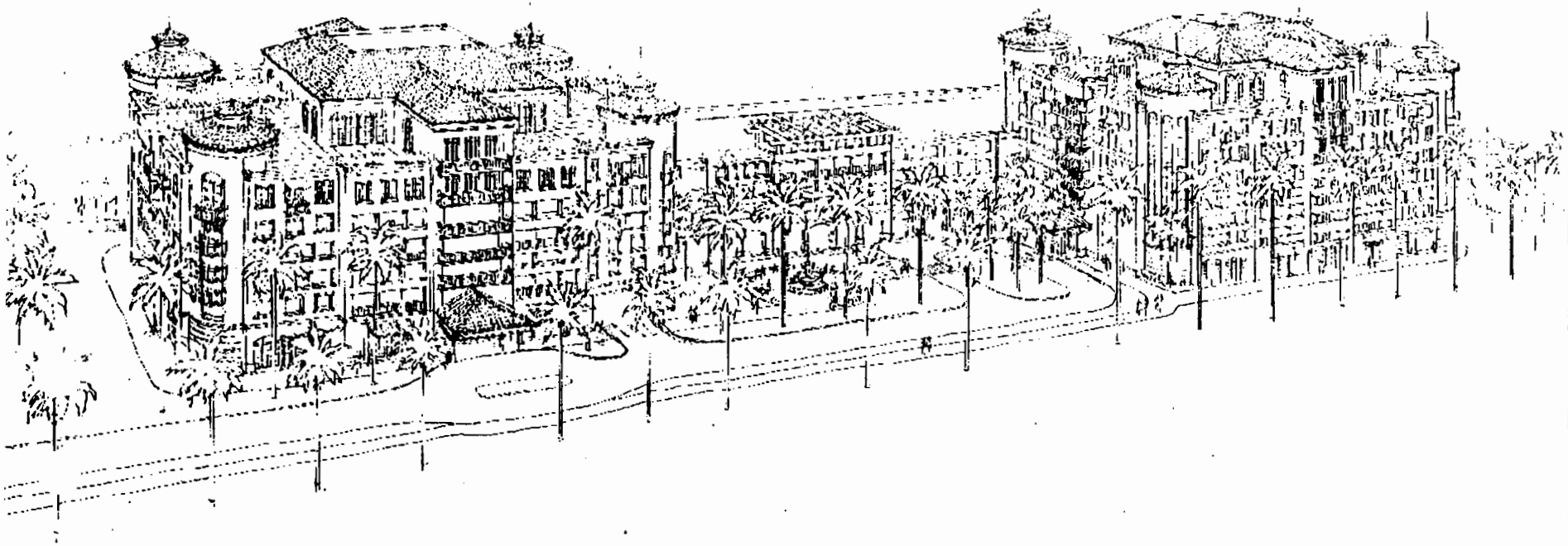
RECEIVED
303-358
OCT 6 / 2003
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY _____



FULLERTON DIAZ ARCHITECTS INC.

AGORA PROFESSIONAL BUILDING

8960 SW 87TH COURT MIAMI, FLORIDA 33176



FULLERTON DIAZ ARCHITECTS INC.

Agora Professional Building

FULLERTON DIAZ ARCHITECTS INC.
Architecture
Interior Design
Planning

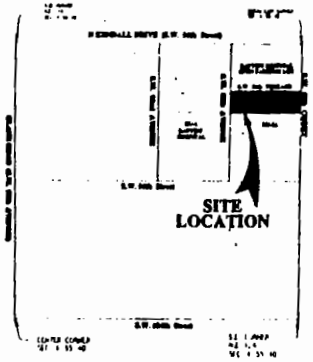
Scale
Date
Project Designer
Drawn By
Checked By
Job Number
File
Drawing Title: PERSPECTIVE

Revisions

No	Description	Date

Sheet Number

A-0



LOCATION MAP
N.E. 1/4 OF SECTION 4-55-40
MIAMI-DADE COUNTY, FLORIDA
(NOT TO SCALE)

LEGAL DESCRIPTION

The South 1/2 of the South 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4, less the East 33 feet thereof in Section 4, Township 55 South, Range 40 East, Miami-Dade County, Florida.

TOGETHER WITH:

The South 33.00 feet of the North 1/2, of the South 1/2, of the Northeast 1/4, of the Northeast 1/4, of the Northeast 1/4, of Section 4, Township 55 South, Range 40 East, Miami-Dade County, Florida. LESS: Commence the following described point of beginning, CONMENCING at the Southeast Corner of the North 1/2, of the South 1/2, of the Northeast 1/4, of the Northeast 1/4, of the Northeast 1/4 of Section 4, Township 55 South, Range 40 East, thence run Northerly N0°00'00"W along the West Line of the said North 1/2, of the South 1/2, of the Northeast 1/4, of the Northeast 1/4, of the Northeast 1/4 of Section 4 for a distance of 33.00 feet to the POINT OF BEGINNING of the parcel of land herein described; thence run parallel with the South Line of the said North 1/2, of the South 1/2, of the Northeast 1/4, of the Northeast 1/4, of the Northeast 1/4, of Section 4 for a distance of 33.00 feet to the West Line of the said North 1/2, of the South 1/2, of the Northeast 1/4, of the Northeast 1/4, of the Northeast 1/4, of Section 4; thence run N0°00'00"W along the said West Line of the said North 1/2, of the South 1/2, of the Northeast 1/4, of the Northeast 1/4, of the Northeast 1/4, of Section 4 for a distance of 33.00 feet to the POINT OF BEGINNING.

LESS:

The East 33.00 feet of the South 33.00 feet of the North 1/2, of the South 1/2, of the Northeast 1/4, of the Northeast 1/4, of the Northeast 1/4, of Section 4, Township 55 South, Range 40 East, Miami-Dade County, Florida.

AGORA PROFESSIONAL BUILDING
SITE DATA LEGEND

ZONING AUTHORITY :	METROPOLITAN DADE COUNTY, FLORIDA
EXISTING ZONING CLASSIFICATION :	BU 1A (SEMI PROFESSIONAL OFFICE DISTRICT) BU-1 (NEIGHBORHOOD BUSINESS DISTRICT)
DESIGNATED ZONING CLASSIFICATION :	OPD (OFFICE PARK DISTRICT)
PROPERTY ADDRESS :	8940 SW 87 TH COURT MIAMI, FLORIDA 33176
FLOOD CRITERIA:	FLOOD ZONE " AE " B F E 8
NAME OF WATER AND SEWER UTILITIES	MIAMI DADE COUNTY WATER AND SEWER
PROPOSED PRINCIPAL USE:	MEDICAL OFFICE BUILDING
LAND AREA INCLUDING S.O.W.	138,087.36 SF. OR 3.94 ACRES (MINIMUM REQUIRED = 1 AC'RES)
LOT FRONTAGE (@ SW 87 TH COURT)	302.52 (MINIMUM REQUIRED =100')
HEIGHT OF BUILDING:	ALLOWED : (8 STORY) 100' MAX. PROVIDED : (8 STORY) 99' 6" TO THE TOP OF THE ROOF
SET BACKS	REQUIRED : 50' FRONT, 15' SIDES AND REAR PROVIDED : 50' FRONT@ SW 87TH COURT, 15' SIDES AND REAR
PROPOSED BUILDING LOT COVERAGE.	30,891 SF. OR 46 % OF SITE
PROPOSED PAVED STREETS AREA:	17,231 SF. OR 13.69 % OF SITE
LANDSCAPED OPEN SPACE :	REQUIRED: 46 % OF SITE OR : 138,074 X 0.46 = 30 915 sf 80% REQUIRED AT GROUND FLOOR: 38,615 X 0.80 = 67129 sf
	PROVIDED: 50 % OF SITE OR 64,390 sf OPEN SPACE AT GROUND FLOOR : 51,708 sf OPEN SPACE AT 5TH LEVEL : 663 sf OPEN SPACE AT 7TH LEVEL ROOF : 5,934 sf OPEN SPACE AT 8TH LEVEL ROOF : 6,044 sf
	REFER TO LANDSCAPE DRAWINGS FOR GREEN AREA AND EXISTING TREE INFORMATION
F.A.R.	ALLOWED: 138,130 sf 0.96 % OF SITE FOR 8 STORY OR (138,087X 0.96) PROVIDED: 131, 157 sf 0.94 % OF SITE , 10 % UNDER ALLOWED FAR
F.A.R. BREAK DOWN	LEVEL 1 22,193 sf LEVEL 2 16,905 sf LEVEL 6 16,365 sf LEVEL 7 15,922 sf LEVEL 8 6,700 sf
OFF STREET PARKING	REQUIRED : 404 PARKING SPACES (OFFICE : 1/ 300 sf) PROVIDED: 370 PARKING SPACES (OFFICE : 1/ 310 sf) (MIN 9' 6" W X 18 6" L)

OWNER	**ACROPOLIS REALTY, LLC** 8950 N. KENDALL DRIVE SUITE 403 MIAMI, FLORIDA 33176 PH: (305) 270-7999 FAX (305) 301 270-6788
ARCHITECT	**FULLERTON DIAZ ARCHITECTS** 366 ALTARA AVENUE CORAL GABLES, FL 33146 PH: (305) 442-4300 FAX: (305) 301-444-4942
LANDSCAPE	**MARIANO CORRAL & ASSOCIATES** 3990 S.W. 110 th AVENUE MIAMI, FL. 33165 PH: (305) 551-1262 FAX (305) 553-2088
SURVEYOR	**ALBERTO LORENZO-LUCACHI** 923 SW 122nd AVENUE MIAMI, FL 33184 PH: (305) 220-6397 FAX (305) 226 6403

INDEX OF DRAWINGS

ARCHITECTURE

COVER SHEET, PERSPECTIVE

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A-1 SITE PLAN, LEGEND, LEGAL DESCRIPTION & LOCATION MAP

A-2 GROUND, 2ND, 3RD & 4TH FLOOR PLANS

A-3 5TH AND 6TH FLOOR PLANS

A-4 7TH & 8TH FLOOR PLANS

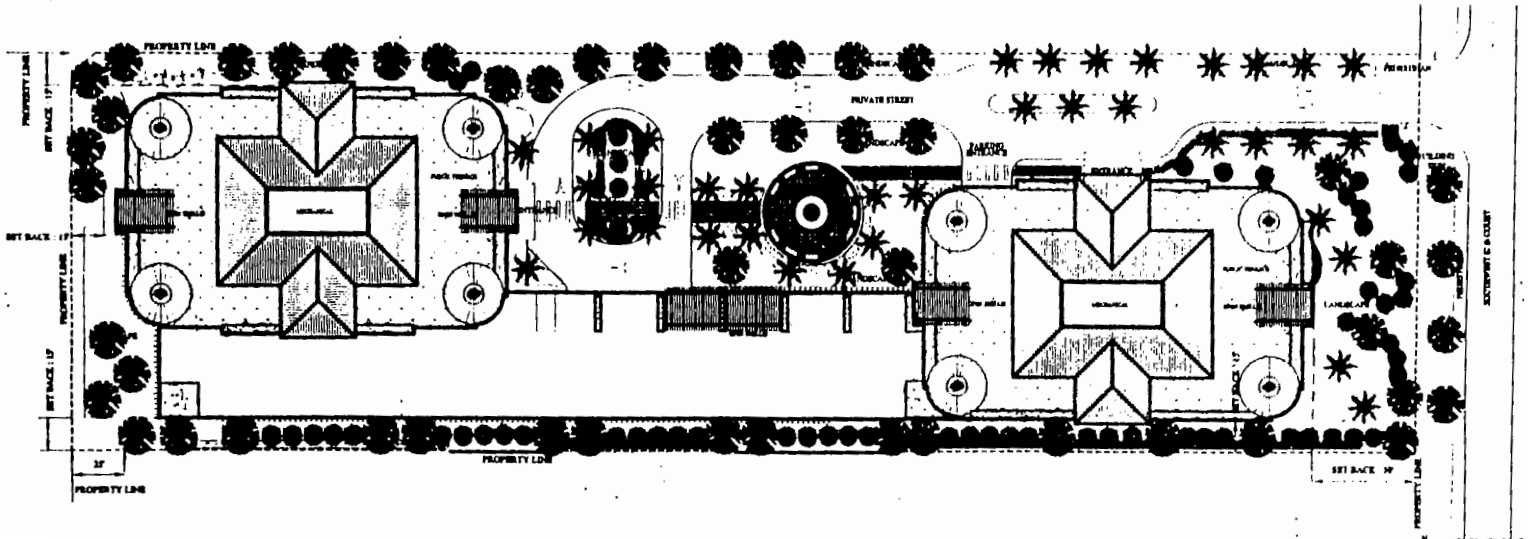
A-5 NORTH ELEVATIONS

A-6 EAST ELEVATIONS

LANDSCAPE

LP-1 SITE LANDSCAPE PLAN (LEVEL 1)

LP-2 PLANTER LANDSCAPE (LEVEL 5 , 7 , 8)



PROPOSED SITE PLAN

FULLERTON DIAZ ARCHITECTS INC

FULLERTON DIAZ ARCHITECTS INC
Architecture
Interior Design
Planning

Agora Professional Building

8940 SW 87TH COURT MIAMI, FLORIDA 33176

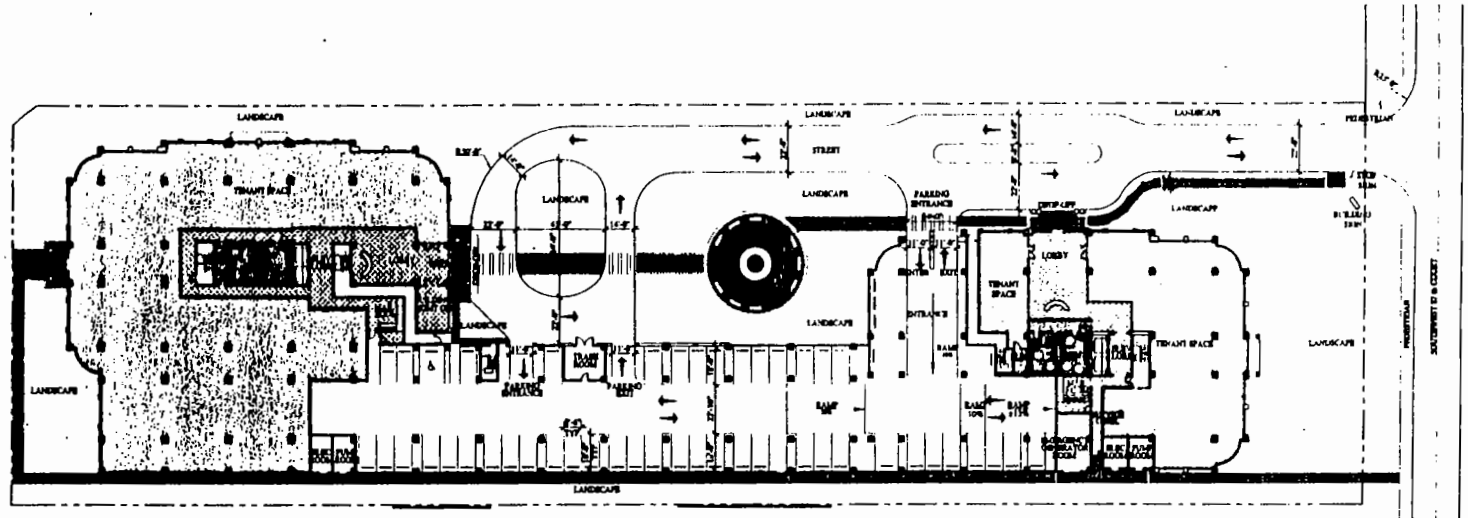
Drawing Title
PLANE / LEGEND
LOCATION MAP

Revisions

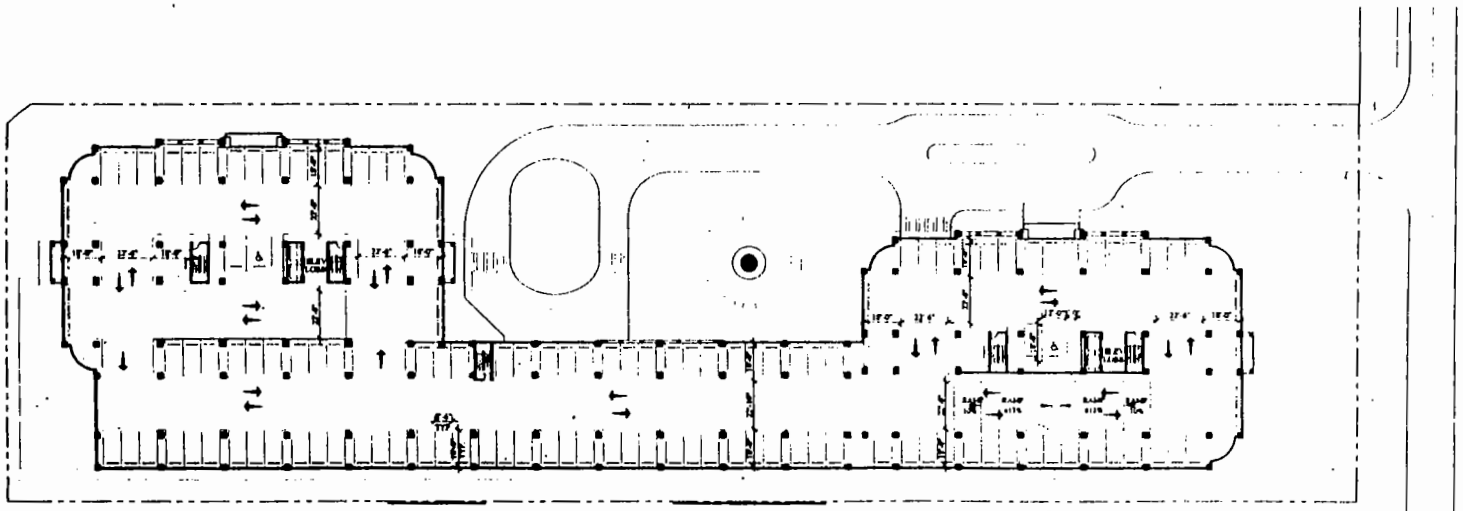
No	Description	Date

Sheet Number

A-1



1ST FLOOR PLAN (GROUND LEVEL)
SCALE: 1/30"=1'-0"



2nd, 3rd,& 4th FLOOR PLAN-TYPICAL
SCALE: 1/30"=1'-0"

FULLERTON DIAZ ARCHITECTS INC.

FULLERTON DIAZ ARCHITECTS INC.
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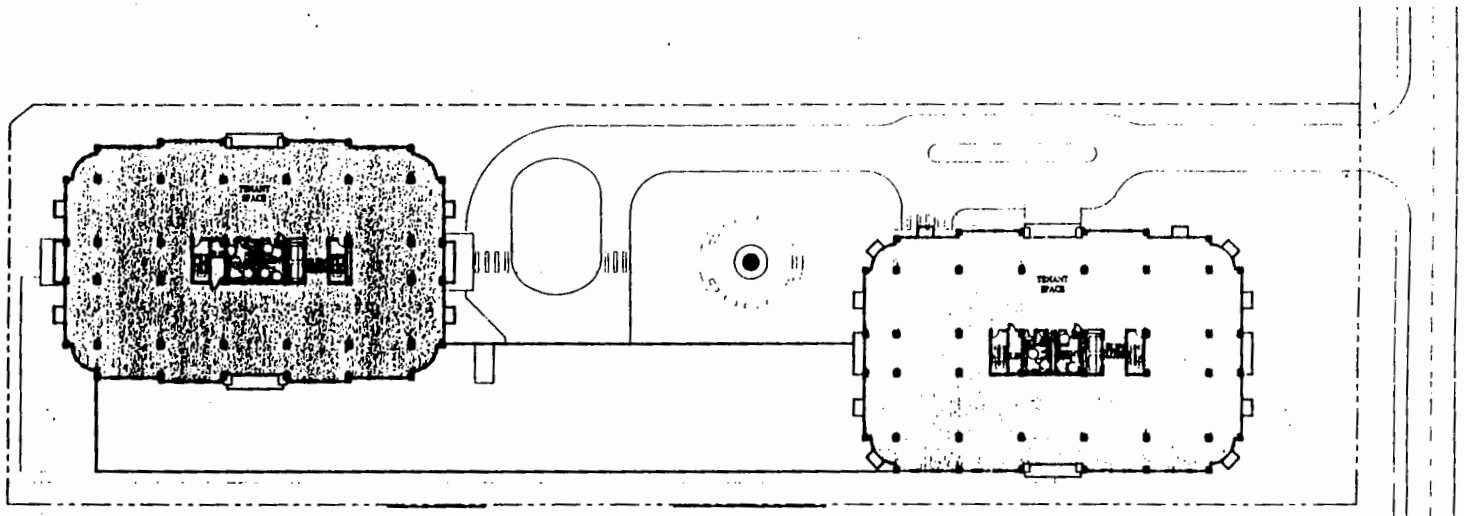
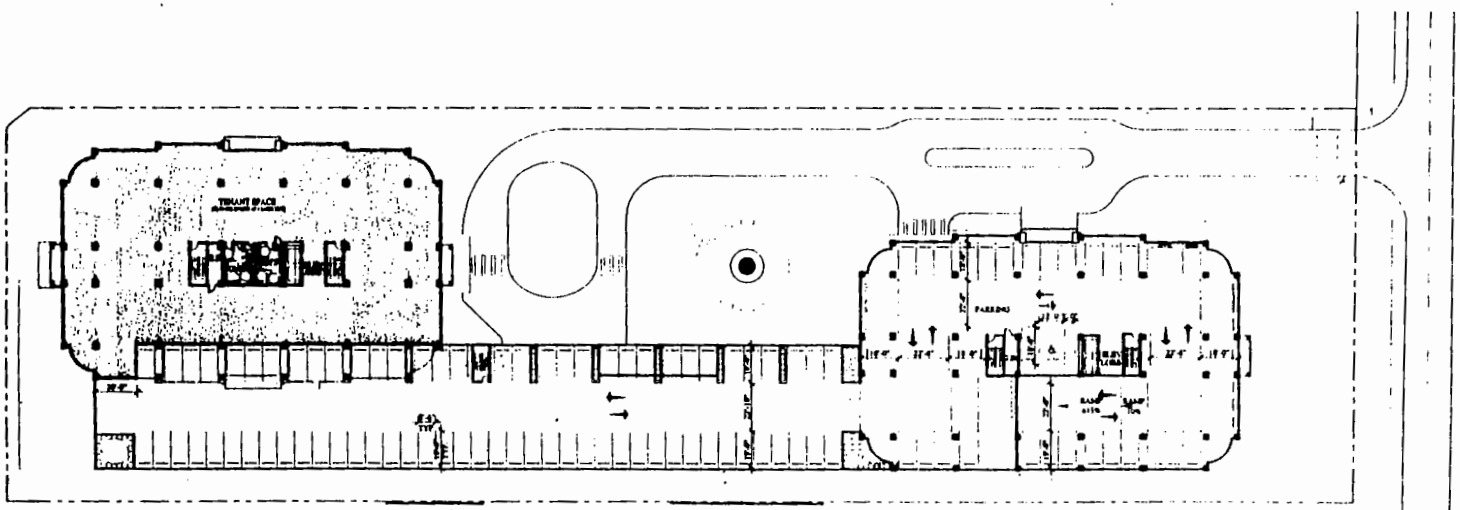
1 2 3 & 4TH FLOOR PLANS

A-2



6TH FLOOR PLAN

SCALE: 1'30"=1'-0"



5 TH FLOOR PLAN

SCALE: 1'30"=1'-0"

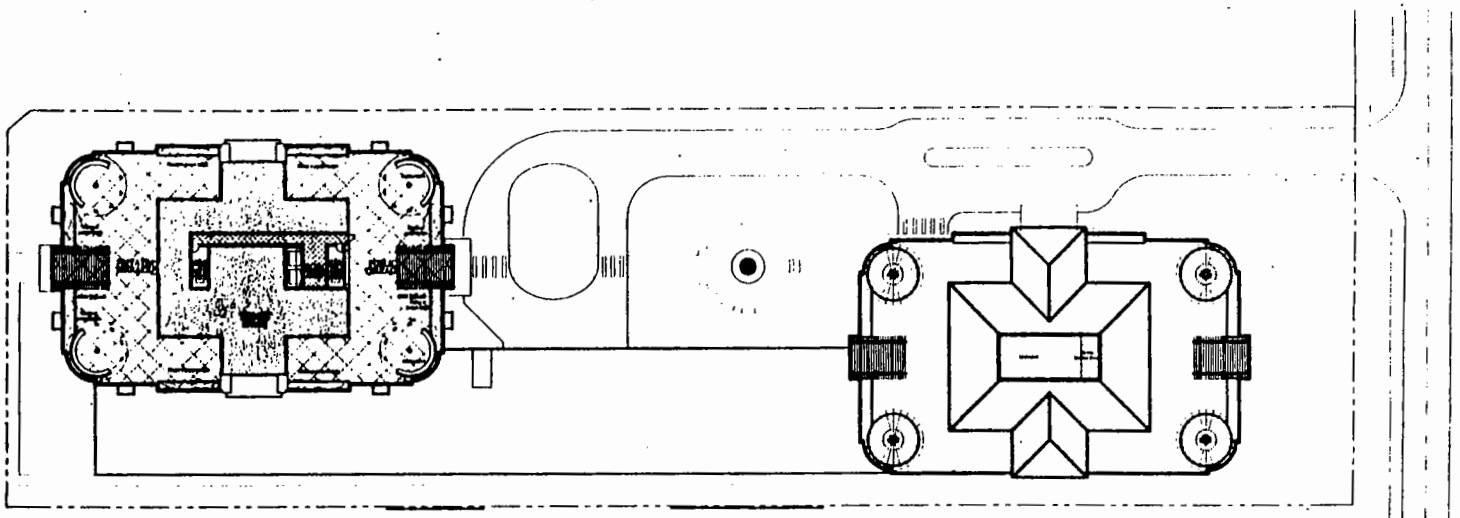
FULLERTON DIAZ ARCHITECTS INC.

FULLERTON DIAZ ARCHITECTS INC.
Architecture
Interior Design
Planning

Agora Professional Building

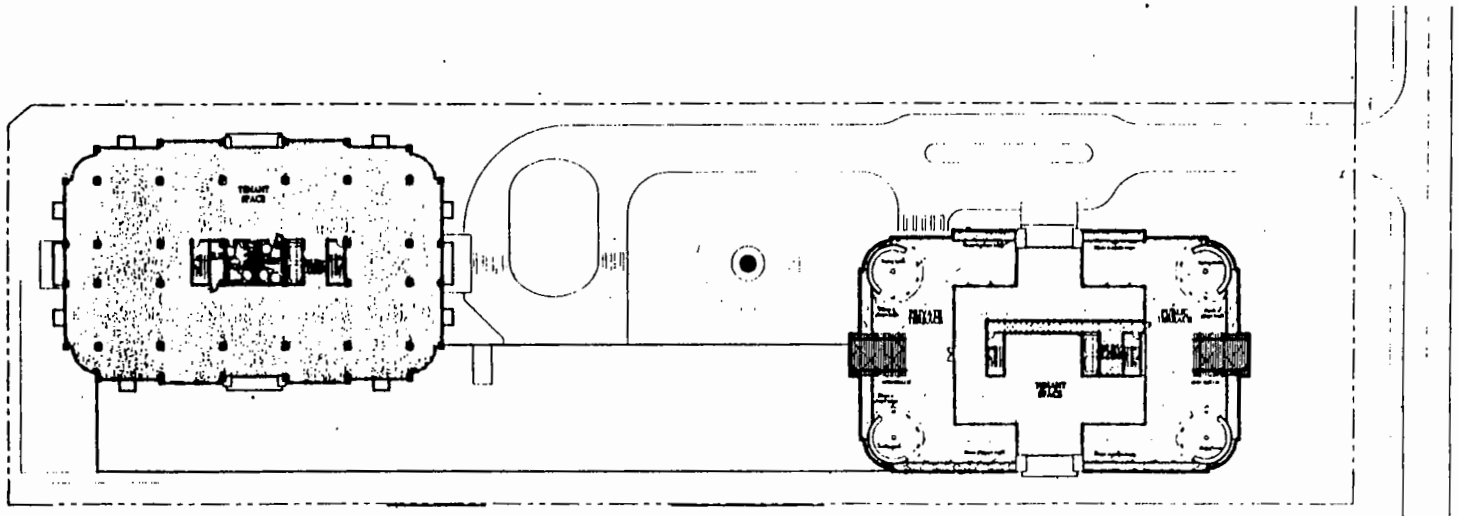
5TH & 6TH FLOOR PLANS

A-3



8 TH FLOOR PLAN

SCALE: 1/30"=1'-0"



7TH FLOOR PLAN

SCALE: 1/30"=1'-0"

FULLERTON DIAZ ARCHITECTS INC

FULLERTON DIAZ ARCHITECTS INC
Architecture
Interior Design
Planning

Agora Professional Building

7TH & 8TH FLOOR PLANS

A-4

1 NORTH ELEVATION
SCALE: 1/30"=1'-0"

2 NORTH ELEVATION - EAST BUILDING
SCALE: 1/16"=1'-0"

3 NORTH ELEVATION- CENTER AND WEST BUILDING
SCALE: 1/16"=1'-0"

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FULLERTON DIAZ ARCHITECTS INC.
Architecture
Interior Design
Planning

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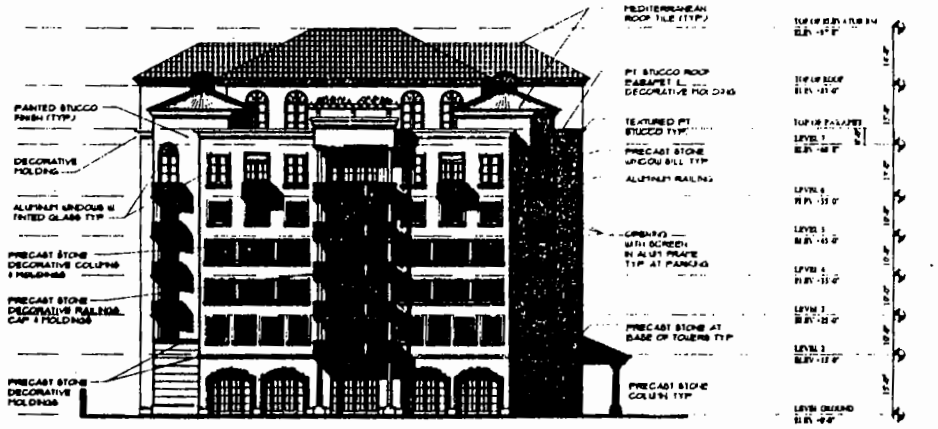
NORTH ELEV.

A-5



1 EAST ELEVATION - PHASE I

SCALE: 1/16"=1'-0"

2 EAST ELEVATION- PHASE II

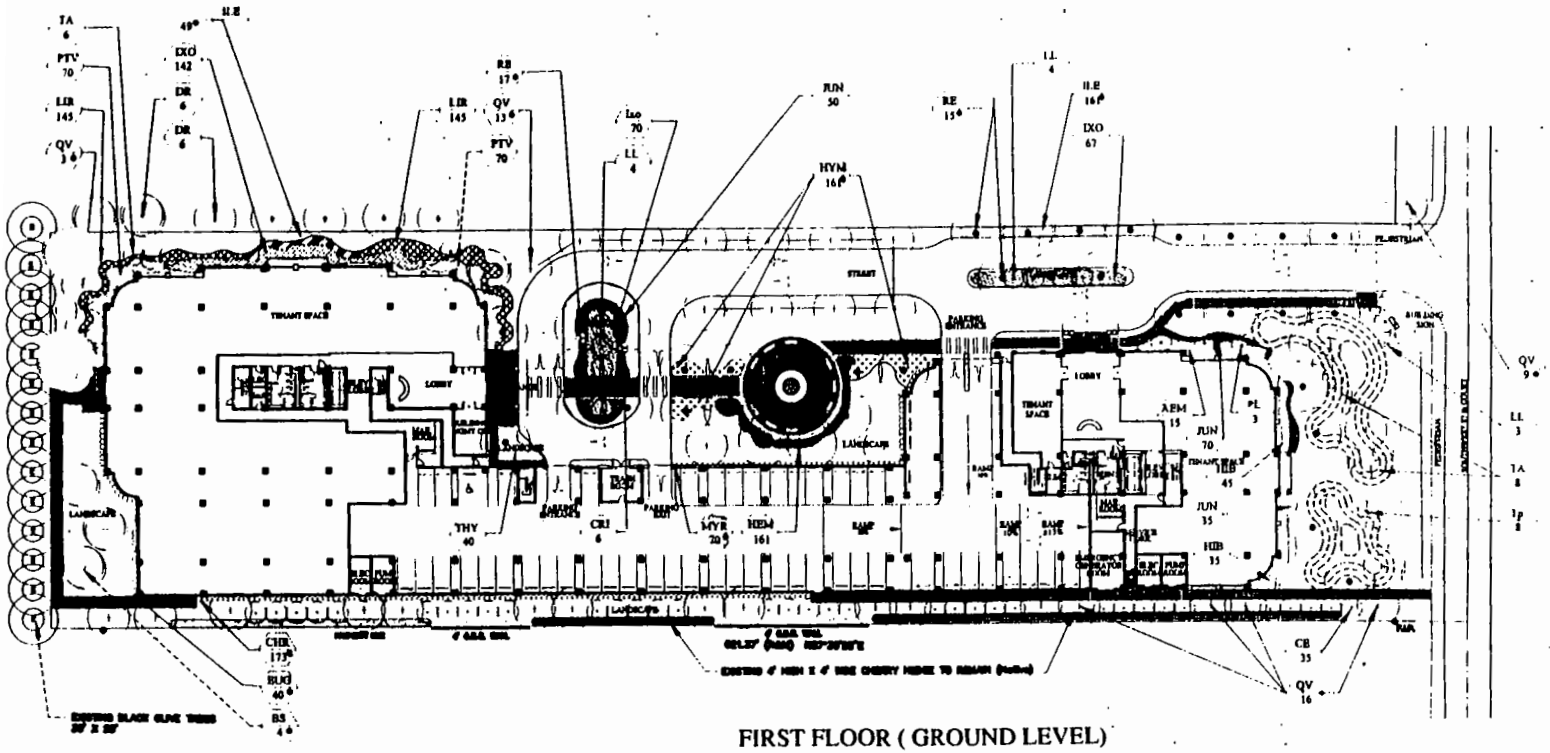
SCALE: 1/16"=1'-0"

FULLERTON DIAZ ARCHITECTS INC.

Agora Professional Building

PHASE I & II
EAST ELEVATIONS

A-6



FIRST FLOOR (GROUND LEVEL)

SCALE: 1" = 30'

ANT LIST:

SYMBOL	SCIENTIFIC NAME / COMMON NAME	QTY.	SIZE	SPACING / REMARKS		XERISCAPE REQUIREMENT TABULATION Drought Tolerance H, M, L	Salt Tolerance H, M, L
	SHADE TREES AND PALM TREES					MEDIUM OR LOW	MEDIUM OR LOW
SB	SABINEA SIMARUBA / GUMBO LIMBO	7	1 FMT X 5' BPG		NATIVE	HIGH	HIGH
CB	CONOCARPUS ERECTUS BIRICIRA / SILVER BUTTONWOOD	33	8 x Pgp		NATIVE	HIGH	HIGH
BS	BULNSIA SIMA ROYAL POINCIANA	6	1 FMT X 5' BPG	5-1/2" CALIPER MIN.		HIGH	HIGH
QV	QUERCUS VIRGINIANA / LIVE OAK	42	1 FMT X 5' BPG	3" CAL. MIN.	NATIVE	HIGH	HIGH
SB	SABAL PALMETTO / FLORIDA ROYAL PALM	35	20' OA	Matched O & B	NATIVE	HIGH	MEDIUM
LL	LIVISTONA CHINENSIS / PRIVET	11	10 x Pgp	MULTI TRUNK		MEDIUM	LOW
PL	PITTOSPORUM TAPTURI / SHAVA	5	12 x Pgp	B & B		HIGH	MEDIUM
TA	TABEBUIA CARABAO / YELLOW TRUMPET TREE	14	12 x Pgp	B & B		HIGH	MEDIUM
TP	TABEBUIA HETEROPHYLLA / PINK TRUMPET TREE	4	12 x Pgp	B & B		HIGH	MEDIUM
	SHRUBS AND GROUNDCOVERS						
AEM	ALPINIA PURPURATA / RED GINGER MICHAELA PINK GINGER	15	3 GAL	POT		MEDIUM	LOW
CRI	CROTON ARATUS / GIANT CROTON	6	7 GALS			HIGH	HIGH
CHR	CHRYSOBALANUS ICACO / COCO PLUM	177	3 GAL	30" OC	NATIVE	HIGH	HIGH
HIB	HIBISCUS POTENS / SPANISH STOPPER	40	3 GAL	30" OC	NATIVE	HIGH	HIGH
HYM	HYMENOCALLIS LATIFOLIA / SPIDER LILY	161	3 GAL	3' OC	NATIVE	HIGH	HIGH
MYR	MYRICIA S.S. / BAY RUM MYRICIA	20	3 GAL	30" OC		LOW	MEDIUM
HEM	HEMEROCALLIS THUNB. FORM HEMEROCALLIS / LILY	161	GAL	18" OC		HIGH	HIGH
RE	RUELLIA VERONICA MAHA / SCHELLINGIA SPLAND TALISON	240	3 GAL	3' OC	NATIVE	HIGH	HIGH
IXO	IXORA NORA GRANT / PINK IXORA	270	3 GAL	30" OC		MEDIUM	MEDIUM
JUN	JASMINUM PARANCORA / JASMINE	120	3 GAL	3' OC		HIGH	HIGH
LIR	LIRIOPE M. EVERGREEN GIANT / GIANT LIRIOPE	350	GAL	18" OC		HIGH	MEDIUM
MYP	MYRIANTHUS PEGARUM / SUPPOSITE STAFFER	70	3 GAL	30" OC	NATIVE	HIGH	HIGH
RB	RUELLIA BRITTONIANA / MEXICO RANEWATER	168	3 GAL	30" OC		HIGH	HIGH
PHI	PHILODENDRON / BANANA	6	3 GAL	3' OC		HIGH	MEDIUM
TRY	GALIPEDIA GRACILIS / TREY LILLIE	40	3 GAL	3' OC		MEDIUM	MEDIUM

LANDSCAPE REQUIREMENTS/ CALCULATIONS:

INFORMATION REQUIRED TO BE PERMANENTLY AFFIXED TO PLAN

ZONING DISTRICT OPD GROSS LOT AREA 2.94 ACRES 128,129 S.F.

LAWN AREA CALCULATION		REQUIRED	PROVIDED
A. 38,438.70 TOTAL S.F. OF LANDSCAPED OPEN SPACE REQUIRED (30%)			
B. MAXIMUM LAWN AREA (SOD) PERMITTED = 35 % X 38,438.70 S.F.		13,453.54	22,132.89
TREES			
A. TWENTY EIGHT(28) PER ACRE	28 X 2.94 ACRES=	82	86
B. STREET TREE REQUIREMENTS 630 LF 30'		18	18
	TOTAL TREES	100	104
B. 30% PALMS ALLOWED OF TOTAL NON REQ. No. OF TREES		32	12
% PALMS PERMITTED TO COUNT AS 1:1 BASIS		32	32
C. % NATIVES REQUIRED: No. TREES PROVIDE X 35 %		36	101 (98%)
SHRUBS			
A. SHRUBS REQUIRED: 10 PER TREE (100) = (100 x 10)		1000	1195
B. No. SHRUBS ALLOWED X 35 % No. OF NATIVE SHRUBS REQUIRED		350	906 (80%)

IRRIGATION PLAN.

100% irrigation coverage with a rain overlay of 50%.

INFORMATION REQUIRED TO BE PERMANENTLY AFFIXED TO PLAN

Professional Preparer's Statement of Landscape Compliance

Process No. Permit No.

Legal description: Lot Block

Subdivision Name P.B. Page

Development Name

Located at (address)

I/We hereby certify that the landscaping/irrigation plan being submitted for the above captioned complies with the requirements of Chapter 18A (18-13 Landscape Ordinance Effective March 24, 1998) as to the species, height, trunk width, and location at time of planting, and that the species shown are in accordance with the accepted species approved by Miami-Dade County and that none of the species are from the prohibited list. Additionally, automatic sprinkler system (if applicable) complies with the requirements of said ordinance as to the type of heads, spray system, location, etc.

Professional Preparer's Signature

Mariano Corral
Print Name

State of Florida
County of Dade

The foregoing instrument was acknowledge before me this day of 200[illegible],

by of a corporation,

on behalf of the corporation. He/she is personally known to me or has produced

as identification and did/did not take an oath

Witness my signature and official seal this day of ,200[illegible],

in the County and State aforesaid, the date, and year aforesaid

Notary Public

Print Name

DRB SET

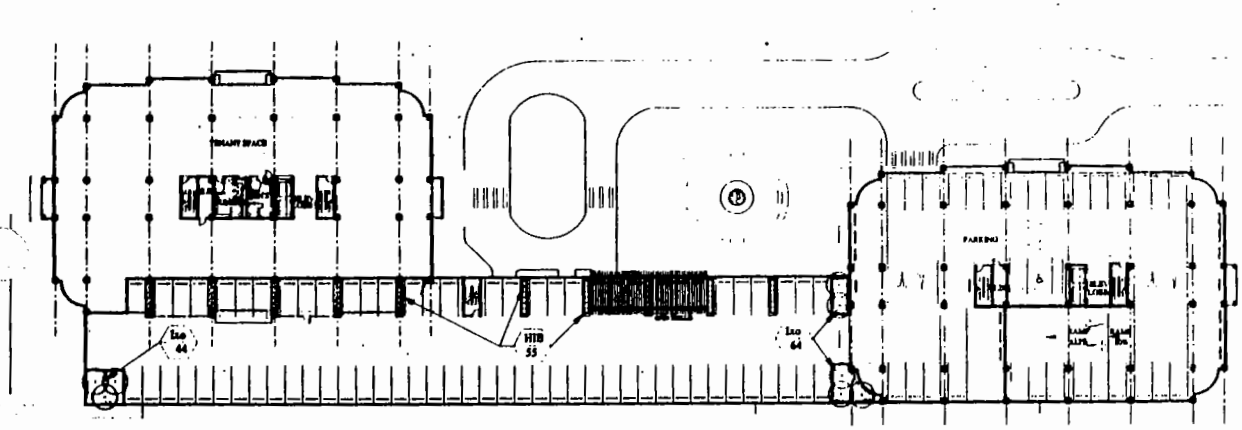
MARIANO CORRAL
Landscape Architecture
Golf Course Design
Land Planning
Urban Design

ULLERTON DIAZ ARCHITECTS INC

87TH COURT SOUTHWEST 90TH STREET
KENDALL, FLORIDA

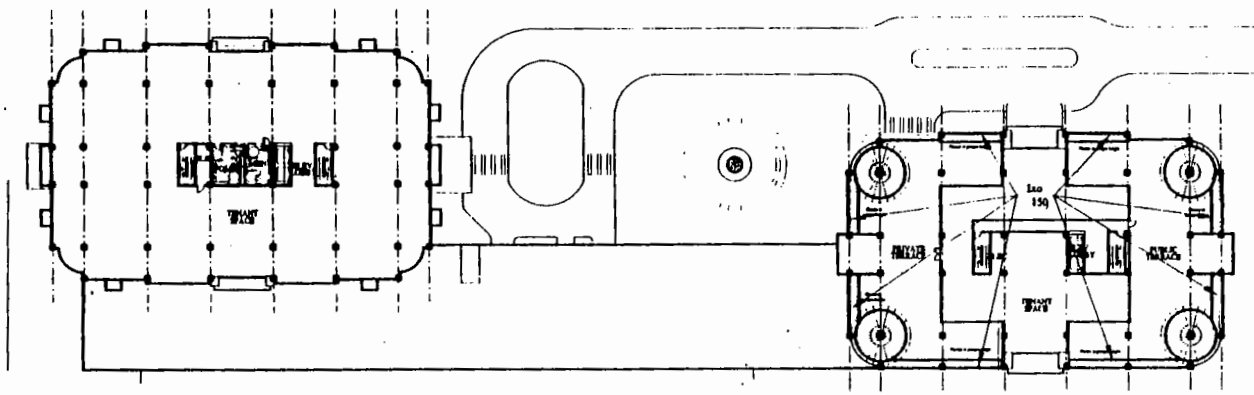
SITE LANDSCAPE PLAN
LEVEL 1

LP-1



FIFTH (5) FLOOR LEVEL

SCALE: 1" = 30'



REPEAT SAME AMOUNT FOR 8TH LEVEL FLOOR

SEVENTH AND EIGHTH FLOOR LEVEL

SCALE: 1" = 30'

SYMBOL	SCIENTIFIC NAME / COMMON NAME	QTY.	SIZE	SPACING / REMARKS	XERISCAPE REQUIREMENT TABULATION: Drought Tolerance H, M, L	XERISCAPE REQUIREMENT TABULATION: Salt Tolerance H, M, L
	SHADE TREES AND PALM TREES				HIGH, MEDIUM OR LOW	HIGH, MEDIUM OR LOW
PE	PTYCHOSPERMA ELEGANS/ ALEXANDER PALM	8	12' OA HGT		MEDIUM	MEDIUM
	SHRUBS AND GROUNDCOVERS					
HIB	HIBISCUS S. R. 'RED' RED HIBISCUS	55	3 GAL.	30" OC	LOW	MEDIUM
IXO	IXORA NORA GRANT PINK IXORA	400	3 GAL.	30" OC	MEDIUM	MEDIUM

General Notes

1. All plant materials to be Florida Nu 1 or better
2. All landscape areas shall be fertilized with a min. overlap of 50 Provide Rain Sensor
3. Contractor is to do his own take off and if there are any discrepancies he is to bring it to the attention of the Landscape Architect, [illegible] commencing work
4. Landscape Contractor is to identify all utilities zones and underground lines prior to commencing work, for the health and welfare of his [illegible]
5. All sod to be St. Augustine Floratam solid sod

PLANT DETAILS:

DRB SET

FULLERTON DIAZ ARCHITECTS INC.

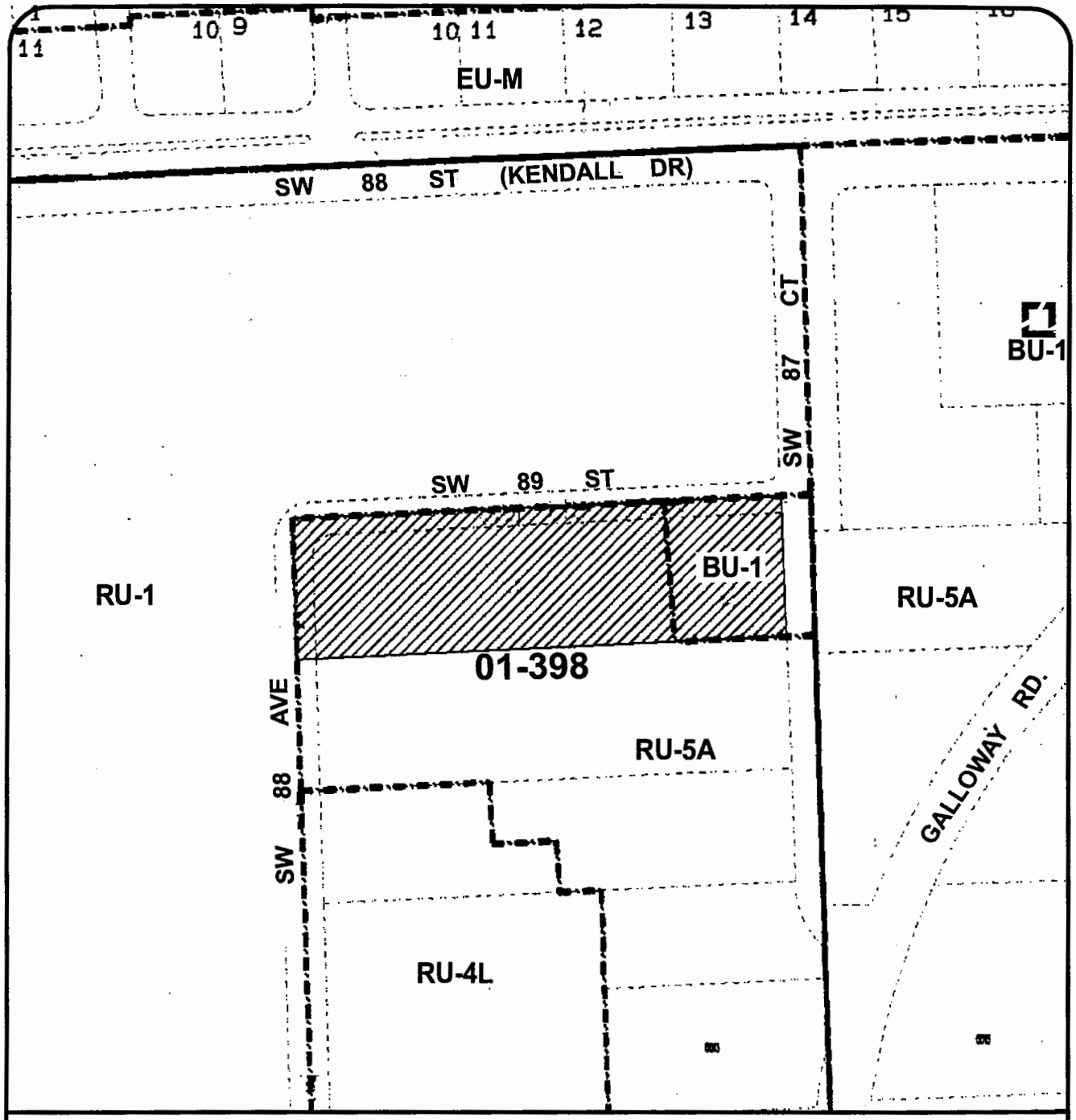
MURENO CORRAL

Landscape Architecture
Golf Course Design
Land Planning
Urban Design

LITTLE COURT SOUTHWEST 88TH STREET
KENDALL, FLORIDA

Drawing Title: PLANTER LANDSCAPE LEVEL 5 / 8

LP-2



MIAMI-DADE COUNTY
HEARING MAP

S C A L E 0 200' N

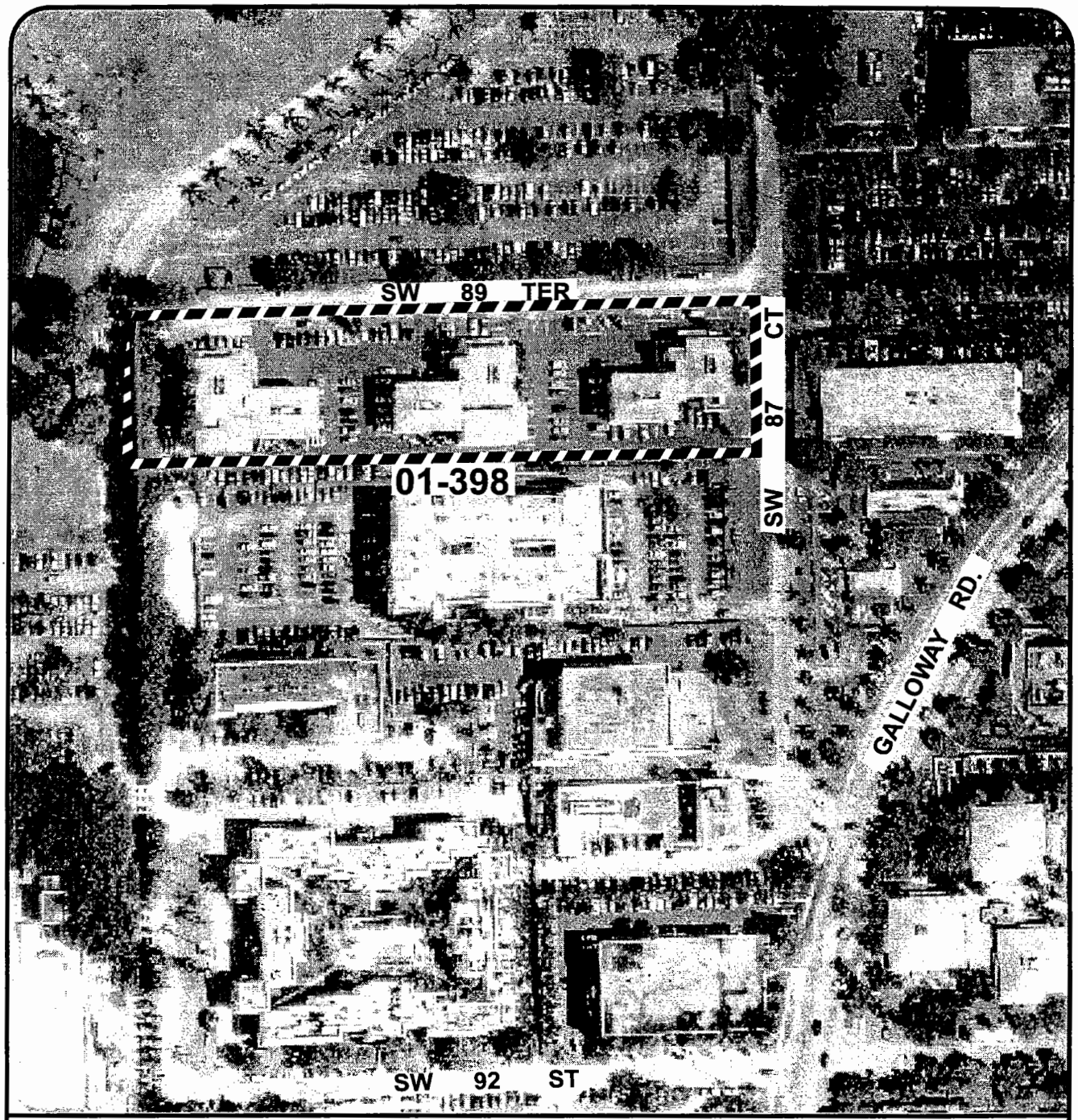
SUBJECT PROPERTY

Section: 04 Township: 55 Range: 40
Process Number: 01000398
Applicant: ACROPOLIS REALTY, LLC.
District Number: 08
Zoning Board: C12
Drafter ID: ALFREDO
Scale: 1:200'

MIAMI-DADE

G: ZONING DRAFTING 01-398. 12/01
REVISED 10/14/03

63



MIAMI-DADE COUNTY
AERIAL

S C A L E
0 NTS

N

SUBJECT PROPERTY

Section: 04 Township: 55 Range: 40
Process Number: 01000398
Applicant: ACROPOLIS REALTY, LLC.
District Number: 08
Zoning Board: C12
Drafter ID: ALFREDO
Scale: NTS

MIAMI-DADE

G: ZONING DRAFTING. 01-398. 12/01

C. ACROPOLIS REALTY LLC
(Applicant)

03-11-CZ12-1 (01-398)
Area 12/District 8
Hearing Date: 2/10/04

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
1965	Mark XX	Zone change from AU to RU-5A.	CC	Approved
1966	Mark XX	Use Variance for zoning regulations, waiving 5' wall along interior side of property lines.	ZAB	Approved
1967	Mark XX	Variance zoning regulations, walls, access buildings.	ZAB	Approved
1983	Raymond Pearlson & Robert Browdy	Zone change from RU-5A to BU-1.	CC	Approved

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
COMMU...TY ZONING APPEALS BOA... - AREA 12
MOTION SLIP

APPLICANT'S NAME: **ACROPOLIS REALTY LLC**

REPRESENTATIVE(S): Chad Williard, Dr. Pablo Delgado

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
03-11-CZ12-1 (01-398)	January 27, 2004	CZAB12- -04

REQUESTS:

DEPT. REC:

☐ WITHDRAW: ☐ Entire Application ☐ ITEMS _____

☑ DEFER: ☐ INDEFINITELY ☑ TO: 2/10/04 ☐ 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 STD. CONDITIONS

☑ OTHER: To give applicant opportunity to present traffic study to the opposition.

TITLE	M/S	NAME	YES	NO	ABSENT
MS.		Peggy BRODEUR			✓
MR.		Gerardo GOMEZ		✓	
MS.		Millie HERRERA	✓		
MR.		Douglas A. KRUEGER	✓		
MR.	S	Nelson A. VARONA	✓		
VICE-CHAIRMAN	M	Robert W. WILCOSKY	✓		
CHAIRMAN		Jose I. VALDEZ (C.A.)			

* Chairman Jose Valdez abstained from voting because he was absent from the last hearing on this application. He stated on the record that he would not vote. He was sitting at the table when the motion was read.

VOTE: 4 to 1

EXHIBITS: ☐ YES ☑ NO

COUNTY ATTORNEY: Stephen Stieglitz

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 12
MOTION SLIP

APPLICANT'S NAME: ACROPOLIS REALTY LLC

REPRESENTATIVE(S): CHAD WILLIARD

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
03-11-CZ12-1 (01-398)	NOVEMBER 18, 2003	CZAB12- -03

REQUESTS:
1) RU-5A & BU-1 to OPD. 2) Delete Declaration. 3) Lot area 2.94 v 3 ac. 4) FAR 0.94 v 0.86

DEPT. REC: APPROVE 1 PER 33-311(A)(8) SUBJECT TO PROFFERED COVENAN.T
APPROVE 2 WITH CONDITIONS PER 33-311(A)(17).

MOTION APPROVE 3 & 4 WITH CONDITIONS PER 33-311 (A)(21)

☐ WITHDRAW: ☐ Entire Application ☐ ITEMS _____

☒ DEFER: ☐ INDEFINITELY ☒ TO: 01-13-04 ☒ 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 STD. CONDITIONS

☐ OTHER:

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		Gerardo GOMEZ	✓		
MS.	S	Millie HERRERA	✓		
MR.		Douglas KRUEGER	✓		
M		Peggy BRODEUR	✓		
MR.	M	Nelson A. VARONA	✓		
VICE-CHAIRMAN		Robert W. WILCOSKY	✓		
CHAIRMAN		JOSE VALDEZ			✓

VOTE: 6 to 0

EXHIBITS: ☒ YES ☐ NO

COUNTY ATTORNEY: Jay Williams

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 12

APPLICANT: Acropolis Realty LLC **PH:** Z01-398 (03-11-CZ12-1)

SECTION: 4-55-40 **DATE:** February 10, 2004

COMMISSION DISTRICT: 8 **ITEM NO.:** C

==========

A. INTRODUCTION

o **REQUESTS:**

(1) RU-5A & BU-1 to OPD

(2) DELETION of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329.

The purpose of the request is to remove an agreement from the site which limited the commercial uses and tied the BU-1 site to a plan.

(3) The applicant is requesting to permit a lot with an area of 2.94 acres. (The underlying zoning district regulation requires 3 acres including right-of-way dedication).

(4) The applicant is requesting to permit a floor area ratio of 0.94. (The underlying zoning regulation permits 0.86).

Plans are on file and may be examined in the Zoning Department entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., dated revised 9-2-03 and 10-2-03 and consisting of 8 pages. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

This application will allow the applicant to change the zoning on the property from RU-5A, Semi-Professional Office District, and BU-1, Neighborhood Business District, to OPD, Office Park District. The requests will also allow less lot area than required, a lesser floor area ratio than permitted, and the deletion of a Declaration of Restrictions as it pertains to the BU-1 zoned site.

o **LOCATION:**

8960-70 S.W. 87 Court, Miami-Dade County, Florida.

o **SIZE:** 2.94 acres.

o **IMPACT:**

The rezoning of the property and accompanying requests will allow the applicant to provide professional services to the community. However, this application will bring additional traffic and noise into the area.

B. ZONING HEARINGS HISTORY:

In 1965, the Board of County Commissioners (BCC) rezoned this site from AU, Agricultural District, to RU-5A, Semi-Professional Office District. In 1966 and 1967, the Zoning Appeals Board (ZAB) waived the required walls along the interior side property lines of the aforementioned property. In 1983, the BCC rezoned the easterly 185' of the subject property from RU-5A to BU-1, Neighborhood Business District. A Declaration of Restrictions was subsequently recorded that restricted the development of the BU-1 portion of the site to the plans approved at said hearing and restricted the permitted uses to a commercial bank and a sandwich shop.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

The Adopted 2005 and 2015 Land Use Plan designates the subject property as being within the Urban Development Boundary for **office/residential**.

D. NEIGHBORHOOD CHARACTERISTICS:

	ZONING	LAND USE PLAN DESIGNATION
Subject Property:		
	RU-5A & BU-1; apartments	Office/Residential
Surrounding Properties:		
NORTH:	RU-1; parking lot	Office/Residential
SOUTH:	RU-5A; office building	Office/Residential
EAST:	RU-5A; office building	Office/Residential
WEST:	RU-1; Baptist Hospital complex	Institutional & Public Facility

The subject parcel is a narrow linear site located between SW 87 Avenue (Galloway Road) and Baptist Hospital. There is a parking lot which serves Baptist Hospital to the north with a mixture of apartments and offices to the south.

E. SITE AND BUILDINGS:

Site Plan Review:

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**
Energy Considerations:	**N/A**
Roof Installations:	**N/A**
Service Areas:	**N/A**
Signage:	**N/A**
Urban Design:	**Acceptable**

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(8). The Board shall hear and grant or deny applications for **district boundary changes** taking into consideration that same must be consistent with the CDMP, with applicable area or neighborhood studies or plans, and would serve a public benefit. The Board shall take into consideration 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. The Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities, including mass transit, roads, streets, and highways or other necessary public 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, street or highways.

Section 33-311(A)(17). Modification or Elimination of Conditions and Covenants After Public Hearing. The Community Zoning Appeals Board 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 following paragraphs 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.

VI. **Modification or Elimination of Conditions or Restrictive Covenants After Public Hearing, Where the Conditions or Restrictive Covenants were Accepted or Imposed Simultaneously with a District Boundary Change.** The Community Zoning Appeals Board shall approve an application to modify or eliminate a condition or part thereof, or a restrictive covenant or part thereof, which requires development of a specific site plan and which was accepted or imposed simultaneously with a district boundary change, where it is demonstrated that:

(A) The subject property would satisfy all current requirements and standards for a district boundary change to the property's present zoning district without the condition or restrictive covenant, or else the modification or elimination is sought in connection with an application for rezoning to a different district. For purposes of this requirement, new conditions or restrictive covenants may be imposed or proffered to satisfy such requirements and standards.

(B) The Community Zoning Appeals Board shall impose such conditions and requirements in connection with an approval under this subsection as shall prevent or mitigate any resulting adverse impacts to the County or to any aggrieved person who has reasonably, demonstrably and detrimentally relied upon the condition or covenant sought to be modified or eliminated.

(C) Notwithstanding the provisions of the preceding paragraphs, no application will be approved under this subsection if such approval would result in:

1. a use of land which will have a significant adverse effect upon the value of properties in the immediate vicinity;
2. community design, architecture, or layout and orientation of buildings, open space, or amenities that is inconsistent with and deleterious to the aesthetic character of the immediate vicinity;
3. a material change in the density, intensity, or use of the subject property that so differs from the density, intensity, or use of other existing or approved development in the immediate vicinity that the subject property would represent an obvious and significant departure from the established development pattern of the immediate vicinity which has a deleterious effect on its community character;
4. a substantial degradation of localized traffic patterns or a substantial adverse impact on the roadway network;
5. unmitigated demands on potable water, sanitary sewer, or stormwater treatment systems which exceed the capacity of those systems; or
6. a continued and substantial risk to human life or safety or to the environment, or a nuisance.

Section 33-311(A)(7). 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 a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, 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) (21) Alternative Site Development Option for Office Buildings, Laboratory Buildings and Associated Accessory Buildings and Structures. This subsection provides for the establishment of an alternative site development option, after public hearing, for office buildings, laboratory buildings and associated accessory buildings and structures, when such uses are permitted by the underlying district regulations, in the OPD zoning district, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

An alternative **lot area and frontage** shall be approved upon demonstration of at least one of the following:

(1) the proposed lot area and frontage shall permit the development or redevelopment of a structure(s) on a lot, parcel or tract of land where such structure(s) would not otherwise be permitted by the underlying district regulations due to the size or configuration of the parcel proposed for alternative development, provided that:

(A) the lot, parcel or tract is under lawful separate ownership from any contiguous property; and

(B) the proposed alternative development will not result in the further subdivision of land; and

(C) the size and dimensions of the lot, parcel or tract are sufficient to provide all setbacks required by the underlying district regulations; and

(D) the area of the lot, parcel or tract is not less than: seventy-five percent (75%) of the minimum lot area required by the underlying district regulations; and

(E) the proposed alternative development does not result in an obvious departure from the aesthetic character of the immediate vicinity; and

(F) the frontage dimension of the lot, parcel or tract is not less than: seventy-five percent (75%) of the minimum frontage required by the applicable district regulations; except that the frontage dimension of a flag-lot, parcel or tract shall be permitted to be reduced to the minimum width necessary to allow vehicular access as determined by the County; and

(G) the resultant frontage dimension of the lot, parcel or tract provides vehicular ingress and egress to all resulting lots, parcels or tracts, including on-site access to emergency equipment; or

(2) the proposed alternative development results in landscaped open space, community design, amenities or preservation of natural resources that enhances the function or aesthetic character of the immediate vicinity in a manner not otherwise achievable through application of the applicable district regulations, provided that:

(A) the number of lots of the proposed alternative development does not exceed that normally permitted by the lot area dimensions of the underlying district regulations; and

(B) the size and dimensions of each lot, parcel or tract in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations, or, if applicable, any prior zoning actions for similar uses issued prior to the effective date of this ordinance (September 19, 2003); and

(C) the area of each lot, parcel or tract is not less than eighty percent (80%) of the area required by the applicable district regulations; and

(D) the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

(E) the resultant frontage of the lot, parcel or tract provides vehicular ingress and egress to all resulting lots, parcels or tracts, including on-site access to emergency equipment; or

(3) the proposed lot area and frontage is such that:

(A) the proposed alternative development will not result in the creation of more than two (2) lots, parcels or tracts; and

(B) the size and dimensions of each lot, parcel or tract are sufficient to provide all setbacks required by the applicable district regulations; and

(C) no lot area shall be less than the smaller of:

(i) ninety percent (90%) of the lot area required by the applicable district regulations; or

(ii) the average area of the developed lots, parcels or tracts in the immediate vicinity within the same zoning district; and

(D) the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

(E) the resultant frontage provides vehicular ingress and egress to all resulting lots, parcels or tracts, including on-site access to emergency equipment.

An alternative **floor area ratio** for a building(s) shall be approved upon demonstration of the following:

(1) total lot coverage or floor area ratio shall not be increased by more than ten percent (10%) of the lot coverage or floor area permitted by the underlying district regulations; and

(2) the proposed alternative development will not result in the destruction or removal of mature trees on the lot with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the lot; and

(3) the increase in lot coverage or floor area ratio will not result in a principal buildings, or accessory building(s) in the RU-5A district, with an architectural design, scale, mass or building materials that are not aesthetically harmonious with that of other existing or proposed structures in the immediate vicinity; and

(4) the proposed alternative development will not result in an obvious departure from the aesthetic character of in the immediate vicinity.

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.

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.

G. NEIGHBORHOOD SERVICES:

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

H. ANALYSIS:

This application was deferred from the November 18, 2003 meeting of the Community Zoning Appeals Board-12 at the request of the applicant with leave to amend. This application was deferred from the January 13, 2004 meeting to allow the applicant additional time to present a traffic study to the neighbors.

The subject property is located at 8960-70 SW 87 Court. The applicant is seeking a district boundary change on this site from RU-5A, Semi-Professional Office District, and BU-1, Neighborhood Business District, to OPD, Office Park District. The Office Park District incorporates a concept which delineates an open space character for buildings whose principal uses are administrative, professional, or research. Uses permitted in the OPD include office buildings for business, professional, and secretarial uses that cater to the provision of services and laboratories for scientific and industrial research and development. Certain accessory uses are permitted which include, but are not limited to auditoriums, eating establishments such as coffee shops, food carry out, and sandwich shops, newsstands, tobacco shops, and private clubs. The applicant is also seeking a deletion of a Declaration of Restrictions that restricted the development of the BU-1 portion of the site to the plans approved at a 1965 public hearing that rezoned said portion of the site to BU-1. The Declaration of Restrictions also restricted the permitted uses on said parcel to a bank and a sandwich shop. The applicant is also seeking approval for a request to permit a lot with less lot area than required and to permit a floor area ratio of 0.94. The applicant has submitted plans for the development of this site with an eight story office building with a parking garage and intends to proffer a covenant limiting the development of the site to same.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the Level of Service (LOS) standards set forth in the Master Plan. However, the applicant will have to comply with all conditions as set forth by DERM in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application. The applicant will be required to successfully close the rights-of-way for SW 89 Terrace, SW 88 Avenue, and SW 92 Street submitted as road closing petition P-743. This application will generate an additional **228 p.m. daily peak hour vehicle trips** on the area roadways. However, said trips will not change the level of service (LOS) on same which are currently at LOS "C," "D," and "E."

This application will allow the applicant to rezone the property to OPD and to provide professional offices for the community. The proposed OPD zoning will be **consistent** with the Master Plan which designates this site for Office/Residential use on the Land Use Plan (LUP) map. The proposed Office Park District as well as the site plan submitted will be **compatible** with the surrounding area which consists of the Baptist Hospital complex to the west, a parking lot for said hospital to the north, an office building to the east, and an office building which lies to the south.

The new standards under Section 33-311(A)(17) 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. Request #2 complies with the standards of Section VI, Modification or Elimination of Conditions and Restrictive Covenants After Public Hearing, Where the Conditions or Restrictive Covenants were Accepted or imposed simultaneously with a District Boundary Change, in that the elimination of said Declaration of Restrictions is sought in connection with an application for rezoning to a different district. In this regard, Request #2 complies with Section 33-311(A)(17)(VI).

Although Request #2 complies with the modification standards under Section 33-311(A)(17), when analyzed under Section 33-311(A)(7), the request also complies with the original deletion of a Declaration of Restrictive covenant standards. When considering the necessity for and the reasonableness of the elimination in relation to the present and future development of the area concerned, the deletion of said covenant will be compatible with the surrounding area and will not adversely impact same. However, the deletion of the Declaration of Restrictions should only be permitted if the zone change to OPD is approved to ensure that the restrictions proffered in conjunction with the BU-1 zone change are complied with.

The new standards under Section 33-311(A)(21) provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable alternative site development option (ASDO) standards for office buildings, laboratory buildings, and associated accessory buildings and structures. Request #3 to allow a lot area of 2.94 acres where the underlying zoning district requires 3 acres meets said standards including, but not limited to, that the subject parcel is under lawful separate ownership from any contiguous property, the proposed alternative development will not result in the further subdivision of land, the area of the lot is not less than 75% of the minimum lot area required by the underlying district regulations, and the size and dimensions of the lot are sufficient to provide all setbacks required by the underlying district regulations. Request #4 to permit a floor area ratio of 0.94 where 0.86 is permitted also complies with the ASDO standards in that, among other things, the floor area ratio will not be increased by more than 10% and the proposed alternative development will not result in an obvious departure from the aesthetic character of the surrounding area. As such, Requests #3 and 4 comply with the ASDO standards under Section 33-311(A)(21). If analyzed under the alternative non-use variance standard [33-311(A)(4)(c)], the applicants would have to prove that these requests are due to an unnecessary hardship and that, should it not be granted, it would not permit the reasonable use of the premises. However, since the property can be utilized in accordance with the current BU-1 and RU-5A zoning standards, staff is of the opinion that this application cannot be approved under the alternative non-use variance standard.

Although Requests #3 and 4 comply with the alternative site development option standards, when analyzed under Section 33-311(A)(4)(b), said requests would also comply with the non-use variance standards. Staff is of the opinion that the approval of said requests will be **compatible** with the adjacent properties and the surrounding area and that said requests maintain the basic intent and purpose of the zoning code.

Based on all of the aforementioned, staff recommends approval of the zone change to OPD under Section 33-311(A)(8), subject to the Board's acceptance of the proffered

covenant; approval of Request #2 under Section 33-311(A)(17) only if the zone change is approved; and approval of Requests #3 and 4 under Section 33-311(A)(21).

I. RECOMMENDATION:

Approval of the zone change to OPD, subject to the Board's acceptance of the proffered covenant; approval of Request #2 only if the zone change is approved, and approval of Requests #3 and 4.

J. CONDITIONS: None.

DATE INSPECTED: 10/28/03
DATE TYPED: 11/05/03
DATE REVISED: 12/23/03; 01/21/04; 02/05/04
DATE FINALIZED: 02/05/04
DO'QW:AJT:MTF:JDR

Diane O'Quinn Williams, Director
Miami-Dade County Department of
Planning and Zoning

MIAMI-DADE

MEMORANDUM

DERM
DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT

TO: Diane O' Quinn-Williams, Director
Department of Planning and Zoning

RECEIVED

DATE: October 7, 2003

SUBJECT: C-12 #Z2001000398-Revised
Acropolis Realty, LLC
S/S of SW 89th Terrace between SW 87th Court and SW 88th Avenue
SE to Permit Site Plan Approval for a Office Development
DBC from RU-5A/BU- 1 to OPD/ASDO
(RU-5A/ BU-1) (3 Ac.)
04-55-40

FROM: Alyce M. Robertson, Assistant Director
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 the Miami-Dade County, Florida. Accordingly, DERM may approve the application and it may be scheduled for public hearing. DERM has also evaluated the request insofar as the general environmental impact that may derive from it, and based upon the available information offers no objection to its approval.

Wellfield Protection:
The subject property is located within the Average Day Pumpage Wellfield Protection Area for the Alexander Orr/Snapper Creek/Southwest Wellfield Complex. Development of the subject property shall be in accordance with the regulations established in Section 24.12.1 of the Code. Since the subject request is for a non-residential land use, the owner of the property has submitted a properly executed covenant in accordance with Section 24-12.1(5) of the Code which provides that hazardous materials or wastes shall not be used, generated, handled, discharged, disposed of or stored on the subject property.

Water and Sewer Service:
Public water and public sanitary sewers can be made available to this site and connection of any existing or proposed facilities will be required. All sewer lines serving the property shall comply with the exfiltration standards as applied to development within wellfield protection areas.

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

Notwithstanding the foregoing, 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 until adequate capacity becomes available. Consequently, final development orders for this site may not be granted unless adequate capacity in the sanitary sewer collection/transmission and treatment system is available at the point in time when the

project will be contributing sewage to the system or if approval for alternative means of sewage disposal can be obtained. Use of an alternative means of sewage disposal 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:
All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage plans shall provide for full on-site retention of the stormwater runoff of a 5-year storm event. Pollution Control devices shall be required at all drainage inlet structures.

A Standard General Environmental Resource Permit from DERM shall be required for the construction and operation of the required surface water management system. The applicant is advised to contact DERM in order to obtain additional information concerning permitting requirements.

Site grading and development shall comply with the requirements of Chapter 11C of the Code of Miami-Dade County.

Section 24-12.1 of the Code provides for stormwater disposal methods within wellfield protection areas of public potable water supply wellfields. The Code requires that all stormwater runoff must be retained on-site utilizing only infiltration or seepage type drainage systems.

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 Comprehensive Development Master Plan subject to compliance with the conditions required by DERM for this proposed development order.

Operating Permits:
Section 24-35.1 of the Code authorizes DERM to require operating permits for 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 24-60 of the Code requires the preservation of tree resources. Consequently, DERM will require the preservation of all the specimen-sized trees, as defined in the Code. A Miami-Dade County tree removal permit is required prior to the removal or relocation of any trees. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

Wetlands:
The subject site is not located in jurisdictional wetlands as defined in Chapter 24-3 and 24-58 of the Code; therefore, a Class IV Permit for work in wetlands will not be required by DERM.

Notwithstanding the above, permits from the Army Corps of Engineers (USACOE), the State of Florida Department of Environmental Protection (FDEP) and the South Florida Water

Management District (SFWMD) may be required for the proposed project. The applicant is advised to contact these agencies concerning their permit procedures and requirements.

Enforcement History:
DERM has reviewed the Permits and Enforcement database and the Enforcement Case Tracking System and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

Concurrency Review Summary:
The Department has conducted a concurrency review for this application and has determined that the same meets all applicable Levels of Service standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan 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.

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval as required by the Code. Additionally, DERM has also evaluated the application so as to determined its general environmental impact and after reviewing the available information offers no objections to the approval of the request.

cc: Ruth Ellis-Myers, Zoning Evaluation-P&Z
Lynne Talleda, Zoning Hearings- P&Z
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z

PH# 01-398
CZAB-12

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Name: Acropolis Realty LLC

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

The applicant must successfully close the rights-of way for SW 89 Terr., SW 88 Ave. and SW 92 St. submitted as road closing petition (P-743).

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** meet the traffic concurrency criteria for an Initial Development Order. It will generate **228 PM** daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips **does not** exceed the acceptable level of service of the following roadways:

Sta. #		LOS present	LOS w/project
9172	SW 87 Ave. s/o SW 88 St.	C	C
9714	SW 104 St. w/o US-1	D	D
F-1077	SW 87 Ave. n/o SW 132 St.	C	C
F-64	SW 88 St. e/o SW 103 Ave.	E	E
9716	SW 104 St. w/o SW 107 Ave.	C	C

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

Raul A. Pino, P.L.S.

NOV 18 2003
Date

17

MIAMI-DADE FIRE RESCUE DEPARTMENT
ZONING COMMENTS

Hearing Number: 201-398 REV.

Service Impact: ☑ Yes ☐ No

Plans: ☐ Yes ☐ No Request: _____

Location: SW corner SW 89 terr / SW 87th ct.

Recommendation: No objection ✓
No objection with condition(s) ____ *
Denial ____

*

Estimated number of alarms generated annually by application: 14

If there is an impact, below is the service availability:

Station District 23 Grid 1829 DU/SF 58,891 sf. Occupancy Type _____

Impact of additional calls on closest station: ☑ Minimal Impact.

☐ Moderate Impact. Planned station(s) will mitigate impact.

Planned Service to Mitigate:

Service	Location	Year to be Completed

☑ None

ACCESS:
Description of Concern(s):

- ☐ Gated entrances must have a minimum 15' width and must provide an elevator lock box containing a switch or lever to activate the gate for fire department use.
- ☐ Access lanes are to be a minimum of 20 feet wide with a vertical clearance of 13 feet 6 inches.
- ☐ Turnabout for fire apparatus shall have a minimum centerline radius of 50 feet. (T or Y turnaround acceptable to the AHJ shall be permitted) (Florida Fire Prevention Code)
- ☑ **Fire Engineering & Water Supply Bureau site plan review and approval required.**

OTHER CONCERN(S):

Barbara J. Matthews 9/30/02

Reviewed by: Barbara J. Matthews

Revised 4/18/02

TEAM METRO
KENDALL OFFICE

ENFORCEMENT HISTORY

Acropolis Realty LLC	8960-8970 SW 87 Ct.
APPLICANT	**ADDRESS**
01/13/2004	01-398
DATE	**HEARING NUMBER**

CURRENT ENFORCEMENT HISTORY:

10/27/03	An inspection revealed no current violations. However, on:
8/01/02	An inspection revealed violations and Civil Violation Notices were issued: #803599 (failure to obtain a permit), #803600 (unauthorized use within a RU -5A district), and #888201 (Establishing a new use without prior public hearing approval). All three citations were appealed. After numerous rescheduled hearings the cases was heard on 4/30/03 and they were found guilty on the three citations. A partial payment agreement was entered into for the three citations. Only one payment was made on CVN #803599.

DISCLOSURE OF INTEREST*

If the property which is the subject of the application is owned or leased by a CORPORATION, list the principal stockholders and the percentage of stock owned by each. [Note: Where the principal officers or stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

ACROPOLIS REALTY, L.L.C.
CORPORATION NAME

NAME, ADDRESS AND OFFICE	Percentage of Stock
PED INVESTMENTS LIMITED	100%

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: Where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUST NAME

NAME AND ADDRESS	Percentage of Interest

DISCLOSURE OF INTEREST*

If the property which is the subject of the application is owned or leased by a CORPORATION, list the principal stockholders and the percentage of stock owned by each. [Note: Where the principal officers or stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

PED INVESTMENTS LIMITED
CORPORATION NAME

NAME, ADDRESS AND OFFICE	Percentage of Stock
Pablo Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	49 1/2 %
Elizabeth Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	49 1/2 %
PED HOLDINGS, INC.	1 %

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: Where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

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PED HOLDINGS, INC.
CORPORATION NAME

NAME, ADDRESS AND OFFICE	Percentage of Stock
Pablo Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	50%
Elizabeth Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	50%

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: Where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUST NAME

NAME AND ADDRESS	Percentage of Interest

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

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

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

Signature: _____

(Applicant) Pablo Delgado, President

Sworn to and subscribed before me,

this 10 day of October, 2001

(SEAL)

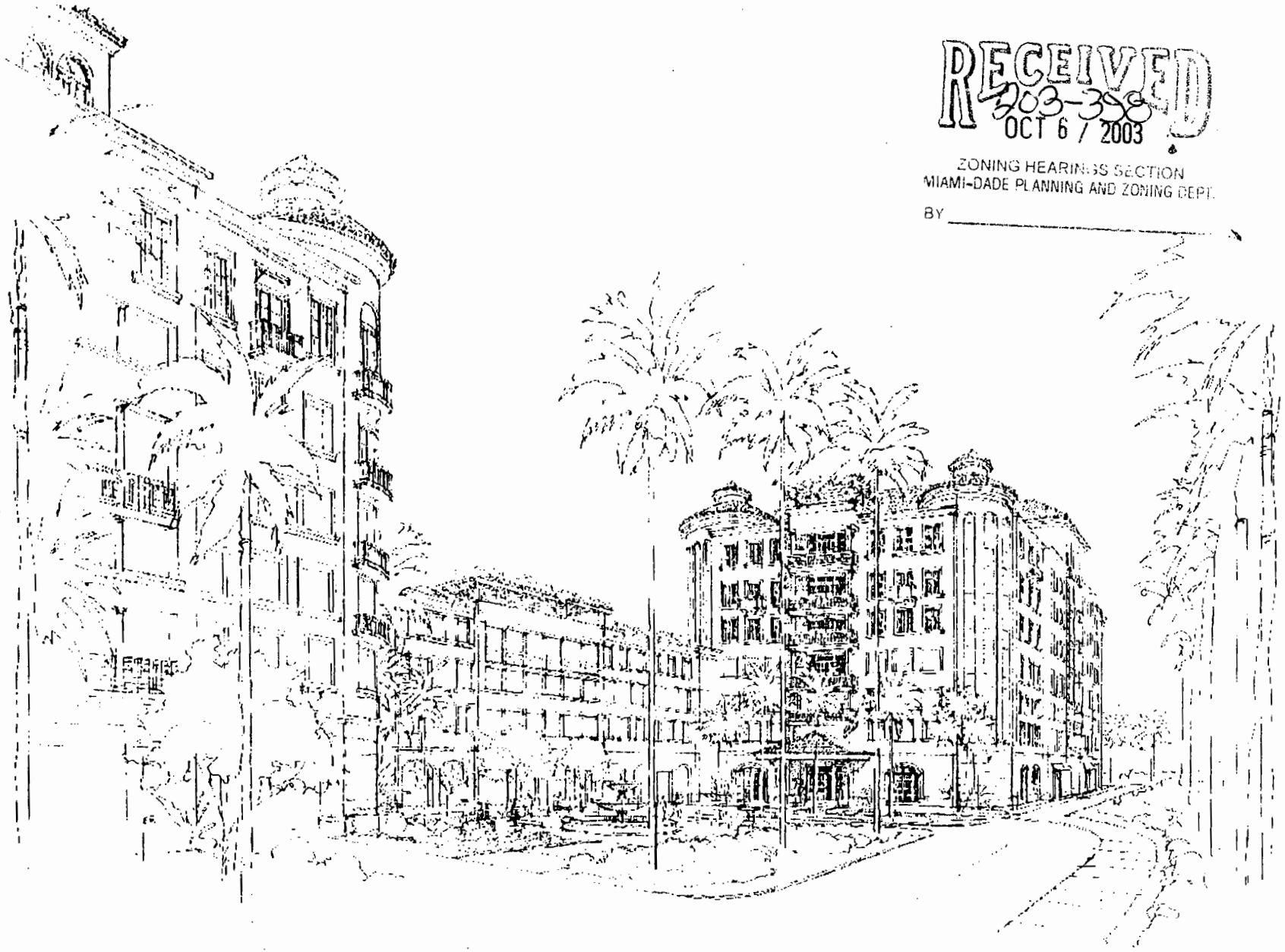
Elizabeth P. Cardenas
Notary Public, State of Florida at Large

ELIZABETH P. CARDENAS
MY COMMISSION # CC 994093
EXPIRES: January 16, 2005
Bonded Thru Notary Public Underwriters

My Commission Expires:

*Disclosure shall not be required of any entity, the equity interests in which are regularly traded on an established securities market in the United States or other country; or of any entity, the ownership interests of which are held in a limited partnership consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interest in the limited partnership.

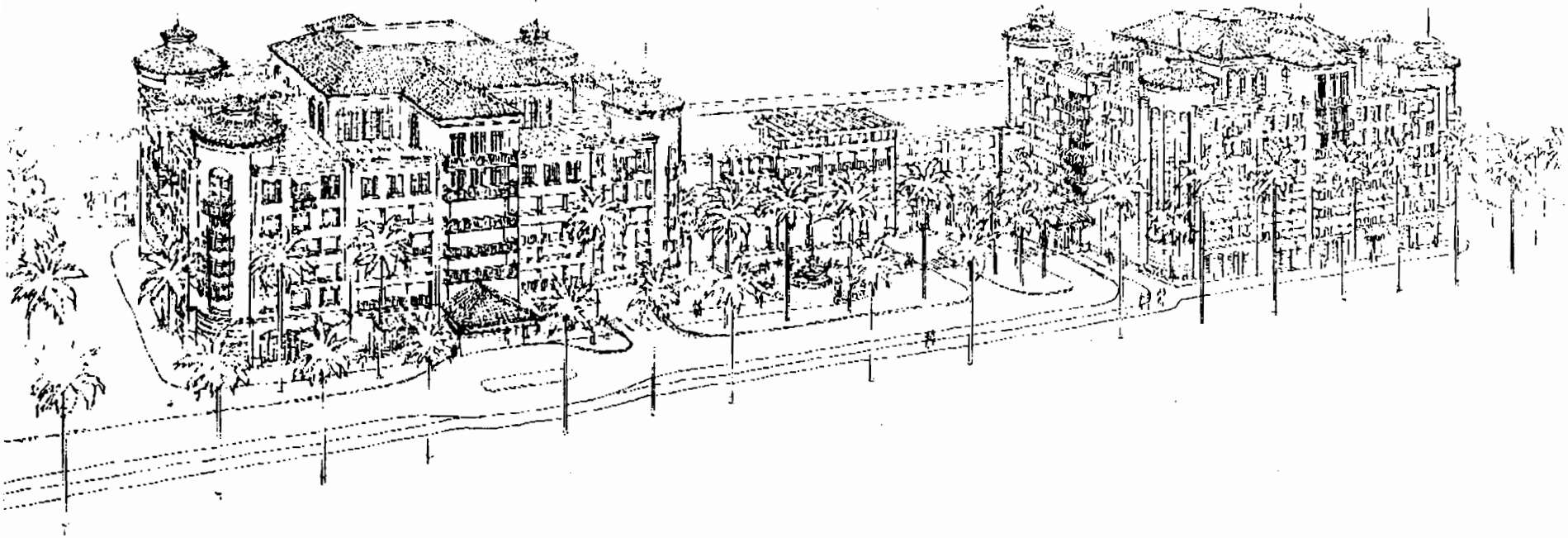
RECEIVED
203-398
OCT 6 / 2003
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____



FULLERTON DIAZ ARCHITECTS INC.

AGORA PROFESSIONAL BUILDING

8960 SW 87TH COURT MIAMI, FLORIDA 33176



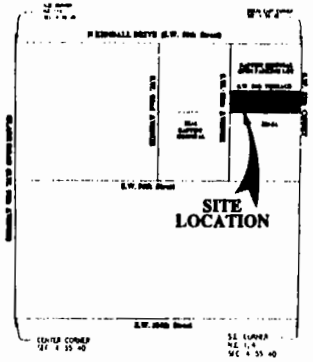
FULLERTON DIAZ ARCHITECTS INC.

Agora Professional Building

FULLERTON DIAZ ARCHITECTS INC
Architecture
Interior Design
Planning

Drawing Title
PERSPECTIVE

A-0



LOCATION MAP
N.E. 1/4 OF SECTION 4-55-40
MIAMI-DADE COUNTY, FLORIDA
(NOT TO SCALE)

AGORA PROFESSIONAL BUILDING
SITE DATA LEGEND

ZONING AUTHORITY :	METROPOLITAN DADE COUNTY, FLORIDA
EXISTING ZONING CLASSIFICATION :	BU-1A (SEMI-PROFESSIONAL OFFICE DISTRICT) BU-1 (NEIGHBORHOOD BUSINESS DISTRICT)
DESIGNATED ZONING CLASSIFICATION :	OPD (OFFICE PARK DISTRICT)
PROPERTY ADDRESS :	8980 SW 87 TH COURT MIAMI, FLORIDA 33176
FLOOD CRITERIA:	FLOOD ZONE " AE" B.F.E. 9
NAME OF WATER AND SEWER UTILITIES:	MIAMI DADE COUNTY WATER AND SEWER
PROPOSED PRINCIPAL USE:	MEDICAL OFFICE BUILDING
LAND AREA INCLUDING R.O.W.	126,067.36 S.F. OR 2.94 ACRES (MINIMUM REQUIRED = 5 ACRES)
LOT FRONTAGE (@ SW 87 TH COURT):	202.82' (MINIMUM REQUIRED =100')
HEIGHT OF BUILDING:	ALLOWED : (8 STORY) 100' MAX. PROVIDED (8 STORY) 99' 0" TO THE TOP OF THE ROOF
SET BACKS	REQUIRED : 50' FRONT, 15' SIDES AND REAR PROVIDED : 50' FRONT@ SW 87TH COURT, 15 SIDES AND REAR
PROPOSED BUILDING LOT COVERAGE:	58,891 S.F. OR 46 % OF SITE
PROPOSED PAVED STREETS AREA:	17,531 S.F. OR 13.68 % OF SITE
LANDSCAPED OPEN SPACE :	REQUIRED: 46 % OF SITE OR 126,076 X 0.46 = 58,915 sf 50% REQUIRED AT GROUND FLOOR: 58,915 X 0.50 = 47129 sf PROVIDED: 50 % OF SITE OR 64,390 sf OPEN SPACE AT GROUND FLOOR : 51,705 sf OPEN SPACE AT 5TH LEVEL : 685 sf OPEN SPACE AT 7TH LEVEL ROOF : 3,936 sf OPEN SPACE AT 8TH LEVEL ROOF : 6,044 sf REFER TO LANDSCAPE DRAWINGS FOR GREEN AREA AND EXISTING TREE INFORMATION
F.A.R. F.A.R. BREAK DOWN	ALLOWED: 110,156 sf 0.86 % OF SITE FOR 8 STORY OR (126,067X 0.86) PROVIDED: 121,157 sf 0.94 % OF SITE , 10 % OVER ALLOWED FAR LEVEL 1 33,193 sf LEVEL 5 16,905 sf LEVEL 6 16,363 sf LEVEL 7 13,923 sf LEVEL 8 6,769 sf
OFF STREET PARKING	REQUIRED : 404 PARKING SPACES (OFFICE : 1/ 300 sf) PROVIDED: 555 PARKING SPACES (OFFICE 1/ 210 sf) (14,24 8' 4" W, X 18' 2" L)

OWNER — **ACROPOLIS REALTY, LLC**
9150 N. KENDALL DRIVE SUITE 403
MIAMI, FLORIDA 33176
PH: (305) 270-7999 FAX: (305) 305-270-6788

ARCHITECT — **FULLERTON DIAZ ARCHITECTS**
364 ALTARA AVENUE
CORAL GABLES, FL 33146
PH: (305) 662-4200 FAX: (305) 305-664-6962

LANDSCAPE — **MARIANO CORRAL & ASSOCIATES**
2893 S.W. 110 th AVENUE
MIAMI, FL 33165
PH: (305) 551-1262 FAX: 9305) 555-2088

SURVEYOR — **ALBERTO LORENZO-LUCACHE**
933 S.W. 122nd AVENUE
MIAMI, FL 33184
PH: (305) 220-0397 FAX: (305) 226-6403

LEGAL DESCRIPTION

The South 1/2 of the South 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4, less the East 35 feet thereof in Section 4, Township 55 South, Range 40 East, Miami-Dade County, Florida.

TOGETHER WITH:

The South 25.00 feet of the North 1/2, of the South 1/2, of the Northeast 1/4, of the Northeast 1/4, of the Northeast 1/4 of Section 4, Township 55 South, Range 40 East, Miami-Dade County, Florida, LESS the following described parcel of land: COMMENCING at the Southeast Corner of the North 1/2, of the South 1/2, of the Northeast 1/4, of the Northeast 1/4, of the Northeast 1/4 of Section 4, Township 55 South, Range 40 East, thence run N00deg11min00secW along the West Line of the said North 1/2, of the South 1/2, of the Northeast 1/4, of the Northeast 1/4, of the Northeast 1/4 of Section 4 for a distance of 15.00 feet to the POINT OF BEGINNING of the remainder parcel; thence from the above mentioned POINT OF BEGINNING continue N00deg11min00secW along the said West Line of the North 1/2, of the South 1/2, of the Northeast 1/4, of the Northeast 1/4, of the Northeast 1/4 of Section 4 for a distance of 15.00 feet to a point lying 30.00 feet North, as measured at right angles, the said South Line of the North 1/2, of the South 1/2, of the Northeast 1/4, of the Northeast 1/4, of the Northeast 1/4 of Section 4; thence run N89deg51min00secE parallel to and 30.00 feet North of, as measured at right angles, the said South Line of the North 1/2, of the South 1/2, of the Northeast 1/4, of the Northeast 1/4, of the Northeast 1/4 of Section 4 for a distance of 11.44 feet to a point of intersection with a circular curve concave to the Southeast, said point bearing N33deg01min47secW from the center of said curve; thence run Southwesterly along said curve to the left, having for its elements a radius of 11.44 feet and a central angle of 106deg01min00sec for an arc distance of 14.93 feet to the POINT OF BEGINNING.

LESS:

The East 35.00 feet of the South 25.00 feet of the North 1/2, of the South 1/2, of the Northeast 1/4, of the Northeast 1/4, of the Northeast 1/4 of Section 4, Township 55 South, Range 40 East, Miami-Dade County, Florida.

INDEX OF DRAWINGS

ARCHITECTURE

COVER SHEET, PERSPECTIVE

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A-3 5TH AND 6TH FLOOR PLANS

A-4 7TH & 8TH FLOOR PLANS

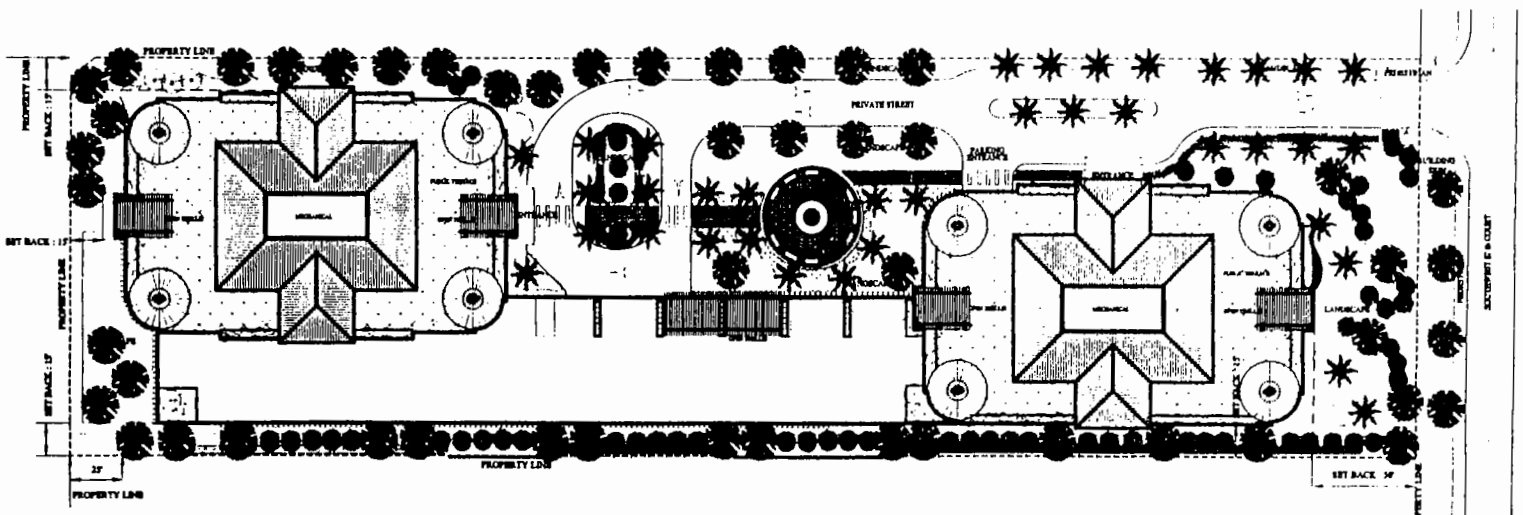
A-5 NORTH ELEVATIONS

A-6 EAST ELEVATIONS

LANDSCAPE

LP-1 SITE LANDSCAPE PLAN LEVEL 1

LP-2 PLANTER LANDSCAPE LEVEL 5, 7, 8



FULLERTON DIAZ ARCHITECTS INC

FULLERTON DIAZ ARCHITECTS INC
Architecture
Interior Design
Planning

Agora Professional Building

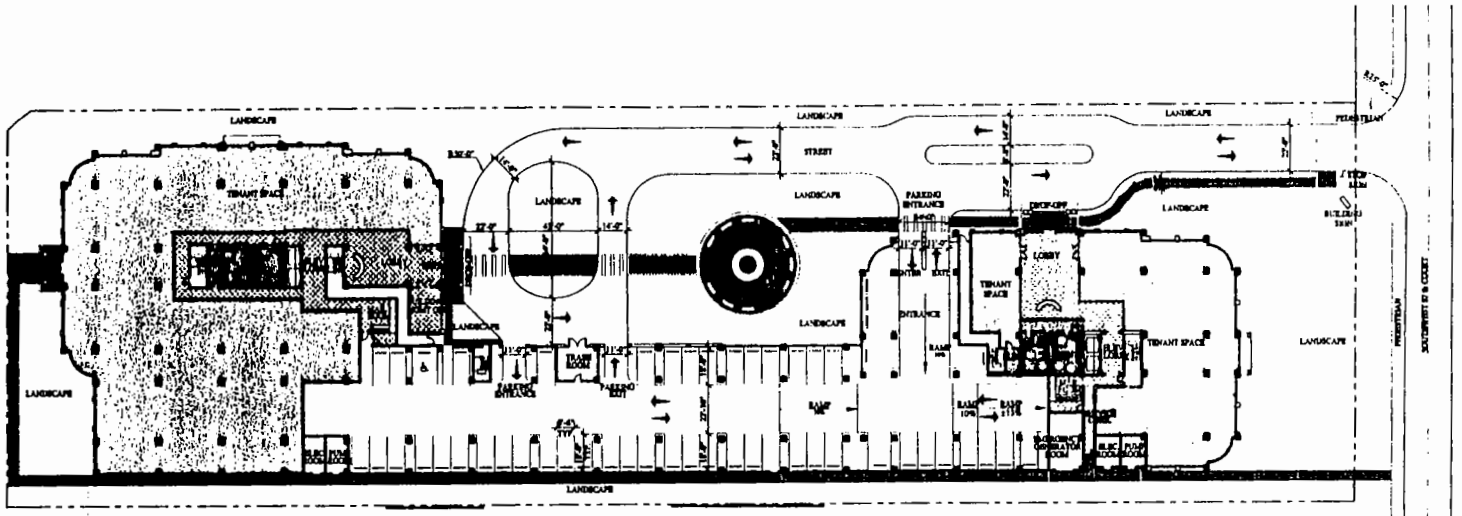
8980 SW 87TH COURT MIAMI, FLORIDA 33176

Scale
Date
Project Designer
Drawn By
Checked By
Job Number
Submitted
File
Drawing Title
PLANS / LEGEND
LOCATION MAP

Revisions
No. Description Date

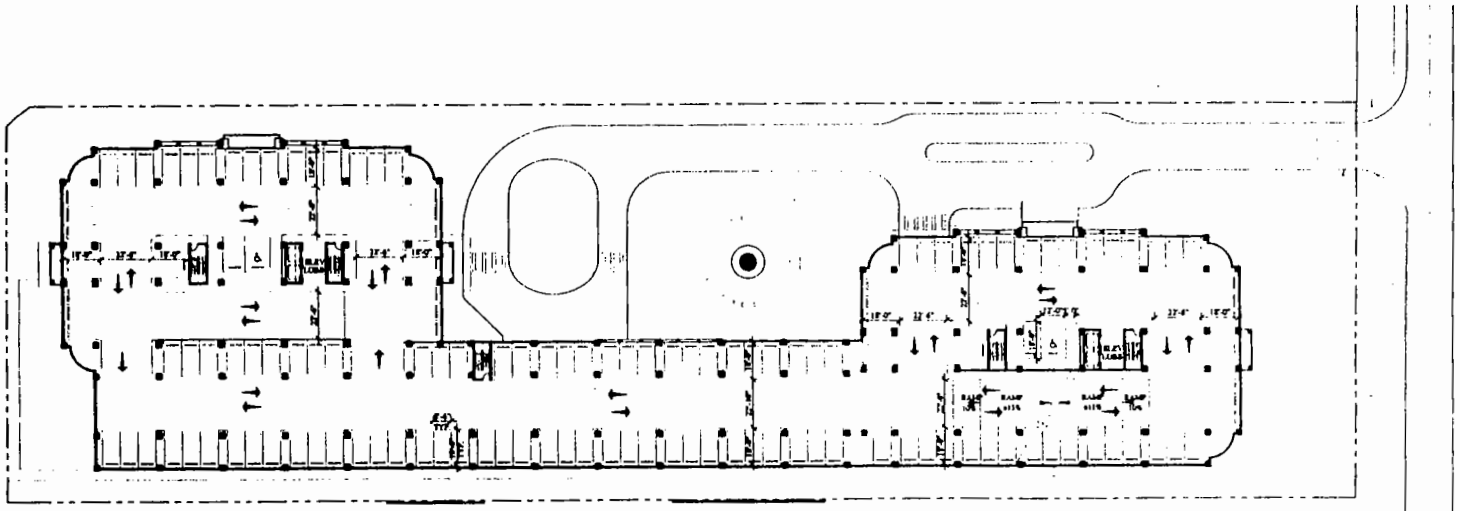
Sheet Number

01-398



1ST FLOOR PLAN (GROUND LEVEL)

SCALE: 1/30"=1'-0"



2nd, 3rd,& 4th FLOOR PLAN-TYPICAL

SCALE: 1/30"=1'-0"

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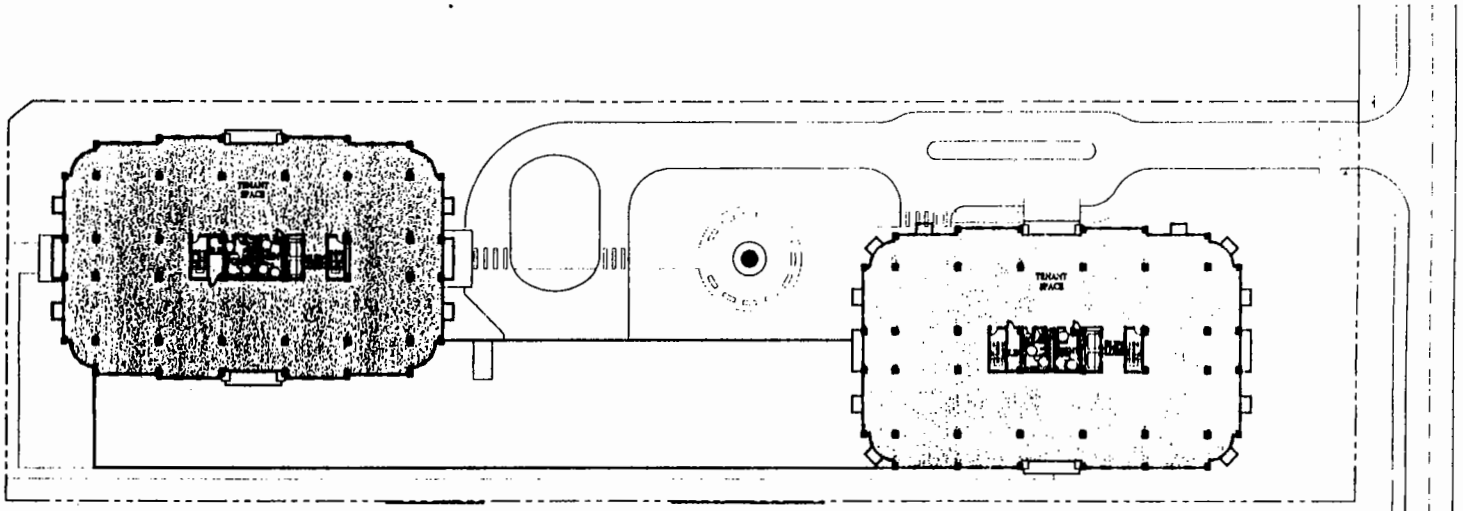
1, 2, 3 & 4TH FLOOR PLANS

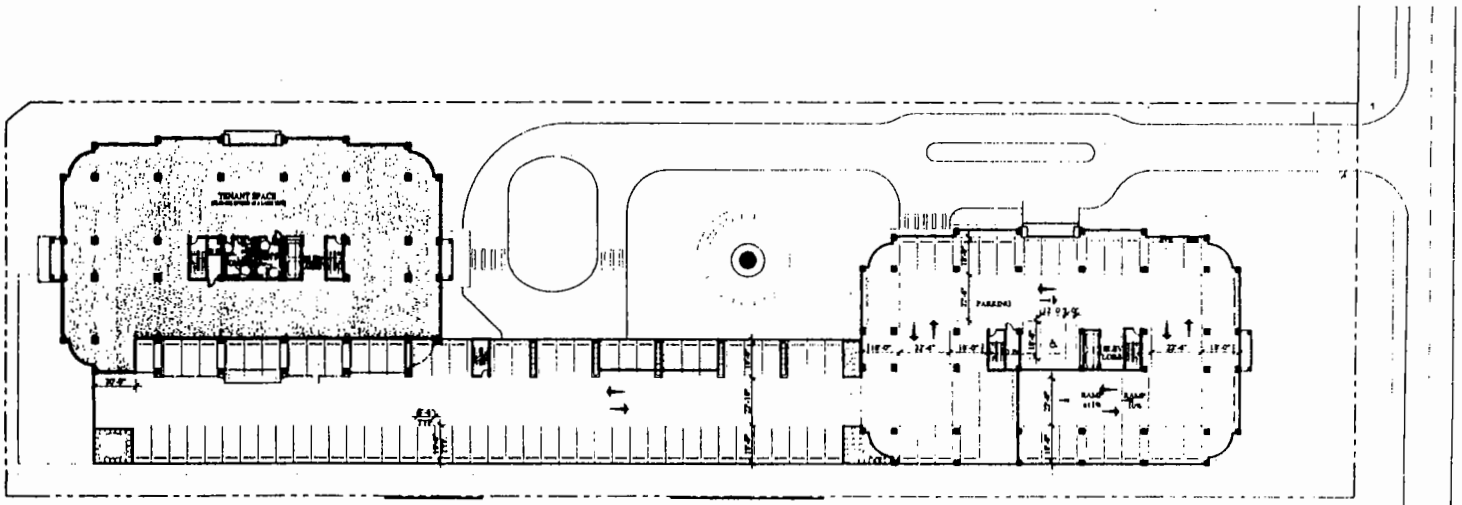
A-2

01-398



6TH FLOOR PLAN

SCALE: 1/30"=1'-0"



5 TH FLOOR PLAN

SCALE: 1/30"=1'-0"

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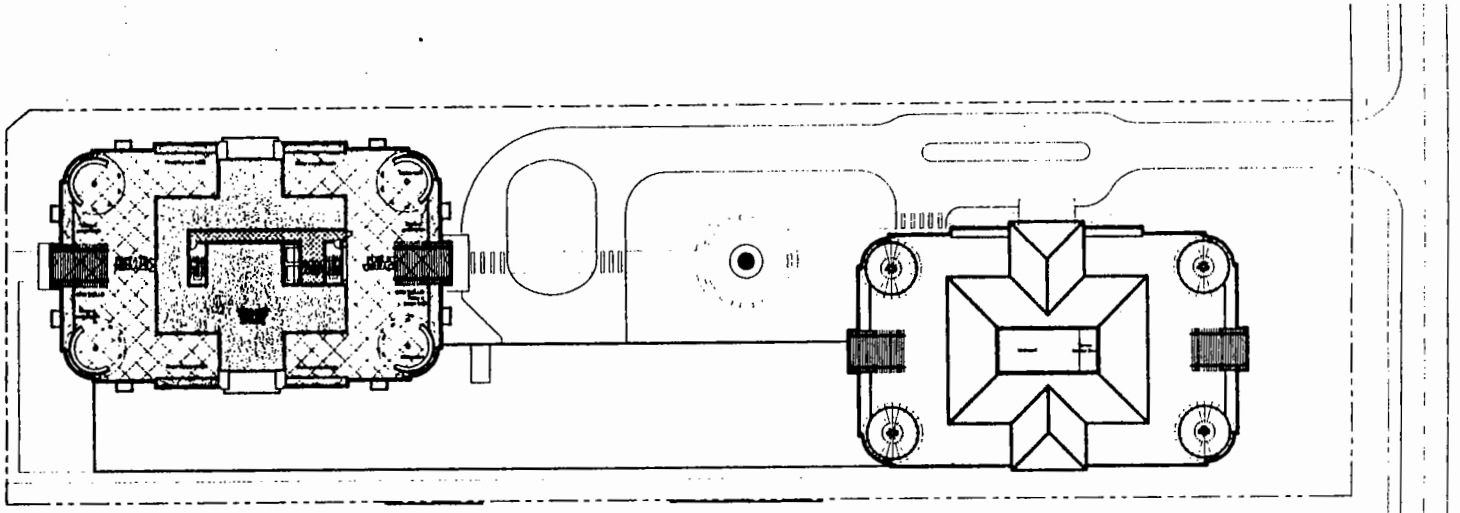
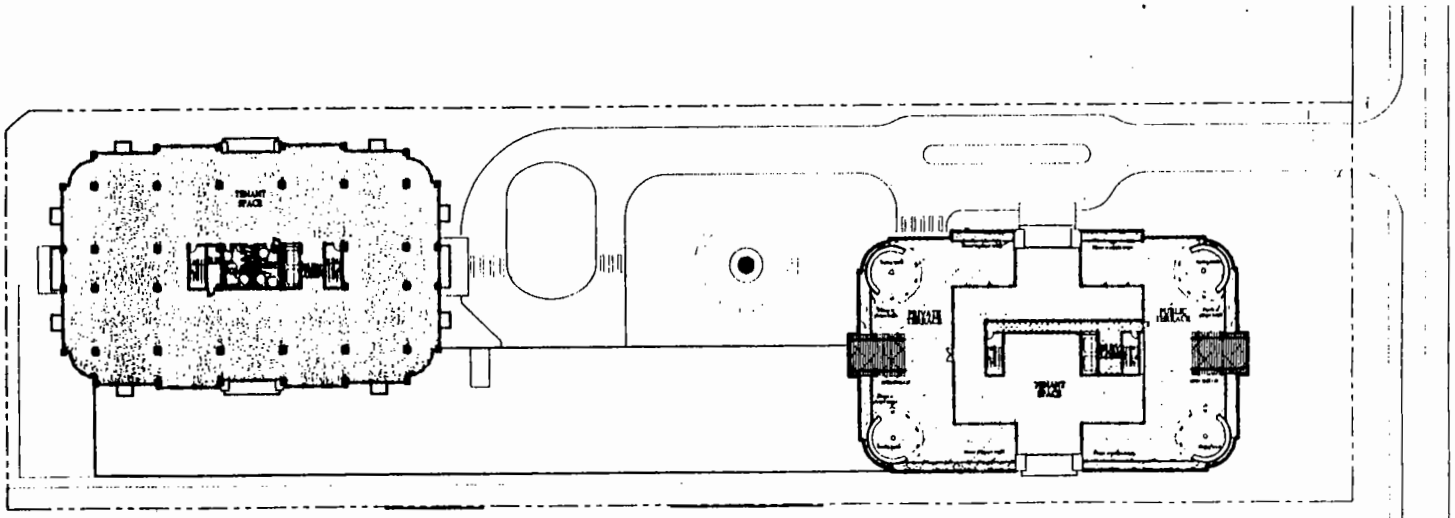
5TH & 6TH
FLOOR PLANS

A-3



8 TH FLOOR PLAN

SCALE: 1/30"=1'-0"



7TH FLOOR PLAN

SCALE: 1/30"=1'-0"

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7TH & 8TH FLOOR PLANS

A-4

1 NORTH ELEVATION
SCALE: 1/30"=1'-0"

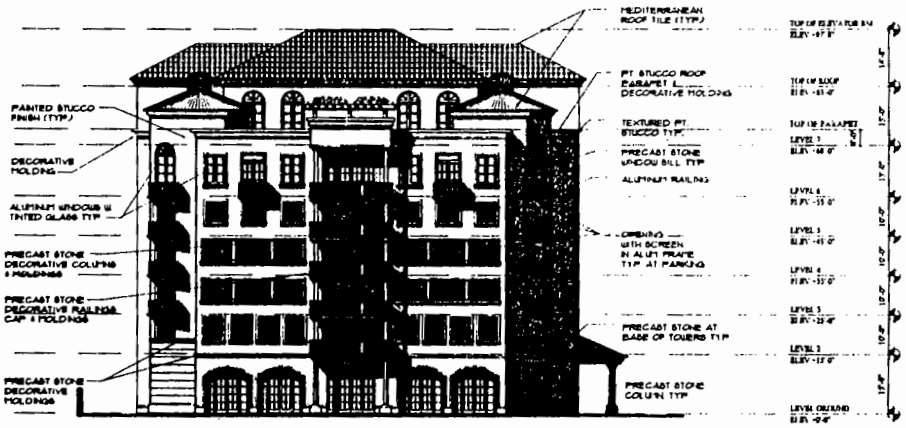
2 NORTH ELEVATION - EAST BUILDING
SCALE: 1/16"=1'-0"

3 NORTH ELEVATION- CENTER AND WEST BUILDING
SCALE: 1/16"=1'-0"

FULLERTON DIAZ ARCHITECTS INC.

Agora Professional Building

A-5



1 EAST ELEVATION - PHASE I

SCALE: 1/16"=1'-0"

2 EAST ELEVATION- PHASE II

SCALE: 1/16"=1'-0"

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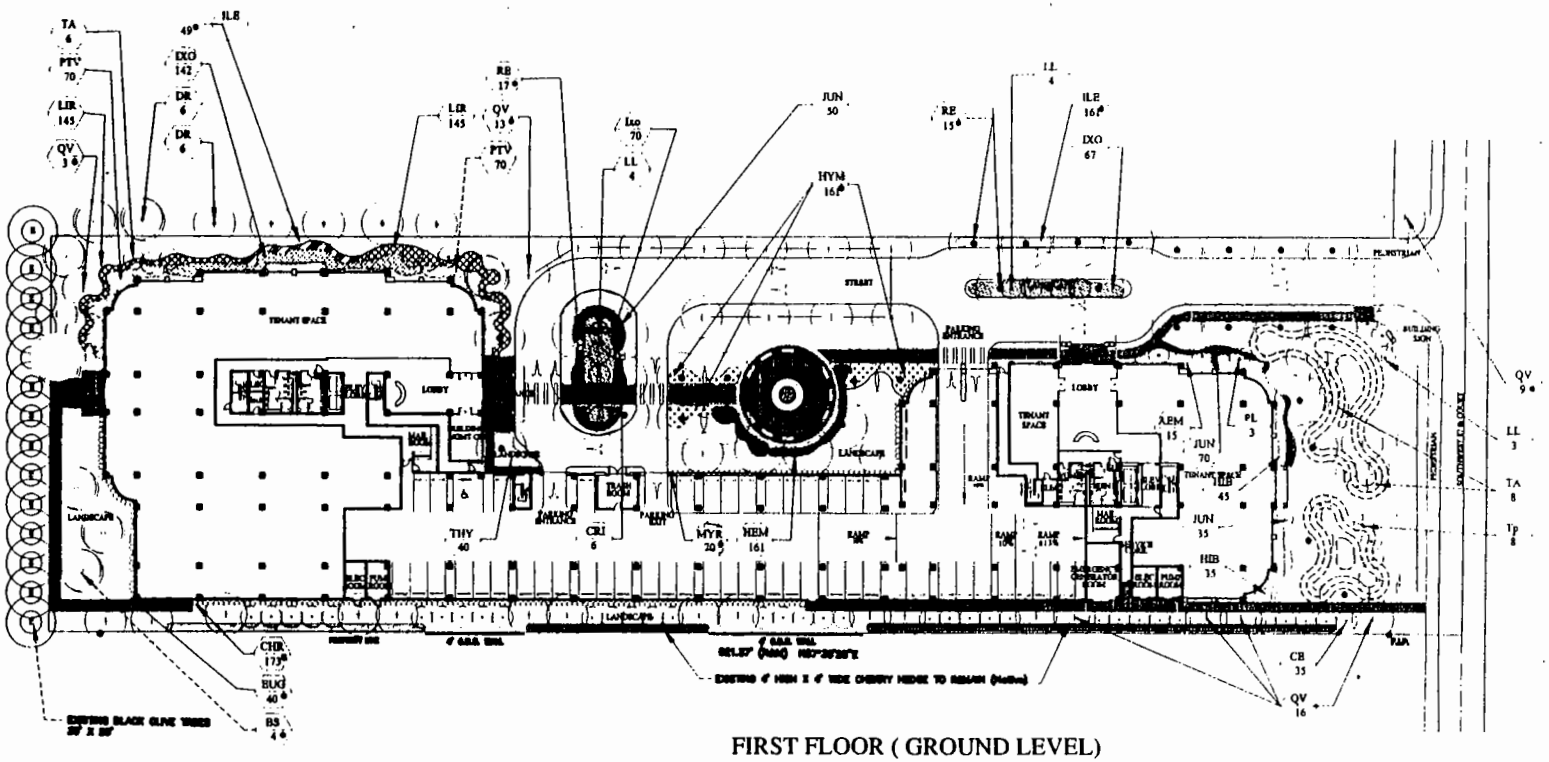
PHASE I & II
EAST ELEVATIONS

A-6



FIRST FLOOR (GROUND LEVEL)

SCALE: 1"= 30'

PLANT LIST:

SYMBOL	SCIENTIFIC NAME / COMMON NAME	QTY.	SIZE	SPACING / REMARKS		Xeriscape Requirement Tabulation: Drought Tolerance H, M, L	Salt Tolerance H, M, L
	SHADE TREES AND PALM TREES					HIGH, MEDIUM OR LOW	HIGH, MEDIUM OR LOW
BS	BUCIDA BUCERAS/ GIMBO LIMBO	7	12'HT X 5' SPR		NATIVE	HIGH	HIGH
CB	CONOCARPUS ERECTUS SERICEUS/ SILVER BUTTONWOOD	33	8 x Pgr		NATIVE	HIGH	HIGH
BR	DELONIX REGIA/ ROYAL POINCIANA	6	12'HT X 5' SPR	3-1/2" CALIPER MIN.		HIGH	HIGH
QV	QUERCUS VIRGINIANA/ LIVE OAK	42	12'HT X 5' SPR	3" CAL MIN	NATIVE	HIGH	HIGH
RE	ROYSTONEA ELATA / FLORIDA ROYAL PALM	30	30' OA	Matched S & B	NATIVE	HIGH	MEDIUM
LL	LIGUSTRUM LUCIDUM/ PRIVET	11	10ft Pgr	MULTI TRUNK		MEDIUM	LOW
PL	PSIDIUM LITTORALE/ CATTLEY GUAVA	5	12 x Pgr	S & B		HIGH	MEDIUM
TA	TABEBUIA CAERULEA/ YELLOW TRUMPET TREE	14	12 x Pgr	S & B		HIGH	MEDIUM
TP	TABEBUIA HETEROPHYLLA/ PINK TRUMPET TREE	4	12 x Pgr	S & B		HIGH	MEDIUM
	SHRUBS AND GROUNDCOVERS						
ABM	ALPINIA PURPURATA/ RED GINGER MICROSALE PINK GINGER	11	3 GAL	FULL		MEDIUM	LOW
CIM	CRINUM AMABILUM/ GIANT CRINUM	6	7 GALLS			HIGH	HIGH
CHR	CHRYSOBALANUS ICACO / COCO PLUM	175	3 GAL	36" OC	NATIVE	HIGH	HIGH
HAI	HAMELIA PATENS/ FIRE BUSH FLOWER	40	3 GAL	36" OC	NATIVE	HIGH	HIGH
HYM	HYMENOCALLIS LATIFOLIA/ SPIDER LILY	161	3 GAL	3' OC	NATIVE	HIGH	HIGH
HIB	HIBISCUS R. S. 'SIRE' MID HIBISCUS	80	3 GAL	36" OC		LOW	MEDIUM
HRM	HEMEROCALLIS THUNB. THUNB THUNB DAY LILLY	161	GAL	18" OC		HIGH	HIGH
ILE	ILEX VOMITORIA NANA/ SCHELLINGS DWARF YAUPON	210	3 GAL	3' OC	NATIVE	HIGH	HIGH
IXO	IXORA NORA GRANT / PINK IXORA	270	3 GAL	36" OC		MEDIUM	MEDIUM
JUN	JUNIPERUS PARSONS/PARSONS JUNIPERS	118	3 GAL	3' OC		HIGH	HIGH
LIR	LIRIOPE M. EVERGREEN GIANT/ GIANT LIRIOPE	200	GAL	18" OC		HIGH	MEDIUM
MYR	MYRICIANTHES FRAGRANS/ SIMPSON'S STOPPER	70	3 GAL	36" OC	NATIVE	HIGH	HIGH
NIT	NEOMORICIA IRIDIA VARIEGATA	146	3 GAL	36" OC		HIGH	HIGH
PHI	PHILODENDRON SELLOUM	6	3 GAL	3' OC		HIGH	MEDIUM
THY	GALPHIMIA GRACILIS/ THYALLIS	40	3 GAL	3' OC		MEDIUM	MEDIUM

LANDSCAPE REQUIREMENTS/ CALCULATIONS:

INFORMATION REQUIRED TO BE PERMANENTLY AFFIXED TO PLAN

ZONING DISTRICT OPD GROSS LOT AREA 2.94 ACRES 128,129 S.F

LAWN AREA CALCULATION	REQUIRED	PROVIDED
A. 38,438.70 TOTAL S.F OF LANDSCAPED OPEN SPACE REQUIRED (30%)		
B MAXIMUM LAWN AREA (SOD) PERMITTED = 35 % x 38,438.70 S.F	13,453 54	22,132 89
TREES		
A. TWENTY EIGHT(28) PER ACRES 28 X 2 94 ACRES=	82	86
B STREET TREE REQUIREMENTS 630 L.F 35=	18	18
TOTAL TREES	100	104
B 30% PALMS ALLOWED OF TOTAL MIN REQ No. OF TREES	32	12
% PALMS PERMITTED TO COUNT AS 1 1 BASIS	32	32
C % NATIVES REQUIRED No. TREES PROVIDED X 35 %=	35	101 (98%)
SHRUBS		
A. SHRUBS REQUIRED 10 PER TREE(100) = (100 x 10)=	1000	1195
B No. SHRUBS ALLOWED X 35 %= No. OF NATIVE SHRUBS REQUIRED	350	806 (80%)

IRRIGATION PLAN.

100% irrigation coverage with a rain overlay of 30%.

INFORMATION REQUIRED TO BE PERMANENTLY AFFIXED TO PLAN

Professional Preparer's Statement of Landscape Compliance

Process No. Permit No.

Legal description: Lot Block

Subdivision Name P B Page

Development Name

Located at (address)

I/We hereby certify that the landscaping/irrigation plan being submitted for the above captioned complies with the requirements of Chapter 18A (18-13 Landscape Ordinance Effective March 24, 1998) as to the species, height, trunk width, and location at time of planting, and that the species shown are in accordance with the accepted species approved by Miami-Dade County and that none of the species are from the prohibited list. Additionally, automatic sprinkler system (if applicable) complies with the requirements of said ordinance as to the type of heads, spray system, location, etc

Professional Preparer's Signature

Mariano Corral
Print Name

State of Florida
County of Dade

The forgoing instrument was acknowledge before me this day of 2003,

by of a corporation,

on behalf of the corporation. He she is personally known to me or has produced

as identification and did/did not take an oath

Witness my signature and official seal this day of ,2003,

in the County and State aforesaid, the date, and year aforesaid

Notary Public

Print Name

DRB SET

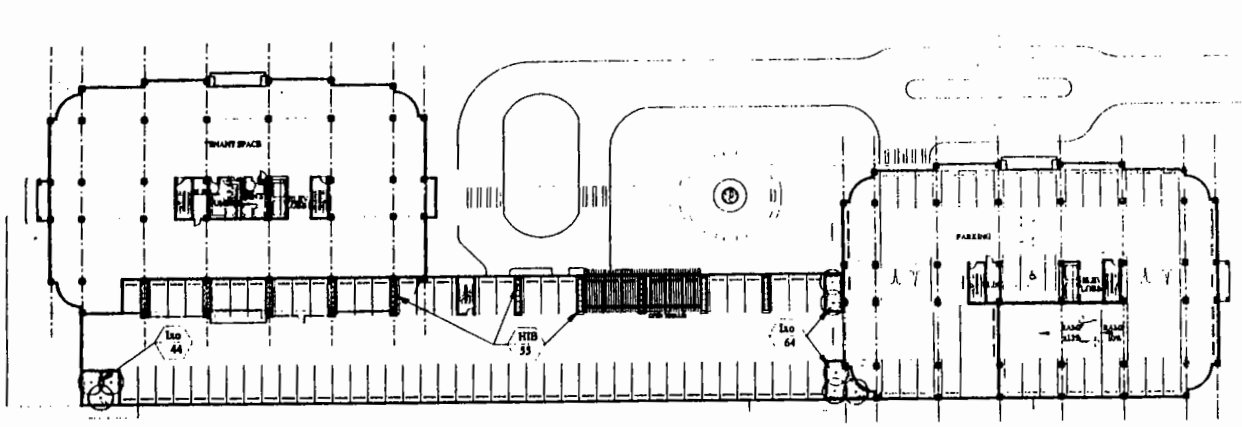
MARIANO CORRAL
Landscape Architecture
Golf Course Design
Land Planning
Urban Design

FULLERTON DIAZ ARCHITECTS INC

87TH COURT SOUTHWEST 107 H STREET
KENDALL, FLORIDA

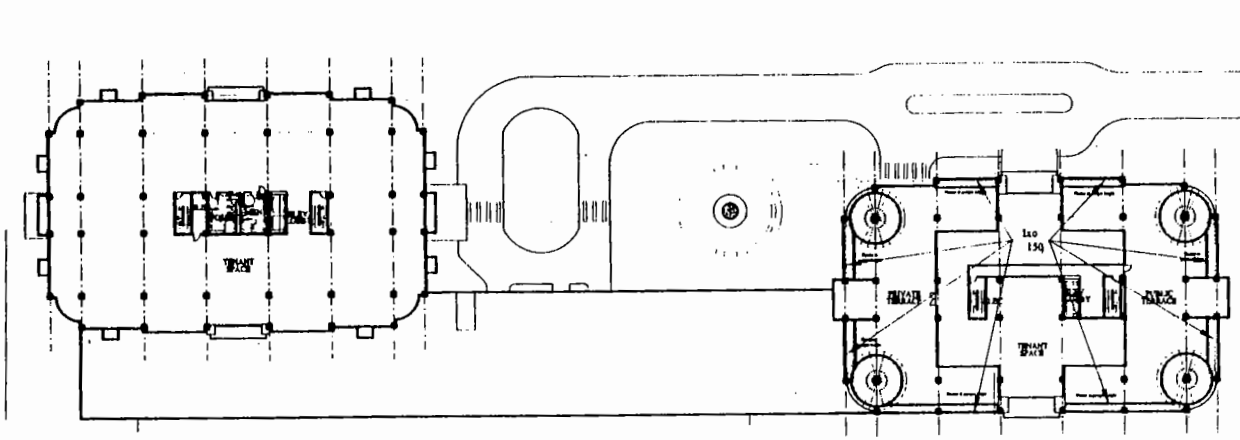
SITE LANDSCAPE PLAN
LEVEL 1

LP-1



FIFTH (5) FLOOR LEVEL

SCALE: 1"= 30'



REPEAT SAME AMOUNT FOR 8TH LEVEL FLOOR

SEVENTH AND EIGHTH FLOOR LEVEL

SCALE: 1"= 30'

SYMBOL	SCIENTIFIC NAME / COMMON NAME	QTY.	SIZE	SPACING / REMARKS	XERISCAPE REQUIREMENT TABULATION: Drought Tolerance H, M, L	Salt Tolerance H, M, L
	SHADE TREES AND PALM TREES				HIGH, MEDIUM OR LOW	HIGH, MEDIUM OR LOW
PE	PTYCHOSPERMA ELEGANS/ ALEXANDER PALM	9	12' GA BOT		MEDIUM	MEDIUM
	SHRUBS AND GROUNDCOVERS					
HIB	HIBISCUS R. S. 'RED'/ RED HIBISCUS	55	3 GAL.	30" OC	LOW	MEDIUM
IXO	IXORA NORA GRANT / PINK IXORA	406	3 GAL.	30" OC	MEDIUM	MEDIUM

General Notes

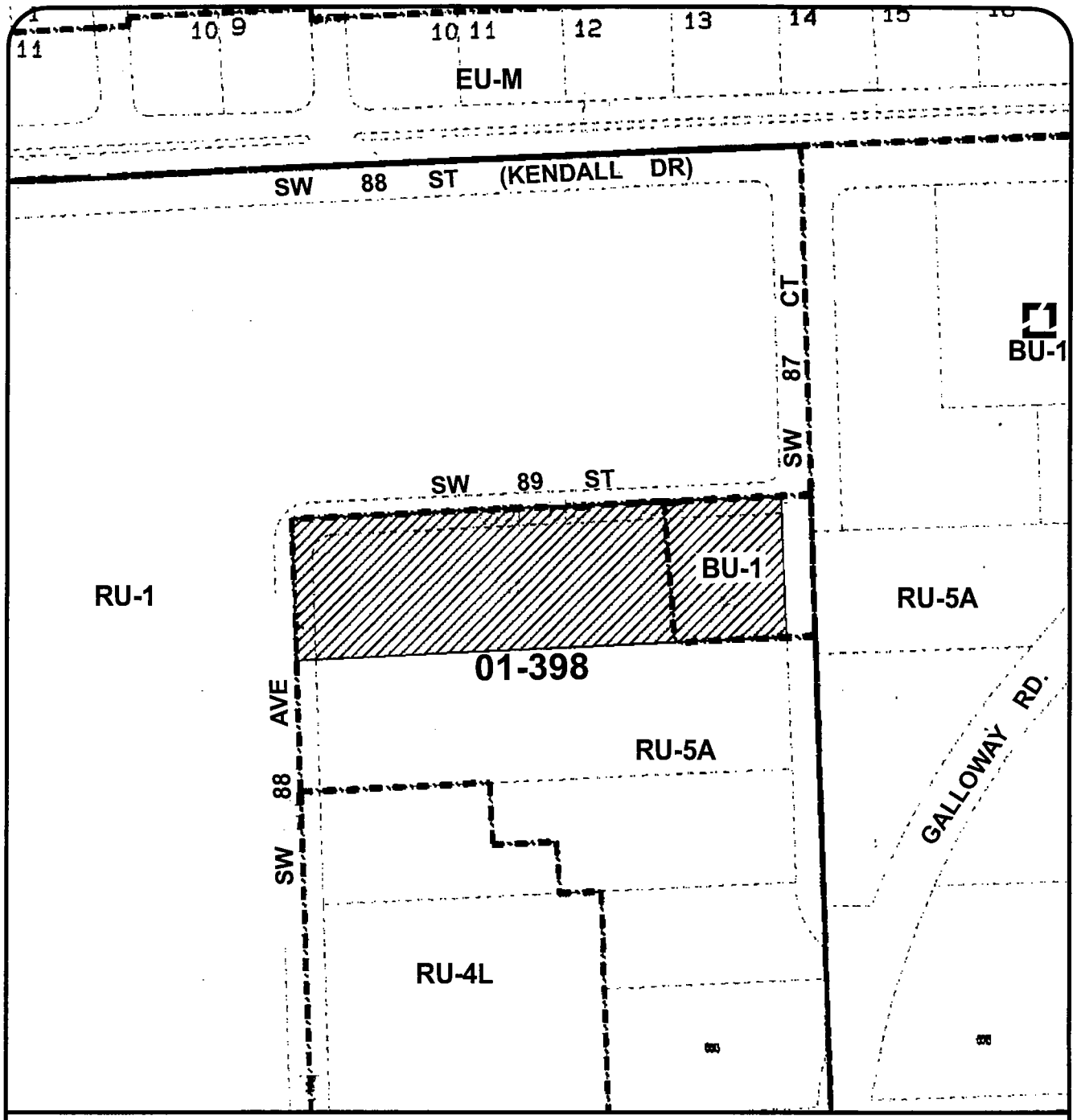
1. All plant materials to be Florida No.1 or better
2. All landscape areas shall be irrigated with a min. coverage of 50 Provide Rain Sensor
3. Contractor is to do his own take off and if there are any discrepancies he is to bring it to the attention of the Landscape Architect, before commencing work
4. Landscape Contractor is to identify all utilities lines and underground lines prior to commencing work, for the health and welfare of his employees
5. All sod to be St. Augustine floratam solid sod

PLANT DETAILS:

DRB SET

FULLERTON DIAZ ARCHITECTS INC.

LP-2



MIAMI-DADE COUNTY
HEARING MAP

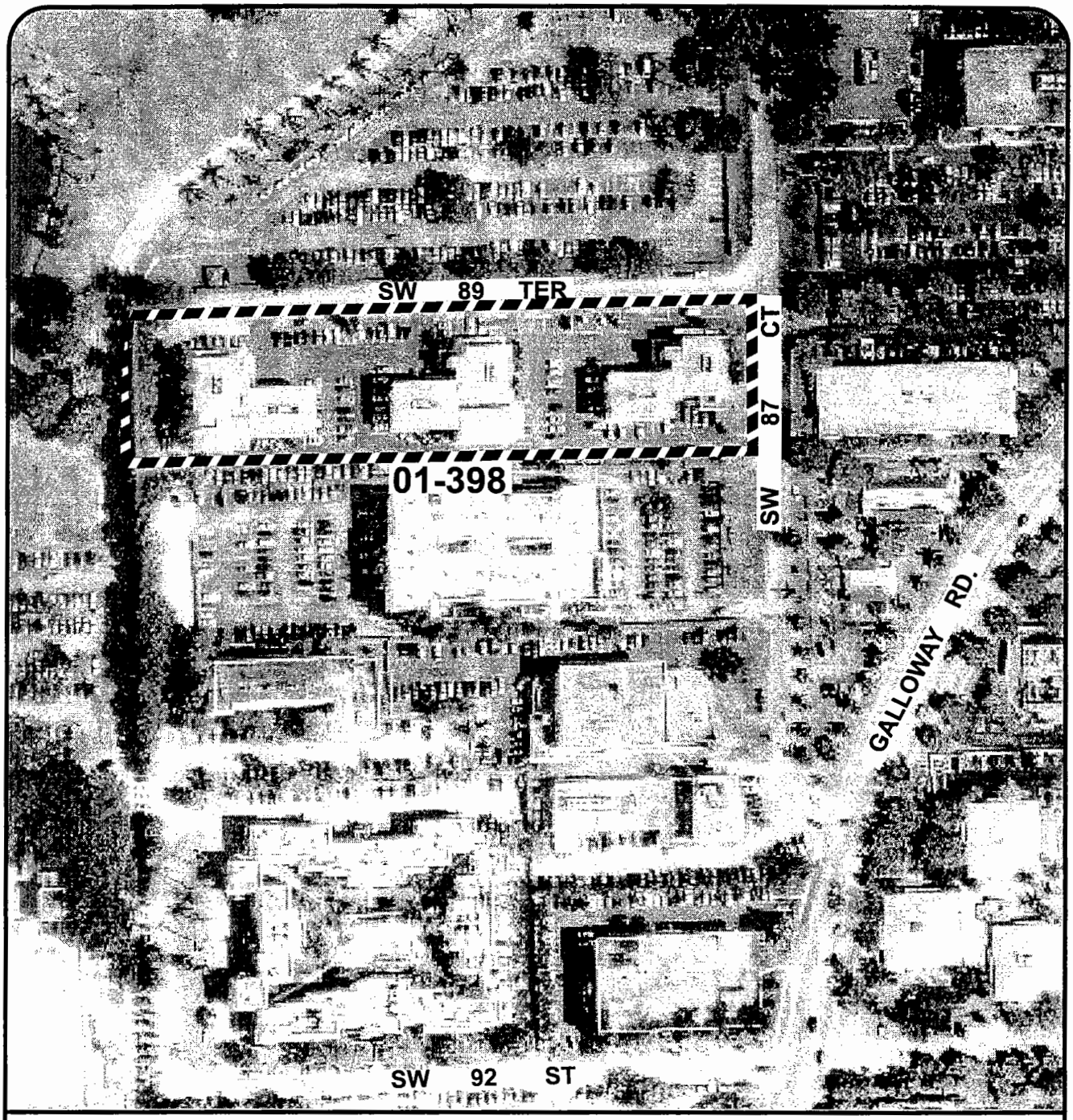
S C A L E 0 200' N

SUBJECT PROPERTY

Section: 04 Township: 55 Range: 40
Process Number: 01000398
Applicant: ACROPOLIS REALTY, LLC.
District Number: 08
Zoning Board: C12
Drafter ID: ALFREDO
Scale: 1:200'

MIAMI-DADE

G: ZONING DRAFTING. 01-398. 12/01
REVISED 10/14/03



MIAMI-DADE COUNTY
AERIAL

S C A L E
0 NTS
N

SUBJECT PROPERTY

Section: 04 Township: 55 Range: 40
Process Number: 01000398
Applicant: ACROPOLIS REALTY, LLC.
District Number: 08
Zoning Board: C12
Drafter ID: ALFREDO
Scale: NTS

MIAMI-DADE

G: ZONING DRAFTING. 01-398. 12/01

A. ACROPOLIS REALTY LLC
(Applicant)

03-11-CZ12-1 (01-398)
Area 12/District 8
Hearing Date: 1/13/04

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
1965	Mark XX	Zone change from AU to RU-5A.	CC	Approved
1966	Mark XX	Use Variance for zoning regulations, waiving 5' wall along interior side of property lines.	ZAB	Approved
1967	Mark XX	Variance zoning regulations, walls, access buildings.	ZAB	Approved
1983	Raymond Pearlson & Robert Browdy	Zone change from RU-5A to BU-1.	CC	Approved

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 12
MOTION SLIP

APPLICANT'S NAME: ACROPOLIS REALTY LLC

REPRESENTATIVE(S): CHAD WILLIARD

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER
03-11-CZ12-1 (01-398)	NOVEMBER 18, 2003	CZAB12- -03

REQUESTS:
1) RU-5A & BU-1 to OPD. 2) Delete Declaration. 3) Lot area 2.94 v 3 ac. 4) FAR 0.94 v 0.86

DEPT. REC: APPROVE 1 PER 33-311(A)(8) SUBJECT TO PROFFERED COVENAN.T
APPROVE 2 WITH CONDITIONS PER 33-311(A)(17).

MOTION APPROVE 3 & 4 WITH CONDITIONS PER 33-311 (A)(21)

☐ WITHDRAW: ☐ Entire Application ☐ ITEMS _____

☒ DEFER: ☐ INDEFINITELY ☒ TO: 01-13-04 ☒ 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 STD. CONDITIONS

☐ OTHER:

TITLE	M/S	NAME	YES	NO	ABSENT
MR.		Gerardo GOMEZ	✓		
MS.	S	Millie HERRERA	✓		
MR.		Douglas KRUEGER	✓		
M		Peggy BRODEUR	✓		
MR.	M	Nelson A. VARONA	✓		
VICE-CHAIRMAN		Robert W. WILCOSKY	✓		
CHAIRMAN		JOSE VALDEZ			✓

VOTE: 6 to 0

EXHIBITS: ☒ YES ☐ NO

COUNTY ATTORNEY: Jay Williams

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 12

APPLICANT: Acropolis Realty LLC **PH:** Z01-398 (03-11-CZ12-1)

SECTION: 4-55-40 **DATE:** January 13, 2004

COMMISSION DISTRICT: 8 **ITEM NO.:** A

==========

A. INTRODUCTION

- **REQUESTS:**

(1) RU-5A & BU-1 to OPD

(2) DELETION of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329.

The purpose of the request is to remove an agreement from the site which limited the commercial uses and tied the BU-1 site to a plan.

(3) The applicant is requesting to permit a lot with an area of 2.94 acres. (The underlying zoning district regulation requires 3 acres including right-of-way dedication).

(4) The applicant is requesting to permit a floor area ratio of 0.94. (The underlying zoning regulation permits 0.86.

Plans are on file and may be examined in the Zoning Department entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., dated revised 9-2-03 and 10-2-03 and consisting of 8 pages. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:**

This application will allow the applicant to change the zoning on the property from RU-5A, Semi-Professional Office District, and BU-1, Neighborhood Business District, to OPD, Office Park District. The requests will also allow less lot area than required, a lesser floor area ratio than permitted, and the deletion of a Declaration of Restrictions as it pertains to the BU-1 zoned site.

- **LOCATION:**

8960-70 S.W. 87 Court, Miami-Dade County, Florida.

- **SIZE:** 2.94 acres.

- **IMPACT:**

The rezoning of the property and accompanying requests will allow the applicant to provide professional services to the community. However, this application will bring additional traffic and noise into the area.

B. ZONING HEARINGS HISTORY:

In 1965, the Board of County Commissioners (BCC) rezoned this site from AU, Agricultural District, to RU-5A, Semi-Professional Office District. In 1966 and 1967, the Zoning Appeals Board (ZAB) waived the required walls along the interior side property lines of the aforementioned property. In 1983, the BCC rezoned the easterly 185' of the subject property from RU-5A to BU-1, Neighborhood Business District. A Declaration of Restrictions was subsequently recorded that restricted the development of the BU-1 portion of the site to the plans approved at said hearing and restricted the permitted uses to a commercial bank and a sandwich shop.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

The Adopted 2005 and 2015 Land Use Plan designates the subject property as being within the Urban Development Boundary for **office/residential**.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
RU-5A & BU-1; apartments	Office/Residential
Surrounding Properties:	
NORTH: RU-1; parking lot	Office/Residential
SOUTH: RU-5A; office building	Office/Residential
EAST: RU-5A; office building	Office/Residential
WEST: RU-1; Baptist Hospital complex	Institutional & Public Facility

The subject parcel is a narrow linear site located between SW 87 Avenue (Galloway Road) and Baptist Hospital. There is a parking lot which serves Baptist Hospital to the north with a mixture of apartments and offices to the south.

E. SITE AND BUILDINGS:

Site Plan Review:

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**
Energy Considerations:	**N/A**
Roof Installations:	**N/A**
Service Areas:	**N/A**
Signage:	**N/A**
Urban Design:	**Acceptable**

F. **PERTINENT REQUIREMENTS/STANDARDS:**

Section 33-311(A)(8). The Board shall hear and grant or deny applications for **district boundary changes** taking into consideration that same must be consistent with the CDMP, with applicable area or neighborhood studies or plans, and would serve a public benefit. The Board shall take into consideration 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. The Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities, including mass transit, roads, streets, and highways or other necessary public 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, street or highways.

Section 33-311(A)(17). Modification or Elimination of Conditions and Covenants After Public Hearing. The Community Zoning Appeals Board 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 following paragraphs 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.

VI. **Modification or Elimination of Conditions or Restrictive Covenants After Public Hearing, Where the Conditions or Restrictive Covenants were Accepted or Imposed Simultaneously with a District Boundary Change.** The Community Zoning Appeals Board shall approve an application to modify or eliminate a condition or part thereof, or a restrictive covenant or part thereof, which requires development of a specific site plan and which was accepted or imposed simultaneously with a district boundary change, where it is demonstrated that:

(A) The subject property would satisfy all current requirements and standards for a district boundary change to the property's present zoning district without the condition or restrictive covenant, or else the modification or elimination is sought in connection with an application for rezoning to a different district. For purposes of this requirement, new conditions or restrictive covenants may be imposed or proffered to satisfy such requirements and standards.

(B) The Community Zoning Appeals Board shall impose such conditions and requirements in connection with an approval under this subsection as shall prevent or mitigate any resulting adverse impacts to the County or to any aggrieved person who has reasonably, demonstrably and detrimentally relied upon the condition or covenant sought to be modified or eliminated.

(C) Notwithstanding the provisions of the preceding paragraphs, no application will be approved under this subsection if such approval would result in:

1. a use of land which will have a significant adverse effect upon the value of properties in the immediate vicinity;
2. community design, architecture, or layout and orientation of buildings, open space, or amenities that is inconsistent with and deleterious to the aesthetic character of the immediate vicinity;
3. a material change in the density, intensity, or use of the subject property that so differs from the density, intensity, or use of other existing or approved development in the immediate vicinity that the subject property would represent an obvious and significant departure from the established development pattern of the immediate vicinity which has a deleterious effect on its community character;
4. a substantial degradation of localized traffic patterns or a substantial adverse impact on the roadway network;
5. unmitigated demands on potable water, sanitary sewer, or stormwater treatment systems which exceed the capacity of those systems; or
6. a continued and substantial risk to human life or safety or to the environment, or a nuisance.

Section 33-311(A)(7). 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 a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, 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) (21) Alternative Site Development Option for Office Buildings, Laboratory Buildings and Associated Accessory Buildings and Structures. This subsection provides for the establishment of an alternative site development option, after public hearing, for office buildings, laboratory buildings and associated accessory buildings and structures, when such uses are permitted by the underlying district regulations, in the OPD zoning district, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

An alternative **lot area and frontage** shall be approved upon demonstration of at least one of the following:

(1) the proposed lot area and frontage shall permit the development or redevelopment of a structure(s) on a lot, parcel or tract of land where such structure(s) would not otherwise be permitted by the underlying district regulations due to the size or configuration of the parcel proposed for alternative development, provided that:

(A) the lot, parcel or tract is under lawful separate ownership from any contiguous property; and

(B) the proposed alternative development will not result in the further subdivision of land; and

(C) the size and dimensions of the lot, parcel or tract are sufficient to provide all setbacks required by the underlying district regulations; and

(D) the area of the lot, parcel or tract is not less than: seventy-five percent (75%) of the minimum lot area required by the underlying district regulations; and

(E) the proposed alternative development does not result in an obvious departure from the aesthetic character of the immediate vicinity; and

(F) the frontage dimension of the lot, parcel or tract is not less than: seventy-five percent (75%) of the minimum frontage required by the applicable district regulations; except that the frontage dimension of a flag-lot, parcel or tract shall be permitted to be reduced to the minimum width necessary to allow vehicular access as determined by the County; and

(G) the resultant frontage dimension of the lot, parcel or tract provides vehicular ingress and egress to all resulting lots, parcels or tracts, including on-site access to emergency equipment; or

(2) the proposed alternative development results in landscaped open space, community design, amenities or preservation of natural resources that enhances the function or aesthetic character of the immediate vicinity in a manner not otherwise achievable through application of the applicable district regulations, provided that:

(A) the number of lots of the proposed alternative development does not exceed that normally permitted by the lot area dimensions of the underlying district regulations; and

(B) the size and dimensions of each lot, parcel or tract in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations, or, if applicable, any prior zoning actions for similar uses issued prior to the effective date of this ordinance (September 19, 2003); and

(C) the area of each lot, parcel or tract is not less than eighty percent (80%) of the area required by the applicable district regulations; and

(D) the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

(E) the resultant frontage of the lot, parcel or tract provides vehicular ingress and egress to all resulting lots, parcels or tracts, including on-site access to emergency equipment; or

(3) the proposed lot area and frontage is such that:

(A) the proposed alternative development will not result in the creation of more than two (2) lots, parcels or tracts; and

(B) the size and dimensions of each lot, parcel or tract are sufficient to provide all setbacks required by the applicable district regulations; and

(C) no lot area shall be less than the smaller of:

(i) ninety percent (90%) of the lot area required by the applicable district regulations; or

(ii) the average area of the developed lots, parcels or tracts in the immediate vicinity within the same zoning district; and

(D) the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

(E) the resultant frontage provides vehicular ingress and egress to all resulting lots, parcels or tracts, including on-site access to emergency equipment.

An alternative **floor area ratio** for a building(s) shall be approved upon demonstration of the following:

(1) total lot coverage or floor area ratio shall not be increased by more than ten percent (10%) of the lot coverage or floor area permitted by the underlying district regulations; and

(2) the proposed alternative development will not result in the destruction or removal of mature trees on the lot with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the lot; and

(3) the increase in lot coverage or floor area ratio will not result in a principal buildings, or accessory building(s) in the RU-5A district, with an architectural design, scale, mass or building materials that are not aesthetically harmonious with that of other existing or proposed structures in the immediate vicinity; and

(4) the proposed alternative development will not result in an obvious departure from the aesthetic character of in the immediate vicinity.

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.

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.

G. NEIGHBORHOOD SERVICES:

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

H. ANALYSIS:

This application was deferred from the November 18, 2003 meeting of the Community Zoning Appeals Board-12 at the request of the applicant with leave to amend. At the time of this writing, no amendments to this application have been made.

The subject property is located at 8960-70 SW 87 Court. The applicant is seeking a district boundary change on this site from RU-5A, Semi-Professional Office District, and BU-1, Neighborhood Business District, to OPD, Office Park District. The Office Park District incorporates a concept which delineates an open space character for buildings whose principal uses are administrative, professional, or research. Uses permitted in the OPD include office buildings for business, professional, and secretarial uses that cater to the provision of services and laboratories for scientific and industrial research and development. Certain accessory uses are permitted which include, but are not limited to auditoriums, eating establishments such as coffee shops, food carry out, and sandwich shops, newsstands, tobacco shops, and private clubs. The applicant is also seeking a deletion of a Declaration of Restrictions that restricted the development of the BU-1 portion of the site to the plans approved at a 1965 public hearing that rezoned said portion of the site to BU-1. The Declaration of Restrictions also restricted the permitted uses on said parcel to a bank and a sandwich shop. The applicant is also seeking approval for a request to permit a lot with less lot area than required and to permit a floor area ratio of 0.94. The applicant has submitted plans for the development of this site with an eight story office building with a parking garage and intends to proffer a covenant limiting the development of the site to same.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the Level of Service (LOS) standards set forth in the Master Plan. However, the applicant will have to comply with all conditions as set forth by DERM in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application. The applicant will be required to successfully close the rights-of-way for SW 89 Terrace, SW 88 Avenue, and SW 92 Street submitted as road closing petition P-743. This application will generate an additional **228 p.m. daily peak hour vehicle trips** on the area roadways. However, said trips will not change the level of service (LOS) on same which are currently at LOS "C," "D," and "E."

This application will allow the applicant to rezone the property to OPD and to provide professional offices for the community. The proposed OPD zoning will be **consistent** with the Master Plan which designates this site for Office/Residential use on the Land Use Plan (LUP) map. The proposed Office Park District as well as the site plan submitted will be **compatible** with the surrounding area which consists of the Baptist Hospital complex to the west, a parking lot for said hospital to the north, an office building to the east, and an office building which lies to the south.

The new standards under Section 33-311(A)(17) 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. Request #2 complies with the

standards of Section VI, Modification or Elimination of Conditions and Restrictive Covenants After Public Hearing, Where the Conditions or Restrictive Covenants were Accepted or imposed simultaneously with a District Boundary Change, in that the elimination of said Declaration of Restrictions is sought in connection with an application for rezoning to a different district. In this regard, Request #2 complies with Section 33-311(A)(17)(VI).

Although Request #2 complies with the modification standards under Section 33-311(A)(17), when analyzed under Section 33-311(A)(7), the request also complies with the original deletion of a Declaration of Restrictive covenant standards. When considering the necessity for and the reasonableness of the elimination in relation to the present and future development of the area concerned, the deletion of said covenant will be compatible with the surrounding area and will not adversely impact same.

The new standards under Section 33-311(A)(21) provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable alternative site development option (ASDO) standards for office buildings, laboratory buildings, and associated accessory buildings and structures. The applicant contends that Requests #3 and 4 pertaining to lot area and floor area ratio comply with said standards. Request #3 to allow a lot area of 2.94 acres where the underlying zoning district requires 3 acres meets said standards including, but not limited to, that the subject parcel is under lawful separate ownership from any contiguous property, the proposed alternative development will not result in the further subdivision of land, the area of the lot is not less than 75% of the minimum lot area required by the underlying district regulations, and the size and dimensions of the lot are sufficient to provide all setbacks required by the underlying district regulations. Request #4 to permit a floor area ratio of 0.94 where 0.86 is permitted also complies with the ASDO standards in that, among other things, the floor area ratio will not be increased by more than 10% and the proposed alternative development will not result in an obvious departure from the aesthetic character of the surrounding area. As such, Requests #3 and 4 comply with the ASDO standards under Section 33-311(A)(21). If analyzed under the alternative non-use variance standard [33-311(A)(4)(c)], the applicants would have to prove that these requests are due to an unnecessary hardship and that, should it not be granted, it would not permit the reasonable use of the premises. However, since the property can be utilized in accordance with the current BU-1 and RU-5A zoning standards, staff is of the opinion that this application cannot be approved under the alternative non-use variance standard.

Although Requests #3 and 4 comply with the alternative site development option standards, when analyzed under Section 33-311(A)(4)(b), said requests would also comply with the non-use variance standards. Staff is of the opinion that the approval of said requests will be **compatible** with the adjacent properties and the surrounding area and that said requests maintain the basic intent and purpose of the zoning code.

Based on all of the aforementioned, staff recommends approval of the zone change to OPD under Section 33-311(A)(8), subject to the Board's acceptance of the proffered covenant; approval with conditions of Request #2 under Section 33-311(A)(17); and approval with conditions of Requests #3 and 4 under Section 33-311(A)(21).

I. RECOMMENDATION:

Approval of the zone change to OPD under Section 33-311(A)(8), subject to the Board's acceptance of the proffered covenant; approval with conditions of Request #2 under Section 33-311(A)(17); and approval with conditions of Requests #3 and 4 under Section 33-311(A)(21).

J. CONDITIONS:

1. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include among other things but not be limited thereto, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., dated revised 9-2-03 and 10-2-03 and consisting of 8 sheets.

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

4. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.

5. That the applicant obtain a Certificate of Use from the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

6. That the applicant comply with all the conditions and requirements of the Public Works Department.

7. That the applicant comply with all the conditions and requirements of the Department of Environmental Resources Management (DERM).

DATE INSPECTED: 10/28/03
DATE TYPED: 11/05/03
DATE REVISED: 12/23/03
DATE FINALIZED: 12/29/03
DO'QW:AJT:MTF:JDR

Diane O'Quinn Williams, Director
Miami-Dade County Department of
Planning and Zoning

MIAMI-DADE

MEMORANDUM

DERM
DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT

TO: Diane O' Quinn-Williams, Director
Department of Planning and Zoning

DATE: October 7, 2003

SUBJECT: C-12 #Z2001000398-Revised
Acropolis Realty, LLC
S/S of SW 89th Terrace between SW 87th Court and SW 88th Avenue
SE to Permit Site Plan Approval for a Office Development
DBC from RU-5A/BU- 1 to OPD/ASDO
(RU-5A/ BU-1) (3 Ac.)
04-55-40

FROM: Alyce M. Robertson, Assistant Director
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 the Miami-Dade County, Florida. Accordingly, DERM may approve the application and it may be scheduled for public hearing. DERM has also evaluated the request insofar as the general environmental impact that may derive from it, and based upon the available information offers no objection to its approval.

Wellfield Protection:
The subject property is located within the Average Day Pumpage Wellfield Protection Area for the Alexander Orr/Snapper Creek/Southwest Wellfield Complex. Development of the subject property shall be in accordance with the regulations established in Section 24.12.1 of the Code. Since the subject request is for a non-residential land use, the owner of the property has submitted a properly executed covenant in accordance with Section 24-12.1(5) of the Code which provides that hazardous materials or wastes shall not be used, generated, handled, discharged, disposed of or stored on the subject property.

Water and Sewer Service:
Public water and public sanitary sewers can be made available to this site and connection of any existing or proposed facilities will be required. All sewer lines serving the property shall comply with the exfiltration standards as applied to development within wellfield protection areas.

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

Notwithstanding the foregoing, 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 until adequate capacity becomes available. Consequently, final development orders for this site may not be granted unless adequate capacity in the sanitary sewer collection/transmission and treatment system is available at the point in time when the

project will be contributing sewage to the system or if approval for alternative means of sewage disposal can be obtained. Use of an alternative means of sewage disposal 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:
All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage plans shall provide for full on-site retention of the stormwater runoff of a 5-year storm event. Pollution Control devices shall be required at all drainage inlet structures.

A Standard General Environmental Resource Permit from DERM shall be required for the construction and operation of the required surface water management system. The applicant is advised to contact DERM in order to obtain additional information concerning permitting requirements.

Site grading and development shall comply with the requirements of Chapter 11C of the Code of Miami-Dade County.

Section 24-12.1 of the Code provides for stormwater disposal methods within wellfield protection areas of public potable water supply wellfields. The Code requires that all stormwater runoff must be retained on-site utilizing only infiltration or seepage type drainage systems.

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 Comprehensive Development Master Plan subject to compliance with the conditions required by DERM for this proposed development order.

Operating Permits:
Section 24-35.1 of the Code authorizes DERM to require operating permits for 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 24-60 of the Code requires the preservation of tree resources. Consequently, DERM will require the preservation of all the specimen-sized trees, as defined in the Code. A Miami-Dade County tree removal permit is required prior to the removal or relocation of any trees. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

Wetlands:
The subject site is not located in jurisdictional wetlands as defined in Chapter 24-3 and 24-58 of the Code; therefore, a Class IV Permit for work in wetlands will not be required by DERM.

Notwithstanding the above, permits from the Army Corps of Engineers (USACOE), the State of Florida Department of Environmental Protection (FDEP) and the South Florida Water

Management District (SFWMD) may be required for the proposed project. The applicant is advised to contact these agencies concerning their permit procedures and requirements.

Enforcement History:
DERM has reviewed the Permits and Enforcement database and the Enforcement Case Tracking System and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

Concurrency Review Summary:
The Department has conducted a concurrency review for this application and has determined that the same meets all applicable Levels of Service standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan 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.

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval as required by the Code. Additionally, DERM has also evaluated the application so as to determined its general environmental impact and after reviewing the available information offers no objections to the approval of the request.

cc: Ruth Ellis-Myers, Zoning Evaluation-P&Z
Lynne Talleda, Zoning Hearings- P&Z
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Name: Acropolis Realty LLC

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

The applicant must successfully close the rights-of way for SW 89 Terr., SW 88 Ave. and SW 92 St. submitted as road closing petition (P-743).

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** meet the traffic concurrency criteria for an Initial Development Order. It will generate **228 PM** daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips **does not** exceed the acceptable level of service of the following roadways:

Sta. #		LOS present	LOS w/project
9172	SW 87 Ave. s/o SW 88 St.	C	C
9714	SW 104 St. w/o US-1	D	D
F-1077	SW 87 Ave. n/o SW 132 St.	C	C
F-64	SW 88 St. e/o SW 103 Ave.	E	E
9716	SW 104 St. w/o SW 107 Ave.	C	C

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

Raul A. Pino, P.L.S.

NOV 18 2003
Date

MIAMI-DADE FIRE RESCUE DEPARTMENT
ZONING COMMENTS

Hearing Number: 201-398 REV.

Service Impact: ☑ Yes ☐ No

Plans: ☐ Yes ☐ No Request: _____

Location: SW corner SW 89 terr / SW 87th ct.

Recommendation: No objection ✓
No objection with condition(s) ____ *
Denial ____

* _____

Estimated number of alarms generated annually by application: 14

If there is an impact, below is the service availability:

Station District 23 Grid 1829 DU/SF 58,891 sf. Occupancy Type _____

Impact of additional calls on closest station: ☑ Minimal Impact.

☐ Moderate Impact. Planned station(s) will mitigate impact.

Planned Service to Mitigate:

Service	Location	Year to be Completed

☑ None

ACCESS:
Description of Concern(s):

- ☐ Gated entrances must have a minimum 15' width and must provide an elevator lock box containing a switch or lever to activate the gate for fire department use.
- ☐ Access lanes are to be a minimum of 20 feet wide with a vertical clearance of 13 feet 6 inches.
- ☐ Turnabout for fire apparatus shall have a minimum centerline radius of 50 feet. (T or Y turnaround acceptable to the AHJ shall be permitted) (Florida Fire Prevention Code)
- ☑ **Fire Engineering & Water Supply Bureau site plan review and approval required.**

OTHER CONCERN(S):

_____

Barbara J. Matthews 9/30/03

Reviewed by: Barbara J. Matthews

Revised 4/18/02

17

TEAM METRO
KENDALL OFFICE

ENFORCEMENT HISTORY

Acropolis Realty LLC	8960-8970 SW 87 Ct.
APPLICANT	**ADDRESS**
01/13/2004	01-398
DATE	**HEARING NUMBER**

CURRENT ENFORCEMENT HISTORY:

10/27/03	An inspection revealed no current violations. However, on:
8/01/02	An inspection revealed violations and Civil Violation Notices were issued: #803599 (failure to obtain a permit), #803600 (unauthorized use within a RU -5A district), and #888201 (Establishing a new use without prior public hearing approval). All three citations were appealed. After numerous rescheduled hearings the cases was heard on 4/30/03 and they were found guilty on the three citations. A partial payment agreement was entered into for the three citations. Only one payment was made on CVN #803599.

DISCLOSURE OF INTEREST*

If the property which is the subject of the application is owned or leased by a CORPORATION, list the principal stockholders and the percentage of stock owned by each. [Note: Where the principal officers or stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

ACROPOLIS REALTY, L.L.C.
CORPORATION NAME

NAME, ADDRESS AND OFFICE	Percentage of Stock
PED INVESTMENTS LIMITED	100%

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: Where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUST NAME

NAME AND ADDRESS	Percentage of Interest

DISCLOSURE OF INTEREST*

If the property which is the subject of the application is owned or leased by a CORPORATION, list the principal stockholders and the percentage of stock owned by each. [Note: Where the principal officers or stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

PED INVESTMENTS LIMITED
CORPORATION NAME

NAME, ADDRESS AND OFFICE	Percentage of Stock
Pablo Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	49 1/2 %
Elizabeth Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	49 1/2 %
PED HOLDINGS, INC.	1 %

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: Where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

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PED HOLDINGS, INC.
CORPORATION NAME

NAME, ADDRESS AND OFFICE	Percentage of Stock
Pablo Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	50%
Elizabeth Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	50%

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: Where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUST NAME

NAME AND ADDRESS	Percentage of Interest

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

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

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

Signature: _____

(Applicant) Pablo Delgado, President

Sworn to and subscribed before me,

this 10 day of October, 2001

(SEAL)

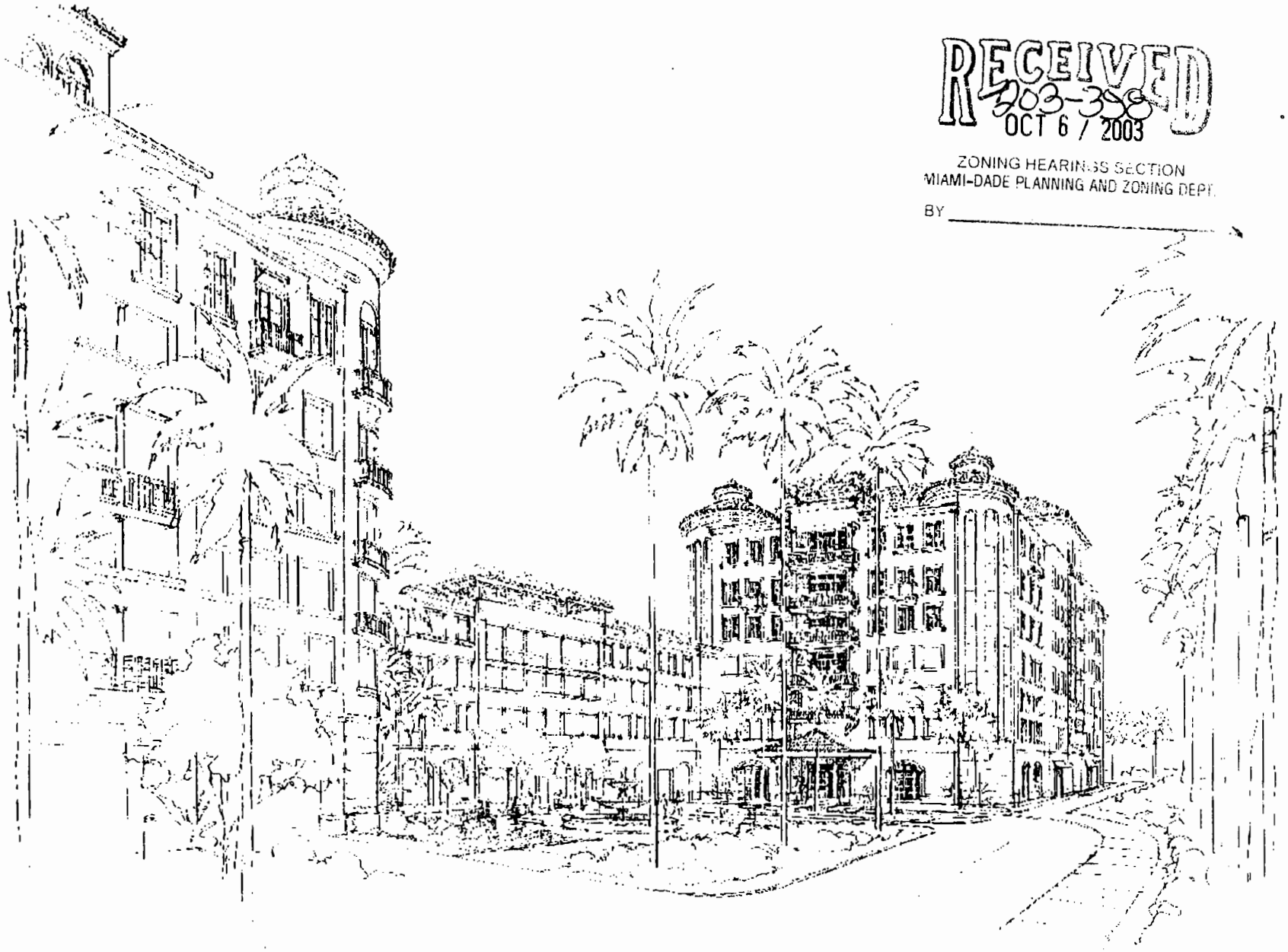
Elizabeth P. Cárdenas
Notary Public, State of Florida at Large

ELIZABETH P. CARDENAS
MY COMMISSION # CC 994093
EXPIRES: January 16, 2005
Bonded Thru Notary Public Underwriters

My Commission Expires:

*Disclosure shall not be required of any entity, the equity interests in which are regularly traded on an established securities market in the United States or other country; or of any entity, the ownership interests of which are held in a limited partnership consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interest in the limited partnership.

RECEIVED
203-398
OCT 6 / 2003
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

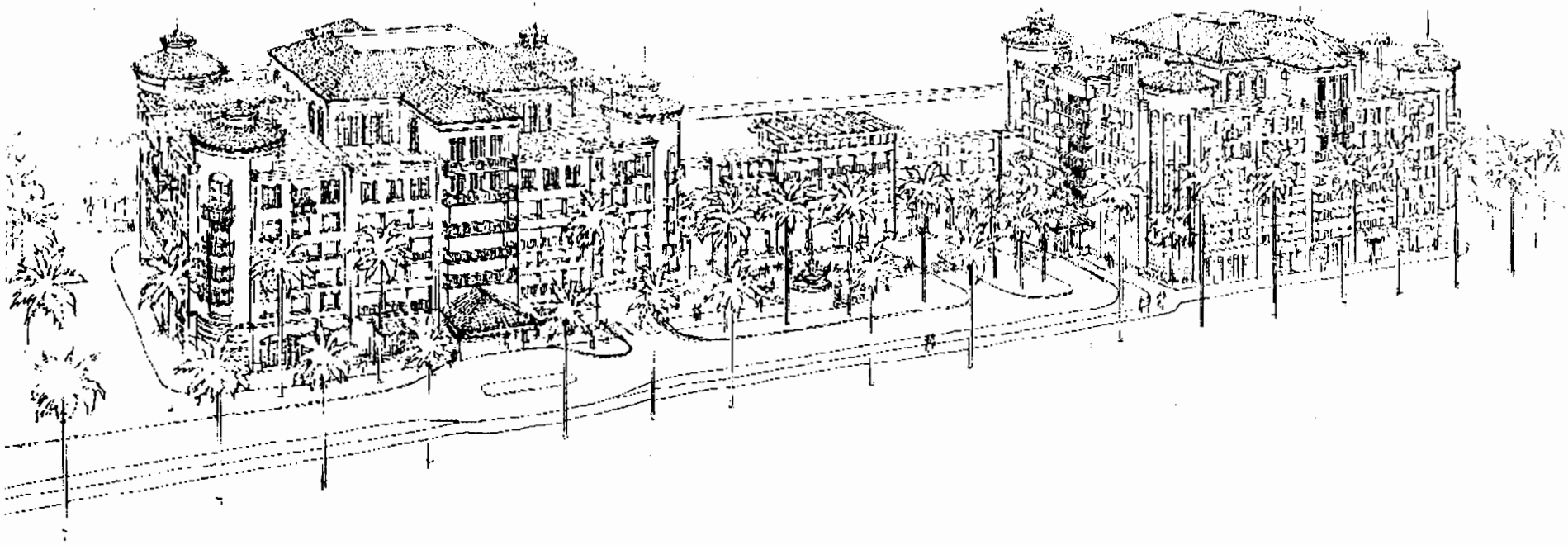


FULLERTON DIAZ ARCHITECTS INC.

AGORA PROFESSIONAL BUILDING

8960 SW 87TH COURT MIAMI, FLORIDA 33176

24



FULLERTON DIAZ ARCHITECTS INC.

Agora Professional Building

[illegible] 57TH COURT MIAMI, FLORIDA [illegible]

FULLERTON DIAZ ARCHITECTS INC.
Architecture
Interior Design
Planning

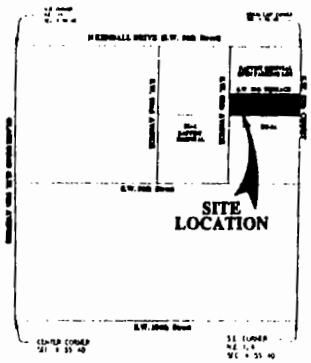
Scale
Date
Project Designer
Drawn By
Checked By
Job Number
Submittal
File
Drawing Title
PERSPECTIVE

Revisions

No.	Description	Date

Sheet number

A-0



LOCATION MAP
N.E. 1/4 OF SECTION 4-55-40
MIAMI-DADE COUNTY, FLORIDA
(NOT TO SCALE)

AGORA PROFESSIONAL BUILDING
SITE DATA LEGEND

ZONING AUTHORITY :	METROPOLITAN DADE COUNTY, FLORIDA
EXISTING ZONING CLASSIFICATION :	BU-1A (BERG PROFESSIONAL OFFICE DISTRICT) BU-1 (NEIGHBORHOOD BUSINESS DISTRICT)
DESIGNATED ZONING CLASSIFICATION :	OPD (OFFICE PARK DISTRICT)
PROPERTY ADDRESS :	8940 SW 87 TH COURT MIAMI, FLORIDA 33176
FLOOD CRITERIA:	FLOOD ZONE " AH " B F E. 8
NAME OF WATER AND SEWER UTILITIES:	MIAMI DADE COUNTY WATER AND SEWER
PROPOSED PRINCIPAL USE:	MEDICAL OFFICE BUILDING
LAND AREA INCLUDING S.O.W.	128,087.36 SF. OR 2.94 ACRES (MINIMUM REQUIRED = 5 ACRES)
LOT FRONTAGE (@ SW 87 TH COURT):	302.82' (MINIMUM REQUIRED =100')
HEIGHT OF BUILDING:	ALLOWED : (8 STORY) 100' MAX. PROVIDED : (8 STORY) 99' 0" TO THE TOP OF THE ROOF
SET BACKS	REQUIRED : 50 FRONT, 15' SIDES AND REAR PROVIDED : 50 FRONT@ SW 87TH COURT, 15 SIDES AND REAR
PROPOSED BUILDING LOT COVERAGE:	58,891 SF. OR 46 % OF SITE
PROPOSED PAVED STREETS AREA:	17,333 SF. OR 13.60 % OF SITE
LANDSCAPED OPEN SPACE :	REQUIRED: 46 % OF SITE OR 128,074 X 0.46 = 58,915 sf 80% REQUIRED AT GROUND FLOOR: 58,915 X 0.80 = 47129 sf PROVIDED: 50 % OF SITE OR 64,390 sf OPEN SPACE AT GROUND FLOOR : 51,705 sf OPEN SPACE AT 5TH LEVEL : 483 sf OPEN SPACE AT 7TH LEVEL ROOF : 5,936 sf OPEN SPACE AT 8TH LEVEL ROOF : 6,044 sf REFER TO LANDSCAPE DRAWINGS FOR GREEN AREA AND EXISTING TREE INFORMATION
F.A.R. F.A.R. BREAK DOWN	ALLOWED: 110,136 sf 0.86 % OF SITE FOR 8 STORY OR (126,087X 0.86) PROVIDED: 126,152 sf 0.94 % OF SITE , 10 % OVER ALLOWED FAR LEVEL 1 33,193 sf LEVEL 2 16,905 sf LEVEL 6 16,363 sf LEVEL 7 12,932 sf LEVEL 8 6,769 sf
OFF STREET PARKING	REQUIRED : 404 PARKING SPACES (OFFICE : 1/ 300 sf) PROVIDED: 373 PARKING SPACES (OFFICE: 1/ 310 sf) (MIN. 8'-6" W, X 18 0" L)

OWNER — ACROPOLIS REALTY, LLC
8950 N. KENDALL DRIVE SUITE 401
MIAMI, FLORIDA 33176
PH: (305) 270 -7999 FAX: (305) 303-270-6788

ARCHITECT — FULLERTON DIAZ ARCHITECTS
366 ALTARA AVENUE
CORAL GABLES, FL 33146
PH: (305) 442-6200 FAX: (305) 303-444-6942

LANDSCAPE — MARIANO CORRAL & ASSOCIATES
2901 S.W. 110 th AVENUE
MIAMI, FL 33165
PH: (305) 551-1262 FAX: (305) 553-3088

SURVEYOR — ALBERTO LORENZO-LUCACHE
923 SW 122nd AVENUE
MIAMI, FL 33184
PH: (305) 220-6397 FAX: (305) 226-6403

LEGAL DESCRIPTION

The South 1/2 of the South 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4, less the East 35 feet thereof in Section 4, Township 55 South, Range 40 East, Miami-Dade County, Florida.

TOGETHER WITH:

[illegible]

LESS:

[illegible]

INDEX OF DRAWINGS

ARCHITECTURE

COVER SHEET, PERSPECTIVE

A-0 PERSPECTIVE

A-1 SITE PLAN, LEGEND, LEGAL DESCRIPTION & LOCATION MAP

A-2 GROUND, 2ND, 3RD & 4TH FLOOR PLANS

A-3 5TH AND 6TH FLOOR PLANS

A-4 7TH & 8TH FLOOR PLANS

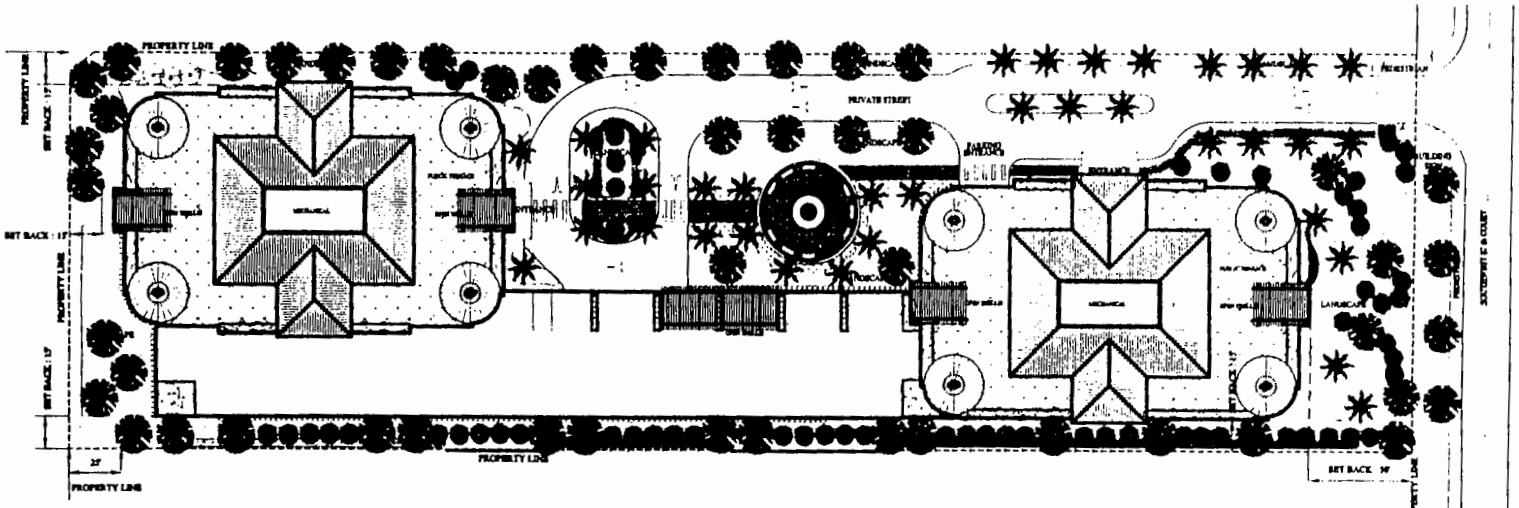
A-5 NORTH ELEVATIONS

A-6 EAST ELEVATIONS

LANDSCAPE

LP-1 SITE LANDSCAPE PLAN LEVEL 1

LP-2 PLANTER LANDSCAPE LEVEL 5, 7, 8



PROPOSED SITE PLAN

FULLERTON DIAZ ARCHITECTS INC.
Architecture Interior Design Planning

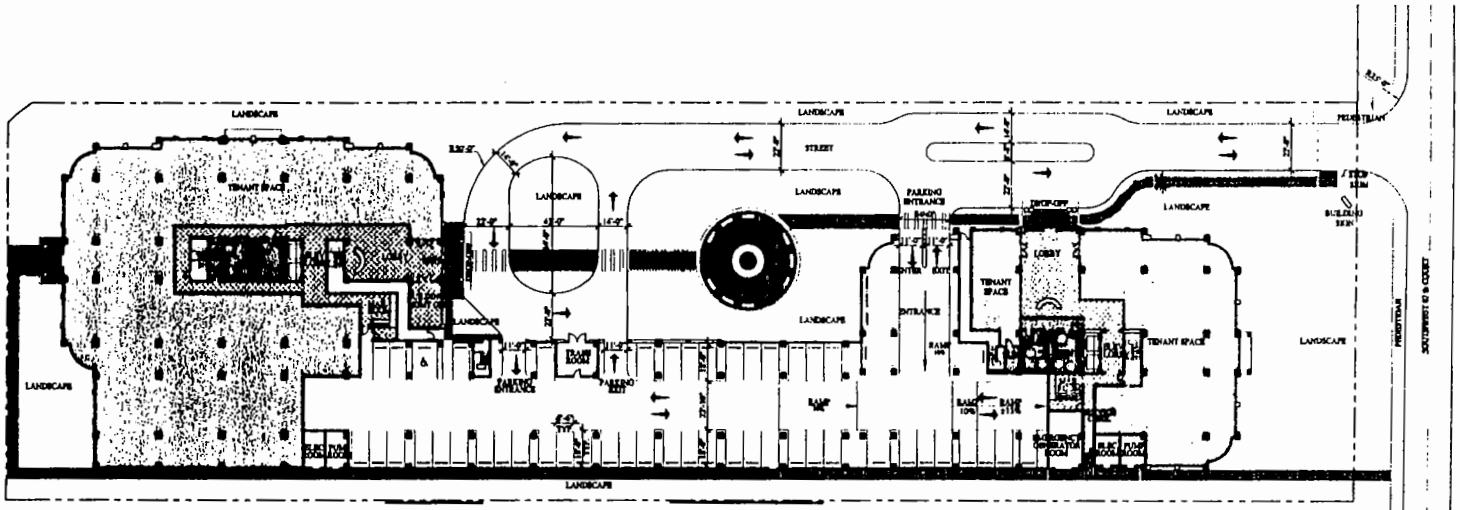
Agora Professional Building

8940 SW 87TH COURT MIAMI, FLORIDA 33176

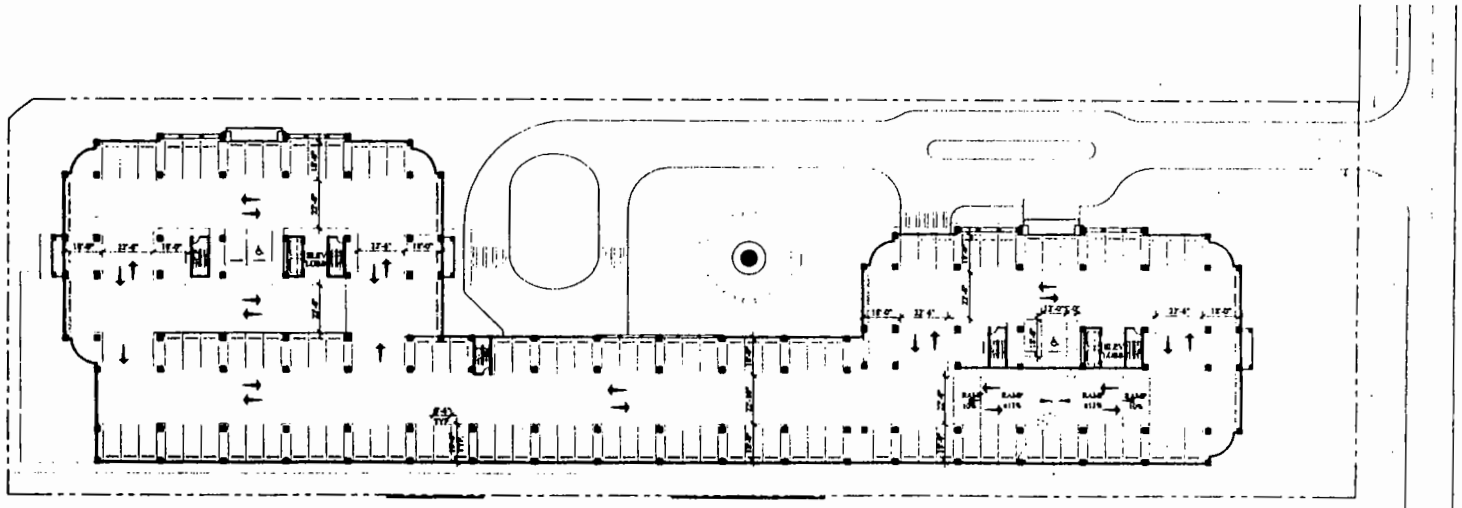
Drawing Title: PLANS / LEGEND LOCATION MAP

A-1

01-398



1ST FLOOR PLAN (GROUND LEVEL)
SCALE: 1/30"=1'-0"



2nd, 3rd,& 4th FLOOR PLAN-TYPICAL
SCALE: 1/30"=1'-0"

FULLERTON DIAZ ARCHITECTS INC

FULLERTON DIAZ ARCHITECTS INC
Architecture
Interior Design
Planning

Agora Professional Building

1, 2, 3 & 4TH FLOOR PLANS

A-2

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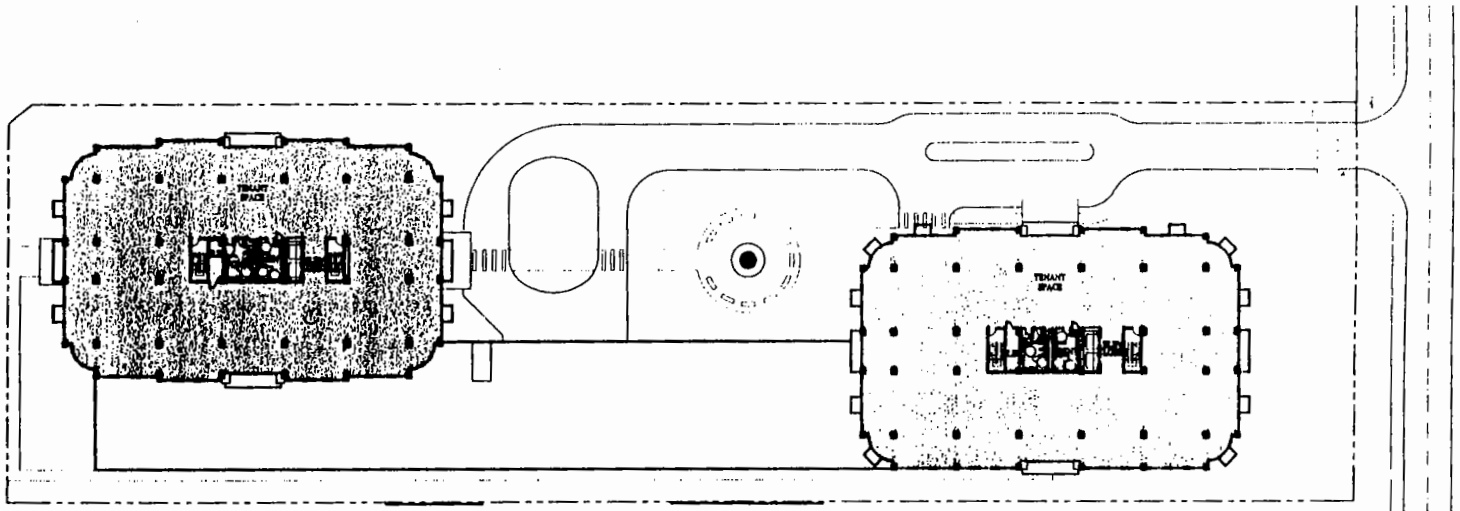
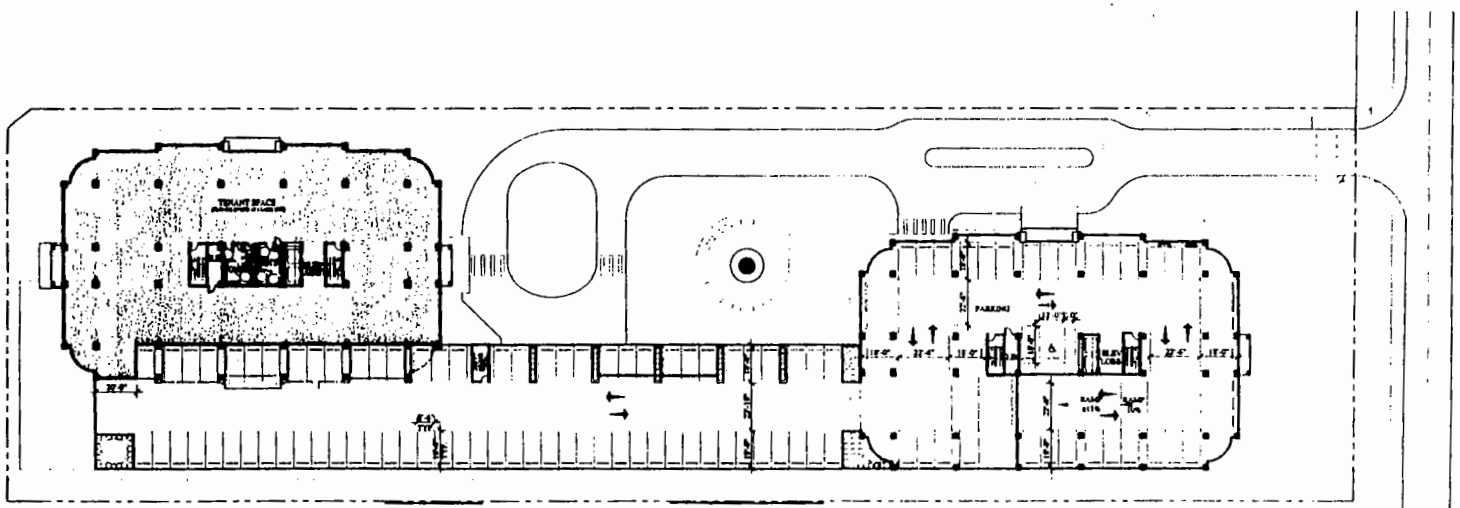
01-398



6TH FLOOR PLAN

SCALE: 1'30"=1'-0"



5 TH FLOOR PLAN

SCALE: 1'30"=1'-0"

FULLERTON DIAZ ARCHITECTS INC

FULLERTON DIAZ ARCHITECTS INC
Architecture
Interior Design
Planning

Agora Professional Building

Scale
Date
Project Designer
Drawn By
Checked By
Job Number
Submittal
File
Drawing Title
5TH & 6TH FLOOR PLANS

Revisions

No	Description	Date

Sheet Number

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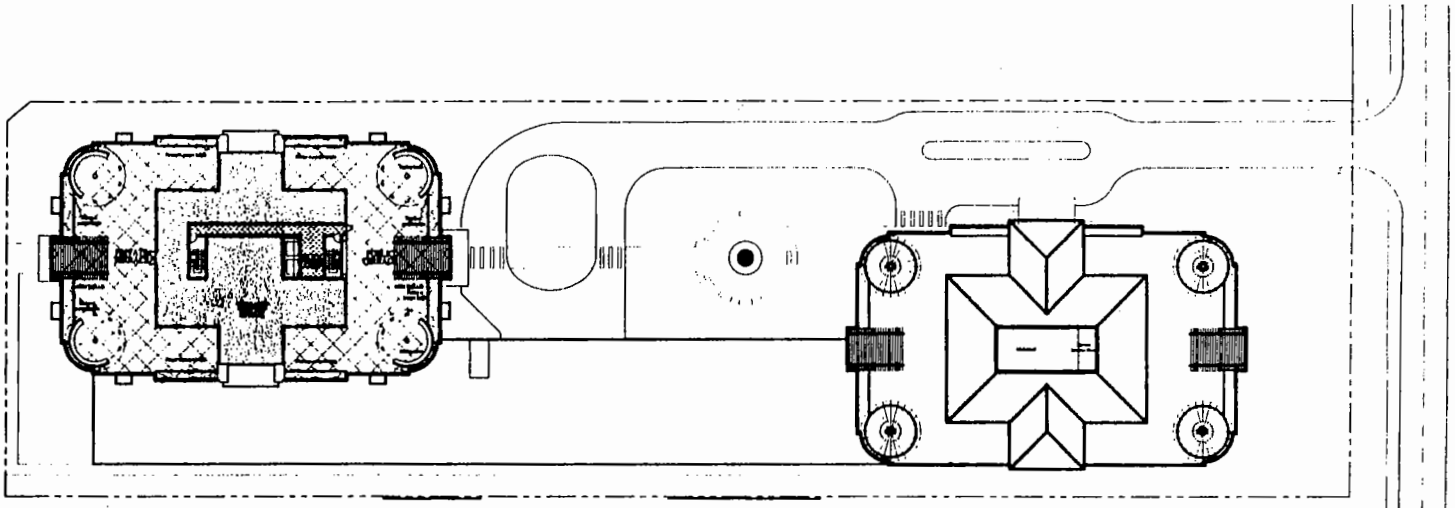
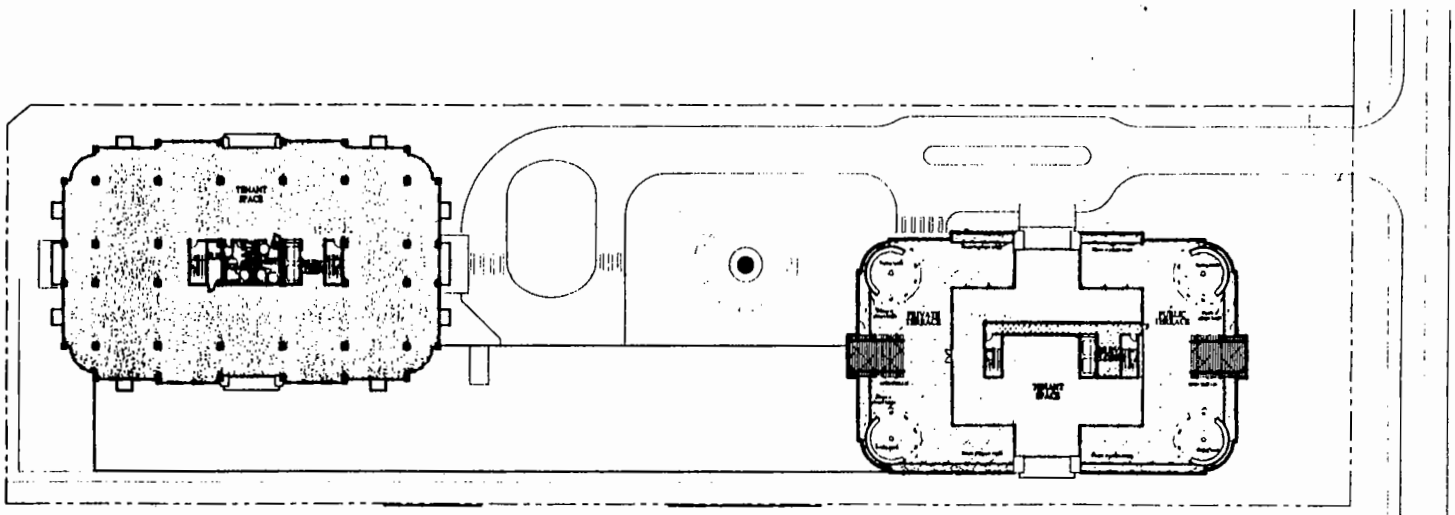


8 TH FLOOR PLAN

SCALE: 1/30"=1'-0"



7TH FLOOR PLAN

SCALE: 1/30"=1'-0"

FULLERTON DIAZ ARCHITECTS INC

FULLERTON DIAZ ARCHITECTS INC.
Architecture
Interior Design
Planning

Agora Professional Building

7TH & 8TH FLOOR PLANS

A-4

1 NORTH ELEVATION
SCALE: 1/30"=1'-0"

2 NORTH ELEVATION - EAST BUILDING
SCALE: 1/16"=1'-0"

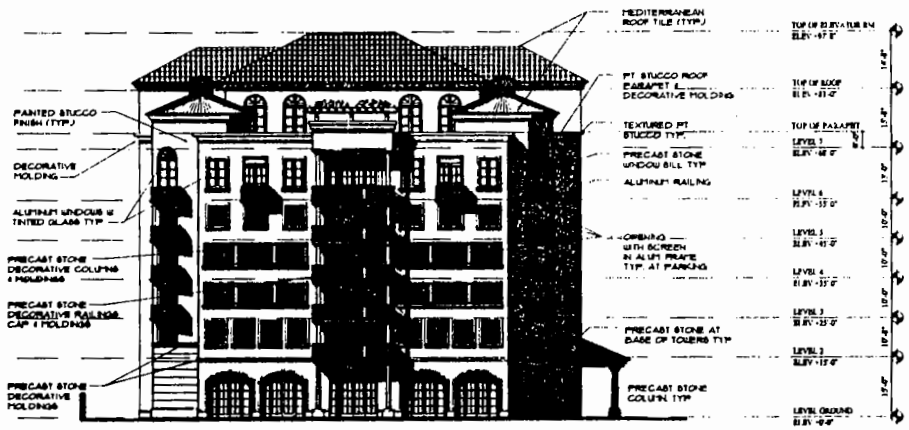
3 NORTH ELEVATION- CENTER AND WEST BUILDING
SCALE: 1/16"=1'-0"

FULLERTON DIAZ ARCHITECTS INC.

FULLERTON DIAZ ARCHITECTS INC
Architecture
Interior Design
Planning

Agora Professional Building

A-5



1 EAST ELEVATION - PHASE I

SCALE: 1/16"=1'-0"

2 EAST ELEVATION- PHASE II

SCALE: 1/16"=1'-0"

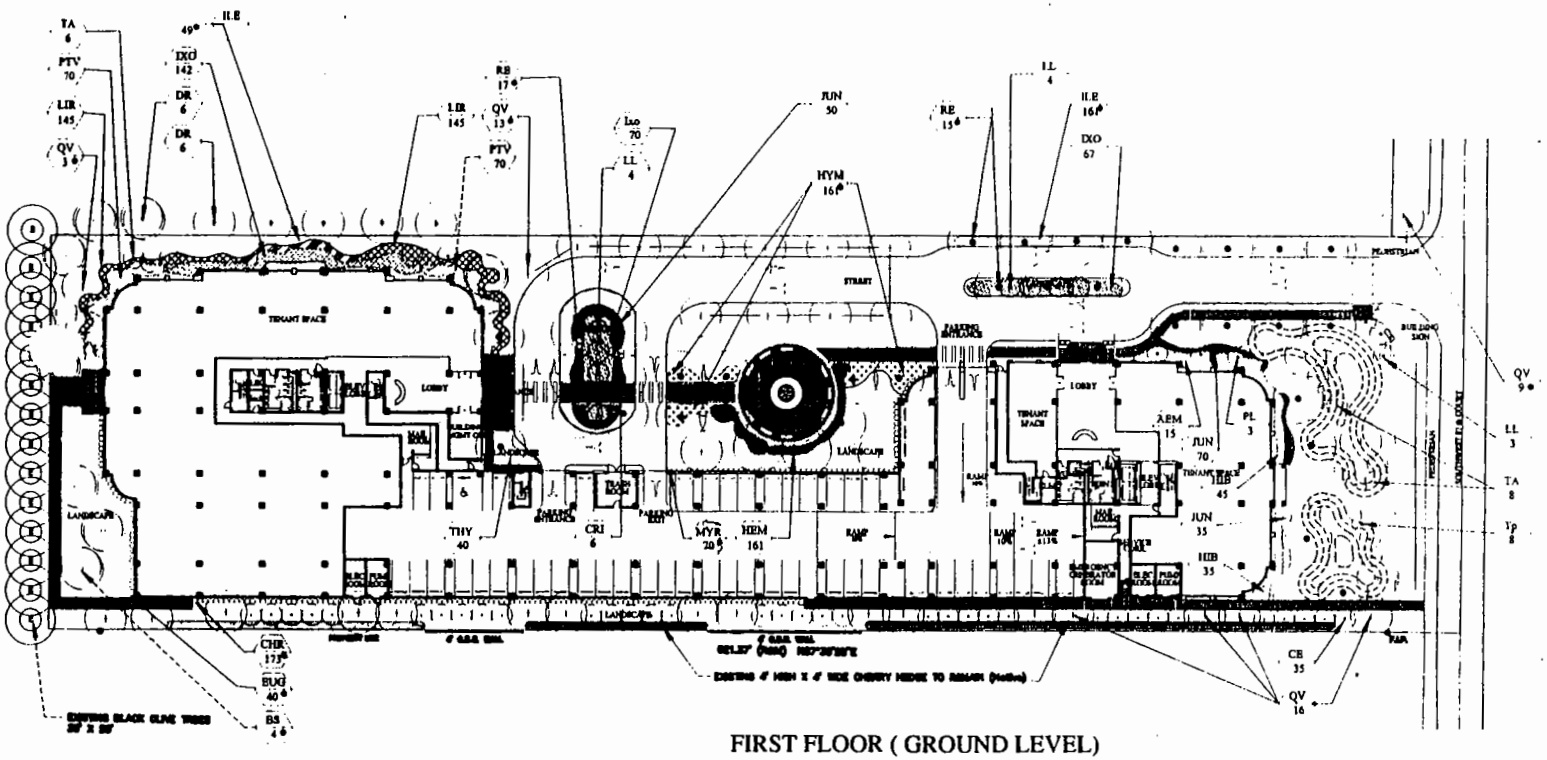
FULLERTON DIAZ ARCHITECTS INC.

FULLERTON DIAZ ARCHITECTS INC.
Architecture
Interior Design
Planning

Agora Professional Building

PHASE I & II
EAST ELEVATIONS

A-6



FIRST FLOOR (GROUND LEVEL)

SCALE: 1"= 30'

PLANT LIST:

SYMBOL	SCIENTIFIC NAME / COMMON NAME	QTY.	SIZE	SPACING / REMARKS		XERISCAPE REQUIREMENT TABULATION: Drought Tolerance H, M, L	Salt Tolerance H, M, L
	SHADE TREES AND PALM TREES					MEDIUM, MEDIUM OR LOW	HIGH, MEDIUM OR LOW
BS	BURSERA SIMARUBA/ GUMBO LIMBO	7	12'HT X 5' SPR		NATIVE	HIGH	HIGH
CE	CONOCARPUS ERECTUS ERECTUS/ SILVER BUTTONWOOD	13	8' x Pgs		NATIVE	HIGH	HIGH
DR	DELONIX REGIA/ ROYAL POINCIANA	8	12'HT X 5' SPR	5-1/2" CALIPER MIN.		HIGH	HIGH
QV	QUERCUS VIRGINIANA/LIVE OAK	41	12'HT X 5' SPR	2" CAL MIN	NATIVE	HIGH	HIGH
RE	ROYSTONEA ELATA / FLORIDA ROYAL PALM	16	30' OA	Matched H & B	NATIVE	HIGH	MEDIUM
LI	LIGUSTRUM LUCIDUM/ PRIVET	11	10'x Pgs	MULTI TRUNK		MEDIUM	LOW
PL	PHOENIX LITTORALIS/ CATTLEY GUAVA	3	12' x Pgs	B & B		HIGH	MEDIUM
TA	TABEBUIA CAIRABA/ YELLOW TRUMPET TREE	14	12' x Pgs	B & B		HIGH	MEDIUM
TP	TABEBUIA HETEROPHYLLA/ PINK TRUMPET TREE	4	12' x Pgs	B & B		HIGH	MEDIUM
	SHRUBS AND GROUNDCOVERS						
ABM	ALPINIA PURPURATA SO SEN MCDONALD/ PINK GINGER	11	3 GAL	FULL		MEDIUM	LOW
CRI	CRINUM AMABILUM/ GIANT CRINUM	6	7 GALS			HIGH	HIGH
CHR	CHRYSOBALANUS ICACO / COCO PLUM	179	3 GAL	36" OC	NATIVE	HIGH	HIGH
HEM	HEMIGRAPHIS PORTELA/ HAMMER STOPPER	40	3 GAL	30" OC	NATIVE	HIGH	HIGH
HYM	HYMENOCALLIS LATIFOLIA/ SPIDER LILY	164	3 GAL	2' OC	NATIVE	HIGH	HIGH
HIB	HIBISCUS B. & R. 'RED' SAO HIBISCUS	80	3 GAL	30" OC		LOW	MEDIUM
HRM	HEMEROCALLIS TEXAS TRIBE TRIBE TIMES DAY LILLY	161	GAL	18" OC		HIGH	HIGH
ILE	ILEX VOMITORIA NANA/ SCHELLHOW DWARF YAUPON	240	3 GAL	2' OC	NATIVE	HIGH	HIGH
DXO	DIODIA VIRGINIANA/ PINE DIODIA	270	3 GAL	30" OC		MEDIUM	MEDIUM
JUN	JUNIPERUS PARSONS/ PARSONS JUNIPER	138	3 GAL	2' OC		HIGH	HIGH
LIR	LIRIOPE M. EVERGREEN GIANT/ GIANT LIRIOPE	200	GAL	18" OC		HIGH	HIGH
MYR	MYRCIANTHES FRAGRANS/ SIMPSON'S STOPPER	76	3 GAL	30" OC	NATIVE	HIGH	HIGH
RIC	RICHARDIA SCABRA/ MARGARITA	160	3 GAL	30" OC		HIGH	HIGH
PHZ	PHILODENDRON XANADU	6	3 GAL	2' OC		HIGH	MEDIUM
THY	GAZANIA CRACILIS/ TRIYALLIS	40	3 GAL	2' OC		MEDIUM	MEDIUM

LANDSCAPE REQUIREMENTS/ CALCULATIONS:

INFORMATION REQUIRED TO BE PERMANENTLY AFFIXED TO PLAN

ZONING DISTRICT: OPD GROSS LOT AREA 2.94 ACRES 128,129 S.F.

LAWN AREA CALCULATION		REQUIRED	PROVIDED
A. 38,438.70 TOTAL S.F. OF LANDSCAPED OPEN SPACE REQUIRED (30%)			
B. MAXIMUM LAWN AREA (SOD) PERMITTED = 35 % X 38,438.70 S.F.		13,453.54	22,132.89
TREES			
A. TWENTY-EIGHT(28) PER ACRES	28 X 2.94 ACRES=	82	86
B. STREET TREE REQUIREMENTS 630 L.F. 30'=		18	18
TOTAL TREES		100	104
B. 30% PALMS ALLOWED OF TOTAL NON REQ. No. OF TREES		32	12
% PALMS PERMITTED TO COUNT AS 1:1 BASIS		32	32
C. % NATIVE REQUIRED: No. TREES PROVIDED X 35 %=		36	101 (98%)
SHRUBS			
A. SHRUBS REQUIRED: 10 PER TREE(100) = (100 x 10)=		1000	1195
B. No. SHRUBS ALLOWED X 35 %= No. OF NATIVE SHRUBS REQUIRED		350	806 (68%)

IRRIGATION PLAN.

100% irrigation coverage with a min. overlap of 50%.

INFORMATION REQUIRED TO BE PERMANENTLY AFFIXED TO PLAN

Professional Preparer's Statement of Landscape Compliance

Process No. Permit No.

Legal description: Lot Block

Subdivision Name P.B. Page

Development Name

Located at (address)

I/We hereby certify that the landscaping/irrigation plan being submitted for the above captioned complies with the requirements of Chapter 18A (18-13 Landscape Ordinance Effective March 24, 1998) as to the species, height, trunk width, and location at time of planting, and that the species shown are in accordance with the accepted species approved by Miami-Dade County and that none of the species are from the prohibited list. Additionally, automatic sprinkler system (if applicable) complies with the requirements of said ordinance as to the type of heads, spray system, location, etc.

Professional Preparer's Signature

Mariano Corral
Print Name

State of Florida
County of Dade

The forgoing instrument was acknowledge before me this day of 2001,
by of a corporation,
on behalf of the corporation. He/she is personally known to me or has produced
as identification and did/did not take an oath
Witness my signature and official seal this day of ,2001,
in the County and State aforesaid, the date, and year aforesaid

Notary Public

Print Name

DRB SET

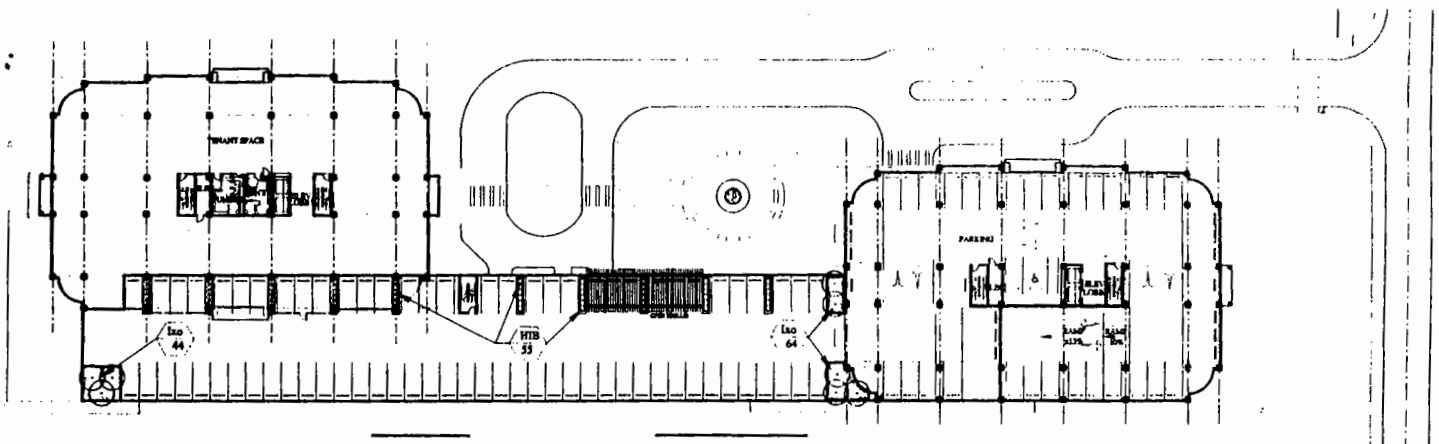
MARIANO CORRAL
Landscape Architecture
Golf Course Design
Land Planning
Urban Design

FULLERTON DIAZ ARCHITECTS INC

87TH COURT SOUTHWEST 107TH STREET
KENDALL, FLORIDA

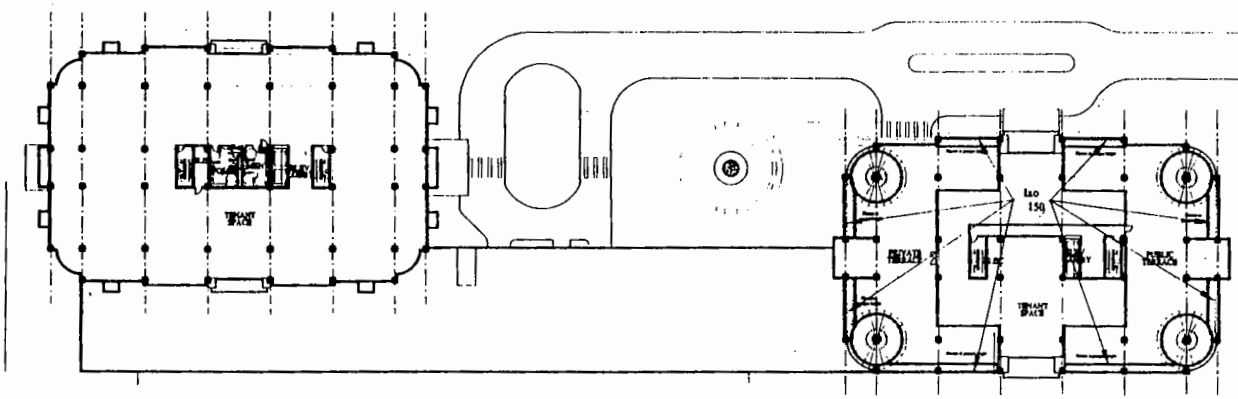
SITE LANDSCAPE PLAN
LEVEL 1

LP-1



FIFTH (5) FLOOR LEVEL

SCALE: 1" = 30'



REPEAT SAME AMOUNT FOR 8TH LEVEL FLOOR

SEVENTH AND EIGHTH FLOOR LEVEL

SCALE: 1" = 30'

SYMBOL	SCIENTIFIC NAME / COMMON NAME	QTY.	SIZE	SPACING / REMARKS	XERISCAPE REQUIREMENT TABULATION Drought Tolerance H, M, L	Salt Tolerance H, M, L
	SHADE TREES AND PALM TREES				HIGH, MEDIUM OR LOW	HIGH, MEDIUM OR LOW
PE	PTYCHOSPERMA ELEGANS/ ALEXANDER PALM	8	12' OA HGT		MEDIUM	MEDIUM
	SHRUBS AND GROUNDCOVERS					
HIB	HIBISCUS S. R. 'RED'/ RED HIBISCUS	55	3 GAL.	30" OC	LOW	MEDIUM
IXO	IXORA NORA GRANT / PINK IXORA	400	3 GAL.	30" OC	MEDIUM	MEDIUM

General Notes

1. All plant materials to be Florida Nat or better
2. All landscape areas shall be sodded with a min. overlap of 50 Provide Rain Sensor
3. Contractor is to do his own take off and if there are any discrepancies he is to bring it to the attention of the Landscape Architect, prior to commencing work
4. Landscape Contractor is to identify all utilities zones and underground lines prior to commencing work, for the health and welfare of his [illegible]
5. All sod to be St. Augustine floratam solid sod

PLANT DETAILS:

DRB SET

FULLERTON DIAZ ARCHITECTS INC

MARENO CORRAL
Landscape Architecture
Golf Course Design
Land Planning
Urban Design

87TH COURT SOUTHWEST 80TH STREET
KENDALL, FLORIDA

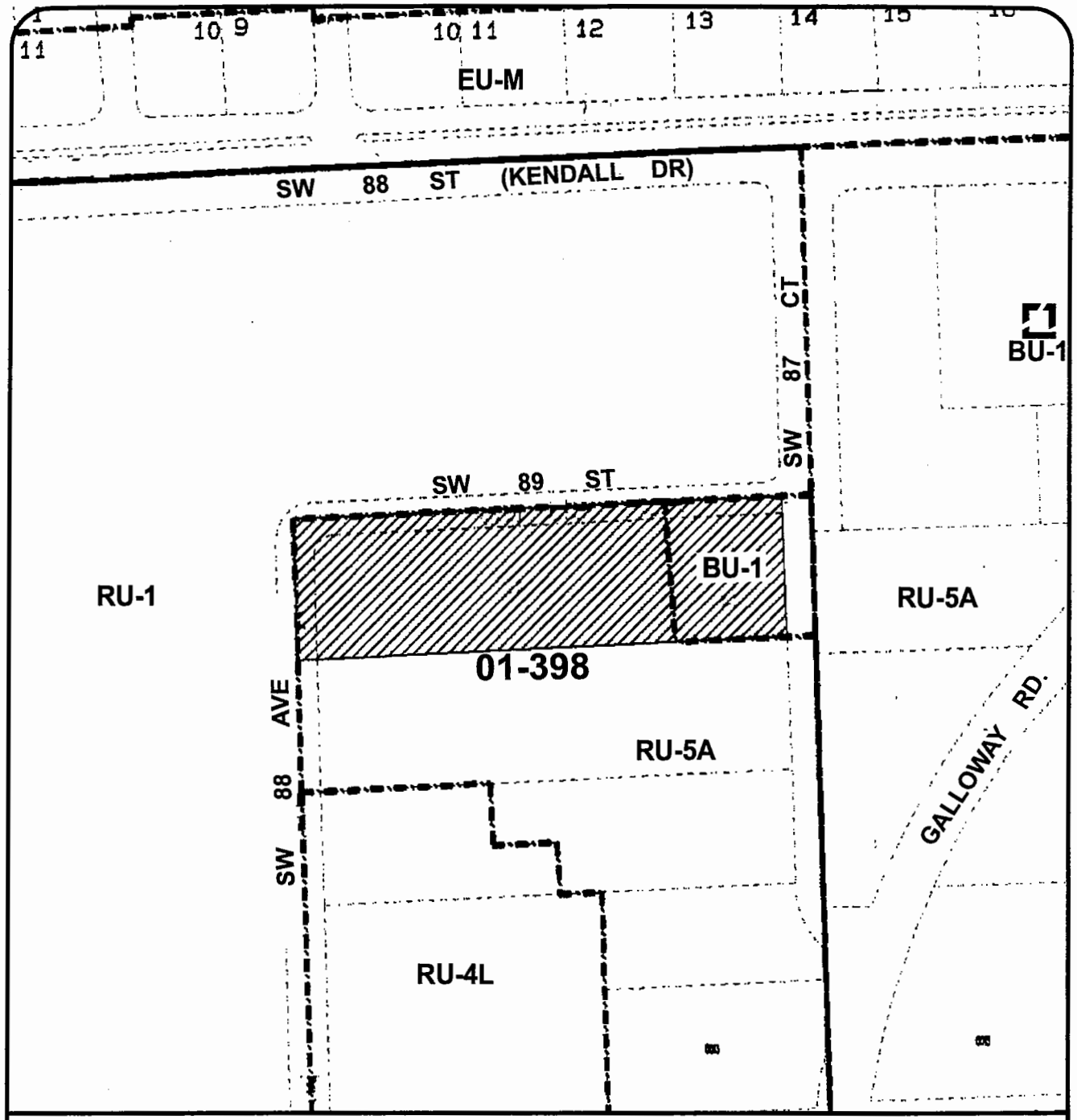
Scale
Date
Project Designer
Drawn By
Checked By
Job Number
Submittal
File
Drawing Title
PLANTER LANDSCAPE LEVEL 5 & 8

Revisions

No	Description	Date

Sheet Number

LP-2



MIAMI-DADE COUNTY
HEARING MAP

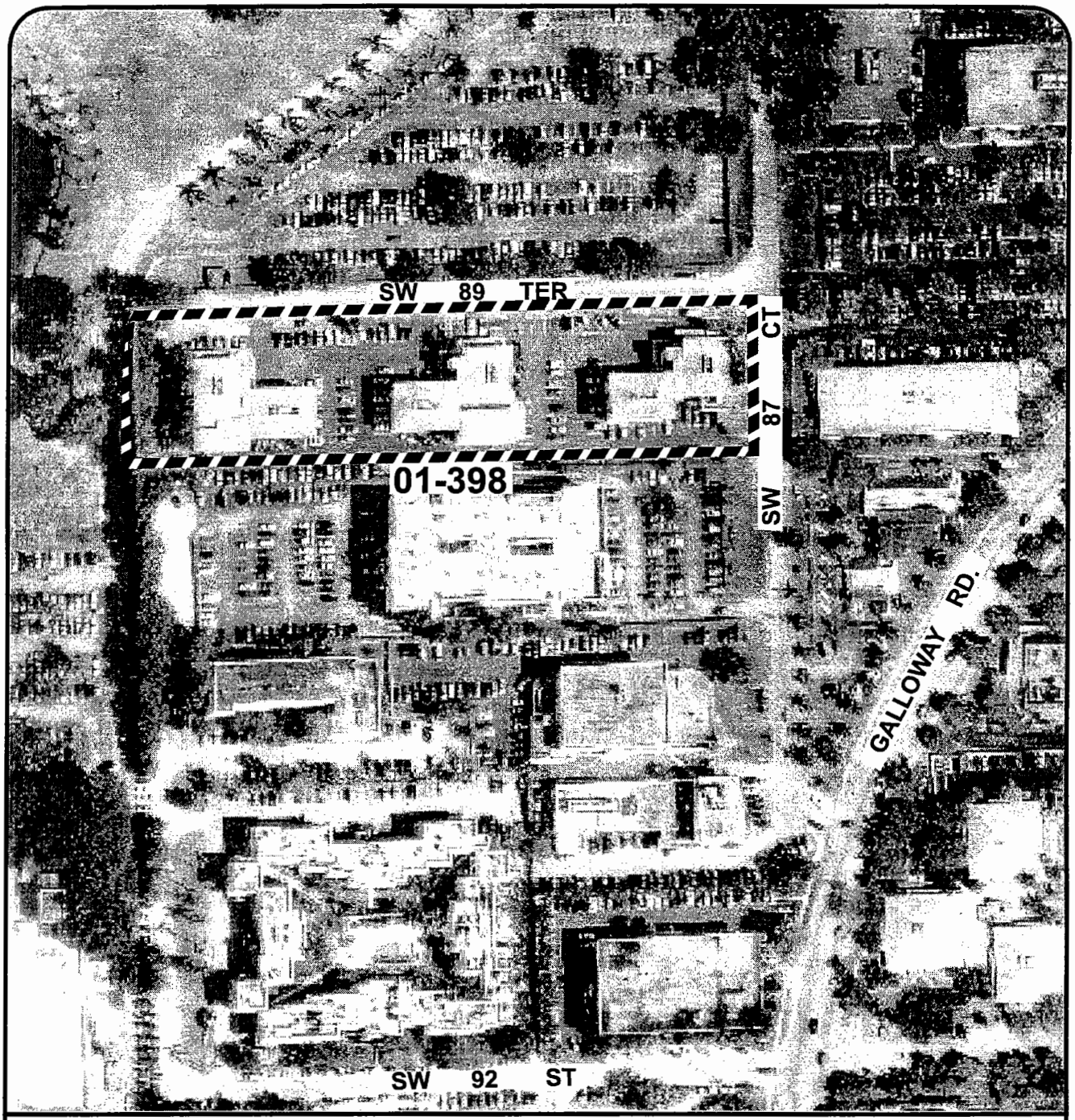
S C A L E 0 200' N

SUBJECT PROPERTY

Section: 04 Township: 55 Range: 40
Process Number: 01000398
Applicant: ACROPOLIS REALTY, LLC.
District Number: 08
Zoning Board: C12
Drafter ID: ALFREDO
Scale: 1:200'

MIAMI-DADE

G: ZONING DRAFTING 01-398. 12/01
REVISED 10/14/03



MIAMI-DADE COUNTY
AERIAL

S C A L E
0 NTS
N

SUBJECT PROPERTY

Section: 04 Township: 55 Range: 40
Process Number: 01000398
Applicant: ACROPOLIS REALTY, LLC.
District Number: 08
Zoning Board: C12
Drafter ID: ALFREDO
Scale: NTS

MIAMI-DADE

G: ZONING DRAFTING. 01-398. 12/01

1. ACROPOLIS REALTY LLC
(Applicant)

03-11-CZ12-1 (01-398)
Area 12/District 8
Hearing Date: 11/18/03

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
1965	Mark XX	Zone change from AU to RU-5A.	CC	Approved
1966	Mark XX	Use Variance for zoning regulations, waiving 5' wall along interior side of property lines.	ZAB	Approved
1967	Mark XX	Variance zoning regulations, walls, access buildings.	ZAB	Approved
1983	Raymond Pearlson & Robert Browdy	Zone change from RU-5A to BU-1.	CC	Approved

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

MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 12

APPLICANT: Acropolis Realty LLC **PH:** Z01-398 (03-11-CZ12-1)

SECTION: 4-55-40 **DATE:** November 18, 2003

COMMISSION DISTRICT: 8 **ITEM NO.:** 1

==========

A. INTRODUCTION

- **REQUESTS:**

(1) RU-5A & BU-1 to OPD

(2) DELETION of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329.

The purpose of the request is to remove an agreement from the site which limited the commercial uses and tied the BU-1 site to a plan.

(3) The applicant is requesting to permit a lot with an area of 2.94 acres. (The underlying zoning district regulation requires 3 acres including right-of-way dedication).

(4) The applicant is requesting to permit a floor area ratio of 0.94. (The underlying zoning regulation permits 0.86.

Plans are on file and may be examined in the Zoning Department entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., dated revised 9-2-03 and 10-2-03 and consisting of 8 pages. Plans may be modified at public hearing.

- **SUMMARY OF REQUESTS:**

This application will allow the applicant to change the zoning on the property from RU-5A, Semi-Professional Office District, and BU-1, Neighborhood Business District, to OPD, Office Park District. The requests will also allow less lot area than required, a lesser floor area ratio than permitted, and the deletion of a Declaration of Restrictions as it pertains to the BU-1 zoned site.

- **LOCATION:**

8960-70 S.W. 87 Court, Miami-Dade County, Florida.

- **SIZE:** 2.94 acres.

- **IMPACT:**

The rezoning of the property and accompanying requests will allow the applicant to provide professional services to the community. However, this application will bring additional traffic and noise into the area.

B. ZONING HEARINGS HISTORY:

In 1965, the Board of County Commissioners (BCC) rezoned this site from AU, Agricultural District, to RU-5A, Semi-Professional Office District. In 1966 and 1967, the Zoning Appeals Board (ZAB) waived the required walls along the interior side property lines of the aforementioned property. In 1983, the BCC rezoned the easterly 185' of the subject property from RU-5A to BU-1, Neighborhood Business District. A Declaration of Restrictions was subsequently recorded that restricted the development of the BU-1 portion of the site to the plans approved at said hearing and restricted the permitted uses to a commercial bank and a sandwich shop.

C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):

The Adopted 2005 and 2015 Land Use Plan designates the subject property as being within the Urban Development Boundary for **office/residential**.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING	LAND USE PLAN DESIGNATION
Subject Property:	
RU-5A & BU-1; apartments	Office/Residential
Surrounding Properties:	
NORTH: RU-1; parking lot	Office/Residential
SOUTH: RU-5A; office building	Office/Residential
EAST: RU-5A; office building	Office/Residential
WEST: RU-1; Baptist Hospital complex	Institutional & Public Facility

The subject parcel is a narrow linear site located between SW 87 Avenue (Galloway Road) and Baptist Hospital. There is a parking lot which serves Baptist Hospital to the north with a mixture of apartments and offices to the south.

E. SITE AND BUILDINGS:

Site Plan Review:

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**
Energy Considerations:	**N/A**
Roof Installations:	**N/A**
Service Areas:	**N/A**
Signage:	**N/A**
Urban Design:	**Acceptable**

F. PERTINENT REQUIREMENTS/STANDARDS:

Section 33-311(A)(8). The Board shall hear and grant or deny applications for **district boundary changes** taking into consideration that same must be consistent with the CDMP, with applicable area or neighborhood studies or plans, and would serve a public benefit. The Board shall take into consideration 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. The Board shall consider if the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities, including mass transit, roads, streets, and highways or other necessary public 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, street or highways.

Section 33-311(A)(17). Modification or Elimination of Conditions and Covenants After Public Hearing. The Community Zoning Appeals Board 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 following paragraphs 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.

VI. **Modification or Elimination of Conditions or Restrictive Covenants After Public Hearing, Where the Conditions or Restrictive Covenants were Accepted or Imposed Simultaneously with a District Boundary Change.** The Community Zoning Appeals Board shall approve an application to modify or eliminate a condition or part thereof, or a restrictive covenant or part thereof, which requires development of a specific site plan and which was accepted or imposed simultaneously with a district boundary change, where it is demonstrated that:

(A) The subject property would satisfy all current requirements and standards for a district boundary change to the property's present zoning district without the condition or restrictive covenant, or else the modification or elimination is sought in connection with an application for rezoning to a different district. For purposes of this requirement, new conditions or restrictive covenants may be imposed or proffered to satisfy such requirements and standards.

(B) The Community Zoning Appeals Board shall impose such conditions and requirements in connection with an approval under this subsection as shall prevent or mitigate any resulting adverse impacts to the County or to any aggrieved person who has reasonably, demonstrably and detrimentally relied upon the condition or covenant sought to be modified or eliminated.

(C) Notwithstanding the provisions of the preceding paragraphs, no application will be approved under this subsection if such approval would result in:

1. a use of land which will have a significant adverse effect upon the value of properties in the immediate vicinity;
2. community design, architecture, or layout and orientation of buildings, open space, or amenities that is inconsistent with and deleterious to the aesthetic character of the immediate vicinity;
3. a material change in the density, intensity, or use of the subject property that so differs from the density, intensity, or use of other existing or approved development in the immediate vicinity that the subject property would represent an obvious and significant departure from the established development pattern of the immediate vicinity which has a deleterious effect on its community character;
4. a substantial degradation of localized traffic patterns or a substantial adverse impact on the roadway network;
5. unmitigated demands on potable water, sanitary sewer, or stormwater treatment systems which exceed the capacity of those systems; or
6. a continued and substantial risk to human life or safety or to the environment, or a nuisance.

Section 33-311(A)(7). 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 a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, 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) (21) Alternative Site Development Option for Office Buildings, Laboratory Buildings and Associated Accessory Buildings and Structures. This subsection provides for the establishment of an alternative site development option, after public hearing, for office buildings, laboratory buildings and associated accessory buildings and structures, when such uses are permitted by the underlying district regulations, in the OPD zoning district, in accordance with the standards established herein. In considering any application for approval hereunder, the Community Zoning Appeals Board shall consider the same subject to approval of a site plan or such other plans as necessary to demonstrate compliance with the standards herein.

An alternative **lot area and frontage** shall be approved upon demonstration of at least one of the following:

(1) the proposed lot area and frontage shall permit the development or redevelopment of a structure(s) on a lot, parcel or tract of land where such structure(s) would not otherwise be permitted by the underlying district regulations due to the size or configuration of the parcel proposed for alternative development, provided that:

(A) the lot, parcel or tract is under lawful separate ownership from any contiguous property; and

(B) the proposed alternative development will not result in the further subdivision of land; and

(C) the size and dimensions of the lot, parcel or tract are sufficient to provide all setbacks required by the underlying district regulations; and

(D) the area of the lot, parcel or tract is not less than: seventy-five percent (75%) of the minimum lot area required by the underlying district regulations; and

(E) the proposed alternative development does not result in an obvious departure from the aesthetic character of the immediate vicinity; and

(F) the frontage dimension of the lot, parcel or tract is not less than: seventy-five percent (75%) of the minimum frontage required by the applicable district regulations; except that the frontage dimension of a flag-lot, parcel or tract shall be permitted to be reduced to the minimum width necessary to allow vehicular access as determined by the County; and

(G) the resultant frontage dimension of the lot, parcel or tract provides vehicular ingress and egress to all resulting lots, parcels or tracts, including on-site access to emergency equipment; or

(2) the proposed alternative development results in landscaped open space, community design, amenities or preservation of natural resources that enhances the function or aesthetic character of the immediate vicinity in a manner not otherwise achievable through application of the applicable district regulations, provided that:

(A) the number of lots of the proposed alternative development does not exceed that normally permitted by the lot area dimensions of the underlying district regulations; and

(B) the size and dimensions of each lot, parcel or tract in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations, or, if applicable, any prior zoning actions for similar uses issued prior to the effective date of this ordinance (September 19, 2003); and

(C) the area of each lot, parcel or tract is not less than eighty percent (80%) of the area required by the applicable district regulations; and

(D) the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

(E) the resultant frontage of the lot, parcel or tract provides vehicular ingress and egress to all resulting lots, parcels or tracts, including on-site access to emergency equipment; or

(3) the proposed lot area and frontage is such that:

(A) the proposed alternative development will not result in the creation of more than two (2) lots, parcels or tracts; and

(B) the size and dimensions of each lot, parcel or tract are sufficient to provide all setbacks required by the applicable district regulations; and

(C) no lot area shall be less than the smaller of:

(i) ninety percent (90%) of the lot area required by the applicable district regulations; or

(ii) the average area of the developed lots, parcels or tracts in the immediate vicinity within the same zoning district; and

(D) the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and

(E) the resultant frontage provides vehicular ingress and egress to all resulting lots, parcels or tracts, including on-site access to emergency equipment.

An alternative **floor area ratio** for a building(s) shall be approved upon demonstration of the following:

(1) total lot coverage or floor area ratio shall not be increased by more than ten percent (10%) of the lot coverage or floor area permitted by the underlying district regulations; and

(2) the proposed alternative development will not result in the destruction or removal of mature trees on the lot with a diameter at breast height of greater than ten (10) inches, unless the trees are among those listed in section 24-60(4)(f) of this code, or the trees are relocated in a manner that preserves the aesthetic and shade qualities of the lot; and

(3) the increase in lot coverage or floor area ratio will not result in a principal buildings, or accessory building(s) in the RU-5A district, with an architectural design, scale, mass or building materials that are not aesthetically harmonious with that of other existing or proposed structures in the immediate vicinity; and

(4) the proposed alternative development will not result in an obvious departure from the aesthetic character of in the immediate vicinity.

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.

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.

G. NEIGHBORHOOD SERVICES:

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

H. ANALYSIS:

The subject property is located at 8960-70 SW 87 Court. The applicant is seeking a district boundary change on this site from RU-5A, Semi-Professional Office District, and BU-1, Neighborhood Business District, to OPD, Office Park District. The Office Park District incorporates a concept which delineates an open space character for buildings whose principal uses are administrative, professional, or research. Uses permitted in the OPD include office buildings for business, professional, and secretarial uses that cater to the provision of services and laboratories for scientific and industrial research and development. Certain accessory uses are permitted which include, but are not limited to auditoriums, eating establishments such as coffee shops, food carry out, and sandwich shops, newsstands, tobacco shops, and private clubs. The applicant is also seeking a deletion of a Declaration of Restrictions that restricted the development of the BU-1 portion of the site to the plans approved at a 1965 public hearing that rezoned said portion of the site to BU-1. The Declaration of Restrictions also restricted the permitted uses on said parcel to a bank and a sandwich shop. The applicant is also seeking approval for a request to permit a lot with less lot area than required and to permit a floor area ratio of 0.94. The applicant has submitted plans for the development of this site with an eight story office building with a parking garage and intends to proffer a covenant limiting the development of the site to same.

The Department of Environmental Resources Management **(DERM)** has **no objections** to this application and has indicated that it meets the Level of Service (LOS) standards set forth in the Master Plan. However, the applicant will have to comply with all conditions as set forth by DERM in their memorandum pertaining to this application. At the time of this writing, comments had not been received from the Public Works Department. Therefore, their concerns, if any, could not be addressed in this recommendation.

This application will allow the applicant to rezone the property to OPD and to provide professional offices for the community. The proposed OPD zoning will be **consistent** with the Master Plan which designates this site for Office/Residential use on the Land Use Plan (LUP) map. The proposed Office Park District as well as the site plan submitted will be **compatible** with the surrounding area which consists of the Baptist Hospital complex to the west, a parking lot for said hospital to the north, an office building to the east, and an office building which lies to the south.

The new standards under Section 33-311(A)(17) 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. Request #2 complies with the standards of Section VI, Modification or Elimination of Conditions and Restrictive Covenants After Public Hearing, Where the Conditions or Restrictive Covenants were Accepted or imposed simultaneously with a District Boundary Change, in that the elimination of said Declaration of Restrictions is sought in connection with an application for rezoning to a different district. In this regard, Request #2 complies with Section 33-311(A)(17)(VI).

Although Request #2 complies with the modification standards under Section 33-311(A)(17), when analyzed under Section 33-311(A)(7), the request also complies with the original deletion of a Declaration of Restrictive covenant standards. When considering the necessity for and the reasonableness of the elimination in relation to the present and future development of the area concerned, the deletion of said covenant will be compatible with the surrounding area and will not adversely impact same.

The new standards under Section 33-311(A)(21) provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable alternative site development option (ASDO) standards for office buildings, laboratory buildings, and associated accessory buildings and structures. The applicant contends that Requests #3 and 4 pertaining to lot area and floor area ratio comply with said standards. Request #3 to allow a lot area of 2.94 acres where the underlying zoning district requires 3 acres meets said standards including, but not limited to, that the subject parcel is under lawful separate ownership from any contiguous property, the proposed alternative development will not result in the further subdivision of land, the area of the lot is not less than 75% of the minimum lot area required by the underlying district regulations, and the size and dimensions of the lot are sufficient to provide all setbacks required by the underlying district regulations. Request #4 to permit a floor area ratio of 0.94 where 0.86 is permitted also complies with the ASDO standards in that, among other things, the floor area ratio will not be increased by more than 10% and the proposed alternative development will not result in an obvious departure from the aesthetic character of the surrounding area. As such, Requests #3 and 4 comply with the ASDO standards under Section 33-311(A)(21). If analyzed under the alternative non-use variance standard [33-311(A)(4)(c)], the applicants would have to prove that these requests are due to an unnecessary hardship and that, should it not be granted, it would not permit the reasonable use of the premises. However, since the property can be utilized in accordance with the current BU-1 and RU-5A zoning standards, staff is of the opinion that this application cannot be approved under the alternative non-use variance standard.

Although Requests #3 and 4 comply with the alternative site development option standards, when analyzed under Section 33-311(A)(4)(b), said requests would also comply with the non-use variance standards. Staff is of the opinion that the approval of said requests will be **compatible** with the adjacent properties and the surrounding area and that said requests maintain the basic intent and purpose of the zoning code.

Based on all of the aforementioned, staff recommends approval of the zone change to OPD under Section 33-311(A)(8), subject to the Board's acceptance of the proffered covenant; approval with conditions of Request #2 under Section 33-311(A)(17); and approval with conditions of Requests #3 and 4 under Section 33-311(A)(21).

I. RECOMMENDATION:

Approval of the zone change to OPD under Section 33-311(A)(8), subject to the Board's acceptance of the proffered covenant; approval with conditions of Request #2 under Section 33-311(A)(17); and approval with conditions of Requests #3 and 4 under Section 33-311(A)(21).

J. CONDITIONS:

1. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include among other things but not be limited thereto, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., dated revised 9-2-03 and 10-2-03 and consisting of 8 sheets.

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

4. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.

5. That the applicant obtain a Certificate of Use from the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

6. That the applicant comply with all the conditions and requirements of the Public Works Department.

7. That the applicant comply with all the conditions and requirements of the Department of Environmental Resources Management (DERM).

DATE INSPECTED: 10/28/03
DATE TYPED: 11/05/03
DATE REVISED:
DATE FINALIZED: 11/07/02
DO'QW:AJT:MTF:JDR

Diane O'Quinn Williams, Director
Miami-Dade County Department of
Planning and Zoning

MIAMI-DADE

MEMORANDUM

DERM
DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT

TO: Diane O' Quinn-Williams, Director
Department of Planning and Zoning

RECEIVED
1 7 2003
MIAMI-DADE COUNTY
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING

DATE: October 7, 2003

SUBJECT: C-12 #Z2001000398-Revised
Acropolis Realty, LLC
S/S of SW 89th Terrace between SW 87th Court and SW 88th Avenue
SE to Permit Site Plan Approval for a Office Development
DBC from RU-5A/BU- 1 to OPD/ASDO
(RU-5A/ BU-1) (3 Ac.)
04-55-40

FROM: Alyce M. Robertson, Assistant Director
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 the Miami-Dade County, Florida. Accordingly, DERM may approve the application and it may be scheduled for public hearing. DERM has also evaluated the request insofar as the general environmental impact that may derive from it, and based upon the available information offers no objection to its approval.

Wellfield Protection:
The subject property is located within the Average Day Pumpage Wellfield Protection Area for the Alexander Orr/Snapper Creek/Southwest Wellfield Complex. Development of the subject property shall be in accordance with the regulations established in Section 24.12.1 of the Code. Since the subject request is for a non-residential land use, the owner of the property has submitted a properly executed covenant in accordance with Section 24-12.1(5) of the Code which provides that hazardous materials or wastes shall not be used, generated, handled, discharged, disposed of or stored on the subject property.

Water and Sewer Service:
Public water and public sanitary sewers can be made available to this site and connection of any existing or proposed facilities will be required. All sewer lines serving the property shall comply with the exfiltration standards as applied to development within wellfield protection areas.

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

Notwithstanding the foregoing, 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 until adequate capacity becomes available. Consequently, final development orders for this site may not be granted unless adequate capacity in the sanitary sewer collection/transmission and treatment system is available at the point in time when the

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project will be contributing sewage to the system or if approval for alternative means of sewage disposal can be obtained. Use of an alternative means of sewage disposal 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:
All stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage structures. Drainage plans shall provide for full on-site retention of the stormwater runoff of a 5-year storm event. Pollution Control devices shall be required at all drainage inlet structures.

A Standard General Environmental Resource Permit from DERM shall be required for the construction and operation of the required surface water management system. The applicant is advised to contact DERM in order to obtain additional information concerning permitting requirements.

Site grading and development shall comply with the requirements of Chapter 11C of the Code of Miami-Dade County.

Section 24-12.1 of the Code provides for stormwater disposal methods within wellfield protection areas of public potable water supply wellfields. The Code requires that all stormwater runoff must be retained on-site utilizing only infiltration or seepage type drainage systems.

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 Comprehensive Development Master Plan subject to compliance with the conditions required by DERM for this proposed development order.

Operating Permits:
Section 24-35.1 of the Code authorizes DERM to require operating permits for 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 24-60 of the Code requires the preservation of tree resources. Consequently, DERM will require the preservation of all the specimen-sized trees, as defined in the Code. A Miami-Dade County tree removal permit is required prior to the removal or relocation of any trees. The applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

Wetlands:
The subject site is not located in jurisdictional wetlands as defined in Chapter 24-3 and 24-58 of the Code; therefore, a Class IV Permit for work in wetlands will not be required by DERM.

Notwithstanding the above, permits from the Army Corps of Engineers (USACOE), the State of Florida Department of Environmental Protection (FDEP) and the South Florida Water

Management District (SFWMD) may be required for the proposed project. The applicant is advised to contact these agencies concerning their permit procedures and requirements.

Enforcement History:
DERM has reviewed the Permits and Enforcement database and the Enforcement Case Tracking System and has found no open or closed formal enforcement records for the subject properties identified in the subject application.

Concurrency Review Summary:
The Department has conducted a concurrency review for this application and has determined that the same meets all applicable Levels of Service standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan 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.

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval as required by the Code. Additionally, DERM has also evaluated the application so as to determined its general environmental impact and after reviewing the available information offers no objections to the approval of the request.

cc: Ruth Ellis-Myers, Zoning Evaluation-P&Z
Lynne Talleda, Zoning Hearings- P&Z
Franklin Gutierrez, Zoning Agenda Coordinator-P&Z

PUBLIC WORK MEMORANDUM WILL BE DISTRIBUTED AT A LATER DATE.

MIAMI-DADE FIRE RESCUE DEPARTMENT
ZONING COMMENTS

C-12

Hearing Number: 201-398 REV.

Service Impact: ☑ Yes ☐ No

Plans: ☐ Yes ☐ No Request: _____

Location: SW corner SW 89 terr / SW 87th ct.

Recommendation: No objection ✓
No objection with condition(s) ____ *
Denial ____

* _____

Estimated number of alarms generated annually by application: 14

If there is an impact, below is the service availability:

Station District 23 Grid 1829 DU/SF 58,891 sf. Occupancy Type _____

Impact of additional calls on closest station: ☑ Minimal Impact.

☐ Moderate Impact. Planned station(s) will mitigate impact.

Planned Service to Mitigate:

Service	Location	Year to be Completed

☑ None

ACCESS:
Description of Concern(s):

- ☐ Gated entrances must have a minimum 15' width and must provide an elevator lock box containing a switch or lever to activate the gate for fire department use.
- ☐ Access lanes are to be a minimum of 20 feet wide with a vertical clearance of 13 feet 6 inches.
- ☐ Turnabout for fire apparatus shall have a minimum centerline radius of 50 feet. (T or Y turnaround acceptable to the AHJ shall be permitted) (Florida Fire Prevention Code)
- ☑ **Fire Engineering & Water Supply Bureau site plan review and approval required.**

OTHER CONCERN(S):

_____

Barbara J. Matthews 9/30/02

Reviewed by: Barbara J. Matthews

Revised 4/18/02

TEAM METRO
KENDALL OFFICE

ENFORCEMENT HISTORY

Acropolis Realty LLC	8960-8970 SW 87 Ct.
APPLICANT	**ADDRESS**
11/18/03	01-398
DATE	**HEARING NUMBER**

CURRENT ENFORCEMENT HISTORY:

10/27/03	An inspection revealed no current violations. However, on:
8/01/02	An inspection revealed violations and Civil Violation Notices were issued: #803599 (failure to obtain a permit), #803600 (unauthorized use within a RU -5A district), and #888201 (Establishing a new use without prior public hearing approval). All three citations were appealed. After numerous rescheduled hearings the cases was heard on 4/30/03 and they were found guilty on the three citations. A partial payment agreement was entered into for the three citations. Only one payment was made on CVN #803599.

DISCLOSURE OF INTEREST*

If the property which is the subject of the application is owned or leased by a CORPORATION, list the principal stockholders and the percentage of stock owned by each. [Note: Where the principal officers or stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

ACROPOLIS REALTY, L.L.C.
CORPORATION NAME

NAME, ADDRESS AND OFFICE	Percentage of Stock
PED INVESTMENTS LIMITED	100%

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: Where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUST NAME

NAME AND ADDRESS	Percentage of Interest

DISCLOSURE OF INTEREST*

If the property which is the subject of the application is owned or leased by a CORPORATION, list the principal stockholders and the percentage of stock owned by each. [Note: Where the principal officers or stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

PED INVESTMENTS LIMITED
CORPORATION NAME

NAME, ADDRESS AND OFFICE	Percentage of Stock
Pablo Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	49 1/2 %
Elizabeth Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	49 1/2 %
PED HOLDINGS, INC.	1 %

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: Where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

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PED HOLDINGS, INC.
CORPORATION NAME

NAME, ADDRESS AND OFFICE	Percentage of Stock
Pablo Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	50%
Elizabeth Delgado, 8966 SW 87th Court, Suite 24 Coral Gables, FL 33134	50%

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: Where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUST NAME

NAME AND ADDRESS	Percentage of Interest

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

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

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

Signature: _____

(Applicant) Pablo Delgado, President

Sworn to and subscribed before me,

this 10 day of October, 2001

(SEAL)

Elizabeth P. Cardenas

Notary Public, State of Florida at Large

ELIZABETH P. CARDENAS
MY COMMISSION # CC 994093
EXPIRES: January 16, 2005
Bonded Thru Notary Public Underwriters

My Commission Expires:

*Disclosure shall not be required of any entity, the equity interests in which are regularly traded on an established securities market in the United States or other country; or of any entity, the ownership interests of which are held in a limited partnership consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interest in the limited partnership.

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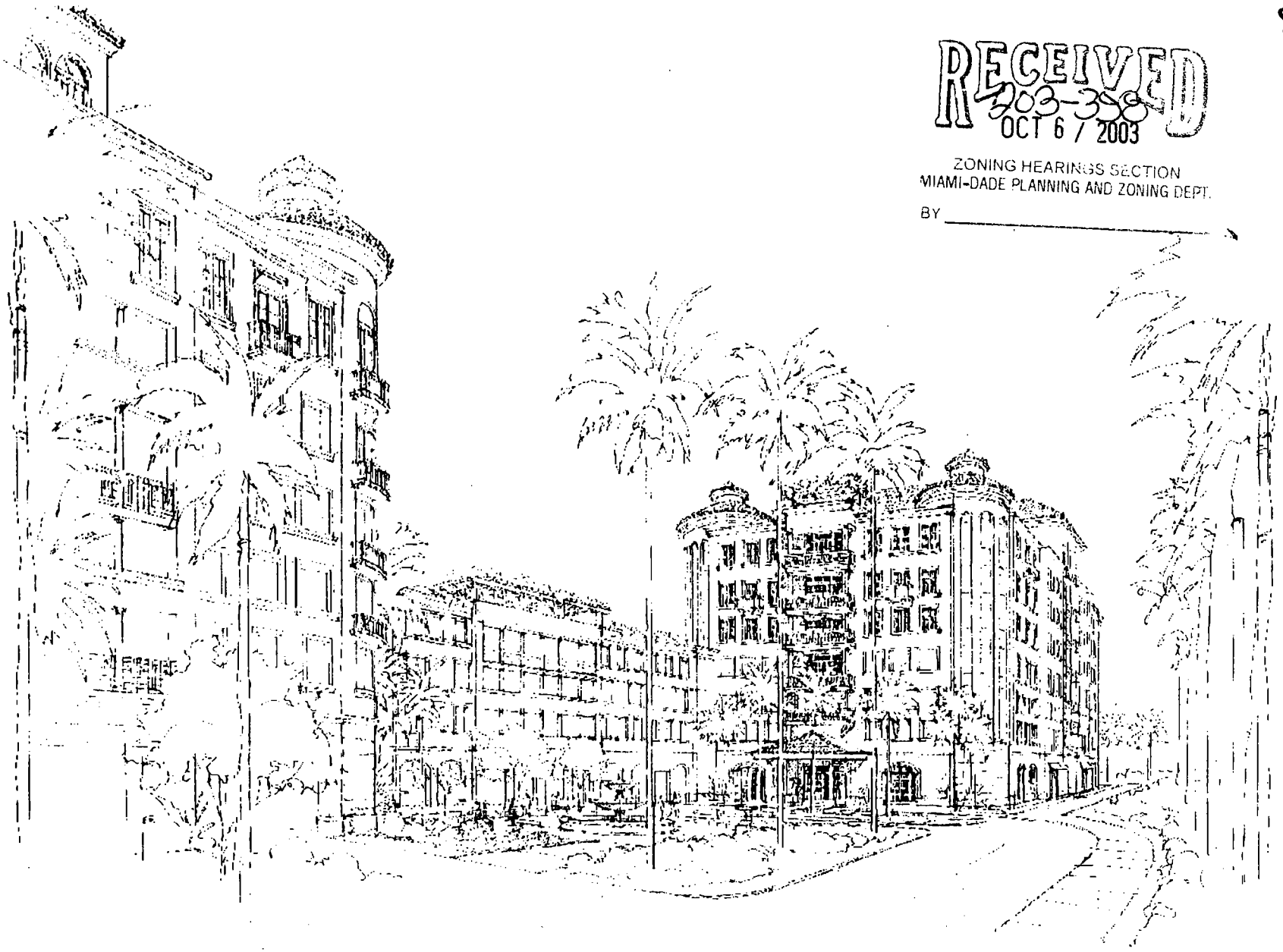
RECEIVED
203-398
OCT 6 / 2003
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____



F U L L E R T O N D I A Z A R C H I T E C T S I N C.

AGORA PROFESSIONAL BUILDING

8960 SW 87TH COURT MIAMI, FLORIDA 33176

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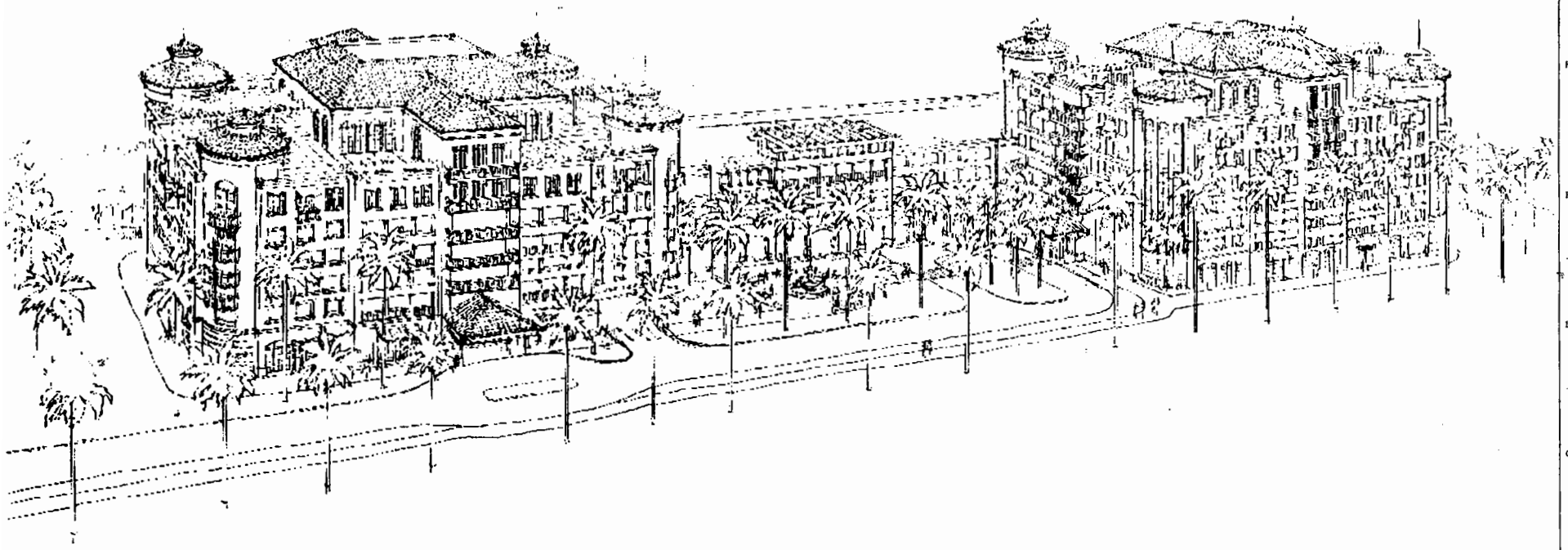


FULLERTON DIAZ ARCHITECTS INC.

FULLERTON DIAZ ARCHITECTS INC.
Architecture
Interior Design
Planning

Agora Professional Building

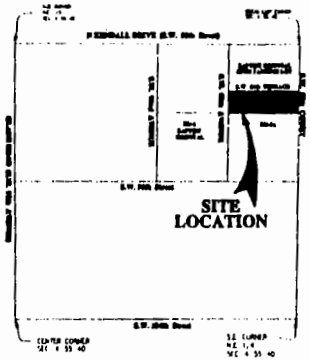
Scale
Date
Project Designer
Drawn By
Checked By
Job Number
Submittal
File

Drawing Title
PERSPECTIVE

No.	Description	Date

Sheet Number
A-0

24



LOCATION MAP
N.E. 1/4 OF SECTION 4-55-40
MIAMI-DADE COUNTY, FLORIDA
(NOT TO SCALE)

AGORA PROFESSIONAL BUILDING
SITE DATA LEGEND

ZONING AUTHORITY :	METROPOLITAN DADE COUNTY, FLORIDA
EXISTING ZONING CLASSIFICATION :	BU-3A (SEMI-PROFESSIONAL OFFICE DISTRICT) BU-1 (NEIGHBORHOOD BUSINESS DISTRICT)
DESIGNATED ZONING CLASSIFICATION :	OPD (OFFICE PARK DISTRICT)
PROPERTY ADDRESS :	8900 SW 87 TH COURT MIAMI, FLORIDA 33176
FLOOD CRITERIA:	FLOOD ZONE " AE" B.F.E. 9
NAME OF WATER AND SEWER UTILITIES:	MIAMI DADE COUNTY WATER AND SEWER
PROPOSED PRINCIPAL USE:	MEDICAL OFFICE BUILDING
LAND AREA INCLUDING R.O.W.	128,087.36 SF. OR 2.94 ACRES (MINIMUM REQUIRED = 3 ACRES)
LOT FRONTAGE (@ SW 87 TH COURT) :	202.87 (MINIMUM REQUIRED =100)
HEIGHT OF BUILDING:	ALLOWED : (8 STORY) 100' MAX. PROVIDED: (8 STORY) 99' 0" TO THE TOP OF THE ROOF
SET BACKS	REQUIRED : 50' FRONT, 15' SIDES AND REAR PROVIDED : 50' FRONT@ SW 87TH COURT, 15 SIDES AND REAR
PROPOSED BUILDING LOT COVERAGE:	58,891 SF. OR 46 % OF SITE
PROPOSED PAVED STREETS AREA:	17,333 SF. OR 13.60 % OF SITE
LANDSCAPED OPEN SPACE :	REQUIRED 46 % OF SITE OR 128,076 X 0.46 = 58,915 sf 50% REQUIRED AT GROUND FLOOR: 58,915 X 0.50 = 47129 sf PROVIDED: 50 % OF SITE OR 64,390 sf OPEN SPACE AT GROUND FLOOR : 51,705 sf OPEN SPACE AT 5TH LEVEL : 663 sf OPEN SPACE AT 7TH LEVEL ROOF : 5,936 sf OPEN SPACE AT 8TH LEVEL ROOF : 6,044 sf REFER TO LANDSCAPE DRAWINGS FOR GREEN AREA AND EXISTING TREE INFORMATION
F.A.R.	ALLOWED: 110,136 sf 0.86 % OF SITE FOR 8 STORY OR (128,087 X 0.86) PROVIDED 121,157 sf 0.94 % OF SITE , 10 % OVER ALLOWED FAR
F.A.R. BREAK DOWN	LEVEL 1 13,193 sf LEVEL 5 16,905 sf LEVEL 6 16,343 sf LEVEL 7 15,922 sf LEVEL 8 6,769 sf
OFF STREET PARKING	REQUIRED : 404 PARKING SPACES (OFFICE : 1/ 300 sf) PROVIDED: 371 PARKING SPACES (OFFICE 1/ 210 sf) (6.5ft X 8.4' W, X 18.4' L)

OWNER	**ACROPOLIS REALTY, LLC** 8950 N. KENDALL DRIVE SUITE 403 MIAMI, FLORIDA 33176 PH: (305) 270-7999 FAX: (305) 305-270-6788
ARCHITECT	**FULLERTON DIAZ ARCHITECTS** 366 ALTARA AVENUE CORAL GABLES, FL 33146 PH: (305) 442-4300 FAX: (305) 305-444-4962
LANDSCAPE	**MARIANO CORRAL & ASSOCIATES** 2992 S.W. 110 th AVENUE MIAMI, FL 33165 PH: (305) 551-1262 FAX: (305) 553-2088
SURVEYOR	**ALBERTO LOSADA-LUCACHE** 923 SW 122nd AVENUE MIAMI, FL 33184 PH: (305) 220-8397 FAX: (305) 226-6403

LEGAL DESCRIPTION

The South 1/2 of the South 1/2 of the Northeast 1/4 of the Northeast 1/4 of the Northeast 1/4, less the East 33 feet thereof in Section 4, Township 55 South, Range 40 East, Miami-Dade County, Florida.

TOGETHER WITH:

The South 33.00 feet of the North 1/2 of the South 1/2, of the Northeast 1/4, of the Northeast 1/4, of the Northeast 1/4, of Section 4, Township 55 South, Range 40 East, Miami-Dade County, Florida, LESS therefrom, the following described parcel of land, (CONSIDERING) the Southwest Corner of the North 1/2, of the South 1/2, of the Northeast 1/4, of the Northeast 1/4, of the Northeast 1/4, of Section 4, Township 55 South, Range 40 East, Miami-Dade County, Florida, as a point of beginning; run N00deg11min00secW along the West Line of the said North 1/2, of the South 1/2, of the Northeast 1/4, of the Northeast 1/4, of the Northeast 1/4, of the Northeast 1/4, of Section 4 for a distance of 1.30 feet to the POINT OF BEGINNING of the referenced parcel; thence from the above mentioned POINT OF BEGINNING, continue N00deg11min00secW along the said West Line of the North 1/2, of the South 1/2, of the Northeast 1/4, of the Northeast 1/4, of the Northeast 1/4 of Section 4 for a distance of 1.30 feet to a point; thence 23.00 feet North, as measured at right angles, the said South Line of the North 1/2, of the South 1/2, of the Northeast 1/4, of the Northeast 1/4, of the Northeast 1/4, of the North Line of the South 1/2, of the Northeast 1/4, of the Northeast 1/4, of the Northeast 1/4, of Section 4; thence run N89deg48min00secE along said North Line of the South 1/2, of the Northeast 1/4, of the Northeast 1/4, of the Northeast 1/4, of Section 4 for a distance of 11.44 feet to a point of intersection with a circular curve concave to the Southeast, said point bearing N53deg01min17secW from the center of said curve; thence run Southwesterly along said curve to the left, having the by elements: radius of 83.00 feet and a central angle of 14deg18min00sec, for an arc distance of 14.93 feet to the POINT OF BEGINNING.

LESS:

The East 33.00 feet of the South 33.00 feet of the North 1/2, of the South 1/2, of the Northeast 1/4, of the Northeast 1/4, of the Northeast 1/4 of Section 4, Township 55 South, Range 40 East, Miami-Dade County, Florida.

INDEX OF DRAWINGS

ARCHITECTURE

COVER SHEET, PERSPECTIVE

A-0 PERSPECTIVE

A-1 SITE PLAN, LEGEND, LEGAL DESCRIPTION & LOCATION MAP

A-2 GROUND, 2ND, 3RD & 4TH FLOOR PLANS

A-3 5TH AND 6TH FLOOR PLANS

A-4 7TH & 8TH FLOOR PLANS

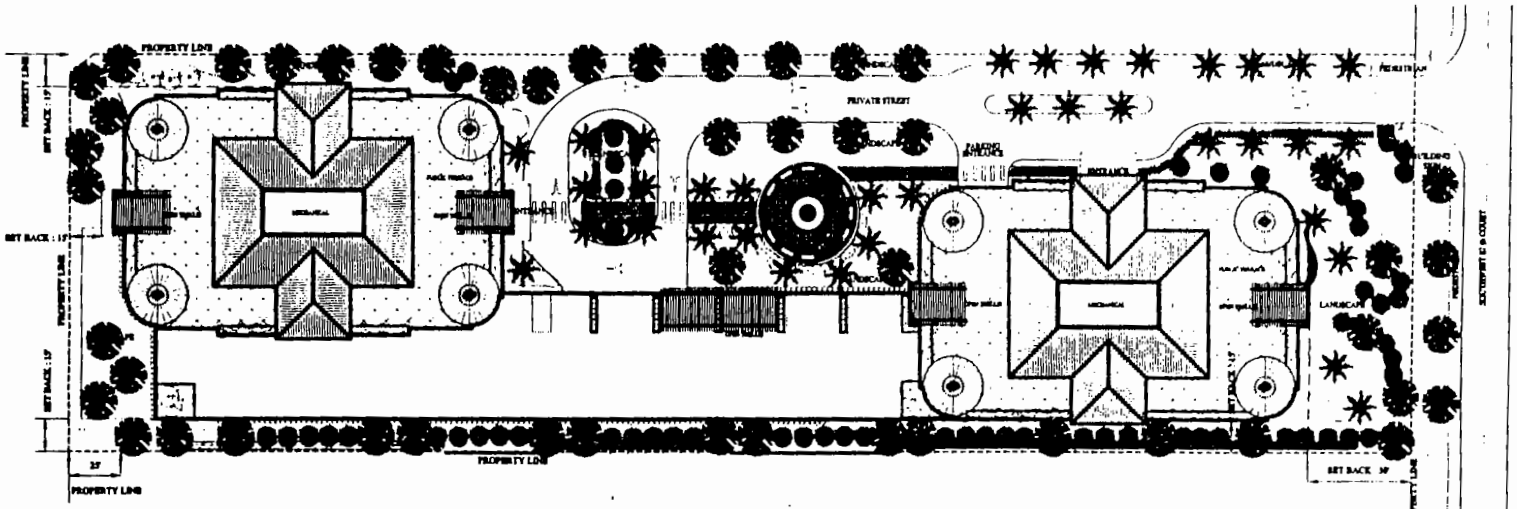
A-5 NORTH ELEVATIONS

A-6 EAST ELEVATIONS

LANDSCAPE

LP-1 SITE LANDSCAPE PLAN (LEVEL 1

LP-2 PLANTER LANDSCAPE (LEVEL 5, 7, 8



PROPOSED SITE PLAN

FULLERTON DIAZ ARCHITECTS INC.

Agora Professional Building

8900 SW 87TH COURT MIAMI, FLORIDA 33176

PLANS / LEGEND
LOCATION MAP

A-1

01-398

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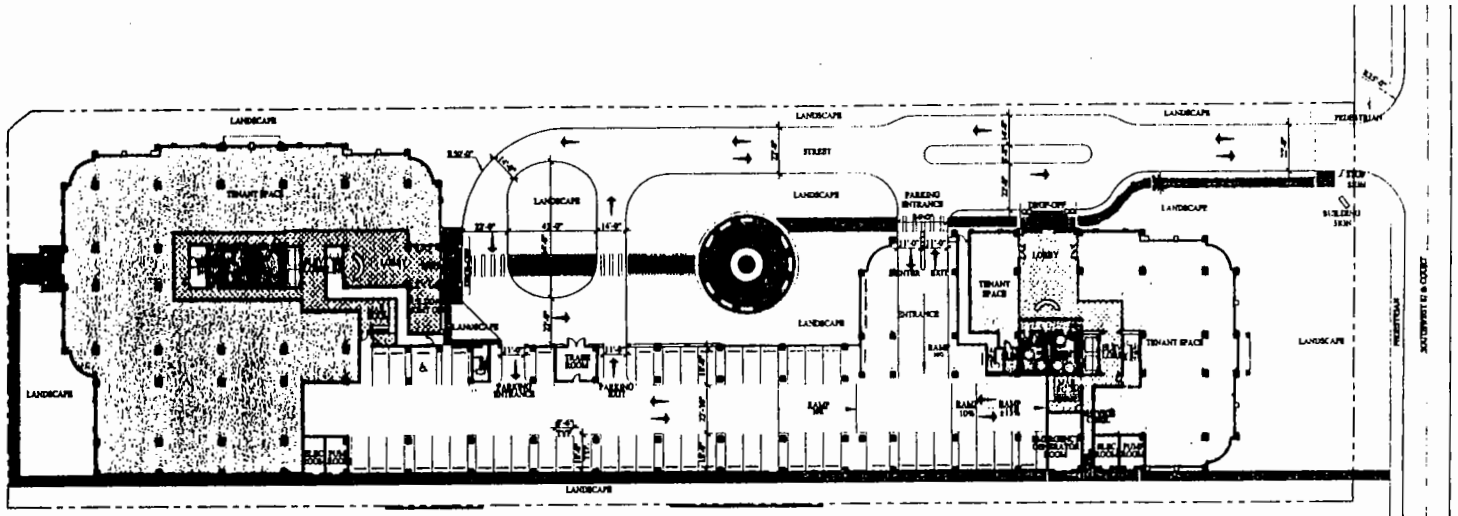
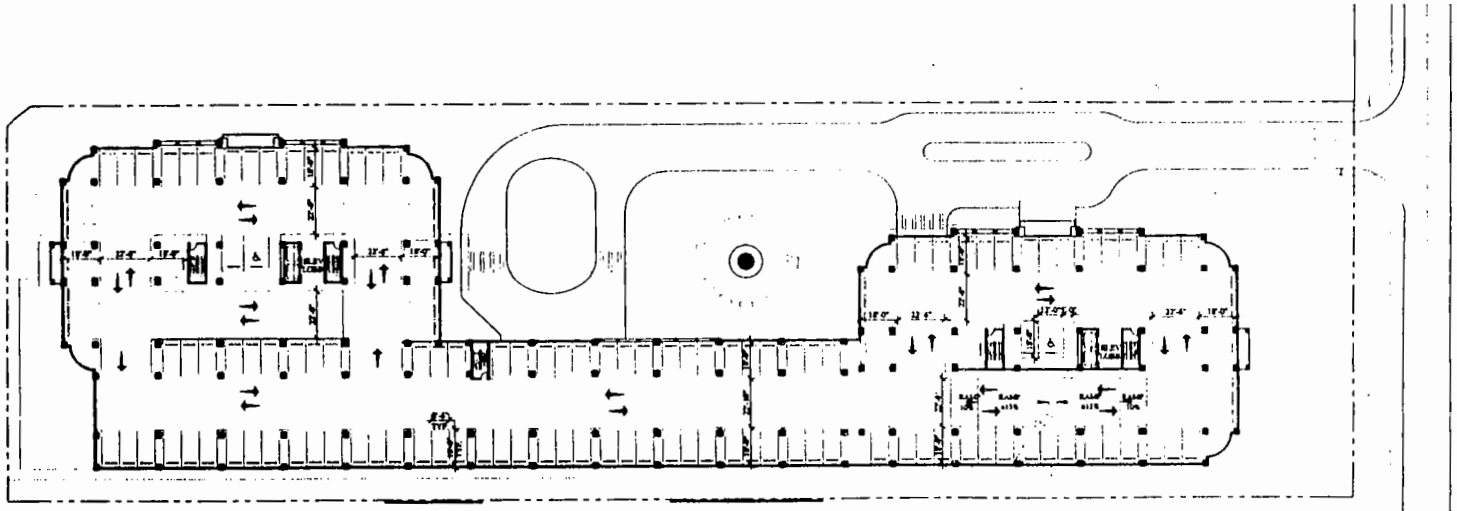


1ST FLOOR PLAN (GROUND LEVEL)

SCALE: 1/30"=1'-0"



2nd, 3rd,& 4th FLOOR PLAN-TYPICAL

SCALE: 1/30"=1'-0"

FULLER DIAZ ARCHITECTS INC.

Architecture
Interior Design
Planning

FULLERTON DIAZ ARCHITECTS INC

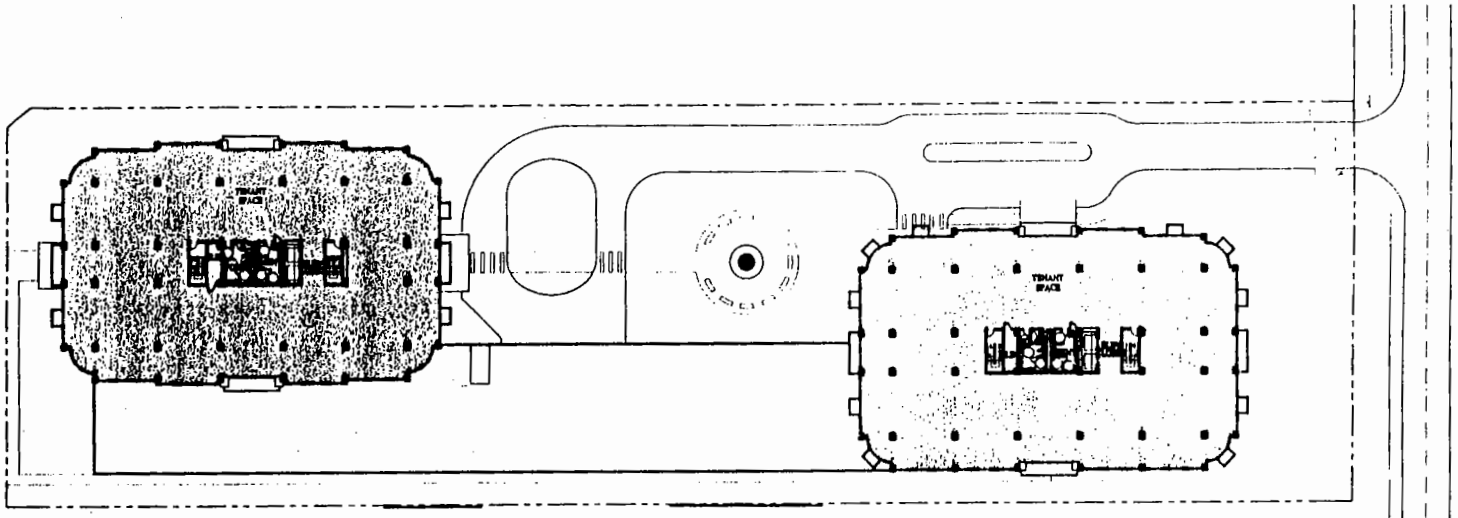
Agora Professional Building

1, 2, 3 & 4TH FLOOR PLANS

A-2

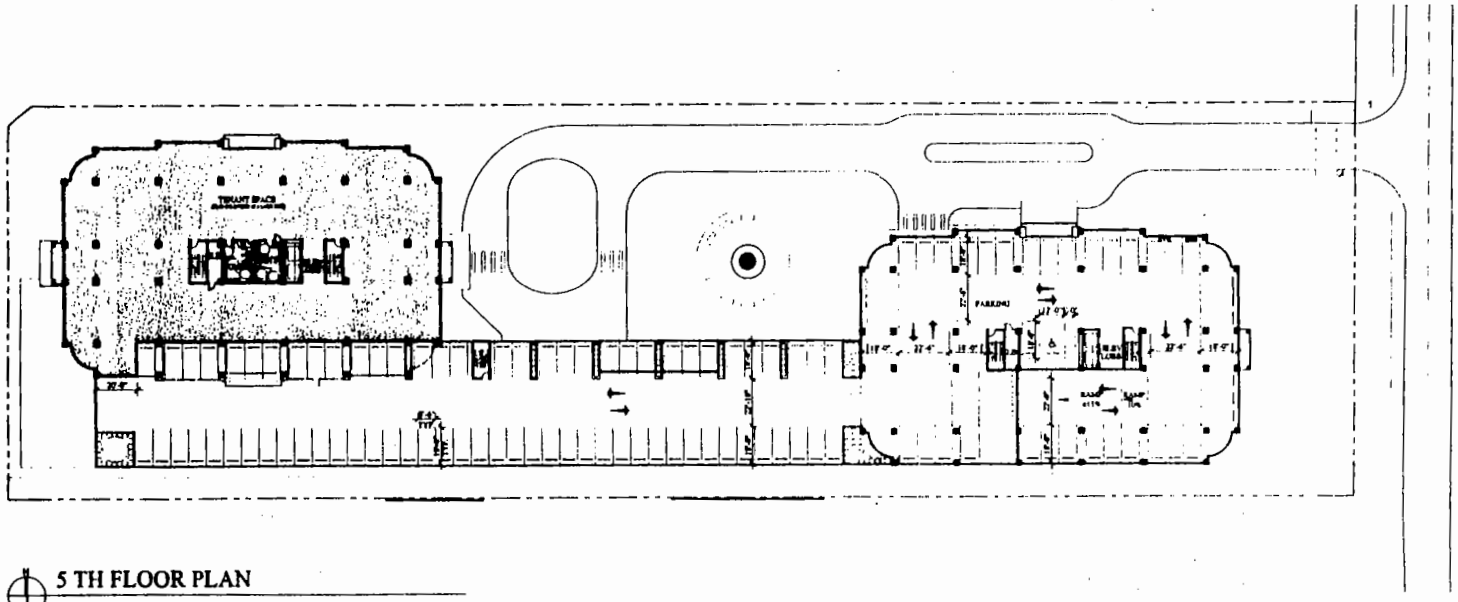
01-398

26



6TH FLOOR PLAN

SCALE: 1/30"=1'-0"



5 TH FLOOR PLAN

SCALE: 1/30"=1'-0"

FULLERTON DIAZ ARCHITECTS INC

FULLERTON DIAZ ARCHITECTS INC.
Architecture
Interior Design
Planning

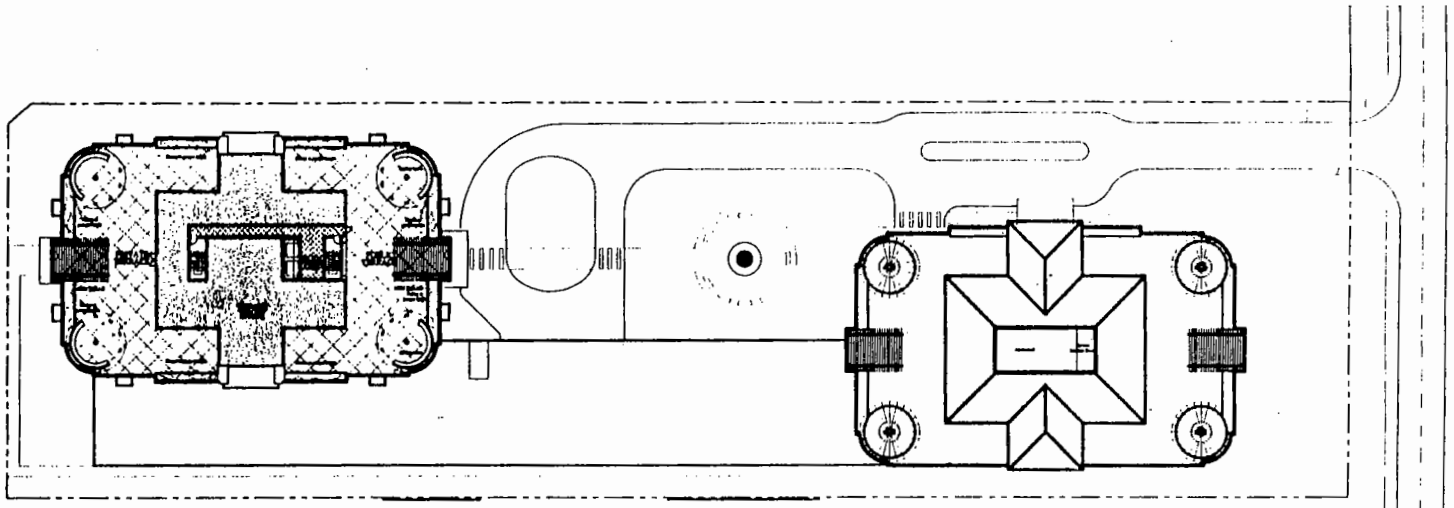
Agora Professional Building

Drawing Title
5TH & 6TH
FLOOR PLANS

No	Description	Date

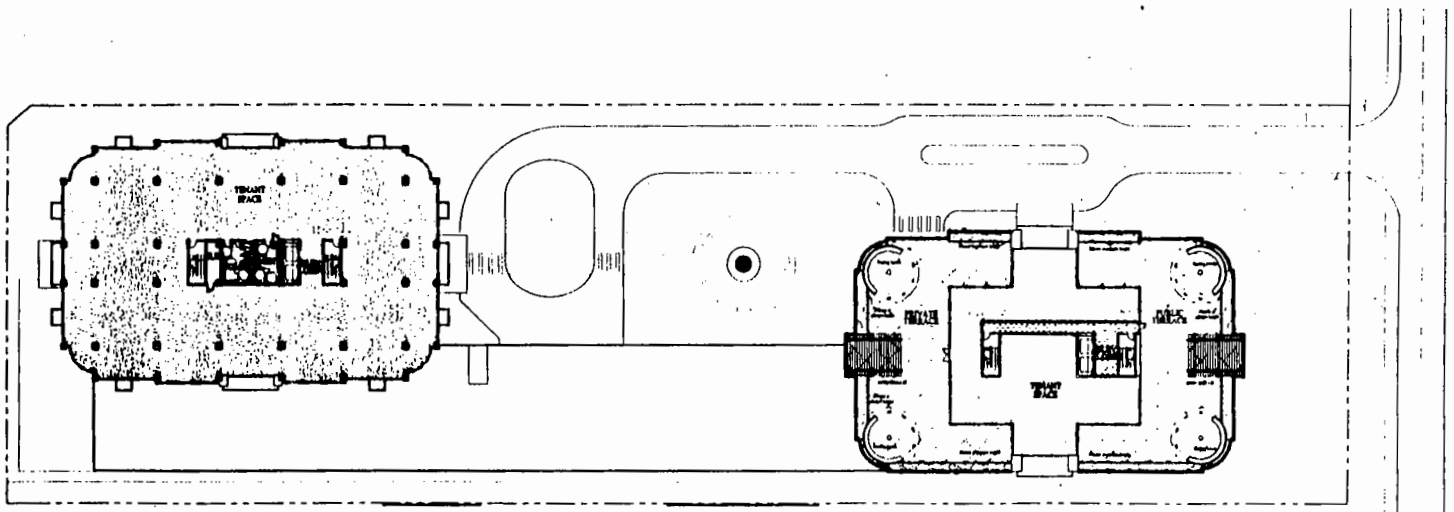
A-3

27



8 TH FLOOR PLAN

SCALE: 1/30"=1'-0"



7TH FLOOR PLAN

SCALE: 1/30"=1'-0"

FULLERTON DIAZ ARCHITECTS INC

FULLERTON DIAZ ARCHITECTS INC.
Architecture
Interior Design
Planning

Agora Professional Building

Date
Project Designer
Drawn By
Checked By
Job Number
Supervisor
File
Drawing Title
7TH & 8TH FLOOR PLANS

Revisions

No	Description	Date
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

Sheet Number

A-4

Schematic Design
9-27-01

1 NORTH ELEVATION
SCALE: 1/30"=1'-0"

2 NORTH ELEVATION - EAST BUILDING
SCALE: 1/16"=1'-0"

3 NORTH ELEVATION- CENTER AND WEST BUILDING
SCALE: 1/16"=1'-0"

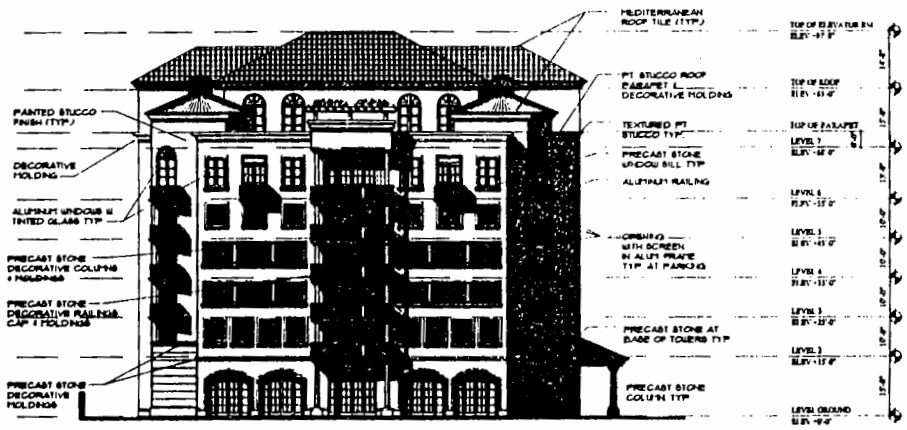
FULLERTON DIAZ ARCHITECTS INC 28

FULLERTON DIAZ ARCHITECTS INC.
Architecture
Interior Design
Planning

Agora Professional Building

NORTH ELEV.

A-5



1 EAST ELEVATION - PHASE I

SCALE: 1/16"=1'-0"

2 EAST ELEVATION- PHASE II

SCALE: 1/16"=1'-0"

FULLERTON DIAZ ARCHITECTS INC. 29

FULLERTON DIAZ ARCHITECTS INC.
Architecture
Interior Design
Planning

Agora Professional Building

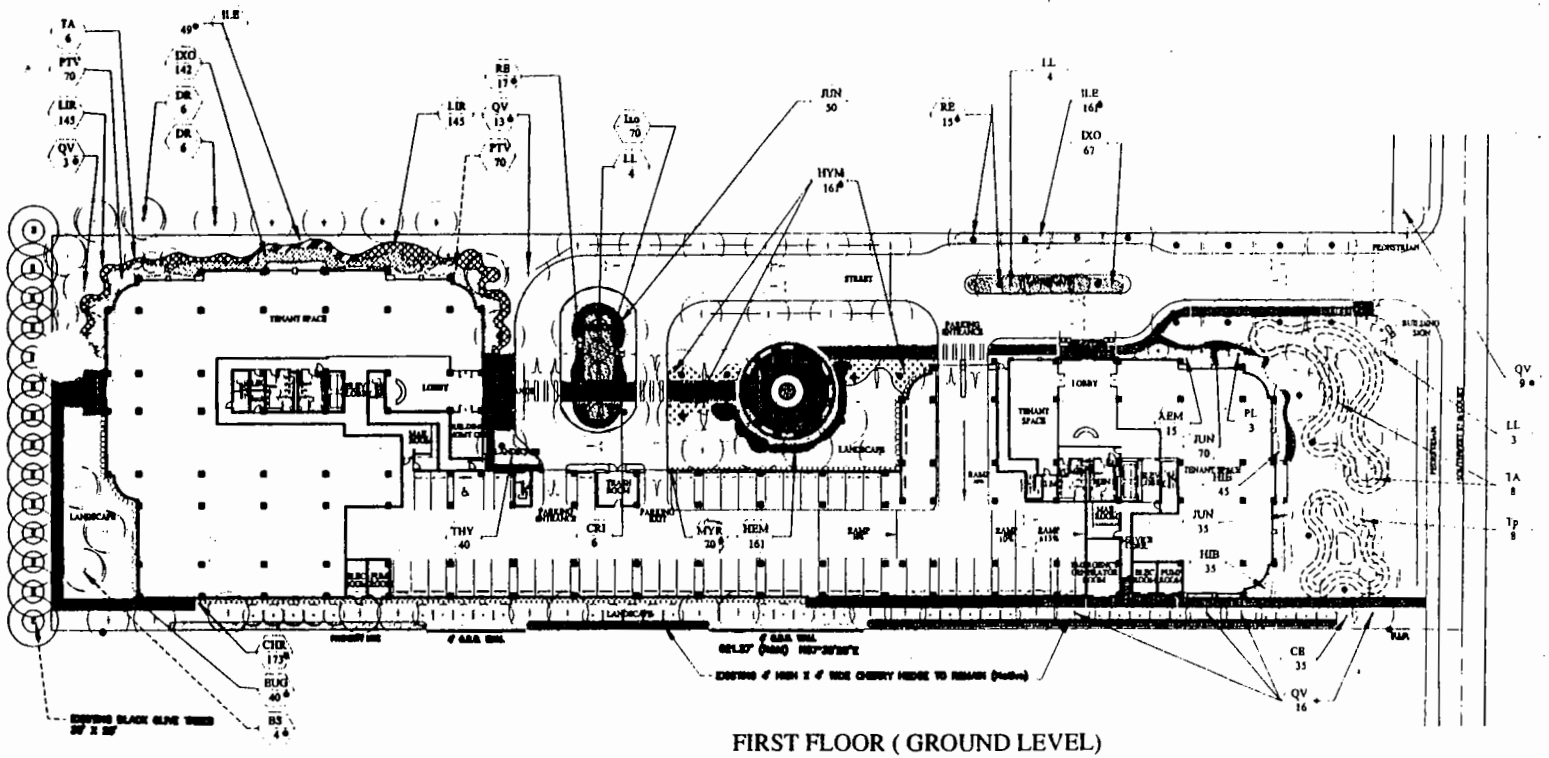
Scale
Date
Project Designer
Drawn By
Checked By
Job Number
Submittal
File
Drawing Title
PHASE I & II
EAST ELEVATIONS

Revisions		
No	Description	Date

Sheet Number

A-6

Schematic Design



FIRST FLOOR (GROUND LEVEL)

SCALE: 1" = 30'

PLANT LIST:

SYMBOL	SCIENTIFIC NAME / COMMON NAME	QTY.	SIZE	SPACING / REMARKS		XERISCAPE REQUIREMENT TABULATION Drought Tolerance H, M, L	Salt Tolerance H, M, L
	SHADE TREES AND PALM TREES					HIGH, MEDIUM OR LOW	HIGH, MEDIUM OR LOW
BS	BURSERA SIMARUBA / GUMBO LIMBO	7	12'HT X 5' SPR		NATIVE	HIGH	HIGH
CB	CONOCARPUS ERECTUS ERECTUS / SILVER BUTTONWOOD	33	8' x 8'sp		NATIVE	HIGH	HIGH
HB	HELIOCIS BRIA / ROYAL POINCIANA	6	12'HT X 5' SPR	3-1/2" CALIPER MIN		HIGH	HIGH
QV	QUERCUS VIRGINIANA / LIVE OAK	44	12'HT X 5' SPR	3" CAL MIN	NATIVE	HIGH	HIGH
RE	ROYSTONEA ELATA / FLORIDA ROYAL PALM	30	20' OA	Matched 8 & 8	NATIVE	HIGH	MEDIUM
LL	LIGUSTRUM LUCIDUM / PRIVET	11	10' x 8'sp	M.S.H. TRUNK		MEDIUM	LOW
PL	PSIDIUM LITTORALE / CATTLEY GUAVA	3	12' x 8'sp	8 & 8		HIGH	MEDIUM
TA	TABEBUIA CAERAEA / YELLOW TRUMPET TREE	14	12' x 8'sp	8 & 8		HIGH	MEDIUM
TP	TABEBUIA HETEROPHYLLA / PINK TRUMPET TREE	4	12' x 8'sp	8 & 8		HIGH	MEDIUM
	SHRUBS AND GROUNDCOVERS						
ARM	ALPINIA PURPURATA BRUSH MCDONALD PINK GINGER	11	3 GAL	FLX		MEDIUM	LOW
CM	CRINUM AMERICANUM / GIANT CRINUM	6	7 GALS			HIGH	HIGH
CPR	CHRYSOBALANUS ICACO / COCO PLUM	175	3 GAL	30" OC	NATIVE	HIGH	HIGH
HUG	HUGONIA FOETIDA / GOLDEN STOPPER	46	3 GAL	30" OC	NATIVE	HIGH	HIGH
HYM	HYMENOCALLIS LATIFOLIA / SPIDER LILY	161	3 GAL	3' OC	NATIVE	HIGH	HIGH
HIB	HIBISCUS R. S. 'SHIV' / RED HIBISCUS	68	3 GAL	30" OC		LOW	MEDIUM
HEM	HEMEROCALLIS TEES TRIBE TRIBE TRIBE / DAY LILLY	161	GAL	18" OC		HIGH	HIGH
ILE	ILEX VOMITORIA NANA / DWARF YAUPON	340	3 GAL	3' OC	NATIVE	HIGH	HIGH
DXO	DIODIA OCIMA GRANT / PINE DIODIA	270	3 GAL	30" OC		MEDIUM	MEDIUM
JUN	JUNIPERUS PARCOPA PARCOPA / JUNIPER	148	3 GAL	3' OC		HIGH	HIGH
LIR	LIRIOPE M. EVERGREEN GIANT / GIANT LIRIOPE	391	GAL	18" OC		HIGH	MEDIUM
MYR	MYRICANTHES FRAGRANS / SIMPSON'S STOPPER	78	3 GAL	30" OC	NATIVE	HIGH	HIGH
RY	RYSSOPHYLLUM DODIA / MARIGUANA	168	3 GAL	30" OC		HIGH	HIGH
PRT	PHILODENDRON RAMARU	6	3 GAL	3' OC		HIGH	MEDIUM
THY	GALPHIMIA GRACILIS / THYALLIS	40	3 GAL	3' OC		MEDIUM	MEDIUM

LANDSCAPE REQUIREMENTS/ CALCULATIONS:

INFORMATION REQUIRED TO BE PERMANENTLY AFFIXED TO PLAN

ZONING DISTRICT OPD GROSS LOT AREA 2.94 ACRES 128,129 S.F.

LAWN AREA CALCULATION	REQUIRED	PROVIDED
A. 30,438.70 TOTAL S.F. OF LANDSCAPED OPEN SPACE REQUIRED (30%)		
B. MAXIMUM LAWN AREA (SOD) PERMITTED = 35 % X 38,438.70 S.F.	13,453.54	22,132.89
TREES		
A. TWENTY-EIGHT(28) PER ACRES 28 X 2.94 ACRES=	82	86
B. STREET TREE REQUIREMENTS 450 L.F. 35'=	18	18
TOTAL TREES	100	104
B. 30% PALMS ALLOWED OF TOTAL MIN. REQ. No. OF TREES	30	12
% PALMS PERMITTED TO COUNT AS 1:1 BASIS	32	32
C. % NATIVE REQUIRED: No. TREES PROVIDE X 35 %=	36	101 (98%)
SHRUBS		
A. SHRUBS REQUIRED: 10 PER TREE (100) = (100 x 10)=	1000	1195
B. No. SHRUBS ALLOWED X 35 %= No. OF NATIVE SHRUBS REQUIRED	350	806 (80%)

IRRIGATION PLAN:

100% irrigation coverage with a min. overlap of 50%

INFORMATION REQUIRED TO BE PERMANENTLY AFFIXED TO PLAN

Professional Preparer's Statement of Landscape Compliance

Process No. Permit No.

Legal description: Lot Block

Subdivision Name P.B. Page

Development Name

Located at (address)

I/We hereby certify that the landscaping/irrigation plan being submitted for the above captioned complies with the requirements of Chapter 18A (18-13 Landscape Ordinance Effective March 24, 1998) as to the species, height, trunk width, and location at time of planting, and that the species shown are in accordance with the accepted species approved by Miami-Dade County and that none of the species are from the prohibited list. Additionally, automatic sprinkler system (if applicable) complies with the requirements of said ordinance as to the type of heads, spray system, location, etc

Professional Preparer's Signature

Mariano Corral
Print Name

State of Florida
County of Dade

The forgoing instrument was acknowledge before me this day of 2003,

by of a corporation,

on behalf of the corporation. He/she is personally known to me or has produced

as identification and did/did not take an oath

Witness my signature and official seal this day of ,2003,

in the County and State aforesaid, the date, and year aforesaid

Notary Public

Print Name

DRB SET

30

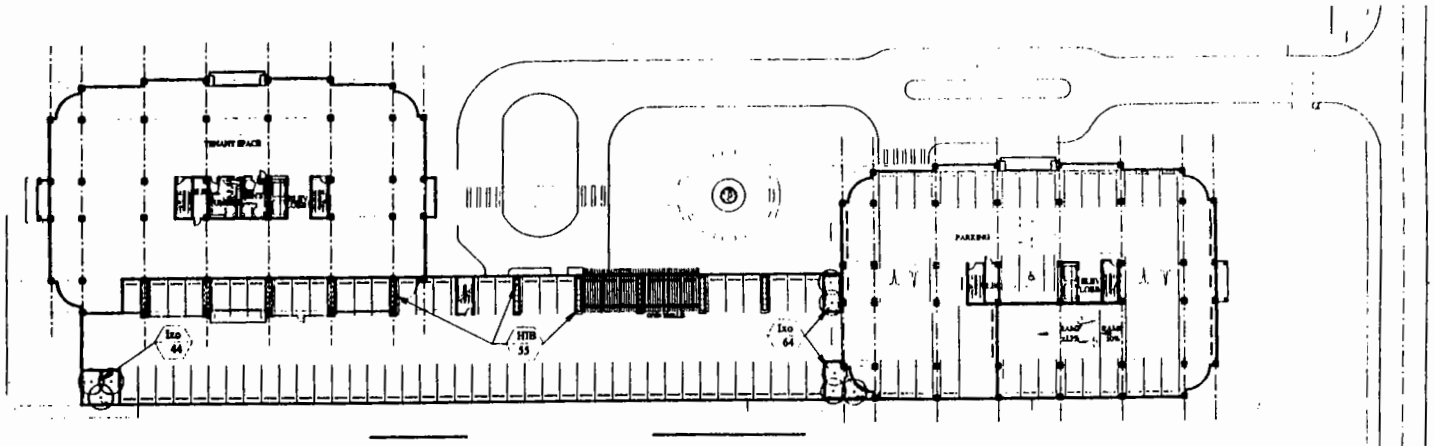
MARIANO CORRAL
Landscape Architecture
Golf Course Design
Land Planning
Urban Design

FULLERTON DIAZ ARCHITECTS INC.

87TH COURT/SOUTHWEST 96TH STREET
KENDALL, FLORIDA

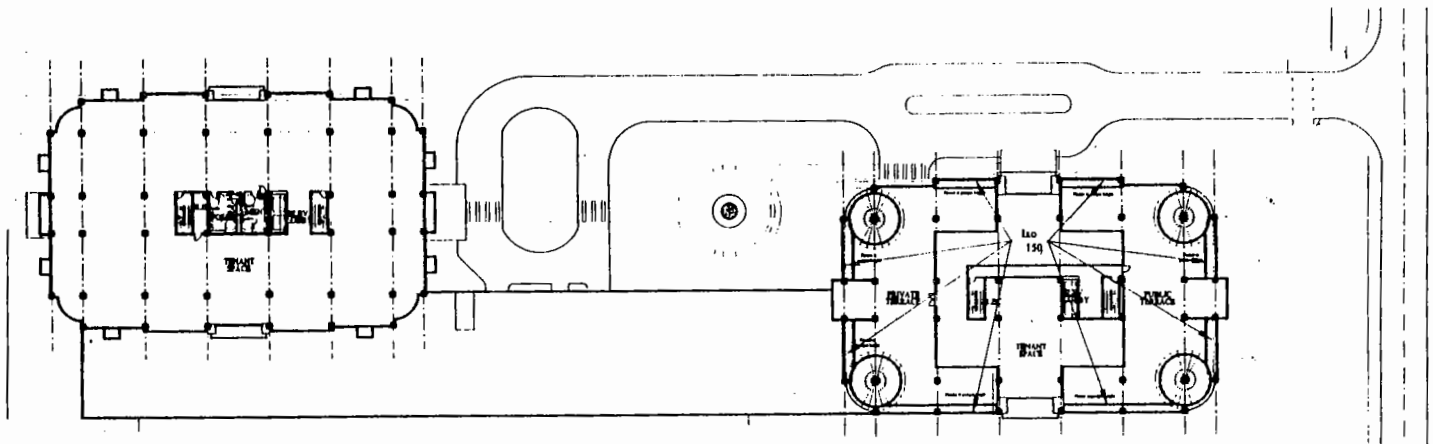
SITE LANDSCAPE PLAN
LEVEL 1

LP-1



FIFTH (5) FLOOR LEVEL

SCALE: 1"= 30'



REPEAT SAME AMOUNT FOR 8TH LEVEL FLOOR

SEVENTH AND EIGHTH FLOOR LEVEL

SCALE: 1"= 30'

SYMBOL	SCIENTIFIC NAME / COMMON NAME	QTY.	SIZE	SPACING / REMARKS	XERISCAPE REQUIREMENT TABULATION Drought Tolerance H, M, L	Salt Tolerance H, M, L
	SHADE TREES AND PALM TREES				HIGH, MEDIUM OR LOW	HIGH, MEDIUM OR LOW
PE	PTYCHOSPERMA ELEGANS/ ALEXANDER PALM	8	12' GA HGT		MEDIUM	MEDIUM
	SHRUBS AND GROUNDCOVERS					
HIB	HIBISCUS S. R. 'RED' RED HIBISCUS	55	3 GAL.	30" OC	LOW	MEDIUM
IXO	IXORA NORA GRANT PINK IXORA	400	3 GAL.	30" OC	MEDIUM	MEDIUM

General Notes

1. All plant materials to be Florida No 1 or better
2. All landscape areas shall be [illegible] with a min. overlap of 50 Provide Rain Sensor
3. Contractor is to do his own take off and if there are any discrepancies he is to bring it to the attention of the Landscape Architect, [illegible] commencing work
4. Landscape Contractor is to identify all utilities zones and underground lines prior to commencing work, for the health and welfare of his [illegible]
5. All sod to be St. Augustine floratom solid sod

PLANT DETAILS:

DRB SET

31

FULLERTON DIAZ ARCHITECTS INC

MARIANO CORRAL

Landscape Architecture
Golf Course Design
Land Planning
Urban Design

87TH COURT SOUTHWEST 90TH STREET
KENDALL, FLORIDA

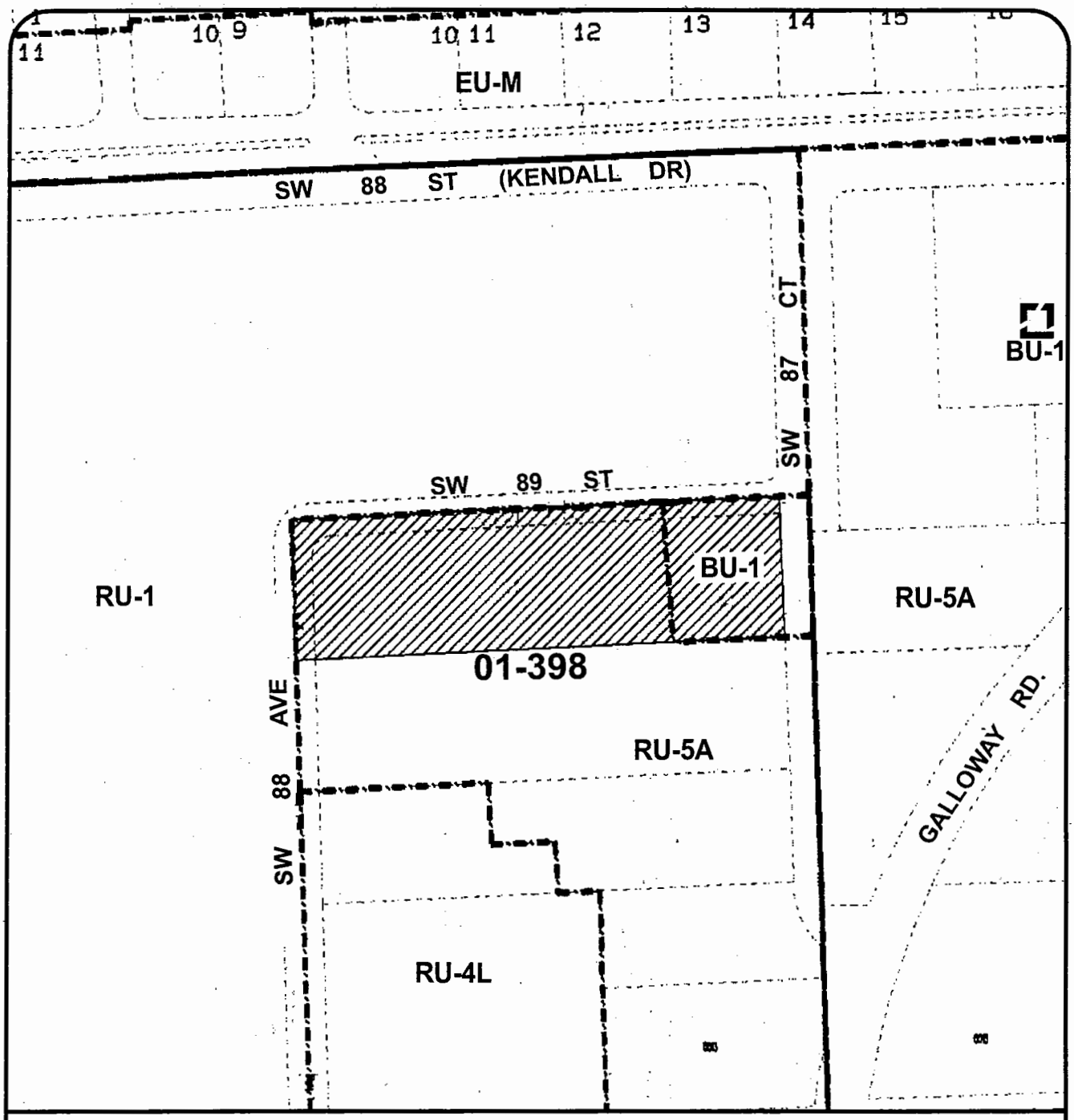
Scale
Date
Project Designer
Drawn By
Checked By
Job Number
Submittal
File
Drawing Title
PLANTER LANDSCAPE LEVEL 5 / 8

Revisions

No	Description	Date

Sheet Number

LP-2



MIAMI-DADE COUNTY
HEARING MAP

S C A L E 0 200' N

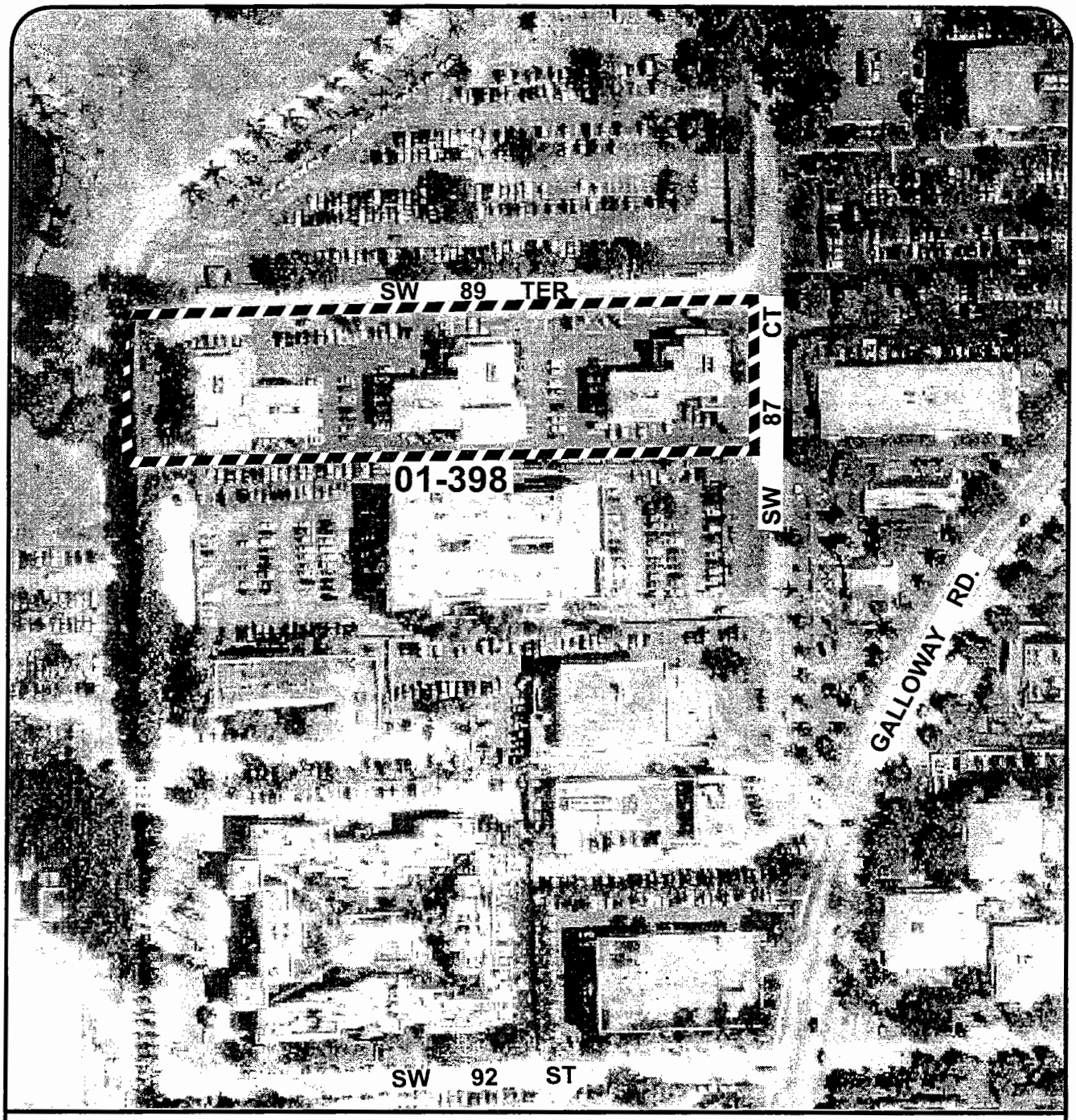
SUBJECT PROPERTY

Section: 04 Township: 55 Range: 40
Process Number: 01000398
Applicant: ACROPOLIS REALTY, LLC.
District Number: 08
Zoning Board: C12
Drafter ID: ALFREDO
Scale: 1:200'

32

MIAMI-DADE

G: ZONING DRAFTING 01-398. 12/01
REVISED 10/14/03



MIAMI-DADE COUNTY
AERIAL

S C A L E
0 NTS
N

SUBJECT PROPERTY

Section: 04 Township: 55 Range: 40
Process Number: 01000398
Applicant: ACROPOLIS REALTY, LLC.
District Number: 08
Zoning Board: C12
Drafter ID: ALFREDO
Scale: NTS

MIAMI-DADE

G: ZONING DRAFTING 01-398. 12/01

107.07-17A

MEMORANDUM

TO: Diane O'Quinn Williams, Director
Department of Planning and Zoning

ATTN: Franklin Gutierrez, Agenda Coordinator

Received by
Zoning Agenda Coordinator
JAN 28 2004

DATE: January 28, 2004

SUBJECT: Enforcement Histories for Community Zoning Appeals Board #12, Zoning Meeting on February 10, 2004

FROM: Carlos Alvarez, Director
Miami-Dade Police Department

The following information is furnished pursuant to your request for various police statistics, i.e., Calls-for-Service (CFS) data and Part I & II Crimes information for uniform and non-uniform police units for six locations. These locations are situated in the police grids listed below. Police grids are approximately one-half-mile by one-half-mile in diameter. Therefore, the information provided for the grids corresponding to the following locations may include information from other locations within the grid.

- Grid 1960 — Alex Ben-Woodrow Wallen; Hearing # **03-244**
  Location: North of SW 127 Terrace & west of SW 88 Avenue
- Grid 1955 — W.M. & Patricia Alderman; Hearing # **03-292**
  Location: 12605 SW 114 Avenue
- Grid 1829 — Acropolis Realty, LLC; Hearing # **01-398**
  Location: 8960-70 SW 87 Court
- Grid 1751 — Public Storage; Hearing # **00-117**
  Location: 10460 SW 72 Street
- Grid 1851 — Joseph C. Filer; Hearing # **03-291**
  Location: 9440 SW 77 Avenue
- Grid 1716 — Pedro & Georgelina Gonzalez; Hearing # **03-297**
  Location: 7055 SW 72 Street

There are six attachments which represent the above six hearings; each has a grid-map cover sheet showing the locations with their respective grids highlighted. Data provided is for calendar years 2002 and 2003, and is inclusive of Unincorporated Miami-Dade County. CFS data and Part I & II Crime information were extracted from the Crime Information Warehouse on January 21/22, 2004, and are subject to change due to cases being reconciled based on the most current information. CFS data includes police dispatch signals 13 through 55. Part I Crimes include the crime categories of murder/non-negligent manslaughter, forcible sex offenses, robbery, aggravated assault/stalking, burglary, larceny/thefts, motor vehicle theft, and arson.

A summary of the information requested is shown below:

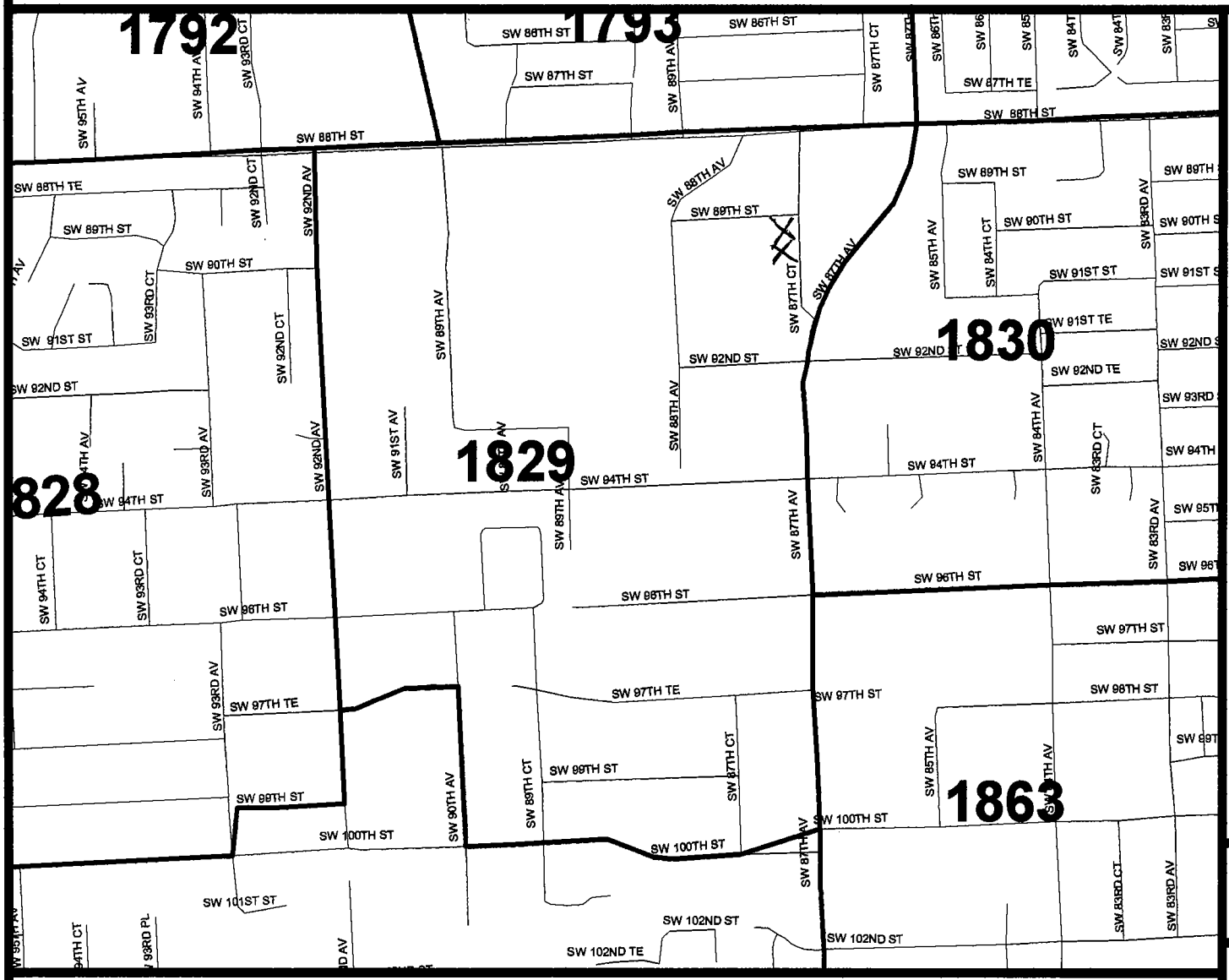
Grid Numbers (Address*)	**Hearing Numbers**	Total Calls-For-Service 2002	2003	Total Part I & II Crimes 2002	2003
1960	**03-244**	483	514	38	46
1955 12605 SW 114 Av*	**03-292**	262 3*	328 7*	25	36
1829 8960 SW 87 Ct* 8970 SW 87 Ct*	**01-398**	1854 16* 16*	1855 9* 1*	173	159
1751 10460 SW 72 St*	**00-117**	1406 14*	1415 12*	38	57*
1831 9440 SW 77 Av*	**03-291**	1688 2*	1747 1*	151	89
1716 7055 SW 72 St*	**03-297**	143 1*	145 0*	13	12

*Note: When hearing sites have an existing, complete address, specific CFS can be attributed to it as reflected above.

Should you require additional information or assistance, please contact Major Charles L. Thompson, Police Administrative Bureau, at 305-471-3530.

CA/par
Attachments (6)

Miami-Dade Police Department
Target Area - Police Grid(s): 1829
Acropolis Realty LLC; Hearing # 01-398



Police Grids Boundaries
Boundary

MDPD Crime Analysis System
January 21, 2004
Data in this document represents successfully geocoded attributes.

0 0.08 0.16 Miles

Miami-Dade Police Department
Summarized Grid Information By Signal
For 1/1/02 Thru 2002-12-31

Detail Filter: (Dis.Complaint Date >= "2002-01-01" and Dis.Complaint Date < "2003-01-01") and (Dis.Grid in ("1829")) and (Dis.Signal Code in ("13" , "14" , "15" , "16" , "17" , "18" , "19" , "20" , "21" , "22" , "23" , "24" , "25" , "26" , "27" , "28" , "29" , "30" , "31" , "32" , "33" , "34" , "35" , "36" , "37" , "38" , "39" , "40" , "41" , "42" , "43" , "44" , "45" , "46" , "47" , "48" , "49" , "50" , "51" , "52" , "53" , "54" , "55")) and (Dis.Primary Unit not contains '0000') and (Dis.Primary Unit not contains 'SB') and (Dis.Reporting Agency Code = substring ("030" , 1 , 3))

Grid	Signal Code	Signal Description	Total
1829	13	SPECIAL INFORMATION/ASSIGNMENT	135
	14	CONDUCT INVESTIGATION	226
	15	MEET AN OFFICER	572
	16	D.U.I.	1
	17	TRAFFIC ACCIDENT	93
	18	HIT AND RUN	30
	19	TRAFFIC STOP	82
	20	TRAFFIC DETAIL	17
	21	LOST OR STOLEN TAG	7
	22	AUTO THEFT	38
	25	BURGLAR ALARM RINGING	118
	26	BURGLARY	50
	27	LARCENY	59
	28	VANDALISM	18
	29	ROBBERY	4
	30	SHOOTING	3
	32	ASSAULT	74
	33	SEX OFFENSE	8
	34	DISTURBANCE	94
	36	MISSING PERSON	10
	37	SUSPICIOUS VEHICLE	5
	38	SUSPICIOUS PERSON	15

Miami-Dade Police Department
Summarized Grid Information By Signal
For 1/1/02 Thru 2002-12-31

Detail Filter: (Dis.Complaint Date >= "2002-01-01" and Dis.Complaint Date < "2003-01-01") and (Dis.Grid in ("1829")) and (Dis.Signal Code in ("13" , "14" , "15" , "16" , "17" , "18" , "19" , "20" , "21" , "22" , "23" , "24" , "25" , "26" , "27" , "28" , "29" , "30" , "31" , "32" , "33" , "34" , "35" , "36" , "37" , "38" , "39" , "40" , "41" , "42" , "43" , "44" , "45" , "46" , "47" , "48" , "49" , "50" , "51" , "52" , "53" , "54" , "55")) and (Dis.Primary Unit not contains '0000') and (Dis.Primary Unit not contains 'SB') and (Dis.Reporting Agency Code = substring ("030" , 1 , 3))

Grid	Signal Code	Signal Description	Total
1829.	39	PRISONER	7
	41	SICK OR INJURED PERSON	50
	43	BAKER ACT	2
	44	ATTEMPTED SUICIDE	4
	45	DEAD ON ARRIVAL	100
	49	FIRE	8
	52	NARCOTICS INVESTIGATION	3
	54	FRAUD	21

Total Signals for Grid 1829 : 1854

Total Reported: 1164 Total Not Reported: 690

Total for All Grids : 1854

M mi-Dade Police Departme
Summarized Grid Information By Signal
For 1/1/03 Thru 2003-12-31

Detail Filter: (Dis.Complaint Date >= "2003-01-01" and Dis.Complaint Date < "2004-01-01") and (Dis.Grid in ("1829")) and (Dis.Signal Code in ("13" , "14" , "15" , "16" , "17" , "18" , "19" , "20" , "21" , "22" , "23" , "24" , "25" , "26" , "27" , "28" , "29" , "30" , "31" , "32" , "33" , "34" , "35" , "36" , "37" , "38" , "39" , "40" , "41" , "42" , "43" , "44" , "45" , "46" , "47" , "48" , "49" , "50" , "51" , "52" , "53" , "54" , "55")) and (Dis.Primary Unit not contains '0000') and (Dis.Primary Unit not contains 'SB') and (Dis.Reporting Agency Code = substring ("030" , 1 , 3))

Grid	Signal Code	Signal Description	Total
1829	13	SPECIAL INFORMATION/ASSIGNMENT	145
	14	CONDUCT INVESTIGATION	251
	15	MEET AN OFFICER	561
	16	D.U.I.	5
	17	TRAFFIC ACCIDENT	107
	18	HIT AND RUN	33
	19	TRAFFIC STOP	54
	20	TRAFFIC DETAIL	14
	21	LOST OR STOLEN TAG	11
	22	AUTO THEFT	24
	25	BURGLAR ALARM RINGING	116
	26	BURGLARY	49
	27	LARCENY	64
	28	VANDALISM	8
	29	ROBBERY	5
	32	ASSAULT	74
	33	SEX OFFENSE	8
	34	DISTURBANCE	94
	36	MISSING PERSON	11
	37	SUSPICIOUS VEHICLE	3
	38	SUSPICIOUS PERSON	8
	39	PRISONER	7

M mi-Dade Police Departme
Summarized Grid Information By Signal
For 1/1/03 Thru 2003-12-31

Detail Filter: (Dis.Complaint Date >= "2003-01-01" and Dis.Complaint Date < "2004-01-01") and (Dis.Grid in ("1829")) and (Dis.Signal Code in ("13" , "14" , "15" , "16" , "17" , "18" , "19" , "20" , "21" , "22" , "23" , "24" , "25" , "26" , "27" , "28" , "29" , "30" , "31" , "32" , "33" , "34" , "35" , "36" , "37" , "38" , "39" , "40" , "41" , "42" , "43" , "44" , "45" , "46" , "47" , "48" , "49" , "50" , "51" , "52" , "53" , "54" , "55")) and (Dis.Primary Unit not contains '0000') and (Dis.Primary Unit not contains 'SB') and (Dis.Reporting Agency Code = substring ("030" , 1 , 3))

Grid	Signal Code	Signal Description	Total
1829.	41	SICK OR INJURED PERSON	62
	43	BAKER ACT	4
	44	ATTEMPTED SUICIDE	4
	45	DEAD ON ARRIVAL	113
	47	BOMB OR EXPLOSIVE ALERT	5
	49	FIRE	3
	52	NARCOTICS INVESTIGATION	2
	54	FRAUD	10

Total Signals for Grid 1829 : 1855

Total Reported: 1169 Total Not Reported: 686

Total for All Grids : 1855

M ni-Dade Police Departmer
Address Query for Events occurring at 8960 SW 87 CT
For 1/1/02 Thru 2002-12-31

Miami-Dade Police Department *Crime Information Wareh*

Detail Filter: Dis.Complaint Date >= "2002-01-01" and Dis.Complaint Date < "2003-01-01" and Dis.Police District Code in ("A" , "E" , "J" , "C" , "D" , "H" , "Q" , "I" , "K" , "N" , "M" , " " , "ZZ" , "P") and Dis.Incident Address contains "8960 SW 87 CT" and Dis.Reporting Agency Code = substring ("030" , 1 , 3) and Dis.Primary Unit not contains 'SB'

Incident Address	Dist	Grid	AOP	Complaint Date	Case Number	Sig Pre	Sig Suf	Rcvd Time	Disp Time	1st Arriv Time	1st Arriv Unit
8960 SW 87 CT/# 21	K	1829	1	09/05/2002			15	03:41:00	03:41:00	03:47:00	
8960 SW 87 CT/#21	K	1829	1	08/04/2002			15	02:51:00	02:51:00	02:55:00	
8960 SW 87 CT/SUITE# 25	K	1829	1	04/29/2002			15	10:37:00	10:37:00	10:43:00	
8960 SW 87 CT	K	1829	2	01/25/2002			15	00:22:00	00:23:00	00:23:00	K1502
8960 SW 87 CT	K	1829	2	01/25/2002		2	15	00:29:00	00:29:00	00:31:00	
8960 SW 87 CT	K	1829	2	01/25/2002	0046886A	2	49	00:22:00	00:23:00	00:23:00	K1502
8960 SW 87 CT/# 21	K	1829	1	09/05/2002	0492531A		25A	03:40:00	03:41:00	03:47:00	K1106
8960 SW 87 CT/#21	K	1829	1	08/04/2002	0429413A		25A	02:41:00	02:50:00	02:55:00	K1106
8960 SW 87 CT/APT 25	K	1829	1	04/28/2002	0232186A		25A	15:43:00	16:02:00	16:13:00	K3505
8960 SW 87 CT/#14	K	1829	1	03/05/2002			25A	08:23:00	08:28:00	08:28:00	K0000
8960 SW 87 CT/STE 15	K	1829	1	06/07/2002			13	09:42:00	09:44:00	09:44:00	K2507
8960 SW 87 CT STE 25	K	1829	1	04/28/2002			13	17:43:00	17:43:00	17:43:00	K3505
8960 SW 87 CT #21	K	1829	1	03/21/2002			13	10:14:00	10:14:00	10:14:00	Z3304
8960 SW 87 CT	Q	1829	1	03/13/2002			13	09:12:00	09:12:00	09:12:00	Z3302
8960 SW 87 CT/SUITE# 25	K	1829	1	04/29/2002	0233529A		14	10:29:00	10:35:00	10:43:00	K2107
8960 SW 87 CT	K	1829	1	09/05/2002	0493061A		34	11:22:00	11:28:00	11:43:00	K2503

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M mi-Dade Police Departmer.
Address Query for Events occurring at 8960 SW 87 CT
For 1/1/03 Thru 2003-12-31

Miami-Dade Police Department *Crime Information Wareh*

Detail Filter: Dis.Complaint Date >= "2003-01-01" and Dis.Complaint Date < "2004-01-01" and Dis.Police District Code in ("A" , "E" , "J" , "C" , "D" , "H" , "Q" , "I" , "K" , "N" , "M" , " " , "ZZ" , "P") and Dis.Incident Address contains "8960 SW 87 CT" and Dis.Reporting Agency Code = substring ("030" , 1 , 3) and Dis.Primary Unit not contains 'SB'

Incident Address	Dist	Grid	AOP	Complaint Date	Case Number	Sig Pre	Sig Suf	Rcvd Time	Disp Time	1st Arriv Time	1st Arriv Unit
8960 SW 87 CT/#25	K	1829	1	02/18/2003			15	22:21:00	22:21:00	22:28:00	K1507
8960 SW 87 CT/#25	K	1829	1	02/18/2003			15	22:02:00	22:02:00	22:02:00	K3406
8960 SW 87 CT/#24	K	1829	1	01/17/2003			15	16:44:00	16:44:00	16:54:00	
8960 SW 87 CT	K	1829	1	08/12/2003	0432313B		54	15:56:24	15:56:24	15:56:24	
8960 SW 87 CT	K	1829	1	01/21/2003	0038158B		18JO	12:07:00	12:09:00	12:16:00	K2104
8960 SW 87 CT/#25	K	1829	1	02/18/2003	0092192B		25A	21:49:00	22:21:00	22:21:00	K1507
8960 SW 87 CT/#24	K	1829	1	01/17/2003	0031435B		14	15:00:00	16:40:00	16:47:00	K3106
8960 SW 87 CT	K	1829	1	04/10/2003	0190651B		26	17:16:00	17:16:00	17:16:00	
8960 SW 87 CT	K	1829	1	03/11/2003	0131611B		34	10:22:38	11:02:39	11:12:00	K2101

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M. ni-Dade Police Departmen

Address Query for Events occurring at 8970 SW 87 CT
For 1/1/02 Thru 2002-12-31

Miami-Dade Police Department *Crime Information Wareh*

Detail Filter: Dis.Complaint Date >= "2002-01-01" and Dis.Complaint Date < "2003-01-01" and Dis.Police District Code in ("A" , "E" , "J" , "C" , "D" , "H" , "Q" , "I" , "K" , "N" , "M" , " " , "ZZ" , "P") and Dis.Incident Address contains "8970 SW 87 CT" and Dis.Reporting Agency Code = substring ("030" , 1 , 3) and Dis.Primary Unit not contains 'SB'

Incident Address	Dist	Grid	AOP	Complaint Date	Case Number	Sig Pre	Sig Suf	Rcvd Time	Disp Time	1st Arriv Time	1st Arriv Unit
8970 SW 87 CT	K	1829	1	11/22/2002			15	17:46:00	17:46:00	18:00:00	
8970 SW 87 CT/#100	K	1829	1	04/05/2002			15	17:47:00	17:47:00	17:52:00	
8970 SW 87 CT	K	1829	2	01/28/2002			15	21:36:00	21:36:00	21:36:00	K3207
8970 SW 87 CT	K	1829	2	01/28/2002			15	21:30:00	21:30:00	21:30:00	
8970 SW 87 CT	K	1829	1	11/22/2002	0645898A		25A	17:37:00	17:46:00	18:00:00	K3102
8970 SW 87 CT/STE 100	K	1829	1	05/10/2002	0256222A		25A	07:31:00	07:40:00	07:59:00	K2505
8970 SW 87 CT/#1	K	1829	1	05/09/2002	0255706A		25A	21:20:00	21:27:00	21:31:00	K3403
8970 SW 87 CT/STE 22	K	1829	1	04/29/2002			25A	20:55:00	20:59:00	20:59:00	K0000
8970 SW 87 CT #22	K	1829	1	04/29/2002			25A	19:48:00	19:52:00	19:52:00	K0000
8970 SW 87 CT/#100	K	1829	1	04/05/2002	0186323A		25A	17:44:00	17:47:00	17:52:00	K3100
8970 SW 87 CT	K	1829	2	01/28/2002	0054415A		25A	21:24:00	21:25:00	21:25:00	K3207
8970 SW 87 CT	K	1829	2	01/28/2002			25A	21:01:00	21:07:00	21:07:00	K0000
8970 SW 87 CT	K	1829	2	01/28/2002			13	21:36:00	21:36:00	21:36:00	K3207
8970 SW 87 CT	K	1829	1	07/08/2002	0376544A		26V	21:41:00	21:41:00	21:41:00	
8970 SW 87 CT.	K	1829	1	12/30/2002	0717023A		27	11:09:00	11:43:00	11:52:00	K2480
8970 SW 87 CT	K	1829	1	12/30/2002	0716943A		27	10:57:00	10:57:00	10:57:00	

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M ni-Dade Police Departmen
Address Query for Events occurring at 8970 SW 87 CT
For 1/1/03 Thru 2003-12-31

Miami-Dade Police Department *Crime Information Wareh*

Detail Filter: Dis.Complaint Date >= "2003-01-01" and Dis.Complaint Date < "2004-01-01" and Dis.Police District Code in ("A" , "E" , "J" , "C" , "D" , "H" , "Q" , "I" , "K" , "N" , "M" , " " , "ZZ" , "P") and Dis.Incident Address contains "8970 SW 87 CT" and Dis.Reporting Agency Code = substring ("030" , 1 , 3) and Dis.Primary Unit not contains 'SB'

Incident Address	Dist	Grid	AOP	Complaint Date	Case Number	Sig Pre	Sig Suf	Rcvd Time	Disp Time	1st Arriv Time	1st Arriv Unit
8970 SW 87 CT	K	1829	1	11/03/2003			13	15:30:46	15:30:46	15:30:46	Z4503

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Miami-Dade Police Department

MIAMI-DADE POLICE DEPARTMENT
Part I and Part II Crimes w/o AO
Reporting Agency: MDPD
From 1/1/02 Thru 1/1/03
YEAR: 2002

Crime Information Warehouse

Prompt Variable Used: All County: N

Grid(s): 1829

PART I Crimes	Total Crimes
110A - RAPE	3
130A - AGGRAVATED ASSAULT	10
2200 - BURGLARY	10
230A - POCKET PICKING	1
230D - SHOPLIFTING FROM BUILDING	1
230F - SHOPLIFTING FROM A MOTOR VEHICLE	40
230G - SHOPLIFTING ALL OTHERS	52
2400 - MOTOR VEHICLE THEFT	24

Prompt Variable Used: All County: N

Grid(s): 1829

PART II Crimes	Total Crimes
130B - SIMPLE ASSAULT	18
350A - NARCOTIC BUY/SELL/POSS/IMPORT/MANUF	4
260A - FRAUD CON/SWINDLE/FALSE PRET.	5
260D - IMPERSONATION	5

Grand Total: 173

Detail Filter: OI.Incident From Date Time >= "2002-01-01" and OI.Incident From Date Time < "2003-01-01" and OI.Offense.Ucr Code in ('090A' , '1200' , '130A' , '130D' , '2200' , '230A' , '230B' , '230C' , '230D' , '230E' , '230F' , '230G' , '2400' , '090C' , '130B' , '130E' , '350A' , '350B' , '5100' , '2700' , '260A' , '260B' , '260D' , '260E' , '260F' , '1000' , '2000' , '110A' , '110B' , '110C') and OI.Aoa Agency Code = '000' and OI.Clearance Type Description <> 'UNFOUNDED' and OI.Report Written YN = 'Y' and (All County = 'Y' or All County = 'N' and OI.Grid in ("1829")) and OI.Reporting_Agency_Code = "030"

Miami-Dade Police Department

MIAMI-DADE POLICE DEPARTMENT
Part I and Part II Crimes w/o AO
Reporting Agency: MDPD
From 1/1/03 Thru 1/1/04
YEAR: 2003

Crime Information Warehouse

Prompt Variable Used: All County: N

Grid(s): 1829

PART I Crimes	Total Crimes
110A - RAPE	1
1200 - ROBBERY	2
130A - AGGRAVATED ASSAULT	6
2200 - BURGLARY	7
230F - SHOPLIFTING FROM A MOTOR VEHICLE	38
230G - SHOPLIFTING ALL OTHERS	56
2400 - MOTOR VEHICLE THEFT	14

Prompt Variable Used: All County: N

Grid(s): 1829

PART II Crimes	Total Crimes
130B - SIMPLE ASSAULT	18
130E - SIMPLE STALKING	2
350A - NARCOTIC BUY/SELL/POSS/IMPORT/MANUF	2
260A - FRAUD CON/SWINDLE/FALSE PRET.	4
260B - FRAUD CREDIT CARD/ATM	2
260D - IMPERSONATION	7

Grand Total: 159

Detail Filter: OI.Incident From Date Time >= "2003-01-01" and OI.Incident From Date Time < "2004-01-01" and OI.Offense.Ucr Code in ('090A' , '1200' , '130A' , '130D' , '2200' , '230A' , '230B' , '230C' , '230D' , '230E' , '230F' , '230G' , '2400' , '090C' , '130B' , '130E' , '350A' , '350B' , '5100' , '2700' , '260A' , '260B' , '260D' , '260E' , '260F' , '1000' , '2000' , '110A' , '110B' , '110C') and OI.Aoa Agency Code = '000' and OI.Clearance Type Description <> 'UNFOUNDED' and OI.Report Written YN = 'Y' and (All County = 'Y' or All County = 'N' and OI.Grid in ("1829")) and OI.Reporting_Agency_Code = "030"

C-12 **MEMORANDUM** 01-398

107.07-17A

TO: Diane O'Quinn Williams, Director
Department of Planning and Zoning
ATTN: Franklin Gutierrez, Agenda Coordinator

DATE: October 30, 2003

SUBJECT: Enforcement Histories for Community Council Board #12 Zoning Meeting on November 18, 2003

FROM: Carlos Alvarez, Director
Miami-Dade Police Department

The following information is furnished pursuant to your request for various police statistics, i.e., Calls-for-Service (CFS) data and Part I & II Crimes information for uniform and non-uniform police units for five locations. These locations are situated in the police grids listed below. Police grids are approximately one-half-mile by one-half-mile in diameter. Therefore, the information provided for the grids corresponding to the following locations may include information from other locations within the grid.

- Grid 1829 — Acropolis Realty, LLC; Hearing # 01-398
  Location: 8960 and 8970 SW 87 Court
- Grid 5599 — Frank Perez-Siam, et. al.; Hearing # 01-430
  Location: The south side of SW 40 Street and approximately 120' west of SW 59 Avenue
- Grid 4890 — Starbuck Corp.; Hearing # 02-156
  Location: 10834 SW 104 Street
- Grid 1762 — Medallion International, Inc.; Hearing #03-53
  Location: 7310 SW 47 Avenue
- Grid 1752 — Rodney Almeida; Hearing # 03-224
  Location: 7274 and 7284 SW 93 Avenue

There are five attachments which represent the above five hearings; each has a grid-map cover sheet showing the locations with their respective grids highlighted. Data provided is for calendar year 2002, and January through September of 2003, and is inclusive of Unincorporated Miami-Dade County. CFS data and Part I & II Crimes information were extracted from the Crime Information Warehouse on October 27, 2003, and are subject to change due to cases being reconciled based on the most current information. CFS data includes police dispatch signals 13 through 55. Part I Crimes include the crime categories of murder/non-negligent manslaughter, forcible sex offenses, robbery, aggravated assault/stalking, burglary, larceny/thefts, motor vehicle theft, and arson.

A summary of the information requested is shown below:

Diane O'Quinn Williams, Director October 30, 2003

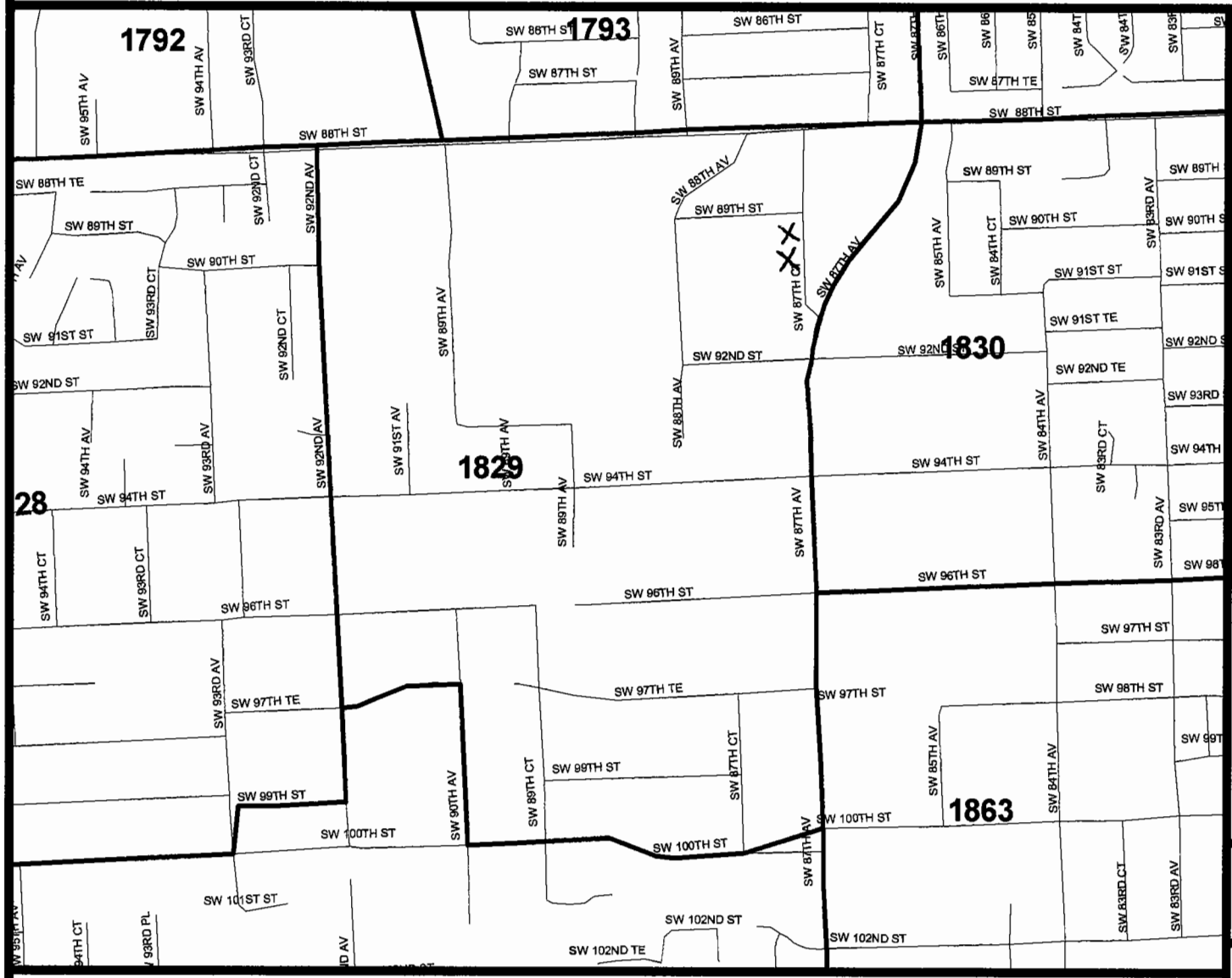
Grid Numbers (Address*)	**Hearing Numbers**	Total Calls-For-Service 2002	2003 (Jan-Sep)	Total Part I & II Crimes 2002	2003 (Jan-Sep)
1829 8960 SW 87 Ct* 8970 SW 87 Ct*	**01-398**	1854 16* 16*	1431 9* 0*	173	125
5599	**01-430**	**188**	**105**	**67**	**5**
4890 10834 SW 104 St*	**02-156**	2744 18*	1835 12*	190	130
1762 **7310 SW 47 Av***	**03-53**	**526** **21***	**269** **3***	**23**	**15**
1752 7274 SW 93 Av* 7284 SW 93 Av*	**03-224**	1651 0* 3*	1017 1* 1*	92	80

*Note: When hearing sites have an existing, complete address, specific CFS can be attributed to it as reflected above.

Should you require additional information or assistance, please contact Major Charles L. Thompson, Police Administrative Bureau, at 305-471-3530.

CA/par
Attachments (5)

Miami-Dade Police Department
Target Area - Police Grid(s): 1829
Acropolis Realty, LLC: Hearing # 01-398



Police Grids Boundaries
Boundary

0 0.08 0.16 Miles

MDPD Crime Analysis System
October 27, 2003
Data in this document represents successfully geocoded attributes.

Miami-Dade Police Department
Summarized Grid Information By Signal
For 2002-01-01 Thru 2002-12-31

Detail Filter: (Dis.Complaint Date >= "2002-01-01" and Dis.Complaint Date < "2003-01-01") and (Dis.Grid in ("1829")) and (Dis.Signal Code in ("13" , "14" , "15" , "16" , "17" , "18" , "19" , "20" , "21" , "22" , "23" , "24" , "25" , "26" , "27" , "28" , "29" , "30" , "31" , "32" , "33" , "34" , "35" , "36" , "37" , "38" , "39" , "40" , "41" , "42" , "43" , "44" , "45" , "46" , "47" , "48" , "49" , "50" , "51" , "52" , "53" , "54" , "55")) and (Dis.Primary Unit not contains '0000') and (Dis.Primary Unit not contains 'SB') and (Dis.Reporting Agency Code = substring ('030' , 1 , 3))

Grid	Signal Code	Signal Description	Total
1829	13	SPECIAL INFORMATION/ASSIGNMENT	135
	14	CONDUCT INVESTIGATION	226
	15	MEET AN OFFICER	572
	16	D.U.I.	1
	17	TRAFFIC ACCIDENT	93
	18	HIT AND RUN	30
	19	TRAFFIC STOP	82
	20	TRAFFIC DETAIL	17
	21	LOST OR STOLEN TAG	7
	22	AUTO THEFT	38
	25	BURGLAR ALARM RINGING	118
	26	BURGLARY	50
	27	LARCENY	59
	28	VANDALISM	18
	29	ROBBERY	4
	30	SHOOTING	3
	32	ASSAULT	74
	33	SEX OFFENSE	8
	34	DISTURBANCE	94
	36	MISSING PERSON	10
	37	SUSPICIOUS VEHICLE	5
	38	SUSPICIOUS PERSON	15

Miami-Dade Police Department
Summarized Grid Information By Signal
For 2002-01-01 Thru 2002-12-31

Detail Filter: (Dis.Complaint Date >= "2002-01-01" and Dis.Complaint Date < "2003-01-01") and (Dis.Grid in ("1829")) and (Dis.Signal Code in ("13" , "14" , "15" , "16" , "17" , "18" , "19" , "20" , "21" , "22" , "23" , "24" , "25" , "26" , "27" , "28" , "29" , "30" , "31" , "32" , "33" , "34" , "35" , "36" , "37" , "38" , "39" , "40" , "41" , "42" , "43" , "44" , "45" , "46" , "47" , "48" , "49" , "50" , "51" , "52" , "53" , "54" , "55")) and (Dis.Primary Unit not contains '0000') and (Dis.Primary Unit not contains 'SB') and (Dis.Reporting Agency Code = substring ('030' , 1 , 3))

Grid	Signal Code	Signal Description	Total
1829.	39	PRISONER	7
	41	SICK OR INJURED PERSON	50
	43	BAKER ACT	2
	44	ATTEMPTED SUICIDE	4
	45	DEAD ON ARRIVAL	100
	49	FIRE	8
	52	NARCOTICS INVESTIGATION	3
	54	FRAUD	21

Total Signals for Grid 1829 : 1854

Total Reported: 1164 Total Not Reported: 690

Total for All Grids : 1854

I ami-Dade Police Departme
Summarized Grid Information By Signal
For 2003-01-01 Thru 2003-09-30

Detail Filter: (Dis.Complaint Date >= "2003-01-01" and Dis.Complaint Date < "2003-10-01") and (Dis.Grid in ("1829")) and (Dis.Signal Code in ("13" , "14" , "15" , "16" , "17" , "18" , "19" , "20" , "21" , "22" , "23" , "24" , "25" , "26" , "27" , "28" , "29" , "30" , "31" , "32" , "33" , "34" , "35" , "36" , "37" , "38" , "39" , "40" , "41" , "42" , "43" , "44" , "45" , "46" , "47" , "48" , "49" , "50" , "51" , "52" , "53" , "54" , "55")) and (Dis.Primary Unit not contains '0000') and (Dis.Primary Unit not contains 'SB') and (Dis.Reporting Agency Code = substring ('030' , 1 , 3))

Grid	Signal Code	Signal Description	Total
1829	13	SPECIAL INFORMATION/ASSIGNMENT	102
	14	CONDUCT INVESTIGATION	204
	15	MEET AN OFFICER	448
	16	D.U.I.	5
	17	TRAFFIC ACCIDENT	80
	18	HIT AND RUN	22
	19	TRAFFIC STOP	40
	20	TRAFFIC DETAIL	12
	21	LOST OR STOLEN TAG	9
	22	AUTO THEFT	17
	25	BURGLAR ALARM RINGING	91
	26	BURGLARY	39
	27	LARCENY	52
	28	VANDALISM	7
	29	ROBBERY	5
	32	ASSAULT	51
	33	SEX OFFENSE	7
	34	DISTURBANCE	74
	36	MISSING PERSON	9
	37	SUSPICIOUS VEHICLE	1
	38	SUSPICIOUS PERSON	7
	39	PRISONER	5

Miami-Dade Police Department
Summarized Grid Information By Signal
For 2003-01-01 Thru 2003-09-30

Detail Filter: (Dis.Complaint Date >= "2003-01-01" and Dis.Complaint Date < "2003-10-01") and (Dis.Grid in ("1829")) and (Dis.Signal Code in ("13" , "14" , "15" , "16" , "17" , "18" , "19" , "20" , "21" , "22" , "23" , "24" , "25" , "26" , "27" , "28" , "29" , "30" , "31" , "32" , "33" , "34" , "35" , "36" , "37" , "38" , "39" , "40" , "41" , "42" , "43" , "44" , "45" , "46" , "47" , "48" , "49" , "50" , "51" , "52" , "53" , "54" , "55")) and (Dis.Primary Unit not contains '0000') and (Dis.Primary Unit not contains 'SB') and (Dis.Reporting Agency Code = substring ('030' , 1 , 3))

Grid	Signal Code	Signal Description	Total
1829.	41	SICK OR INJURED PERSON	45
	43	BAKER ACT	4
	44	ATTEMPTED SUICIDE	3
	45	DEAD ON ARRIVAL	73
	47	BOMB OR EXPLOSIVE ALERT	5
	49	FIRE	3
	52	NARCOTICS INVESTIGATION	1
	54	FRAUD	10

Total Signals for Grid 1829 : 1431

Total Reported: 911 Total Not Reported: 520

Total for All Grids : 1431

Miami-Dade Police Department
Address Query for Events occurring at 8960 SW 87 CT
For 2002-01-01 Thru 2002-12-31

Miami-Dade Police Department *Crime Information Wareh*

Detail Filter: Dis.Complaint Date >= "2002-01-01" and Dis.Complaint Date < "2003-01-01" and Dis.Police District Code in ("A" , "E" , "C" , "D" , "H" , "Q" , "I" , "K" , "N" , "M" , " " , "ZZ" , "P") and Dis.Incident Address contains "8960 SW 87 CT" and Dis.Reporting Agency Code = substring ("030" , 1 , 3) and Dis.Primary Unit not contains 'SB'

Incident Address	Dist	Grid	AOP	Complaint Date	Case Number	Sig Pre	Sig Suf	Rcvd Time	Disp Time	1st Arriv Time	1st Arriv Unit
8960 SW 87 CT	K	1829	1	09/05/2002	0493061A		34	11:22:00	11:28:00	11:43:00	K2503
8960 SW 87 CT	K	1829	2	01/25/2002	0046886A	2	49	00:22:00	00:23:00	00:23:00	K1502
8960 SW 87 CT	K	1829	2	01/25/2002			15	00:22:00	00:23:00	00:23:00	K1502
8960 SW 87 CT	K	1829	2	01/25/2002		2	15	00:29:00	00:29:00	00:31:00	
8960 SW 87 CT	Q	1829	1	03/13/2002			13	09:12:00	09:12:00	09:12:00	Z3302
8960 SW 87 CT #21	K	1829	1	03/21/2002			13	10:14:00	10:14:00	10:14:00	Z3304
8960 SW 87 CT STE 25	K	1829	1	04/28/2002			13	17:43:00	17:43:00	17:43:00	K3505
8960 SW 87 CT/# 21	K	1829	1	09/05/2002	0492531A		25A	03:40:00	03:41:00	03:47:00	K1106
8960 SW 87 CT/# 21	K	1829	1	09/05/2002			15	03:41:00	03:41:00	03:47:00	
8960 SW 87 CT/#14	K	1829	1	03/05/2002			25A	08:23:00	08:28:00	08:28:00	K0000
8960 SW 87 CT/#21	K	1829	1	08/04/2002	0429413A		25A	02:41:00	02:50:00	02:55:00	K1106
8960 SW 87 CT/#21	K	1829	1	08/04/2002			15	02:51:00	02:51:00	02:55:00	
8960 SW 87 CT/APT 25	K	1829	1	04/28/2002	0232186A		25A	15:43:00	16:02:00	16:13:00	K3505
8960 SW 87 CT/STE 15	K	1829	1	06/07/2002			13	09:42:00	09:44:00	09:44:00	K2507
8960 SW 87 CT/SUITE# 25	K	1829	1	04/29/2002	0233529A		14	10:29:00	10:35:00	10:43:00	K2107
8960 SW 87 CT/SUITE# 25	K	1829	1	04/29/2002			15	10:37:00	10:37:00	10:43:00	

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M mi-Dade Police Departme

Address Query for Events occurring at 8960 SW 87 CT
For 2003-01-01 Thru 2003-09-30

Miami-Dade Police Department *Crime Information Wareh*

Detail Filter: Dis.Complaint Date >= "2003-01-01" and Dis.Complaint Date < "2003-10-01" and Dis.Police District Code in ("A" , "E" , "C" , "D" , "H" , "Q" , "I" , "K" , "N" , "M" , " " , "ZZ" , "P") and Dis.Incident Address contains "8960 SW 87 CT" and Dis.Reporting Agency Code = substring ("030" , 1 , 3) and Dis.Primary Unit not contains 'SB'

Incident Address	Dist	Grid	AOP	Complaint Date	Case Number	Sig Pre	Sig Suf	Rcvd Time	Disp Time	1st Arriv Time	1st Arriv Unit
8960 SW 87 CT	K	1829	1	01/21/2003	0038158B		18JO	12:07:00	12:09:00	12:16:00	K2104
8960 SW 87 CT	K	1829	1	03/11/2003	0131611B		34	10:22:38	11:02:39	11:12:00	K2101
8960 SW 87 CT	K	1829	1	04/10/2003	0190651B		26	17:16:00	17:16:00	17:16:00	
8960 SW 87 CT	K	1829	1	08/12/2003	0432313B		54	15:56:24	15:56:24	15:56:24	
8960 SW 87 CT/#24	K	1829	1	01/17/2003	0031435B		14	15:00:00	16:40:00	16:47:00	K3106
8960 SW 87 CT/#24	K	1829	1	01/17/2003			15	16:44:00	16:44:00	16:54:00	
8960 SW 87 CT/#25	K	1829	1	02/18/2003	0092192B		25A	21:49:00	22:21:00	22:21:00	K1507
8960 SW 87 CT/#25	K	1829	1	02/18/2003			15	22:02:00	22:02:00	22:02:00	K3406
8960 SW 87 CT/#25	K	1829	1	02/18/2003			15	22:21:00	22:21:00	22:28:00	K1507

9

M. .mi-Dade Police Departme.
Address Query for Events occurring at 8970 SW 87 CT
For 2002-01-01 Thru 2002-12-31

Miami-Dade Police Department *Crime Information Wareh*

Detail Filter: Dis.Complaint Date >= "2002-01-01" and Dis.Complaint Date < "2003-01-01" and Dis.Police District Code in ("A" , "E" , "C" , "D" , "H" , "Q" , "I" , "K" , "N" , "M" , " " , "ZZ" , "P") and Dis.Incident Address contains "8970 SW 87 CT" and Dis.Reporting Agency Code = substring ("030" , 1 , 3) and Dis.Primary Unit not contains 'SB'

Incident Address	Dist	Grid	AOP	Complaint Date	Case Number	Sig Pre	Sig Suf	Rcvd Time	Disp Time	1st Arriv Time	1st Arriv Unit
8970 SW 87 CT	K	1829	1	07/08/2002	0376544A		26V	21:41:00	21:41:00	21:41:00	
8970 SW 87 CT	K	1829	1	11/22/2002	0645898A		25A	17:37:00	17:46:00	18:00:00	K3102
8970 SW 87 CT	K	1829	1	11/22/2002			15	17:46:00	17:46:00	18:00:00	
8970 SW 87 CT	K	1829	1	12/30/2002	0716943A		27	10:57:00	10:57:00	10:57:00	
8970 SW 87 CT	K	1829	2	01/28/2002	0054415A		25A	21:24:00	21:25:00	21:25:00	K3207
8970 SW 87 CT	K	1829	2	01/28/2002			13	21:36:00	21:36:00	21:36:00	K3207
8970 SW 87 CT	K	1829	2	01/28/2002			15	21:30:00	21:30:00	21:30:00	
8970 SW 87 CT	K	1829	2	01/28/2002			15	21:36:00	21:36:00	21:36:00	K3207
8970 SW 87 CT	K	1829	2	01/28/2002			25A	21:01:00	21:07:00	21:07:00	K0000
8970 SW 87 CT #22	K	1829	1	04/29/2002			25A	19:48:00	19:52:00	19:52:00	K0000
8970 SW 87 CT.	K	1829	1	12/30/2002	0717023A		27	11:09:00	11:43:00	11:52:00	K2480
8970 SW 87 CT/#1	K	1829	1	05/09/2002	0255706A		25A	21:20:00	21:27:00	21:31:00	K3403
8970 SW 87 CT/#100	K	1829	1	04/05/2002	0186323A		25A	17:44:00	17:47:00	17:52:00	K3100
8970 SW 87 CT/#100	K	1829	1	04/05/2002			15	17:47:00	17:47:00	17:52:00	
8970 SW 87 CT/STE 100	K	1829	1	05/10/2002	0256222A		25A	07:31:00	07:40:00	07:59:00	K2505
8970 SW 87 CT/STE 22	K	1829	1	04/29/2002			25A	20:55:00	20:59:00	20:59:00	K0000

16

M. .mi-Dade Police Departmei

Address Query for Events occurring at 8970 SW 87 CT
For 2003-01-01 Thru

Miami-Dade Police Department *Crime Information Wareh*

Detail Filter: Dis.Complaint Date >= "2003-01-01" and Dis.Complaint Date < "2003-10-01" and Dis.Police District Code in ("A" , "E" , "C" , "D" , "H" , "Q" , "I" , "K" , "N" , "M" , " " , "ZZ" , "P") and Dis.Incident Address contains "8970 SW 87 CT" and Dis.Reporting Agency Code = substring ("030" , 1 , 3) and Dis.Primary Unit not contains 'SB'

Incident Address	Dist	Grid	AOP	Complaint Date	Case Number	Sig Pre	Sig Suf	Rcvd Time	Disp Time	1st Arriv Time	1st Arriv Unit

Miami-Dade Police Department

MIAMI-DADE POLICE DEPARTMENT
Part I and Part II Crimes w/o AOA
For Specific Grids
From 2002-01-01 Thru 2002-12-31
YEAR: 2002

Crime Information Warehouse

Grid(s): 1829

Part I Crimes	Total Crimes
Grid 1829	
110A - RAPE	3
130A - AGGRAVATED ASSAULT	10
2200 - BURGLARY	10
230A - POCKET PICKING	1
230D - SHOPLIFTING FROM BUILDING	1
230F - SHOPLIFTING FROM A MOTOR VEHICLE	40
230G - SHOPLIFTING ALL OTHERS	52
2400 - MOTOR VEHICLE THEFT	24
Grid 1829 TOTAL	141
Total Part I :	**141**

Grid(s): 1829

PART II Crimes	Total Crimes
Grid 1829	
130B - SIMPLE ASSAULT	18
350A - NARCOTIC BUY/SELL/POSS/IMPORT/MANUF	4
260A - FRAUD CON/SWINDLE/FALSE PRET.	5
260D - IMPERSONATION	5
Grid 1829 TOTAL	32
Total PART II :	**32**

Grand Total: 173

Detail Filter: OI.Incident From Date Time >= "2002-01-01" and OI.Incident From Date Time < "2003-01-01" and OI.Offense.Ucr Code in ('090A' , '1200' , '110A' , '110B' , '110C' , '130A' , '130D' , '2200' , '230A' , '230B' , '230C' , '230D' , '230E' , '230F' , '230G' , '2400' , '090C' , '130B' , '130E' , '350A' , '350B' , '5100' , '2700' , '260A' , '260B' , '260D' , '260E' , '260F' , '1000' , '2000') and OI.Reporting_Agency_Code = '030' and OI.Aoa Agency Code = '000' and OI.Clearance Type Description <> 'UNFOUNDED' and OI.Report Written YN = 'Y' and OI.Grid in ("1829")

MIAMI-DADE POLICE DEPARTMENT
Part I and Part II Crimes w/o AOA
For Specific Grids
From 2003-01-01 Thru 2003-09-30
YEAR: 2003

Grid(s): 1829

Part I Crimes	Total Crimes
Grid 1829	
110A - RAPE	1
1200 - ROBBERY	2
130A - AGGRAVATED ASSAULT	5
2200 - BURGLARY	4
230F - SHOPLIFTING FROM A MOTOR VEHICLE	32
230G - SHOPLIFTING ALL OTHERS	41
2400 - MOTOR VEHICLE THEFT	12
Grid 1829 TOTAL	97
Total Part I :	**97**

Grid(s): 1829

PART II Crimes	Total Crimes
Grid 1829	
130B - SIMPLE ASSAULT	16
130E - SIMPLE STALKING	2
350A - NARCOTIC BUY/SELL/POSS/IMPORT/MANUF	1
260A - FRAUD CON/SWINDLE/FALSE PRET.	2
260B - FRAUD CREDIT CARD/ATM	1
260D - IMPERSONATION	6
Grid 1829 TOTAL	28
Total PART II :	**28**

Grand Total: 125

Detail Filter: OI.Incident From Date Time >= "2003-01-01" and OI.Incident From Date Time < "2003-10-01" and OI.Offense.Ucr Code in ('090A' , '1200' , '110A' , '110B' , '110C' , '130A' , '130D' , '2200' , '230A' , '230B' , '230C' , '230D' , '230E' , '230F' , '230G' , '2400' , '090C' , '130B' , '130E' , '350A' , '350B' , '5100' , '2700' , '260A' , '260B' , '260D' , '260E' , '260F' , '1000' , '2000') and OI.Reporting_Agency_Code = '030' and OI.Aoa Agency Code = '000' and OI.Clearance Type Description <> 'UNFOUNDED' and OI.Report Written YN = 'Y' and OI.Grid in ("1829")

Memorandum

MIAMI-DADE COUNTY

Date: January 18, 2005

To: Diane O'Quinn Williams, Director
Department of Planning and Zoning

From: Roosevelt Bradley, Director
Miami-Dade Transit

Subject: FY05 Blanket Concurrency Approval for Transit

This memo serves as a blanket authorization for your Department to continue to review and approve concurrency applications for mass transit in all areas of Miami-Dade County.

Miami-Dade Transit has been charged with the responsibility of reviewing and approving concurrency applications for mass transit levels of service as stated in County Ordinance 89-66, Administrative Order 4-85, and Section 33-G of the Miami-Dade County Code. Based on the latest socio-economic information provided by your department's Research Division, and a review of the Metrobus/Metrorail service area, we are able to re-authorize your department to review and approve concurrency applications since it appears that all areas of Miami-Dade County meet or exceed the Level-of-Service Standards (LOS) for mass transit established in the above referenced County Rules and Regulations.

MDT continues with the development process for the North Corridor transit project along NW 27th Avenue from 62nd Street to the Broward County line. Please, ask your staff to continue to signal any application whose address is on NW 27th Avenue, between these two points, so that they may be reviewed by MDT staff.

This authorization is intended to continue the arrangement between our respective Departments, and is effective for the period October 1, 2004 to September 30, 2005, or until canceled by written notice from my office.

If your staff needs further information or assistance with mass transit concurrency matters, they may wish to contact Mario G. Garcia, Chief, System Planning Division, at 375-1193. Your continued cooperation on these important matters is greatly appreciated.

cc: George Navarrete
Mario G. Garcia

✓ l. brown

Memorandum

MIAMI-DADE COUNTY

Date: December 2, 2004

To: Dianne O'Quinn-Williams, Director
Department of Planning and Zoning

From: Vivian Donnell Rodriguez, Director
Park and Recreation Department

Subject: Update for Blanket Concurrency Approval

RECEIVED
DEC 14 2004
MIAMI-DADE COUNTY
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING

This memorandum updates the blanket concurrency approval memo of September 18, 2003. There is an adequate level of service within each of the three Park Benefit Districts for all unincorporated areas, as shown on the attached table, and we project that there will be sufficient surplus capacity to maintain an adequate level of service for one additional year. Nevertheless, on a case-by-case basis, this Department will additionally evaluate the capacity of existing parks to support projected residential populations created by new development.

This approval is valid until November 30, 2005. If conditions change prior to that, I will inform Helen Brown, Concurrency Administrator of your department.

Attachment

VDR: WHG:BF:RK

cc: Helen Brown, Metropolitan Planning, DP&Z
W. Howard Gregg, Asst. Director for Planning & Development, PARD
Barbara Falsey, Chief, Planning and Research Division, PARD

MEMORANDUM

TO: Guillermo E. Olmedillo. Director
Building & Zoning Department

DATE: May 3rd. 1999

SUBJECT: Concurrency Approval

FROM: Earl L. Carlton, Captain
Fire Engineering & Water Supply Bureau

Subject to compliance with Article XIV a. "Water Supply for Fire Suppression" of the Miami Dade County Code. blanket approval for "Initial Development Orders" for any proposed use is hereby granted until further notice.

A subsequent review to assess compliance with Miami Dade County Fire Flow Standards addressed under the concurrency requirements, as stated in Chapter 163, part 2. Florida Statute, will be necessary during the building permit process.

When zoning use variances are permitted the fire flow standards for the zone permitting the use will be applied.

ELC/ser

Original to Helen Brown
cy to Al Jones

107.07-17A METRO-DADE/GSA-MAT. MGT.

MEMORANDUM

TO: Diane O'Quinn Williams
Director
Department of Planning and Zoning

DATE: September 12, 2003

SUBJECT: Solid Waste Disposal Concurrency Determination

FROM: Andrew Wilfork
Director
Department of Solid Waste Management

The Department of Solid Waste Management determines compliance with the County's adopted level-of-service (LOS) standard for solid waste disposal based on the ability of the County Solid Waste Management System (System) to accommodate projected waste flows for concurrency. Only those System facilities that are constructed, under construction, subject to a binding executed contract for construction, or subject to a binding executed contract for the provision of services are included in this determination, in accordance with Chapter 33G of the Miami-Dade County Code, Concurrency Management Program.

The attached spreadsheet presents the projected utilization of the System's remaining disposal capacity over a period of 15 years. The projection is based on the demand generated by those parties (municipalities and private haulers) who have committed their waste flows to the System through interlocal agreements and long term contracts as well as anticipated non-committed waste flows, in accordance with the LOS standard. The analysis shows adequate System capacity to meet the LOS until 2015 or seven (7) years beyond the minimum standard. This determination is contingent upon the continued ability of the County and its disposal service contract providers to obtain and renew disposal facility operating permits from the applicable federal, state and local regulatory agencies. Therefore, please be advised that the current LOS is adequate to permit development orders to be issued. This determination shall remain in effect for a period of three (3) fiscal years (ending September 30, 2006), at which time an updated determination will be issued. If, however, a significant event occurs which substantially alters these projections, the Department will issue an updated determination.

Attachment

cc: Pedro G. Hernandez, P.E., Assistant County Manager
Victoria Garland, Acting Deputy Director, DSWM
Vicente Castro, Assistant Director for Technical Services, DSWM
Paul J. Mauriello, Acting Assistant Director for Disposal Operations, DSWM
Charles W. Parkinson, Jr., Acting Assistant Director for Administration, DSWM

RECEIVED
SEP 18 2003
ZONING SERVICES DIVISION, DADE COUNTY
DEPT. OF PLANNING & ZONING
BY

Department of Solid Waste Management (DSWM)

Solid Waste Facility Capacity Analysis

Fiscal Year 2002-2003

		RESOURCES RECOVERY FACILITY					RTI FACILITY				LANDFILLS			WHEELABRATOR (contract had ended on 12/31/02)	
Year	Waste Projections (tons)	On-site Gross Tonnage	Unders to South Dade	Shredded Tires to South Dade	Ash to Ashfill [1]	Net Tonnage [2]	RTI Gross Tonnage	RTI Rejects to North Dade and Medley Landfill	Okeelanta Ash to R.R. Ashfill [3]	Tonnage [4]	SOUTH DADE Garbage [5]	NORTH DADE Trash [6]	WMI Garbage &Trash [7]	Trash [8]	Total [1]-[8]
2003 *	1,837,000	936,000	196,000	17,000	119,000	604,000	270,000	54,000	27,000	189,000	410,000	333,000	146,000	8,000	1,836,000
2004 **	1,715,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	273,500	395,000	100,000	0	1,715,500
2005	1,715,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	273,500	395,000	100,000	0	1,715,500
2006 ***	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2007	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2008	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2009	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2010	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2011	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500

RESOURCES RECOVERY	GARBAGE	TRASH	TIRES	TOTAL	
* TOTAL @ 1.84M	853,000	69,000	14,000	936,000	(91% Garbage; 9% Trash, includes Tires)
		270,000		270,000	(RTI)
** TOTAL @ 1.72M	853,000	69,000	14,000	936,000	(91% Garbage; 9% Trash, includes Tires)
		270,000		270,000	(RTI)
*** TOTAL @ 1.71M	853,000	69,000	14,000	936,000	(91% Garbage; 9% Trash, includes Tires)
		270,000		270,000	(RTI)

TOTAL WASTE STREAM PERCENTAGES @1.84 MILLIONS TONS

GARBAGE 54.3%	997,000
TRASH 44.4%	816,000
SPECIAL (includes Tires) 1.3%	24,000
TOTAL	1,837,000

REMAINING CAPACITY BY FACILITY AT END OF FISCAL YEAR

Year	Ashfill Capacity *	South Dade Capacity **	North Dade Capacity ***	WMI **** Disposed
Base Capacity	207,000	4,352,000	3,130,000	146,000
2003	61,000	3,942,000	2,797,000	100,000
2004	0	3,668,500	2,402,000	186,000
2005	0	3,395,000	2,007,000	249,000
2006	0	3,131,500	1,612,000	249,000
2007	0	2,868,000	1,217,000	249,000
2008	0	2,604,500	822,000	249,000
2009	0	2,341,000	427,000	249,000
2010	0	2,077,500	32,000	249,000
2011	0	1,702,000	0	500,000
2012	0	1,294,500	0	500,000
2013	0	887,000	0	500,000
2014	0	479,500	0	500,000
2015	0	72,000	0	500,000
2016	0	0	0	
2017	0	0	0	
2018	0	0	0	
Total Remaining Years	0	12	6	

* Ashfill capacity includes cells 17 and 18; cells 19-20 have not been constructed. When cells 17 and 18 are depleted Resources Recovery Plant Ash and Okeelanta Ash go to South Dade Landfill and Medley Landfill (WMI).

** South Dade includes cells 3 and 4; cell 5 has not been constructed. Assumes all unders consumes capacity whether or not it is used as cover.

*** North Dade capacity represents buildout of the facility. When North Dade Landfill capacity is depleted trash goes WMI and South Dade Landfill.

**** Maximum Contractual Tonnage per year to WMI is 500,000 tons; Minimum Contractual Tonnage per year is 100,000 tons. WMI disposal contract ends September 30, 2015. After WMI disposal contract ends tonnage goes to South Dade Landfill.

All capacity figures are derived from the Capacity of Miami-Dade County Landfills report prepared by the Brown and Caldwell, Dated October 2002.

2004 PARK LOCAL OPEN SPACE BASED ON BENEFIT DISTRICTS - UNINCORPORATED AREA

PBD	2000 Population	Accrued Population	Total Population	Need @ 2.75 Acres Per 1000 (Acres)	Existing Local Open Space: Park Acres	Existing Local Open Space: School field Acres	Existing Local Open Space: 1/2 Private Acres	Total Local Open Space	Surplus (Deficit) Acres	Level of Service
1	332,396	29,396	361,792	994.92	1,044.49	491.02	85.32	1,620.83	625.91	1.629
2	520,177	23,003	543,180	1,493.75	1,476.12	461.33	139.79	2,077.24	583.49	1.390
3	141,699	38,253	179,952	494.86	578.93	177.20	6.90	763.03	268.17	1.541
TOT:	994,272	90,652	1,084,924	2,983.53	3,099.54	1,129.55	232.01	4,461.10	1,477.57	1.520

MEMORANDUM

TO: Diane O'Quinn Williams
Director
Department of Planning and Zoning

FROM: Roosevelt Bradley, Director
Miami Dade Transit

DATE: October 14, 2003

SUBJECT: FY04 Blanket Concurrency Approval for Transit

This memo serves as a blanket authorization for your Department to continue to review and approve concurrency applications for mass transit in all areas of Miami-Dade County.

Miami-Dade Transit has been charged with the responsibility of reviewing and approving concurrency applications for mass transit levels of service as stated in County Ordinance 89-66, Administrative Order 4-85, and Section 33-G of the Miami-Dade County Code. Based on the latest socio-economic information provided by your Department's Research Division, and a review of the Metrobus/Metrorail service area, we are able to re-authorize your Department to review and approve concurrency applications since it appears that all areas of Miami-Dade County meet or exceed the level-of-service standards (LOS) for mass transit established in the above referenced County rules and regulations.

This authorization is intended to continue the arrangement between our respective departments, and is effective for the period October 1, 2003 to September 30, 2004, or until canceled by written notice from my office.

If your staff needs further information or assistance with mass transit concurrency matters, they may wish to contact Mario G. Garcia, Chief, System Planning Division, at 375-1193. Your continued cooperation on these important matters is greatly appreciated.

CC: Aurelio Rodriguez, P.E.
Mario G. Garcia

RECEIVED
OCT 21 2003
MIAMI-DADE COUNTY
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING

03 OCT 17 PM 4:57
MIAMI-DADE COUNTY
FLORIDA

MEMORANDUM

Helen B.

TO: Dianne O'Quinn-Williams, Director
Department of Planning and Zoning

DATE: September 18, 2003

FROM: Vivian Donnell Rodriguez, Director
Park and Recreation Department

SUBJECT: Concurrency Approval

This memorandum updates the blanket concurrency approval memo of August 6, 2002. There is an adequate level of service within each of the three Park Benefit Districts for all unincorporated areas, as shown on the attached table, and we project that there will be sufficient surplus capacity to maintain an adequate level of service for one additional year. Nevertheless, on a case-by-case basis, this Department will additionally evaluate the capacity of existing parks to support projected residential populations created by new development.

This approval is valid until September 30, 2004. If conditions change prior to that, I will inform Helen Brown, Concurrency Administrator of your department.

Attachment

VDR: WHG:BF:RK

cc: Helen Brown, Metropolitan Planning, DP&Z
W. Howard Gregg, Asst. Director for Planning & Development, PARD
Barbara Falsey, Chief, Planning and Research Division, PARD

Original to Helen Brown
4 to Al Jones

107.07-17A METRO-DADE/GSA-MAT. MGT.

MEMORANDUM

TO: Diane O'Quinn Williams
Director
Department of Planning and Zoning

DATE: September 12, 2003

SUBJECT: Solid Waste Disposal Concurrency Determination

FROM: Andrew Wilfork
Director
Department of Solid Waste Management

The Department of Solid Waste Management determines compliance with the County's adopted level-of-service (LOS) standard for solid waste disposal based on the ability of the County Solid Waste Management System (System) to accommodate projected waste flows for concurrency. Only those System facilities that are constructed, under construction, subject to a binding executed contract for construction, or subject to a binding executed contract for the provision of services are included in this determination, in accordance with Chapter 33G of the Miami-Dade County Code, Concurrency Management Program.

The attached spreadsheet presents the projected utilization of the System's remaining disposal capacity over a period of 15 years. The projection is based on the demand generated by those parties (municipalities and private haulers) who have committed their waste flows to the System through interlocal agreements and long term contracts as well as anticipated non-committed waste flows, in accordance with the LOS standard. The analysis shows adequate System capacity to meet the LOS until 2015 or seven (7) years beyond the minimum standard. This determination is contingent upon the continued ability of the County and its disposal service contract providers to obtain and renew disposal facility operating permits from the applicable federal, state and local regulatory agencies. Therefore, please be advised that the current LOS is adequate to permit development orders to be issued. This determination shall remain in effect for a period of three (3) fiscal years (ending September 30, 2006), at which time an updated determination will be issued. If, however, a significant event occurs which substantially alters these projections, the Department will issue an updated determination.

Attachment

cc: Pedro G. Hernandez, P.E., Assistant County Manager
Victoria Garland, Acting Deputy Director, DSWM
Vicente Castro, Assistant Director for Technical Services, DSWM
Paul J. Mauriello, Acting Assistant Director for Disposal Operations, DSWM
Charles W. Parkinson, Jr., Acting Assistant Director for Administration, DSWM

RECEIVED
SEP 18 2003
ZONING SERVICES DIVISION, DADE COUNTY
DEPT. OF PLANNING & ZONING
BY_____

MEMORANDUM

TO: Guillermo E. Olmedillo. Director
Building & Zoning Department

DATE: May 3rd. 1999

SUBJECT: Concurrency Approval

FROM: Earl L. Carlton, Captain
Fire Engineering & Water Supply Bureau

Subject to compliance with Article XIV a. "Water Supply for Fire Suppression" of the Miami Dade County Code, blanket approval for "Initial Development Orders" for any proposed use is hereby granted until further notice.

A subsequent review to assess compliance with Miami Dade County Fire Flow Standards addressed under the concurrency requirements, as stated in Chapter 163, part 2. Florida Statute, will be necessary during the building permit process.

When zoning use variances are permitted the fire flow standards for the zone permitting the use will be applied.

ELC/ser

Department of Solid Waste Management (DSWM)
Solid Waste Facility Capacity Analysis
Fiscal Year 2002-2003

		RESOURCES RECOVERY FACILITY					RTI FACILITY				LANDFILLS			WHEELABRATOR (contract had ended on 12/31/02)	
Year	Waste Projections (tons)	On-site Gross Tonnage	Unders to South Dade	Shredded Tires to South Dade	Ash to Ashfill [1]	Net Tonnage [2]	RTI Gross Tonnage	RTI Rejects to North Dade and Medley Landfill	Okeelanta Ash to R.R. Ashfill [3]	Tonnage [4]	SOUTH DADE Garbage [5]	NORTH DADE Trash [6]	WMI Garbage &Trash [7]	Trash [8]	Total [1]-[8]
2003 *	1,837,000	936,000	196,000	17,000	119,000	604,000	270,000	54,000	27,000	189,000	410,000	333,000	146,000	8,000	1,836,000
2004 **	1,715,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	273,500	395,000	100,000	0	1,715,500
2005	1,715,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	273,500	395,000	100,000	0	1,715,500
2006 ***	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2007	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2008	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2009	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2010	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2011	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500

RESOURCES RECOVERY	GARBAGE	TRASH	TIRES	TOTAL	
* TOTAL @ 1.84M	853,000	69,000 270,000	14,000	936,000 270,000	(91% Garbage; 9% Trash, Includes Tires) (RTI)
** TOTAL @ 1.72M	853,000	69,000 270,000	14,000	936,000 270,000	(91% Garbage; 9% Trash, Includes Tires) (RTI)
*** TOTAL @ 1.71M	853,000	69,000 270,000	14,000	936,000 270,000	(91% Garbage; 9% Trash, Includes Tires) (RTI)

TOTAL WASTE STREAM PERCENTAGES @1.84 MILLIONS TONS

GARBAGE 54.3%	997,000
TRASH 44.4%	816,000
SPECIAL (includes Tires) 1.3%	24,000
TOTAL	1,837,000

REMAINING CAPACITY BY FACILITY AT END OF FISCAL YEAR

Year	Ashfill Capacity *	South Dade Capacity **	North Dade Capacity ***	WMI **** Disposed
Base Capacity	207,000	4,352,000	3,130,000	146,000
2003	61,000	3,942,000	2,797,000	100,000
2004	0	3,668,500	2,402,000	188,000
2005	0	3,395,000	2,007,000	249,000
2006	0	3,131,500	1,612,000	249,000
2007	0	2,868,000	1,217,000	249,000
2008	0	2,604,500	822,000	249,000
2009	0	2,341,000	427,000	249,000
2010	0	2,077,500	32,000	249,000
2011	0	1,702,000	0	500,000
2012	0	1,294,500	0	500,000
2013	0	887,000	0	500,000
2014	0	479,500	0	500,000
2015	0	72,000	0	500,000
2016	0	0	0	
2017	0	0	0	
2018	0	0	0	
Total Remaining Years	0	12	6	

* Ashfill capacity includes cells 17 and 18; cells 19-20 have not been constructed. When cells 17 and 18 are depleted Resources Recovery Plant Ash and Okeelanta Ash go to South Dade Landfill and Medley Landfill (WMI).

** South Dade includes cells 3 and 4; cell 5 has not been constructed. Assumes all unders consumes capacity whether or not it is used as cover.

*** North Dade capacity represents buildout of the facility. When North Dade Landfill capacity is depleted trash goes WMI and South Dade Landfill.

**** Maximum Contractual Tonnage per year to WMI is 500,000 tons; Minimum Contractual Tonnage per year is 100,000 tons. WMI disposal contract ends September 30, 2015. After WMI disposal contract ends tonnage goes to South Dade Landfill.

All capacity figures are derived from the Capacity of Miami-Dade County Landfills report prepared by the Brown and Caldwell, Dated October 2002.

2003 PARK LOCAL OPEN SPACE BASED ON BENEFIT DISTRICTS - UNINCORPORATED AREA

PBD	2000 Population	Accrued Population	Total Population	Need @ 2.75 Acres Per 1000 (Acres)	Existing Local Open Space: Park Acres	Existing Local Open Space: School field Acres	Existing Local Open Space: 1/2 Private Acres	Total Local Open Space	Surplus (Deficit) Acres	Level of Service
1	476,880	25,585	502,465	1,381.77	1,198.25	702.34	85.32	1,985.91	604.14	1.437
2	563,033	19,245	582,278	1,601.24	1,564.11	508.33	139.79	2,212.23	610.99	1.381
3	141,699	24,607	166,306	457.33	578.93	177.20	6.90	763.03	305.70	1.668
T	1,181,612	69,437	1,251,049	3,440.34	3,341.29	1,387.87	232.01	4,961.17	1,520.83	1.495

MEMORANDUM

Helen B.

TO:	Dianne O'Quinn-Williams, Director Department of Planning and Zoning	*DATE:*	September 18, 2003
FROM:	Vivian Donnell Rodriguez, Director Park and Recreation Department	*SUBJECT:*	Concurrency Approval

This memorandum updates the blanket concurrency approval memo of August 6, 2002. There is an adequate level of service within each of the three Park Benefit Districts for all unincorporated areas, as shown on the attached table, and we project that there will be sufficient surplus capacity to maintain an adequate level of service for one additional year. Nevertheless, on a case-by-case basis, this Department will additionally evaluate the capacity of existing parks to support projected residential populations created by new development.

This approval is valid until September 30, 2004. If conditions change prior to that, I will inform Helen Brown, Concurrency Administrator of your department.

Attachment

VDR: WHG:BF:RK

cc: Helen Brown, Metropolitan Planning, DP&Z
W. Howard Gregg, Asst. Director for Planning & Development, PARD
Barbara Falsey, Chief, Planning and Research Division, PARD

2003 PARK LOCAL OPEN SPACE BASED ON BENEFIT DISTRICTS - UNINCORPORATED AREA

PBD	2000 Population	Accrued Population	Total Population	Need @ 2.75 Acres Per 1000 (Acres)	Existing Local Open Space: Park Acres	Existing Local Open Space: School field Acres	Existing Local Open Space: 1/2 Private Acres	Total Local Open Space	Surplus (Deficit) Acres	Level of Service
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3	141,699	24,607	166,306	457.33	578.93	177.20	6.90	763.03	305.70	1.668
TOT:	1,181,612	69,437	1,251,049	3,440.34	3,341.29	1,387.87	232.01	4,961.17	1,520.83	1.495

MEMORANDUM

TO: Diane O'Quinn Williams
Director
Department of Planning and Zoning

FROM: Roosevelt Bradley, Director
Miami Dade Transit

DATE: October 14, 2003

SUBJECT: FY04 Blanket Concurrency Approval for Transit

This memo serves as a blanket authorization for your Department to continue to review and approve concurrency applications for mass transit in all areas of Miami-Dade County.

Miami-Dade Transit has been charged with the responsibility of reviewing and approving concurrency applications for mass transit levels of service as stated in County Ordinance 89-66, Administrative Order 4-85, and Section 33-G of the Miami-Dade County Code. Based on the latest socio-economic information provided by your Department's Research Division, and a review of the Metrobus/Metrorail service area, we are able to re-authorize your Department to review and approve concurrency applications since it appears that all areas of Miami-Dade County meet or exceed the level-of-service standards (LOS) for mass transit established in the above referenced County rules and regulations.

This authorization is intended to continue the arrangement between our respective departments, and is effective for the period October 1, 2003 to September 30, 2004, or until canceled by written notice from my office.

If your staff needs further information or assistance with mass transit concurrency matters, they may wish to contact Mario G. Garcia, Chief, System Planning Division, at 375-1193. Your continued cooperation on these important matters is greatly appreciated.

CC: Aurelio Rodriguez, P.E.
Mario G. Garcia

RECEIVED
OCT 21 2003
MIAMI-DADE COUNTY
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING

03 OCT 17 PM 4:17
MIAMI-DADE COUNTY
FLORIDA

Original to Helen Brown
cy to Al Jones

107.07-17A METRO-DADE/GSA-MAT. MGT.

MEMORANDUM

TO: Diane O'Quinn Williams
Director
Department of Planning and Zoning

DATE: September 12, 2003

SUBJECT: Solid Waste Disposal Concurrency Determination

FROM: Andrew Wilfork
Director
Department of Solid Waste Management

The Department of Solid Waste Management determines compliance with the County's adopted level-of-service (LOS) standard for solid waste disposal based on the ability of the County Solid Waste Management System (System) to accommodate projected waste flows for concurrency. Only those System facilities that are constructed, under construction, subject to a binding executed contract for construction, or subject to a binding executed contract for the provision of services are included in this determination, in accordance with Chapter 33G of the Miami-Dade County Code, Concurrency Management Program.

The attached spreadsheet presents the projected utilization of the System's remaining disposal capacity over a period of 15 years. The projection is based on the demand generated by those parties (municipalities and private haulers) who have committed their waste flows to the System through interlocal agreements and long term contracts as well as anticipated non-committed waste flows, in accordance with the LOS standard. The analysis shows adequate System capacity to meet the LOS until 2015 or seven (7) years beyond the minimum standard. This determination is contingent upon the continued ability of the County and its disposal service contract providers to obtain and renew disposal facility operating permits from the applicable federal, state and local regulatory agencies. Therefore, please be advised that the current LOS is adequate to permit development orders to be issued. This determination shall remain in effect for a period of three (3) fiscal years (ending September 30, 2006), at which time an updated determination will be issued. If, however, a significant event occurs which substantially alters these projections, the Department will issue an updated determination.

Attachment

cc: Pedro G. Hernandez, P.E., Assistant County Manager
Victoria Garland, Acting Deputy Director, DSWM
Vicente Castro, Assistant Director for Technical Services, DSWM
Paul J. Mauriello, Acting Assistant Director for Disposal Operations, DSWM
Charles W. Parkinson, Jr., Acting Assistant Director for Administration, DSWM

RECEIVED
SEP 10 2003

Department of Solid Waste Management (DSWM)

Solid Waste Facility Capacity Analysis

Fiscal Year 2002-2003

		RESOURCES RECOVERY FACILITY					RTI FACILITY				LANDFILLS			WHEELABRATOR (contract had ended on 12/31/02)	
Year	Waste Projections (tons)	On-site Gross Tonnage	Unders to South Dade	Shredded Tires to South Dade	Ash to Ashfill [1]	Net Tonnage [2]	RTI Gross Tonnage	RTI Rejects to North Dade and Medley Landfill	Okeelanta Ash to R.R. Ashfill [3]	Tonnage [4]	SOUTH DADE Garbage [5]	NORTH DADE Trash [6]	WMI Garbage &Trash [7]	Trash [8]	Total [1]-[8]
2003 *	1,837,000	936,000	196,000	17,000	119,000	604,000	270,000	54,000	27,000	189,000	410,000	333,000	146,000	8,000	1,836,000
2004 **	1,715,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	273,500	395,000	100,000	0	1,715,500
2005	1,715,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	273,500	395,000	100,000	0	1,715,500
2006 ***	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2007	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
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2009	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2010	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2011	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500

RESOURCES RECOVERY	GARBAGE	TRASH	TIRES	TOTAL	
* TOTAL @ 1.84M	853,000	69,000 270,000	14,000	936,000 270,000	(91% Garbage; 9% Trash, includes Tires) (RTI)
** TOTAL @ 1.72M	853,000	69,000 270,000	14,000	936,000 270,000	(91% Garbage; 9% Trash, includes Tires) (RTI)
*** TOTAL @ 1.71M	853,000	69,000 270,000	14,000	936,000 270,000	(91% Garbage; 9% Trash, includes Tires) (RTI)

TOTAL WASTE STREAM PERCENTAGES @1.84 MILLIONS TONS

GARBAGE 54.3%	997,000
TRASH 44.4%	816,000
SPECIAL (includes Tires) 1.3%	24,000
TOTAL	1,837,000

REMAINING CAPACITY BY FACILITY AT END OF FISCAL YEAR

Year	Ashfill Capacity *	South Dade Capacity **	North Dade Capacity ***	WMI **** Disposed
Base Capacity	207,000	4,352,000	3,130,000	146,000
2003	61,000	3,942,000	2,797,000	100,000
2004	0	3,668,500	2,402,000	186,000
2005	0	3,395,000	2,007,000	249,000
2006	0	3,131,500	1,612,000	249,000
2007	0	2,868,000	1,217,000	249,000
2008	0	2,604,500	822,000	249,000
2009	0	2,341,000	427,000	249,000
2010	0	2,077,500	32,000	249,000
2011	0	1,702,000	0	500,000
2012	0	1,294,500	0	500,000
2013	0	887,000	0	500,000
2014	0	479,500	0	500,000
2015	0	72,000	0	500,000
2016	0	0	0	
2017	0	0	0	
2018	0	0	0	
Total Remaining Years	0	12	6	

* Ashfill capacity includes cells 17 and 18; cells 19-20 have not been constructed. When cells 17 and 18 are depleted Resources Recovery Plant Ash and Okeelanta Ash go to South Dade Landfill and Medley Landfill (WMI).

** South Dade includes cells 3 and 4; cell 5 has not been constructed. Assumes all unders consumes capacity whether or not it is used as cover.

*** North Dade capacity represents buildout of the facility. When North Dade Landfill capacity is depleted trash goes WMI and South Dade Landfill.

**** Maximum Contractual Tonnage per year to WMI is 500,000 tons; Minimum Contractual Tonnage per year is 100,000 tons. WMI disposal contract ends September 30, 2015. After WMI disposal contract ends tonnage goes to South Dade Landfill.

All capacity figures are derived from the Capacity of Miami-Dade County Landfills report prepared by the Brown and Caldwell, Dated October 2002.

MEMORANDUM

TO: Guillermo E. Olmedillo. Director
Building & Zoning Department

DATE: May 3rd. 1999

SUBJECT: Concurrency Approval

FROM: Earl L. Carlton. Captain
Fire Engineering & Water Supply Bureau

Subject to compliance with Article XIV a. "Water Supply for Fire Suppression" of the Miami Dade County Code. blanket approval for "Initial Development Orders" for any proposed use is hereby granted until further notice.

A subsequent review to assess compliance with Miami Dade County Fire Flow Standards addressed under the concurrency requirements, as stated in Chapter 163, part 2. Florida Statute, will be necessary during the building permit process.

When zoning use variances are permitted the fire flow standards for the zone permitting the use will be applied.

ELC/ser

107.07-17A METRO-DADE/GSA-MAT MGT

MEMORANDUM

TO: Guillermo E. Olmedillo
Director
Department of Planning and Zoning

DATE: September 22, 2000

SUBJECT: Solid Waste Disposal Concurrency Determination

FROM: Andrew Wilfork
Director
Department of Solid Waste Management

The Department of Solid Waste Management determines compliance with the County's adopted level-of-service (LOS) standard for solid waste disposal based on the ability of the County Solid Waste Management System (System) to accommodate projected waste flows for concurrency. Only those System facilities that are constructed, under construction, subject to a binding executed contract for construction, or subject to a binding executed contract for the provision of services are included in this determination, in accordance with Chapter 33G of the Miami-Dade County Code, Concurrency Management Program.

The attached spreadsheet presents the projected utilization of the System's remaining disposal capacity over a period of nearly 40 years. The projection is based on the demand generated by those parties (municipalities and private haulers) who have committed their waste flows to the System through interlocal agreements and long term contracts as well as anticipated non-committed waste flows, in accordance with the LOS standard. The analysis shows adequate System capacity to meet the LOS until 2011 or nearly five (5) years beyond the minimum standard. This determination is contingent upon the continued ability of the County and its disposal service contract providers to obtain and renew disposal facility operating permits from the applicable federal, state and local regulatory agencies. Therefore, please be advised that the current LOS is adequate to permit development orders to be issued. This determination shall remain in effect for a period of three (3) fiscal years (ending September 30, 2003), at which time an updated determination will be issued. If, however, a significant event occurs which substantially alters these projections, the Department will issue an updated determination.

Attachment

cc: Steve Spratt, Senior Assistant to the County Manager
Jim Bostic, Deputy Director, DSWM
Vicente Castro, Assistant Director for Technical Services, DSWM
Kathie G. Brooks, Assistant Director for Finance and Planning, DSWM
Paul Mauriello, Executive Assistant to the Director, DSWM

Year	Waste Projections (tons)	RESOURCES RECOVERY FACILITY					TRASH-TO-FUEL FACILITY				SOUTH DADE	NORTH DADE	WMI	WTI	
		On-site Gross Tonnage	Unders to South Dade	Shredded Tires to North Dade	Ash to Ashfill [1]	Net Tonnage [2]	RTI Gross Tonnage	Non-processables to North Dade	Processed Residue to South Dade	Net Tonnage [3]	Landfill Garbage [4]	Landfill Trash [5]	Landfill Garbage/Trash [6]	Waste to energy Trash [7]	Total [1]-[7]
2000 *	1,746,000	936,000	152,000	12,000	147,000	625,000	196,000	18,000	22,000	156,000	323,000	272,000	140,000	83,000	1,746,000
2001 **	1,687,000	936,000	167,000	11,000	138,000	620,000	270,000	48,000	27,000	195,000	230,000	264,000	140,000	100,000	1,687,000
2002	1,687,000	936,000	167,000	11,000	138,000	620,000	270,000	48,000	27,000	195,000	230,000	264,000	140,000	100,000	1,687,000
2003 ***	1,687,000	936,000	187,000	11,000	136,000	620,000	270,000	48,000	27,000	195,000	230,000	364,000	140,000	0	1,687,000
2004	1,687,000	936,000	187,000	11,000	136,000	620,000	270,000	48,000	27,000	195,000	230,000	364,000	140,000	0	1,687,000
2005	1,687,000	936,000	187,000	11,000	138,000	620,000	270,000	48,000	27,000	195,000	230,000	364,000	140,000	0	1,687,000
2006	1,687,000	936,000	167,000	11,000	138,000	620,000	270,000	48,000	27,000	195,000	-230,000	364,000	140,000	0	1,687,000
2007	1,687,000	936,000	187,000	11,000	138,000	620,000	270,000	48,000	27,000	195,000	230,000	364,000	140,000	0	1,687,000
2008	1,687,000	936,000	167,000	11,000	138,000	620,000	270,000	48,000	27,000	195,000	230,000	364,000	140,000	0	1,687,000

RESOURCES	GARBAGE	TRASH	TOTAL	
* TOTAL @ 1.75M	870,000	66,000	936,000	(93%G/7%T)
		196,000	196,000	(RTI)
** TOTAL @ 1.69M	870,000	66,000	936,000	(93%G/7%T)
		270,000	270,000	(RTI)
*** TOTAL @ 1.69M	870,000	66,000	936,000	(93%G/7%T)
w/o 100,000 to WTI		270,000	270,000	(RTI)

TOTAL WASTE STREAM PERCENTAGES
@1.69 MILLIONS TONS

GARBAGE 56.4%	952,000
TRASH 43.3%	730,000
SPECIAL 0.3%	5,000
TOTAL	1,687,000

REMAINING CAPACITY BY FACILITY

Year	Ashfill Capacity *	South Dade Capacity **	North Dade Capacity ***	South Dade (w/o cell 5) (le less 4.4 m tons)
Base Capacity	3,150,000	9,148,000	3,943,000	4,748,000
2000	3,003,000	8,625,000	3,871,000	4,425,000
2001	2,865,000	8,595,000	3,407,000	4,195,000
2002	2,727,000	8,385,000	3,143,000	3,985,000
2003	2,589,000	8,135,000	2,779,000	3,735,000
2004	2,451,000	7,905,000	2,415,000	3,505,000
2005	2,313,000	7,675,000	2,051,000	3,275,000
2006	2,175,000	7,445,000	1,687,000	3,045,000
2007	2,037,000	7,215,000	1,323,000	2,815,000
2008	1,899,000	6,985,000	959,000	2,585,000
2009	1,761,000	6,755,000	595,000	2,355,000
2010	1,623,000	6,525,000	231,000	2,125,000
2011	1,485,000	6,295,000	0	1,895,000
2012	1,347,000	6,065,000	0	1,665,000
2013	1,209,000	5,835,000	0	1,435,000
2014	1,071,000	5,605,000	0	1,205,000
2015	933,000	5,375,000	0	975,000
2016	795,000	5,145,000	0	745,000
2017	657,000	4,915,000	0	515,000
2018	519,000	4,685,000	0	285,000
2019	381,000	4,455,000	0	55,000
2020	243,000	4,225,000	0	-175,000
2021	105,000	3,995,000	0	-405,000
2022	0	3,732,000	0	-668,000
2023	0	3,364,000	0	-1,036,000
2024	0	2,996,000	0	-1,404,000
2025	0	2,628,000	0	-1,772,000
2026	0	2,260,000	0	-2,140,000
2027	0	1,892,000	0	-2,508,000
2028	0	1,524,000	0	-2,876,000
2029	0	1,156,000	0	-3,244,000
2030	0	788,000	0	-3,612,000
2031	0	420,000	0	-3,980,000
2032	0	52,000	0	-4,348,000
2033	0	-316,000	0	-4,716,000
2034	0	-684,000	0	-5,084,000
2035	0	-1,052,000	0	-5,452,000
2036	0	-1,420,000	0	-5,820,000
2037	0	-1,788,000	0	-6,188,000
2038	0	-2,156,000	0	-6,556,000
2039	0	-2,524,000	0	-6,924,000
Total Remaining Years	21	32	10	19

*Ashfill capacity includes cell 17-20 cells 19-20 have not been constructed
**South Dade includes cells 3, 4 and 5, cell 5 has not been constructed Once ashfill capacity is used up ash goes to South Dade Assumes all unders consumes capacity whether or not it is used as cover
***North Dade capacity represents buildout of the facility When North Dade landfill capacity is depleted trash is exported
All capacity figures are derived from the Capacity of Miami-Dade County Landfills report prepared by the Engineering Division of the Department of Solid Waste Management Dated October 1999

MEMORANDUM

Helen B.

TO:	Dianne O'Quinn-Williams, Director Department of Planning and Zoning	***DATE:***	September 18, 2003
FROM:	Vivian Donnell Rodriguez, Director Park and Recreation Department	***SUBJECT:***	Concurrency Approval

This memorandum updates the blanket concurrency approval memo of August 6, 2002. There is an adequate level of service within each of the three Park Benefit Districts for all unincorporated areas, as shown on the attached table, and we project that there will be sufficient surplus capacity to maintain an adequate level of service for one additional year. Nevertheless, on a case-by-case basis, this Department will additionally evaluate the capacity of existing parks to support projected residential populations created by new development.

This approval is valid until September 30, 2004. If conditions change prior to that, I will inform Helen Brown, Concurrency Administrator of your department.

Attachment

VDR: WHG:BF:RK

cc: Helen Brown, Metropolitan Planning, DP&Z
W. Howard Gregg, Asst. Director for Planning & Development, PARD
Barbara Falsey, Chief, Planning and Research Division, PARD

2003 PARK LOCAL OPEN SPACE BASED ON BENEFIT DISTRICTS - UNINCORPORATED AREA

PBD	2000 Population	Accrued Population	Total Population	Need @ 2.75 Acres Per 1000 (Acres)	Existing Local Open Space: Park Acres	Existing Local Open Space: School field Acres	Existing Local Open Space: 1/2 Private Acres	Total Local Open Space	Surplus (Deficit) Acres	Level of Service
1	476,880	25,585	502,465	1,381.77	1,198.25	702.34	85.32	1,985.91	604.14	1.437
2	563,033	19,245	582,278	1,601.24	1,564.11	508.33	139.79	2,212.23	610.99	1.381
3	141,699	24,607	166,306	457.33	578.93	177.20	6.90	763.03	305.70	1.668
TOT:	1,181,612	69,437	1,251,049	3,440.34	3,341.29	1,387.87	232.01	4,961.17	1,520.83	1.495

MEMORANDUM

TO: Diane O'Quinn Williams
Director
Department of Planning and Zoning

FROM: Roosevelt Bradley, Director
Miami Dade Transit

DATE: October 14, 2003

SUBJECT: FY04 Blanket Concurrency Approval for Transit

This memo serves as a blanket authorization for your Department to continue to review and approve concurrency applications for mass transit in all areas of Miami-Dade County.

Miami-Dade Transit has been charged with the responsibility of reviewing and approving concurrency applications for mass transit levels of service as stated in County Ordinance 89-66, Administrative Order 4-85, and Section 33-G of the Miami-Dade County Code. Based on the latest socio-economic information provided by your Department's Research Division, and a review of the Metrobus/Metrorail service area, we are able to re-authorize your Department to review and approve concurrency applications since it appears that all areas of Miami-Dade County meet or exceed the level-of-service standards (LOS) for mass transit established in the above referenced County rules and regulations.

This authorization is intended to continue the arrangement between our respective departments, and is effective for the period October 1, 2003 to September 30, 2004, or until canceled by written notice from my office.

If your staff needs further information or assistance with mass transit concurrency matters, they may wish to contact Mario G. Garcia, Chief, System Planning Division, at 375-1193. Your continued cooperation on these important matters is greatly appreciated.

CC: Aurelio Rodriguez, P.E.
Mario G. Garcia

RECEIVED
OCT 21 2003
MIAMI-DADE COUNTY
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING

Original to Helen Brown
cy to Al Torres

107.07-17A METRO-DADE/GSA-MAT. MGT

MEMORANDUM

TO: Diane O'Quinn Williams
Director
Department of Planning and Zoning

DATE: September 12, 2003

SUBJECT: Solid Waste Disposal Concurrency Determination

FROM: Andrew Wilfork
Director
Department of Solid Waste Management

The Department of Solid Waste Management determines compliance with the County's adopted level-of-service (LOS) standard for solid waste disposal based on the ability of the County Solid Waste Management System (System) to accommodate projected waste flows for concurrency. Only those System facilities that are constructed, under construction, subject to a binding executed contract for construction, or subject to a binding executed contract for the provision of services are included in this determination, in accordance with Chapter 33G of the Miami-Dade County Code, Concurrency Management Program.

The attached spreadsheet presents the projected utilization of the System's remaining disposal capacity over a period of 15 years. The projection is based on the demand generated by those parties (municipalities and private haulers) who have committed their waste flows to the System through interlocal agreements and long term contracts as well as anticipated non-committed waste flows, in accordance with the LOS standard. The analysis shows adequate System capacity to meet the LOS until 2015 or seven (7) years beyond the minimum standard. This determination is contingent upon the continued ability of the County and its disposal service contract providers to obtain and renew disposal facility operating permits from the applicable federal, state and local regulatory agencies. Therefore, please be advised that the current LOS is adequate to permit development orders to be issued. This determination shall remain in effect for a period of three (3) fiscal years (ending September 30, 2006), at which time an updated determination will be issued. If, however, a significant event occurs which substantially alters these projections, the Department will issue an updated determination.

Attachment

cc: Pedro G. Hernandez, P.E., Assistant County Manager
Victoria Garland, Acting Deputy Director, DSWM
Vicente Castro, Assistant Director for Technical Services, DSWM
Paul J. Mauriello, Acting Assistant Director for Disposal Operations, DSWM
Charles W. Parkinson, Jr., Acting Assistant Director for Administration, DSWM

RECEIVED
SEP 10 2003

Department of Solid Waste Management (DSWM)

Solid Waste Facility Capacity Analysis

Fiscal Year 2002-2003

		RESOURCES RECOVERY FACILITY					RTI FACILITY				LANDFILLS			WHEELABRATOR (contract had ended on 12/31/02)	
Year	Waste Projections (tons)	On-site Gross Tonnage	Unders to South Dade	Shredded Tires to South Dade	Ash to Ashfill [1]	Net Tonnage [2]	RTI Gross Tonnage	RTI Rejects to North Dade and Medley Landfill	Okeelanta Ash to R.R. Ashfill [3]	Tonnage [4]	SOUTH DADE Garbage [5]	NORTH DADE Trash [6]	WMI Garbage &Trash [7]	Trash [8]	Total [1]-[8]
2003 *	1,837,000	936,000	196,000	17,000	119,000	604,000	270,000	54,000	27,000	189,000	410,000	333,000	146,000	8,000	1,836,000
2004 **	1,715,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	273,500	395,000	100,000	0	1,715,500
2005	1,715,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	273,500	395,000	100,000	0	1,715,500
2006 ***	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2007	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2008	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2009	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2010	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2011	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500

RESOURCES RECOVERY	GARBAGE	TRASH	TIRES	TOTAL	
* TOTAL @ 1.84M	853,000	69,000 270,000	14,000	936,000 270,000	(91% Garbage; 9% Trash, includes Tires) (RTI)
** TOTAL @ 1.72M	853,000	69,000 270,000	14,000	936,000 270,000	(91% Garbage; 9% Trash, includes Tires) (RTI)
*** TOTAL @ 1.71M	853,000	69,000 270,000	14,000	936,000 270,000	(91% Garbage; 9% Trash, includes Tires) (RTI)

TOTAL WASTE STREAM PERCENTAGES @1.84 MILLIONS TONS

GARBAGE 54.3%	997,000
TRASH 44.4%	816,000
SPECIAL (includes Tires) 1.3%	24,000
TOTAL	1,837,000

REMAINING CAPACITY BY FACILITY AT END OF FISCAL YEAR

Year	Ashfill Capacity *	South Dade Capacity **	North Dade Capacity ***	WMI **** Disposed
Base Capacity	207,000	4,352,000	3,130,000	146,000
2003	61,000	3,942,000	2,797,000	100,000
2004	0	3,668,500	2,402,000	188,000
2005	0	3,395,000	2,007,000	249,000
2006	0	3,131,500	1,612,000	249,000
2007	0	2,868,000	1,217,000	249,000
2008	0	2,604,500	822,000	249,000
2009	0	2,341,000	427,000	249,000
2010	0	2,077,500	32,000	249,000
2011	0	1,702,000	0	500,000
2012	0	1,294,500	0	500,000
2013	0	887,000	0	500,000
2014	0	479,500	0	500,000
2015	0	72,000	0	500,000
2016	0	0	0	
2017	0	0	0	
2018	0	0	0	
Total Remaining Years	0	12	6	

* Ashfill capacity includes cells 17 and 18; cells 19-20 have not been constructed. When cells 17 and 18 are depleted Resources Recovery Plant Ash and Okeelanta Ash go to South Dade Landfill and Medley Landfill (WMI).

** South Dade includes cells 3 and 4; cell 5 has not been constructed. Assumes all unders consumes capacity whether or not it is used as cover.

*** North Dade capacity represents buildout of the facility. When North Dade Landfill capacity is depleted trash goes WMI and South Dade Landfill.

**** Maximum Contractual Tonnage per year to WMI is 500,000 tons; Minimum Contractual Tonnage per year is 100,000 tons. WMI disposal contract ends September 30, 2015. After WMI disposal contract ends tonnage goes to South Dade Landfill.

All capacity figures are derived from the Capacity of Miami-Dade County Landfills report prepared by the Brown and Caldwell, Dated October 2002.

MEMORANDUM

TO: Guillermo E. Olmedillo. Director
Building & Zoning Department

DATE: May 3rd. 1999

SUBJECT: Concurrency Approval

FROM: Earl L. Carlton. Captain
Fire Engineering & Water Supply Bureau

Subject to compliance with Article XIV a. "Water Supply for Fire Suppression" of the Miami Dade County Code. blanket approval for "Initial Development Orders" for any proposed use is hereby granted until further notice.

A subsequent review to assess compliance with Miami Dade County Fire Flow Standards addressed under the concurrency requirements, as stated in Chapter 163, part 2. Florida Statute. will be necessary during the building permit process.

When zoning use variances are permitted the fire flow standards for the zone permitting the use will be applied.

ELC/ser