

**BEFORE THE MIAMI-DADE
COUNTY BOARD OF COUNTY
COMMISSIONERS**

MIAMI GARDENS COMMONS, LLC

**Public Hearing No. Z11-077
November 27, 2012**



Holland & Knight

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RECEIVED
By the Clerk for the record.

11/27/2012
Item A
Exhibit A-1
Meeting BCC ZONING
(12-6-CZ5-1/11-077)

MIAMI GARDENS COMMONS, LLC Z11-77

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RECYCLED PAPER



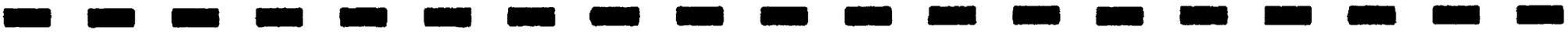
TO REORDER CALL 954-846-9399

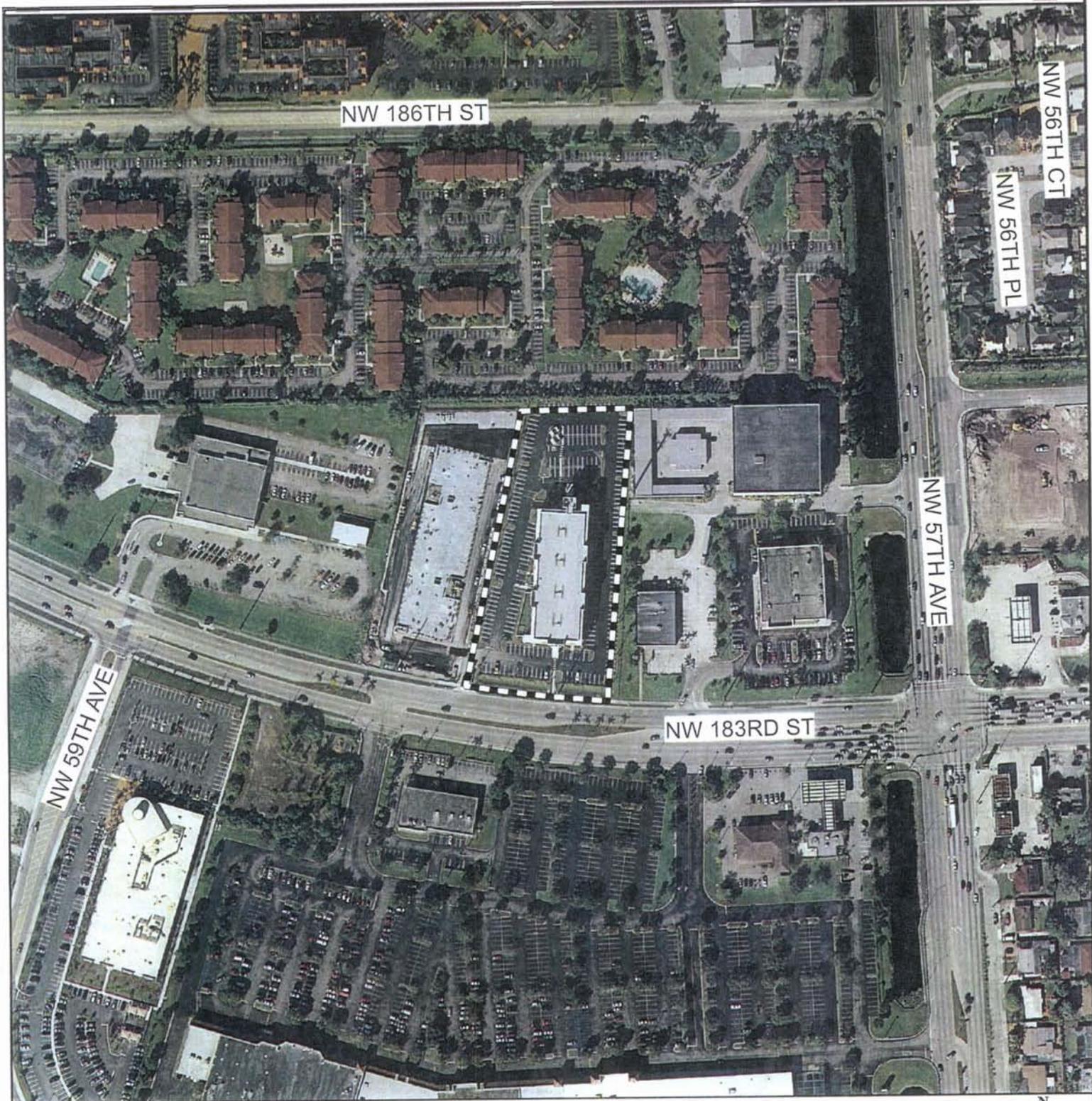


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TO REORDER CALL 954-846-9399





MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number
Z2011000077



Section: 12 Township: 52 Range: 40
 Applicant: MIAMI GARDENS COMMONS, LLC
 Zoning Board: C5
 Commission District: 1
 Drafter ID: KEELING STENNETT
 Scale: NTS

Legend

 Subject Property



SKETCH CREATED ON: Wednesday, July 13, 2011

REVISION	DATE	BY



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TO REORDER CALL 954-846-9399





Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSION MEETING OF TUESDAY, NOVEMBER 27, 2012

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

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

SWEARING IN OF WITNESSES

A. MIAMI GARDENS COMMONS, LLC (12-6-CZ5-1/11-077)

**12-52-40
BCC/District 1**

Applicant is appealing the decision of Community Zoning Appeals Board #5, which denied with prejudice the following:

- (1) DISTRICT BOUNDARY CHANGE from IU-C to BU-2.
- (2) NON-USE VARIANCE of zoning regulations as applied to private school requirements to permit a classroom space of 17,158 sq. ft. (22,675 sq. ft. required).
- (3) NON-USE VARIANCE of zoning regulations as it applied to private school requirements to permit an outdoor recreation space of 1,711.95 sq. ft. (200,550 sq. ft. required).
- (4) NON-USE VARIANCE of zoning regulations as it applied to private school requirements to permit (0) auto stacking spaces (5 auto stacking spaces required).
- (5) NON-USE VARIANCE of sign regulations to permit 1 tenant with 2 wall signs (1 wall sign per tenant permitted).
- (6) NON-USE VARIANCE to waive the required 5' high masonry wall where a business lot abuts a residentially zoned property from the rear (north) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Miami Garden Commons," as prepared by Gutierrez & Lozano Architects and dated stamped received 3/21/12 consisting of 6 sheets. Plans may be modified at public hearing.

LOCATION: 5901 Miami Gardens Drive, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2.95 Acres

Department of Regulatory and
Economic Resources
Recommendation:

Approval with conditions of requests #1 - #4
and 6; denial without prejudice of request
#5, unless withdrawn by the applicant.

Protests: _____ 0 _____

Waivers: _____ 0 _____

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

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

DEFERRED: _____

Previously Deferred from October 25, 2012

T H E E N D

NOTICE OF APPEAL RIGHTS

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

Further information and assistance may be obtained by contacting the Zoning Hearings Section for the Department of Regulatory and Economic Resources (RER), at (305) 375-2640. For filing or status of Appeals to Circuit Court, you may call the Clerk of the Circuit Court at (305) 349-7409.

**Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to the Board of County Commissioners**

PH: Z11-077 (12-06-CZ05-1)

November 27, 2012

Item No. A

Recommendation Summary	
Commission District	1
Applicant	Miami Gardens Commons, LLC
Summary of Requests	The applicant is seeking a zone change to BU-2 and to permit less classroom space, outdoor recreation space and stacking spaces than required. Additionally, the applicant is seeking to waive the required 5' high masonry wall and permit one (1) tenant two (2) wall signs, where one sign per tenant is permitted.
Location	5901 Miami Gardens Drive, Miami-Dade County, Florida.
Property Size	2.95 acres
Existing Zoning	IU-C
Existing Land Use	Office Building
2015-2025 CDMP Land Use Designation	Business and Office <i>(see attached Zoning Recommendation Addendum)</i>
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311 District Boundary Change Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations <i>(see attached Zoning Recommendation Addendum)</i>
Recommendation	Approval with conditions of requests #1 - #4 and #6; denial without prejudice of request #5, unless withdrawn by the applicant.

This application was deferred from the October 25, 2012 Board of County Commissioners meeting at the request of the district commissioner.

On June 28, 2012, pursuant to Resolution No. CZAB5-5-12, Community Zoning Appeals Board (CZAB) 5, denied with prejudice the entire application by a vote of 4 to 1. Subsequently, on July 13, 2012, the applicant appealed the CZAB 5 decision to the Board of County Commissioners (BCC) citing that no competent substantial evidence of record existed for CZAB 5 to deny the application.

REQUESTS:

- (1) DISTRICT BOUNDARY CHANGE from IU-C (Controlled Industrial District) to BU-2 (Special Business District).
- (2) NON-USE VARIANCE to permit a classroom space of 17,158 sq. ft. (22,675 sq. ft. required).
- (3) NON-USE VARIANCE to permit an outdoor recreation space of 1,711.95 sq. ft. (200,550 sq. ft.).
- (4) NON-USE VARIANCE to permit zero (0) stacking spaces (5 stacking spaces required).
- (5) NON-USE VARIANCE of sign regulations to permit one (1) tenant with two (2) wall signs (1 wall sign per tenant permitted).

(6) NON-USE VARIANCE to waive the required 5' high masonry wall where a business lot abuts a residentially zoned property from the rear (north) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Miami Garden Commons," as prepared by Gutierrez & Lozano Architects and dated stamped received 3/21/12 consisting of 6 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION: The subject property is an existing 3-story 72,682 sq. ft. multi-tenant office building.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	Land Use Designation
Subject Property	IU-C; office building	Business and Office
North	RU-4L; multi-family residential	Medium Density Residential (13 to 25 dua)
South	IU-C; commercial	Business and Office
East	IU-C; commercial and storage facility	Business and Office
West	IU-C; storage facility	Business and Office

NEIGHBORHOOD COMPATIBILITY:

The subject property is an existing office building located at 5901 Miami Gardens Drive. The surrounding area is characterized by commercial and residential uses.

SUMMARY OF THE IMPACTS:

Approval of this application will rezone the subject property to BU-2 and increase the visibility of tenants of the existing office building by increasing the number of signs. Additionally, approval would permit a private school with less classroom and outdoor recreational space and zero (0) auto stacking spaces for a private school. As such, the proposed school could result in additional traffic in the surrounding area and the proposed additional signage could result in visual clutter and have a negative visual impact on the surrounding area.

CDMP ANALYSIS:

The subject property is designated as **Business and Office** on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. *This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas.* The approval of the requests sought in this application will permit the applicant to rezone the property from IU-C to BU-2, provide less classroom and outdoor space than required for a private school and increase the number of wall signs on the existing office building. Staff opines that the requested BU-2, Special Business District, is **consistent** with the Business and Office designation of the subject property on the CDMP Land

Use Plan map. Additionally, the proposed educational use is consistent with Land Use Element interpretative text for Institutions, Utilities and Communications which states that *neighborhood or community-serving institutional uses, cell towers and utilities including schools, libraries, sanitary sewer pump stations and fire and rescue facilities in particular, and cemeteries may be approved where compatible in all urban land use categories, in keeping with any conditions specified in the applicable category, and where provided in certain Open Land subareas. Compatibility shall be determined in accordance to Policy LU-4A.* Staff notes that **Land Use Element Policy LU-4A** sets forth the criteria to determine compatibility and states when evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable. Additionally staff notes that the existing office building will be utilized for the proposed educational use. The existing facility did not require a zoning hearing and was built as a matter of right and subject to the County's building permit process. Staff notes that submitted plans for this application depict the same building elevations, architectural elements, landscaping, buffering and parking areas as were previously approved although the floor plans have been modified to accommodate the proposed 907 students.

Further, the CDMP Land Use Element interpretative text for the Business and Office designation states that *in reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities.* Staff notes that memoranda submitted by the Departments of Public Works and Waste Management, the Environment Division of the Regulatory and Economic Resources, Miami-Dade Fire Rescue and Parks, Recreation and Open Spaces do not indicate any negative impact from the requested district boundary change. Therefore, staff opines that the proposed district boundary change and educational use are **consistent** with the Business and Office designation and the Land Use Element interpretative text for Institutions, Utilities and Communications and **compatible** with the surrounding area based on the that Land Use Element Policy LU-4A compatibility criteria.

ZONING ANALYSIS:

On October 24, 21012, the applicant submitted a letter to the department and informed staff that they intend to withdraw request #5 and comply with the County's sign regulations. Additionally, the applicant has offered a condition which includes additional landscaping along the north (rear) property line, in lieu of providing the required 5' high masonry wall where a business lot abuts a residentially zoned (request #6).

When request #1, District Boundary Change from IU-C to BU-2, is analyzed under Section 33-311 of the Code, staff opines that the approval of this request would be **consistent** with the CDMP's LUP map Business and Office designation. The Environmental Division of the Department of Regulatory and Economic Resources memorandum indicates that approval will not result in a reduction in the Level of Service (LOS) standards for potable water service, wastewater disposal, or stormwater management. Further, staff opines that said request would not have an unfavorable impact on the environmental and natural resources, or economy nor burden water, sewer solid waste disposal, recreation, education or public transportation facilities as evidenced by memoranda submitted by the Departments of Public Works and Waste Management; Parks, Recreation and Open Spaces; the Environment Division of Regulatory and Economic Resources; and Miami-Dade Fire Rescue. Additionally, said

departments indicate in their memoranda that they do not object to this application. As such, staff opines that the applicant's request for a zone change to BU-2 will not have a negative impact on the surrounding area. Staff notes that the existing office building and uses are allowed in the BU-2 zoning district. **Therefore, staff recommends approval of request #1 under Section 33-311 Standards for District Boundary Change.**

When requests #2, #3 and #4 are analyzed under Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations, staff opines that approval of the requests to permit the subject property with less classroom and outdoor recreation space than required and zero (0) stacking spaces would be **compatible** with the area. In staff's opinion, requests #2, #3 and #4 maintain 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. Staff notes that the requested non-use variances are for a proposed private school which is allowed by right within the BU-2, Special Business District. The applicant has indicated in the letter of intent that the private school will be a post secondary facility for college aged students. Staff notes that due to the size of the subject property, the proposed private college did not meet the main campus standards for private colleges and universities listed in Section 151.14 of the Zoning Code. Said Section of the Code states that private colleges and universities with sites of thirty (30) acres or less shall meet the minimum standards established for high schools; therefore, the requested non-use variances are based on the private school standards for a high school educational facility as outlined in Section 151.18. Staff notes that the requests to permit less classroom and outdoor recreation space (requests #2 and #3) are based on the proposed total of 907 students. Staff opines said requests are minimal because the school offers its students convenient class schedules that allow for attendance at anytime during the day or evening. Therefore the number of students on campus will vary and may not reach the requested 907 students at any given time. Further, staff opines that request #4 to permit zero (0) stacking spaces, where five (5) are required will not impact the traffic circulation within the parking lot or negatively impact the adjacent roadways. Additionally, staff opines that modes of transportation utilized vary for college aged students from personal vehicle, mass transit and carpooling. In the event a student is dropped off at the location, the layout of the parking lot is designed with ample space to for other vehicles to maneuver around a stopped vehicle without impacting the circulation throughout the parking lot. **As such, staff recommends approval with conditions of requests #2, #3 and #4 under Section 33-311(A)(4)(b), Non-Use Variance (NUV) Standards.**

However, when request #5 is analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff opines that approval of this request would be out of character with the surrounding area. The applicant is requesting to permit two (2) wall signs for one (1) tenant, where only one (1) wall sign per tenant is permitted. In staff's opinion the request is incompatible with the surrounding area. Further, staff notes that in addition to the permitted one (1) wall sign per tenant, tenants of the existing office building are identified on an existing monument sign located along NW 183 Street (Miami Gardens Drive). Said monument sign faces east and west which aids in locating tenants in the existing office building by passersby traveling in either direction. Staff opines that the request is incompatible and would have a negative visual impact on the surrounding area. **As such, staff recommends denial without prejudice of request #5 under Section 33-311(A)(4)(b), Non-Use Variance (NUV) Standards, unless withdrawn by the applicant.**

When analyzing request #6, to waive zoning regulations requiring a 5' high masonry wall where a business lot abuts a residentially zoned property from the rear (north) property line under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff opines that the request

is **incompatible**. Staff notes that the BU-2 zoning district requires a 5' high decorative masonry wall when abutting RU zoned properties; however, the existing IU-C zoning district does not have the same requirement. Staff opines that the wall provides a buffer that can mitigate visual and noise impacts from the proposed educational use. However, in lieu of the required 5' high masonry wall, the applicant has proposed to increase the height of the depicted landscape hedge to a minimum of three (3) feet in height at time of planting in lieu of the masonry wall along the north (rear) property line and provide additional plant material if the Director of the Department of Regulatory and Economic Resources determines that additional material is needed to adequately buffer the parking area of the subject property from the abutting residential property to the north. Staff opines that the applicant's landscape proposal in lieu of the required 5' high masonry wall is **compatible**. Further, in staff's opinion, the proposed additional landscaping will mitigate any visual and noise impacts on the abutting property to the north. Therefore, staff recommends that in lieu of the required wall the applicant provide the proposed landscaping. **As such, staff recommends approval with conditions under Section 33-311(A)(4)(b), Non-Use Variance (NUV) Standards.**

ACCESS, CIRCULATION AND PARKING:

The submitted site plan depicts an existing office building with only one (1) ingress/egress point along NW 183 Street (Miami Gardens Drive). There are 247 parking spaces for the proposed private school and existing office uses.

NEIGHBORHOOD SERVICES PROVIDER COMMENTS: See attached.

OTHER: N/A

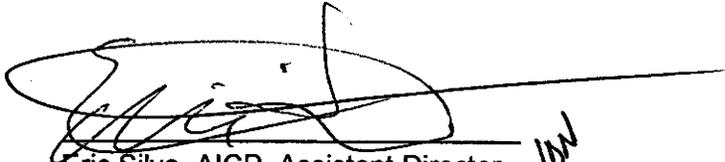
RECOMMENDATION: Approval with conditions of requests #1 - #4, and #6; denial without prejudice of request #5, unless withdrawn by the applicant.

CONDITIONS FOR APPROVAL: (for requests #1 - #4 and #6 only)

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, signs, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Miami Gardens Commons" as prepared by Gutierrez & Lorenzo Architects, dated stamped received, 03/21/2012 consisting of 6 sheets, except as herein modified to show: i) a vehicular driveway connection to the existing access route across the eastern property line; ii) an increase in the height of the depicted landscape hedge to a minimum of three (3) feet in height at time of planting in lieu of the masonry wall along the north (rear) property line, together with additional plant material if the Director of the Department of Regulatory and Economic Resources determines that such material is necessary to provide sufficient opacity to buffer the adjoining property from illumination from headlights; and iii) removal of depicted additional tenant signs to show one sign per tenant.
3. That the use be established and maintained in accordance with the approved plan.

4. That at the time of Certificate of Use issuance and each subsequent renewal, the owner shall submit to the Department of Regulatory and Economic Resources a letter from the administrator of the school detailing the number of students that are currently enrolled in said facility.
5. That the enrollment of the private school be limited to 907 students.

ES:MW:NN:CH:AN



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

NDW

ZONING RECOMMENDATION ADDENDUM

Miami Gardens Commons, LLC
11-077

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resources Management (RER)	No objection
Public Works and Waste Management	No objection
Parks, Recreation and Open Spaces	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

<p>Business and Office</p>	<p><i>The Adopted 2015 and 2025 Land Use Plan designates the subject property, being within the Urban Development Boundary for Business and Office. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.</i></p> <p><i>Residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity. Where these conditions are met residential development may be authorized to occur in the Business and Office category at a density up to one density category higher than the LUP-designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development, or zoning if the adjacent or adjoining land is undeveloped, whichever is higher. If there is no adjacent or adjoining residential use existing, zoned or designated on the same side of the roadway, the maximum allowable residential density will be that which exists or which this plan allows across the roadway. Where there is no residential use, zoning or designation on either side of the roadway, the intensity of residential development, including height, bulk and floor area ratio shall be no greater than that which would be permitted for an exclusively commercial use of the site. Where SURs or TDRs are transferred to Business-designated parcels which are zoned or to be used for residential development, or when a residential project utilizes the inclusionary zoning program the allowances of the Residential communities section may be used within the limits provided in this paragraph.</i></p>
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ZONING RECOMMENDATION ADDENDUM

Miami Gardens Commons, LLC
11-077

<p>Institutions, Utilities and Communications (Pg. I-53)</p>	<p>Neighborhood or community-serving institutional uses, cell towers and utilities including schools, libraries, sanitary sewer pump stations and fire and rescue facilities in particular, and cemeteries may be approved where compatible in all urban land use categories, in keeping with any conditions specified in the applicable category, and where provided in certain Open Land subareas. Compatibility shall be determined in accordance to Policy LU-4A. Co-location of communication and utility facilities are encouraged. Major utility and communication facilities should generally be guided away from residential areas; however, when considering such approvals, the County shall consider such factors as the type of function involved, the public need, existing land use patterns in the area and alternative locations for the facility. All approvals must be consistent with the goals, objectives and policies of the Comprehensive Development Master Plan</p>
<p>Land Use Element Policy LU-4A (Pg. I-11)</p>	<p>When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.</p>

PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>Section 33-311 District Boundary Change</p>	<p>(A) The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.</p> <p>(F) Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which:</p> <ol style="list-style-type: none"> (1) 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.
<p>33-311(A)(4)(b)</p>	<p>Upon appeal or direct application in specific cases, the Board shall hear and grant applications</p>

ZONING RECOMMENDATION ADDENDUM

Miami Gardens Commons, LLC
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<p>Non-Use Variances From Other Than Airport Regulations</p>	<p>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.</p>								
<p>33-151.14. - Private colleges and universities (a)</p>	<p>Main campus requirements. Private colleges and universities with sites of thirty (30) acres or less shall meet the minimum standards established herein for high school facilities. Above thirty (30) acres, in addition to said minimum standards, said facilities shall be subject to intensive review by the Department and the County Commission utilizing the study entitled "Physical Standards for Proposed Private Educational Facilities in Unincorporated Miami-Dade County," adopted pursuant to Resolution No. R-633-77.</p>								
<p>33-151.18. - Physical standards(a, c & e)</p>	<p>(a) Outdoor areas. Outdoor recreation/play areas shall be in accordance with the following minimum standards, calculated in terms of the proposed maximum number of children for attendance at the school at any one (1) time unless otherwise indicated.</p> <p style="text-align: center;"><i>Minimum Standards for Outdoor Recreation Playground/Play Areas</i></p> <table border="1" style="width: 100%; border-collapse: collapse; margin: 10px 0;"> <thead> <tr> <th style="width: 50%; padding: 5px;">School categories</th> <th style="width: 50%; padding: 5px;">Required area</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;">Day nursery/kindergarten and preschool and after-school care</td> <td style="padding: 5px;">45 square feet per child calculated in terms of half of the proposed maximum number of children for attendance at the school at one (1) time</td> </tr> <tr> <td style="padding: 5px;">Elementary school (grades 1—6)</td> <td style="padding: 5px;">500 square feet per student for the first 30 students; thereafter, 300 square feet per student</td> </tr> <tr> <td style="padding: 5px;">Junior and senior high school (grades 7—12)</td> <td style="padding: 5px;">800 square feet per student for the first 30 students; 300 square feet per student for the next 300 students; thereafter, 150 square feet per student</td> </tr> </tbody> </table> <p>(c) Auto stacking. Stacking space, defined as that space in which pickup and delivery of children can take place, shall be provided for a minimum of two (2) automobiles for schools with twenty (20) to forty (40) children; schools with forty (40) to sixty (60) [children] shall provide four (4) spaces; thereafter there shall be provided a space sufficient to stack five (5) automobiles.</p> <p>(e) Classroom size. All spaces shall be calculated on the effective net area usable for instruction or general care of the group to be housed. This space shall not include kitchen areas, bathrooms, hallways, teachers' conference rooms, storage areas, or any other interior space that is not used for instruction, play or other similar activities. The minimum classroom space shall be determined by multiplying the maximum proposed number of pupils for attendance at any one (1) time by the minimum square footages, (1) through (4) below. Where a private educational facility is nongraded, calculations shall be based on the age level that corresponds to the grade level in the public school system. Where a school includes more than one (1) of the following categories, each category shall be individually computed:</p> <ol style="list-style-type: none"> (1) Day nursery and kindergarten, preschool and afterschool care, 35 square feet per pupil. (2) Elementary (grades 1—6), 30 square feet per pupil. (3) Junior high and senior high (grades 7—12), 25 square feet per pupil. (4) Baby-sitting service, 22 square feet of room area per child. 	School categories	Required area	Day nursery/kindergarten and preschool and after-school care	45 square feet per child calculated in terms of half of the proposed maximum number of children for attendance at the school at one (1) time	Elementary school (grades 1—6)	500 square feet per student for the first 30 students; thereafter, 300 square feet per student	Junior and senior high school (grades 7—12)	800 square feet per student for the first 30 students; 300 square feet per student for the next 300 students; thereafter, 150 square feet per student
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Junior and senior high school (grades 7—12)	800 square feet per student for the first 30 students; 300 square feet per student for the next 300 students; thereafter, 150 square feet per student								



ZONING ACTION

MEMORANDUM

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

DATE: October 25, 2012 #Z-

ITEM: 1

APPLICANT: Miami Gardens Commons, LLC (12-6-CZ5-1/11-077)

MOTION: to defer the foregoing application to the November 27, 2012, BCC Zoning Hearing.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				X
Bell		X		
Bovo				X
Diaz	S	X		
Heyman		X		
Jordan				X
Monestime		X		
Moss				X
Sosa	M	X		
Souto		X		
Suarez				X
Vice Chairwoman Edmonson				X
Chairman Martinez		X		
TOTAL		7	0	6

**MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 5
MOTION SLIP**

APPLICANT'S NAME: MIAMI GARDENS COMMONS, LLC

#1

REPRESENTATIVE: John Herin

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
12-06-CZ5-1 (11-077)	June 28, 2012	CZAB5	5	12

REC: Approval with conditions of requests #1 - #4 and denial without prejudice of requests #5 and #6.

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY TO: _____ W/LEAVE TO AMEND

DENY: WITH PREJUDICE WITHOUT PREJUDICE

ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS

APPROVE: PER REQUEST PER DEPARTMENT PER D.I.C.

WITH CONDITIONS

TITLE	M/S	NAME	YES	NO	ABSENT
VICE CHAIR WOMAN	S	Joanne CARBANA	X		
COUNCILMAN		Ira J. PAUL	X		
COUNCILMAN	M	Leonardo A. PEREZ	X		
COUNCILMAN		Alexander C. SENDEROFF	X		
CHAIRMAN		Juan A. GARCIA (C.A.)		X	
VOTE:			4	1	

EXHIBITS: YES NO

COUNTY ATTORNEY: JOHN MCINNIS

A. MIAMI GARDENS COMMONS, LLC
(Applicant)

12-6-CZ5-1 (11-077)
Area 05/District 01
Hearing Date: 11/27/12

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:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
-------------	------------------	----------------	--------------	-----------------

None

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

Memorandum



Date: July 25, 2012
To: Jack Osterholt, Director
Department of Regulatory and Economic Resources
From: Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources

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

Subject: C-05 #Z2011000077-1st Revision
Miami Gardens Commons, LLC
5901 Miami Gardens Drive
District Boundary Change from IU-C to BU-2 and to Waive the
Required 5' High Masonry Wall where a Business Lot Abuts a
Residentially Zoned Property from the Rear Property Line
(IU-C) (2.95 Acres)
12-52-40

The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Potable Water Service and Wastewater Disposal

Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required in accordance with Code requirements.

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

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

Stormwater Management

The proposed District Boundary Zone change from IU-C to BU-2 will not affect the existing stormwater management system. However, any change to the existing stormwater management system will require a modification to the previously approved SFWMD ERP 13-02936-P-02.

Wetlands

Although the subject property is not located within a designated wetland basin, it does contain jurisdictional wetlands as defined by Section 24-5 of the Code. However, a Class IV Wetland Permit FW02-112 was issued for this property for the clearing and filling of 2.48 acres of jurisdictional wetlands for commercial purposes. The permit expired on June 26, 2009.

Therefore, the Department has no objection to the scheduling of this zoning application provided that no impacts occur beyond what was permitted on this site. Any additional work in jurisdictional wetlands will require a new Class IV Wetland Permit.

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

Operating Permits

Section 24-18 of the Code authorizes the Department to require operating permits from facilities that could be a source of pollution. The applicant is advised that due to the nature of some land uses permitted under the proposed zoning classification, operating permits may be required. Furthermore, approval for best management practices to control any potential discharge and spillage of pollutants associated with some land uses permitted in the requested zoning district may be required. The Permitting Section of Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information concerning operating requirements.

Tree Preservation

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

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

The applicant is advised to contact the Tree Permitting Program at (305)-372-6600, voice option #2, for additional information regarding permitting procedures and requirements prior to site development.

Enforcement History

There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property.

Concurrency Review Summary

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

C-05 #Z2011000077

Miami Gardens Commons, LLC

Page 3

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

This memorandum shall constitute written approval as required by Chapter 24 of the Code.

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

cc: Eric Silva, Department of Regulatory and Economic Resources

PH# Z2011000077
CZAB - C05

PUBLIC WORKS DEPARTMENT COMMENTS

Applicant's Names: MIAMI GARDENS COMMONS, LLC

This Department has no objections to this application.

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



Raul A Pino, P.L.S.

16-SEP-11

PUBLIC WORKS AND WASTE MANAGEMENT DEPARTMENT

DIC REVIEW #11-077
Miami Gardens Commons, LLC

Application: *Miami Gardens Commons, LLC* is requesting a district boundary change from Industrial District, conditional (IU-C) to Special Business District (BU-2) to allow for the site to accommodate an ITT Technical Institute. The applicant also requests non-use variances to waive requirements to build a wall at the rear of the property line; develop an outdoor recreation/ play area; address "auto stacking" or the dropping off and picking up of children that do not drive or use public transportation; and address a standardized classroom size.

Size: The subject property is approximately 2.958 acres.

Location: The subject property is located at 5901 Miami Gardens Drive, in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (PWWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 12, 2011, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Sustainability, Planning and Economic Enhancement Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

The property as mentioned in the application falls within the PWWM solid waste collection service area. The placement of an ITT Technical Institute on the property will likely be considered development for a "commercial establishment". Chapter 15 of the Miami-Dade Code, entitled Solid Waste Management, requires the following of commercial developments located in unincorporated Miami-Dade County:

"every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department." Therefore, the landlord or property owner is required to contact a private hauler to provide waste and recycling collection service. The collected material will subsequently be disposed of at PWWM facilities.

3. Recycling: Commercial Establishments

The following language from Section 15-2.3a requires commercial establishments "to provide for a recycling program, which shall be serviced by a permitted hauler or the appropriate governmental agency. The recycling program for commercial establishments must include a minimum of three (3) materials chosen from the following:

- | | |
|----------------------------------|--|
| 1) High grade office paper | 6) Steel (cans, scrap) |
| 2) Mixed paper | 7) other metals/scrap production materials |
| 3) Corrugated cardboard | 8) Plastics (PETE; HDPE-natural, HDPE-colored) |
| 4) Glass (flint, emerald, amber) | 9) Textiles |
| 5) Aluminum (cans, scrap) | 10) Wood |

Section 15-2.3 states the failure of a commercial establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner and the owner(s) and operator(s) of the commercial establishment shall be jointly and severally liable.

4. Waste Storage/Setout Considerations

Section 15-4 of the Code requires that plans for storage and collection of solid waste be adequate before a building permit may be issued. Site plans must address location, accessibility, number and adequacy of solid waste collection and storage facilities. The site plan legend must contain the following statement: "Facilities for the collection and storage of solid waste are shown in accordance with Section 15-4 of the Miami-Dade County Code."

5. Site Circulation Considerations

It is required that development associated with this project ensure that either of the following criteria be present in project design plans and circulation operations to minimize the reversing of waste vehicles and hence, provide for the safe circulation of service vehicles:

- a. Cul-de-sac with a minimum 49 foot turning radius (no "dead-ends").
- b. "T" shaped turnaround 60 feet long by 10 feet wide.
- c. Paved throughway of adequate width (minimum 15 feet).

In addition, any and all alleyways designed with utilities, including waste collection, provided at the rear of the property should be planned in accordance with standard street specifications with sufficient width and turning radii to permit large vehicle access. Additionally, there should be no "dead-end" alleyways developed. Also, a sufficient waste set-out zone should be preserved (between the edge of the pavement and any possible obstructions such as parked cars, fencing, etc.) that would interrupt or preclude waste collection. **The PWWM has no objections to the proposed application.**

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

CHECKED BY me AMOUNT OF FEE 2164.73

RECEIPT # _____

DATE HEARD: 6/12/12

BY CZAB # 5

RECEIVED
11.071
JUL 13 2012

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY me
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. Z20111000077

Filed in the name of (Applicant) Miami Gardens Commons, LLC

Name of Appellant, if other than applicant c/o John R. Herin, Jr.

Address/Location of APPELLANT'S property:
5901 Miami Gardens Drive, Hialeah, Florida 33015

Application, or part of Application being Appealed (Explanation):
The entire Application. No competent substantial evidence of record existed for Community Council No. 5 to deny the Application.

Appellant (name): Miami Gardens Commons
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)

APPELLANT MUST SIGN THIS PAGE

Date: 7th day of July, year: 2012

Signed _____

John R. Herin, Jr. _____

Print Name

P.O. Box 2328
Fort Lauderdale, Florida 33303-9998

Mailing Address

(954) 761-8111

(954) 761-8112

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 _____ day of _____, year _____

Notary Public _____

(stamp/seal)

Commission expires: _____

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

STATE OF Florida

COUNTY OF Broward

Before me the undersigned authority, personally appeared John R. Herin, Jr.
(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 objection, waiver 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:

R. Boughey
Signature

Rita Boughey
Print Name

Dorah E. So
Signature

Deborah E. SABBIDO
Print Name

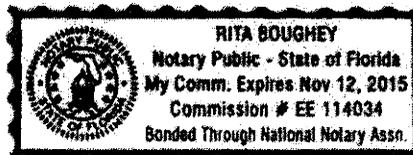
[Signature]
Appellant's signature
John R. Herin, Jr.
Print Name

Sworn to and subscribed before me on the 7 day of July, year 2012

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

[Signature]
Notary
(Stamp/Seal)

Commission Expires:
[b:forms/affidapl.sam(9/08)]



RESOLUTION NO. CZAB5-5-12

WHEREAS, MIAMI GARDENS COMMONS, LLC applied for the following:

- (1) DISTRICT BOUNDARY CHANGE from IU-C to BU-2.
- (2) NON-USE VARIANCE of zoning regulations as applied to private school requirements to permit a classroom space of 17,158 sq. ft. (22,675 sq. ft. required).
- (3) NON-USE VARIANCE of zoning regulations as it applied to private school requirements to permit an outdoor recreation space of 1,711.95 sq. ft. (200,550 sq. ft. required).
- (4) NON-USE VARIANCE of zoning regulations as it applied to private school requirements to permit (0) auto stacking spaces (5autostacking spaces required).
- (5) NON-USE VARIANCE of sign regulations to permit 1 tenant with 2 wall signs (1 wall sign per tenant permitted).
- (6) NON-USE VARIANCE to waive the required 5' high masonry wall where a business lot abuts a residentially zoned property from the rear (north) property line.

Plans are on file and may be examined in the Permitting, Environment and Regulatory Affairs Department or its successor department entitled "Miami Garden Commons," as prepared by Gutierrez & Lozano Architects and dated stamped received 3/21/12 consisting of 6 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: Tract "B", less the West 193.88 feet thereof, Miami Gardens Corporate Park, Plat Book 130, Page 36.

LOCATION: 5901 Miami Gardens Drive, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 5 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to BU-2 (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 non-use variance of zoning regulations as applied to private school requirements to permit a classroom space of 17,158

sq. ft (Item #2), the requested non-use variance of zoning regulations as it applied to private school requirements to permit an outdoor recreation space of 1,711.95 sq. ft. (Item #3), the requested non-use variance of zoning regulations as it applied to private school requirements to permit (0) auto stacking spaces (Item #4), the requested non-use variance of sign regulations to permit 1 tenant with 2 wall signs (Item #5), and the requested non-use variance to waive the required 5' high masonry wall where a business lot abuts a residentially zoned property from the rear (north) property line (Item #6) 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 should be denied, and

WHEREAS, a motion to deny the application with prejudice was offered by Leonardo A. Perez, seconded by Joanne Carbana, and upon a poll of the members present the vote was as follows:

Joanne Carbana	aye	Leonardo A. Perez	aye
Ira J. Paul	aye	Alexander C. Senderoff	aye

Juan A. Garcia nay

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 5, that the requested district boundary change to BU-2 (Item #1) be and the same is hereby denied with prejudice.

BE IT FURTHER RESOLVED that the requested non-use variance of zoning regulations as applied to private school requirements to permit a classroom space of 17,158 sq. ft (Item #2), the requested non-use variance of zoning regulations as it applied to private school requirements to permit an outdoor recreation space of 1,711.95 sq. ft. (Item #3), the requested non-use variance of zoning regulations as it applied to private school requirements to permit (0) auto stacking spaces (Item #4), the requested non-use variance of

sign regulations to permit 1 tenant with 2 wall signs (Item #5), and the requested non-use variance to waive the required 5' high masonry wall where a business lot abuts a residentially zoned property from the rear (north) property line (Item #6) be and the same are hereby denied with prejudice.

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

PASSED AND ADOPTED this 28th day of June, 2012.

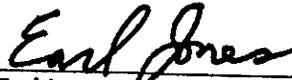
Hearing No. 12-06-CZ5-1
ej

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

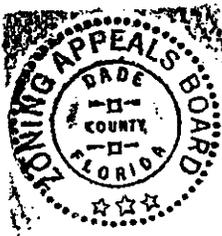
I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Permitting, Environment and Regulatory Affairs or its successor as designated by the Director of the Miami-Dade County Department of Regulatory and Economic Resources and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 5, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB5-5-12 adopted by said Community Zoning Appeals Board at its meeting held on the 28th day of July, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 6th day of July, 2012.



Earl Jones, Deputy Clerk (3230)
Miami-Dade Department of Regulatory and Economic
Resources

SEAL



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

School Name: J.T. TECHNICAL INSTITUTE

School Address: 5901 MIAMI GARDENS DR. Tax Folio # 30 - 20120100620

1. Is this an expansion to an existing school Yes No If yes, indicated the number of students: _____ and age and grade ranges originally approved: _____
2. Total size of site: _____ x _____ = 128,862 + 43,560 sq. ft. = 2.96 acres
3. Number of children or students requested: 907 Ages: POST SECONDARY / COLLEGE STUDENTS
APPROX.
4. Number of teachers: 10 Number of administrative & clerical personnel: 30
APPROX.
5. Number of classrooms: 26 Total square footage of classroom area: 17,158.86
6. Total square footage of non-classroom area (offices, bathrooms, kitchens, closets): HALLWAYS
13,361.18
7. Amount of outdoor recreation/play area in square footage: 1,711.95

NOTE: Location requirement for outdoor recreation/play areas must conform to §33-151.18(j)

8. Number & type of vehicle(s) that will be used in conjunction with the operation of the facility:
0 VEHICLES
9. Number of parking spaces provided for staff, visitors and transportation vehicles: parking spaces provided 128 parking spaces required by §33-124(L) 128
10. Indicate the number of auto stacking spaces: 0 provided 5 required.
11. Proposed height for the structure(s): 5'10" (3 STORIES) See §33-151.18(g).
WALL
12. Size of identification sign(s): _____ x _____ = 1,579 sq. ft. See §33-151.18(c). Signage will require a separate permit. Contact the Permit Section at (786) 315-2100.
13. Days and hours of operation: DAILY 6:00 AM TO 11:00 PM
14. Does the subject facility share the site with other facilities? Yes No. (If yes, the space which will be used solely for the school facility during the hours of operation must be indicated on the plans, pursuant to §33-151.16).
15. If the school will include residential uses, do such uses meet the standards provided in §33-151.17? Yes No (If yes, describe the residential uses and indicate same on the plans).

RECEIVED
211-DT
MAR 21 2012

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

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

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

CLASSROOM SPACE: Calculated by grade levels.

- a. Day Nursery/Kindergarten, preschool and after-school care

35 sq. ft. x _____ (number of children) = _____ sq. ft. of classroom area required.

- b. Elementary Grades 1-6

30 sq. ft. x _____ (number of children) = _____ sq. ft. of classroom area required.

- c. Junior High and Senior High Schools (Grades 7-12)

25 sq. ft. x 907 (number of children) = 22,675 sq. ft. of classroom area required.

TOTAL SQUARE FOOTAGE OF CLASSROOM AREA REQUIRED: 22,675
 TOTAL SQUARE FOOTAGE OF CLASSROOM AREA PROVIDED: 17,158.86

OUTDOOR RECREATION SPACE:

- a. Day nursery/Kindergarten, preschool and after school care

45 sq. ft. x _____ (1/2 of children) = _____

- b. Grades 1-6

500 sq. ft. x _____ (first 30 children) = _____

300 sq. ft. x _____ (remaining children) = _____

- c. Grades 7-12

800 sq. ft. x 30 (first 30 children) = 24,000 s.f.

300 sq. ft. x 300 (next 300 children) = 90,000 s.f.

150 sq. ft. x 577 (remaining children) = 86,550 s.f.

TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE REQUIRED: 200,550 s.f.
 TOTAL SQUARE FOOTAGE OF OUTDOOR RECREATION SPACE PROVIDED: 1,711.95 s.f.

TREES: See §33-151.18(g), and the Planning Division (12th Floor) for additional requirements.

- a. 28 trees are required per net acre. Trees required: 75 Trees provided: 78

- b. Ten shrubs are required for each tree required. Shrubs required: 750 Shrubs provided: 864

- c. Grass area for organized sports/play area in square feet: 0

- d. Lawn area in square feet (exclusive of organized sports/play area): 25,824.04

RECEIVED
 2-11-2012
 MAR 2 1 2012

ZONING HEARINGS SECTION
 MIAMI-DADE PLANNING AND ZONING DEPT.

BY _____

School Address: 5901 MIAMI GARDENS DR. Zip Code: 33015⁴

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

Signed, sealed, executed and acknowledged on this 15th day of DECEMBER at Miami-Dade County, Florida.

Signature MANUEL GUTIERREZ
PROJECT ARCHITECT.

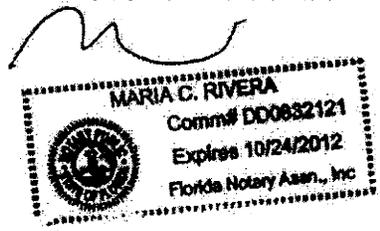
WITNESSES:



STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I hereby certify that on this 19th day of JANUARY, 2012, before me personally appeared MANUEL GUTIERREZ, to me known to be the person described in and who executed the foregoing instrument and he/she acknowledged to me the execution thereof to be his/her free act for the uses and purposes therein mentioned.

MY COMMISSION EXPIRES:



RECEIVED
Z-11-077
MAR 21 2012

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY 

Memorandum



Date: 27-JUL-11
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: Karls Paul-Noel, Interim Director
Miami-Dade Fire Rescue Department
Subject: Z2011000077

Fire Prevention Unit:

APPROVAL
No objection to site plan date stamped July 6, 2011.

Service Impact/Demand

Development for the above Z2011000077
located at 5901 MIAMI GARDENS DR, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0098 is proposed as the following:

<u>N/A</u> residential	dwelling units	<u>N/A</u> industrial	square feet
48,455	square feet	<u>N/A</u> institutional	square feet
<u>Office</u> 24,227	square feet	<u>N/A</u> nursing home/hospitals	square feet
<u>Retail</u>			

Based on this development information, estimated service impact is: 17.85 alarms-annually.
The estimated average travel time is: 7:15 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
Station 51 - Honey Hill - 4775 NW 199 Street Rescue

Planned Service Expansions:

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

Fire Planning Additional Comments

Current service impact calculated based on site plan date stamped July 6, 2011. Substantial changes to the plan will require additional service impact analysis.

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

Memorandum



Date: August 11, 2011
To: Marc LaFerrier, Director
Department of Planning and Zoning
From: *M.A.* Maria I. Nardi, Chief
Planning and Research Division
Subject: Z2011000077: Miami Gardens Commons, LLC

Application Name: Miami Gardens Commons, LLC

Project Location: The site is located at 5901 Miami Gardens Dr., Miami-Dade County.

Proposed Development: The applicant is requesting a district boundary change from IU-C to BU-2. A non-use variance is requested to waive the requirement for a 5' high concrete masonry wall where the rear property line abuts residential property.

Impact and demand: The letter of intent specifies that the purpose of the district boundary change is for retail and office uses in an existing building. Therefore, it is assumed residential uses will not be included as a potential use. Because this application does not generate any residential population, the CDMP Open Space Spatial Standards do not apply and this Department has no objection to this application.

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

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

MN:jb

Cc: John M. Bowers, RLA/AICP, Landscape Architect 2

DATE: 04-SEP-12
REVISION 2

**BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT**

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

MIAMI GARDENS COMMONS, LLC

5901 MIAMI GARDENS DR, MIAMI-
DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2011000077

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY; NC; No open cases. BNC: No bss cases opened/closed

Miami Gardens Commons, LLC

**OUTSTANDING FINES, PENALTIES, COST OR LIENS
INCURRED PURSUANT TO CHAPTER 8CC:**

REPORTER NAME:

Memorandum



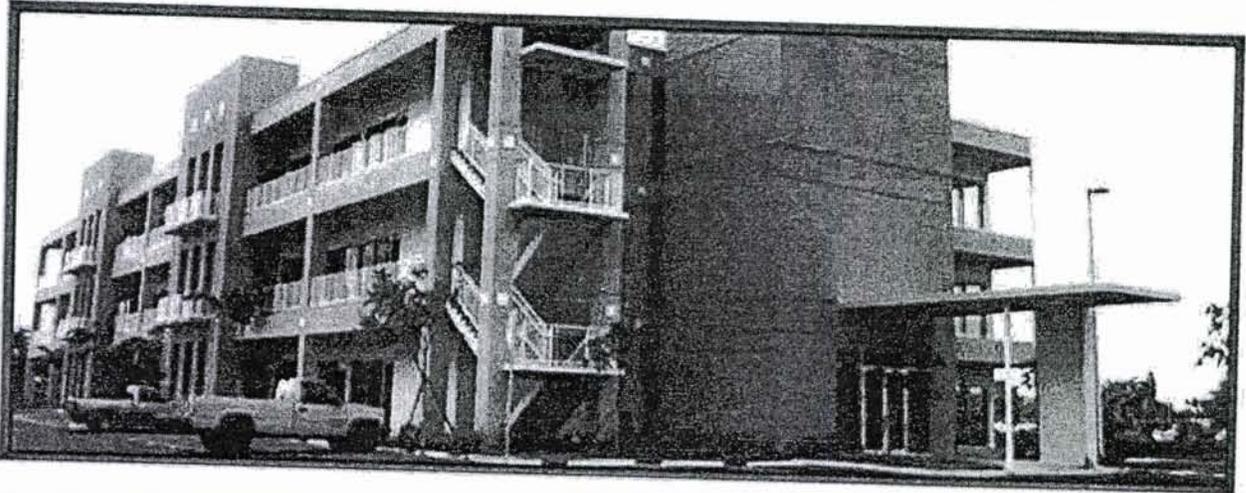
Date: May 11, 2012
To: Franklin Gutierrez, Agenda Supervisor, Agenda Coordinator's Office
Miami-Dade Sustainability, Planning and Economic Enhancement
From: James Byers, Zoning Permitting Division Chief
Department of Permitting, Environment and Regulatory Affairs
Subject: Z2011000077

Zoning Inspector: Frankie Rodriguez
Inspection date: May 11, 2012
Location: 5901 N.W. 183 St. (Miami Gardens Dr.)

The subject property has a three story office/retail building which is only occupied by three tenants all of which have been issued their Certificates of Use.

The landscape at the rear (north) property line of the subject property where the applicant is requesting the 5' high masonry wall to be waived as required where a business lot abuts a residentially zoned property is well maintained with green area with shrubs and trees. The abutting residential property has a chain link fence at the share rear property line of the subject property with a 6' well maintained ficus hedge with Queen palm trees.

No unauthorized uses were observed. Most of the vacant units will have to be built out to suit since the interior space is just a shell.



Miami Gardens Commons
5901 Miami Gardens Tr. Miami, FL

RECEIVED
211-077
JUL 06 2011

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY

RECEIVED
211-077
JUL 06 2011

DISCLOSURE OF INTEREST*

RECEIVED

MIAMI-DADE COUNTY
PROCESS # 211-077
DATE: MAR 21 2012
BY: DAH

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

CORPORATION NAME: MIAMI GARDENS COMMUNITY, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Fernando Sanchez</u>	<u>100%</u>
<u>18306 NW 62nd Ave #300</u>	
<u>Miracle, FL 33015</u>	

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

TRUST/ESTATE NAME: _____

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
_____	_____
_____	_____
_____	_____
_____	_____

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

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

NAME OF PURCHASER: _____

RECEIVED
MIAMI-DADE COUNTY
NOTARY PUBLIC
DATE: MAR 21 2012
BY: DAH

Percentage of Interest

RECEIVED
211-077
JUL 06 2011
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

Date of contract: _____

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

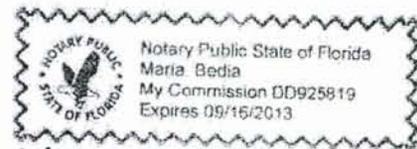
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature: _____
(Applicant)

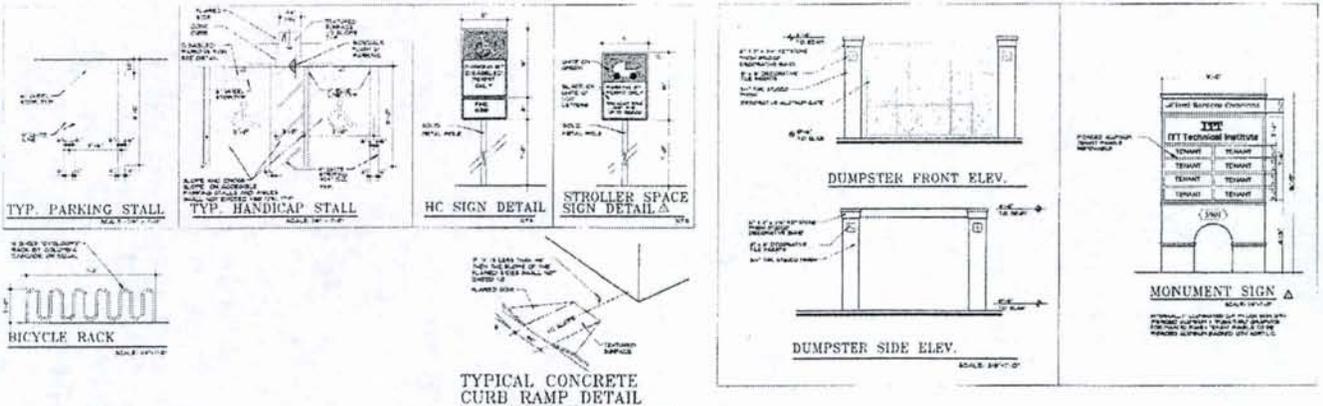
Sworn to and subscribed before me this 24 day of May, 20 11. Affiant is personally know to me or has produced Know to me as identification.

Maria Beedia
(Notary Public)



My commission expires: 9/16/13

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



EDUCATIONAL FACILITY'S REQUIRED INFORMATION
(BASED ON THE 2008 CHAPTER 120, SECTION 120.01)

DATE SUBMITTED: 03/11/11
PROJECT NO.: 11-017

APPROVAL NUMBER BY BOARDING AND APPROVALS: 11-017
APPROVED BY: [Signature]

DATE: 03/11/11

CLASSIFICATION: 11-017

CLASSIFICATION CODE: 11-017

CLASSIFICATION DATE: 03/11/11

CLASSIFICATION BY: [Signature]

MIAMI GARDENS COMMONS PARKING TABULATION

TYPE	QUANTITY	AREA (SQ. FT.)	AREA (SQ. YD.)	AREA (SQ. M.)	AREA (SQ. M.)
Handicap	2	100	11.1	10.1	10.1
Standard	10	500	55.6	51.1	51.1
Motorcycle	10	100	11.1	10.1	10.1
Other	0	0	0	0	0
TOTAL	22	600	66.7	61.2	61.2

PARKING LOT BREAKDOWN

TYPE	QUANTITY	AREA (SQ. FT.)	AREA (SQ. YD.)	AREA (SQ. M.)
Handicap	2	100	11.1	10.1
Standard	10	500	55.6	51.1
Motorcycle	10	100	11.1	10.1
TOTAL	22	600	66.7	61.2

INDEX:

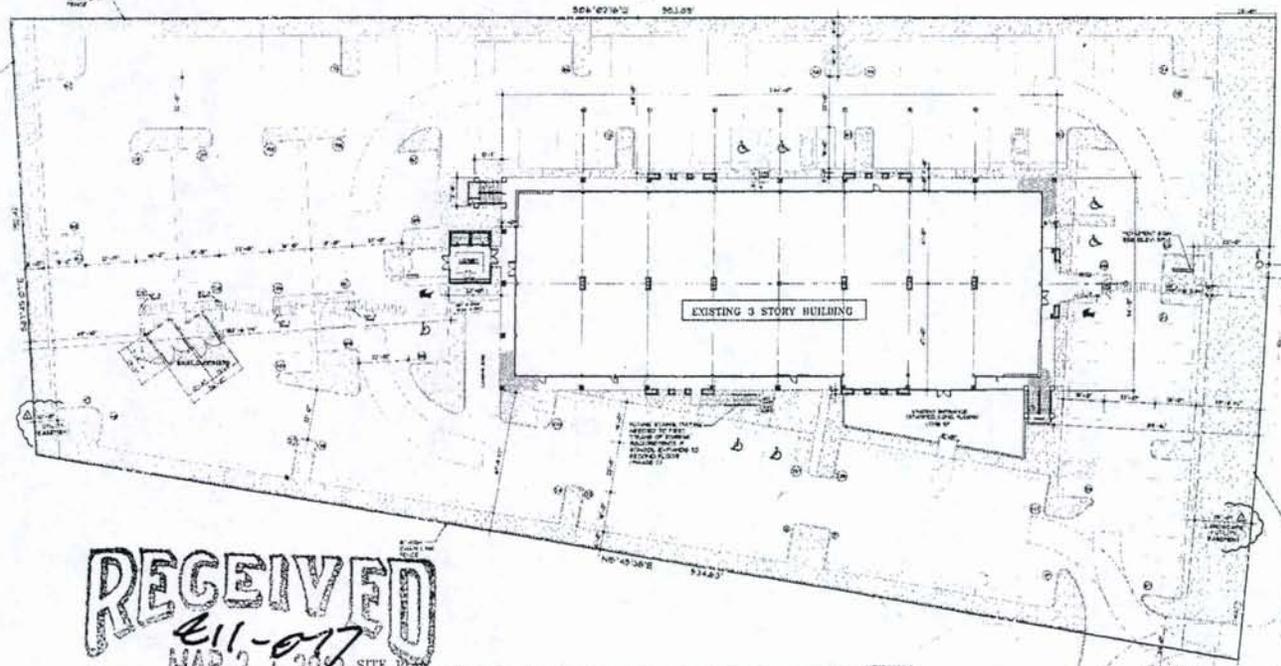
- 1.0 SITE PLAN
- 2.0 SITE PLAN
- 3.0 SITE PLAN
- 4.0 SITE PLAN
- 5.0 SITE PLAN
- 6.0 SITE PLAN
- 7.0 SITE PLAN
- 8.0 SITE PLAN
- 9.0 SITE PLAN
- 10.0 SITE PLAN

LOADING DATA LISTED

LOADING DATA	QUANTITY	AREA (SQ. FT.)	AREA (SQ. YD.)	AREA (SQ. M.)
Handicap	2	100	11.1	10.1
Standard	10	500	55.6	51.1
Motorcycle	10	100	11.1	10.1
TOTAL	22	600	66.7	61.2

LEGAL DESCRIPTION

SECTION 10, TOWNSHIP 25 NORTH, RANGE 28 WEST, COUNTY OF MIAMI, FLORIDA



ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY: [Signature]



GUTIERREZ & LOZANO ARCHITECTS

2010 W. SW 10th St. Suite 111
Ft. Lauderdale, FL 33304
Phone: (954) 521-1111
Fax: (954) 521-1111

REVISIONS

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITS	03/11/11
2	REVISED PERMITS	03/11/11
3	REVISED PERMITS	03/11/11

PROPOSED PRIVATE SCHOOL/EDUCATIONAL FACILITY AT:
MIAMI GARDEN COMMONS

5001 MIAMI GARDENS DRIVE
MIAMI, MIAMI DADE COUNTY, FL.

SHEET TITLE
SITE PLAN

JOB NO.
11-017

DATE
03/11/11

SHEET
SP-1

SCALE
1/8" = 1'-0"

40

BY
MIAMI-DADE PLANNING AND ZONING DEPT.

ZONING HEARING SECTION
MAR 21 2012
RECEIVED



GUTTERREZ & LOZANO ARCHITECTS
1001 MIAMI GARDENS DRIVE
MIAMI, FL 33136
TEL: 305.442.1111
WWW.GUTTERREZLOZANO.COM

DATE: 03/21/12
PROJECT: MIAMI GARDEN COMMONS
SHEET: A-1.3

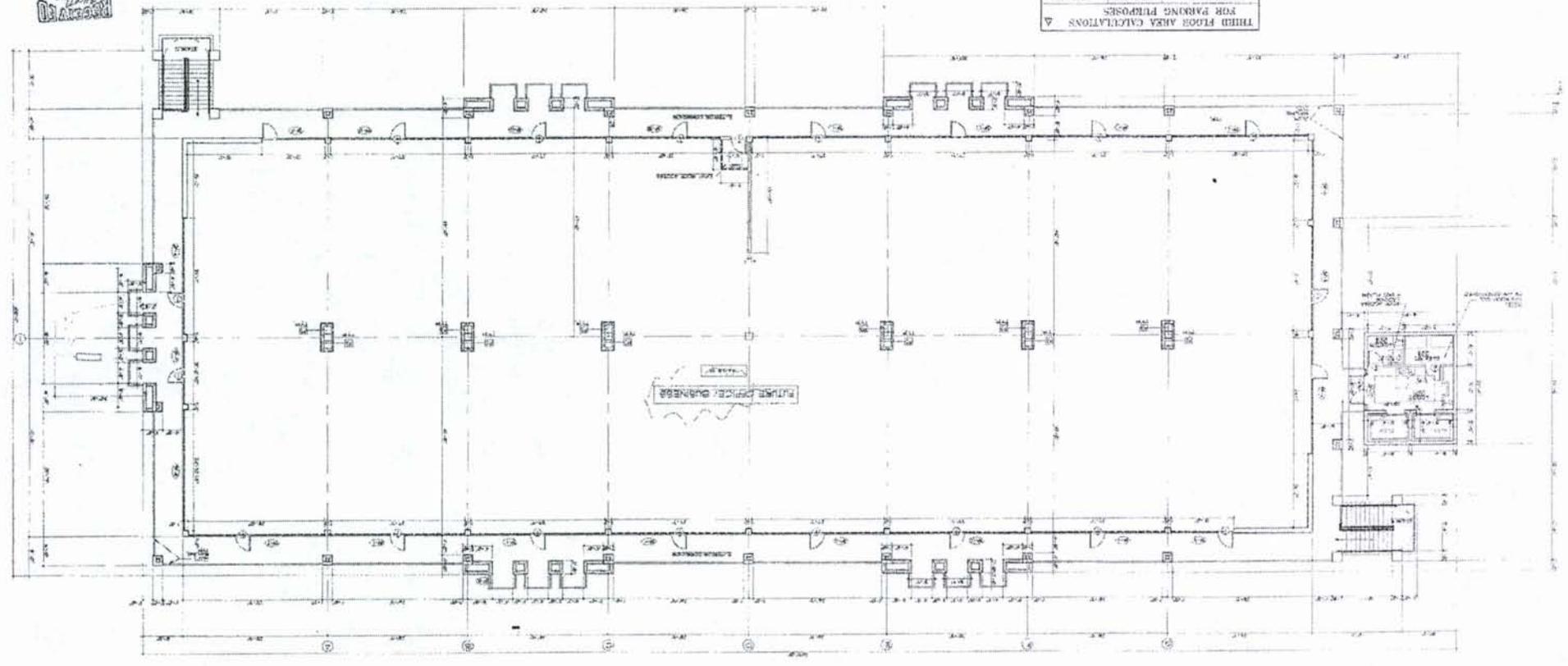
PROPOSED PRIVATE SCHOOL/OCCUPATIONAL FACILITY, P1
MIAMI GARDEN COMMONS
1001 MIAMI GARDENS DRIVE, MIAMI, FL

PROPOSED PRIVATE SCHOOL/OCCUPATIONAL FACILITY, P1
MIAMI GARDEN COMMONS
1001 MIAMI GARDENS DRIVE, MIAMI, FL

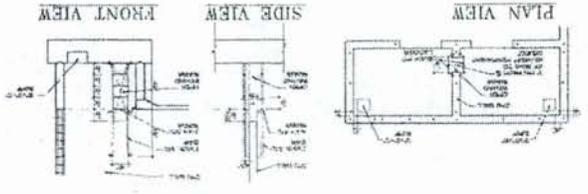
DATE: 03/21/12
PROJECT: MIAMI GARDEN COMMONS
SHEET: A-1.3

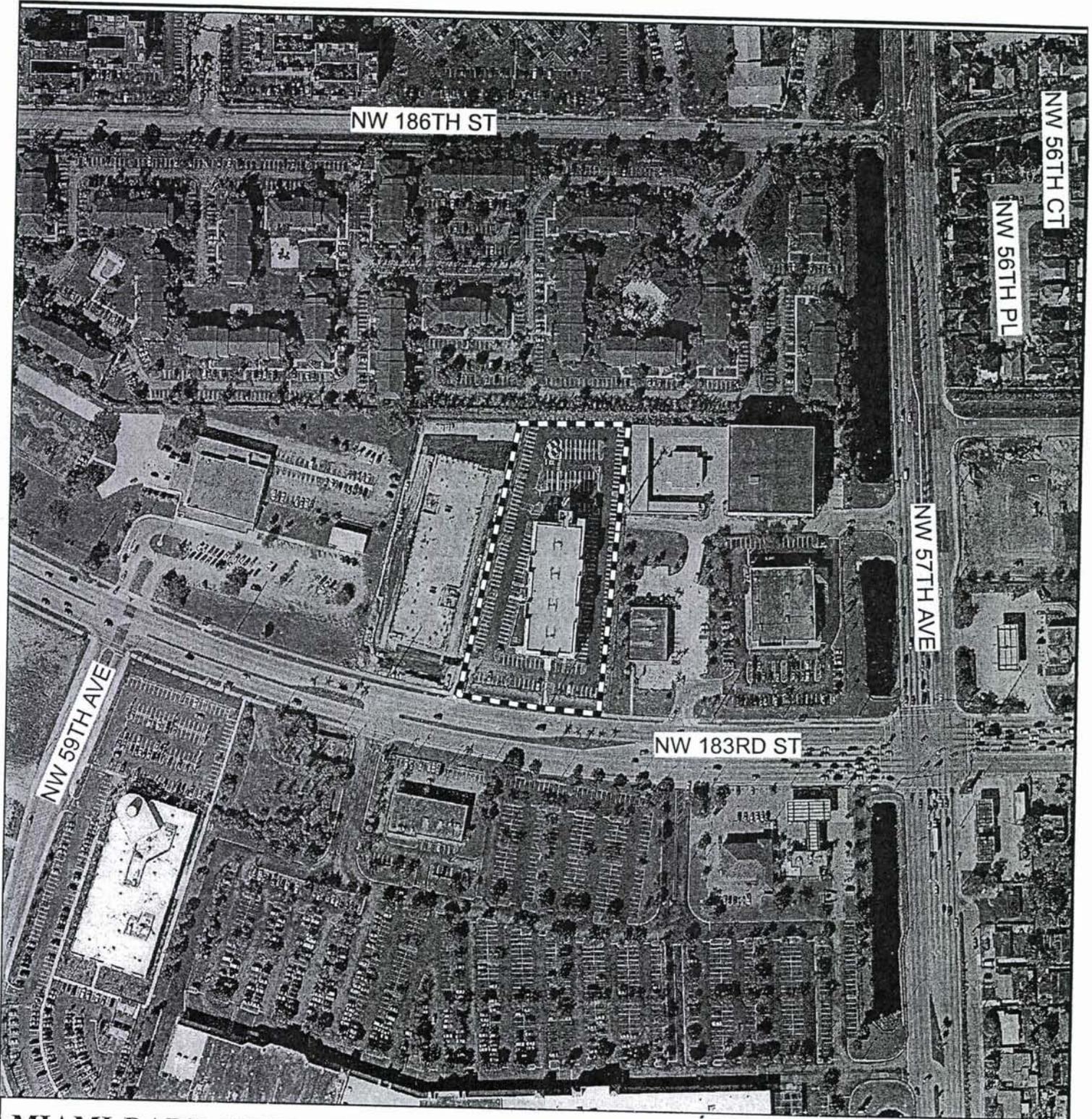
THIRD FLOOR AREA CALCULATIONS
FOR PARSONS PURPOSES
DATE: 03/21/12
BY: [Signature]

3RD FLOOR PLAN



ELEVATOR PIT LADDER





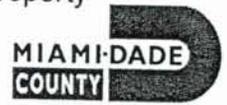
MIAMI-DADE COUNTY
AERIAL YEAR 2009

Process Number
Z2011000077



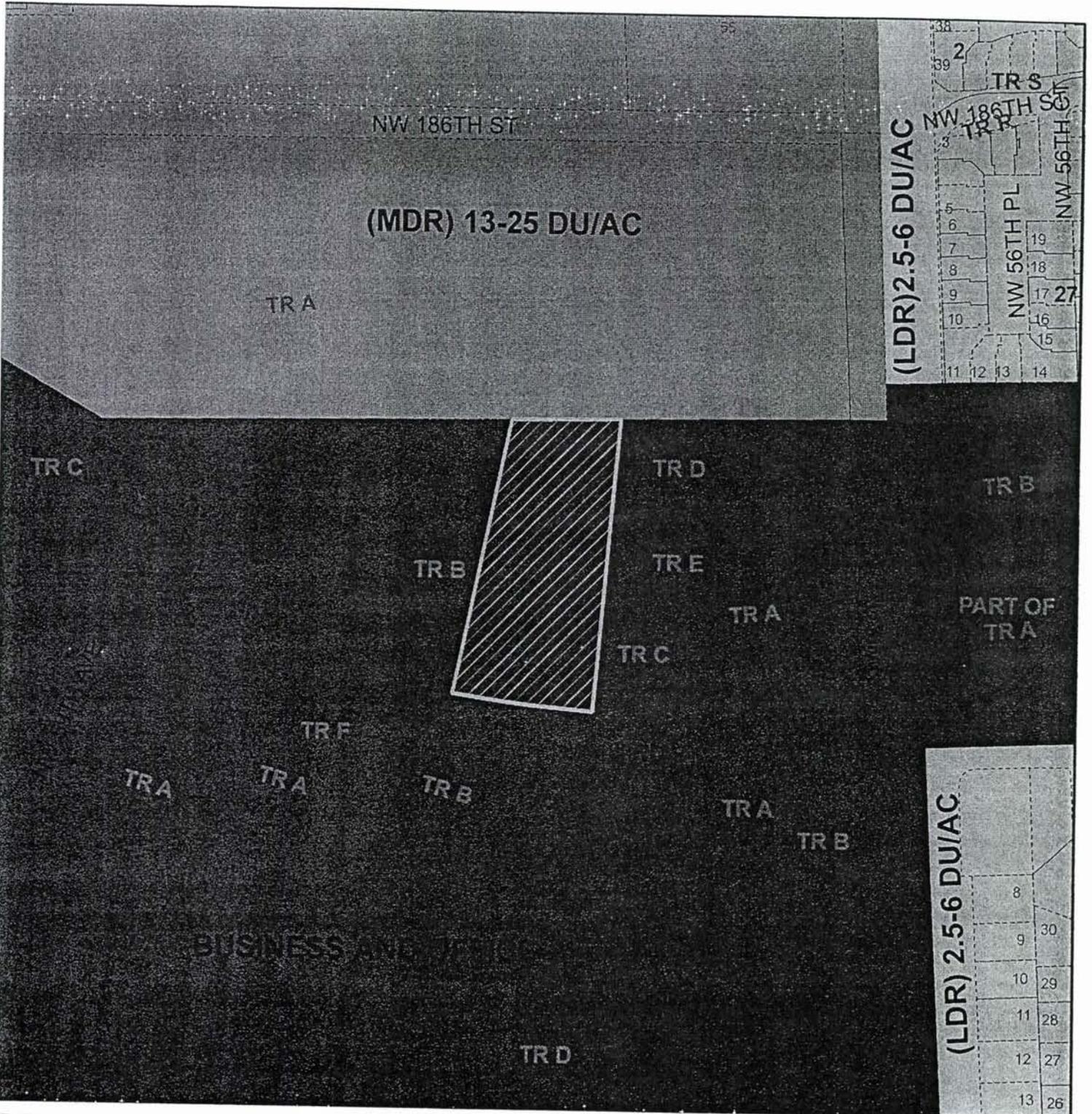
Section: 12 Township: 52 Range: 40
 Applicant: MIAMI GARDENS COMMONS, LLC
 Zoning Board: C5
 Commission District: 1
 Drafter ID: KEELING STENNETT
 Scale: NTS

Legend
 Subject Property



SKETCH CREATED ON: Wednesday, July 13, 2011

REVISION	DATE	BY
		43



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2011000077

Section: 12 Township: 52 Range: 40
 Applicant: MIAMI GARDENS COMMONS, LLC
 Zoning Board: C5
 Commission District: 1
 Drafter ID: KEELING STENNETT
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Wednesday, July 13, 2011

REVISION	DATE	BY



RECYCLED PAPER



TO REORDER CALL 954-846-9399

RESOLUTION NO. Z-22-80

The following resolution was offered by Commissioner Clara Oesterle, seconded by Commissioner Beverly B. Phillips, and upon poll of members present, the vote was as follows:

Barbara M. Carey	aye	Harvey Ruvin	aye
Clara Oesterle	aye	Barry D. Schreiber	aye
William G. Oliver	aye	Ruth Shack	aye
Beverly B. Phillips	aye	Stephen P. Clark	aye
James F. Redford, Jr.	aye		

WHEREAS, 1000 Brickell, Inc., had applied for the following:

- (1) A district boundary change from BU-2 (Special Business) to IU-C (Industry-Controlled);
- (2) USE VARIANCE to permit those business uses such as: Theaters, Bars, Lounges, Drugs, Sundries and those business uses as enumerated in the applicant letter of intent in the IU-C zone as would be permitted in the BU-1, BU-1A and BU-2 zones.
- (3) USE VARIANCE to permit a State or Federal Savings and Loan Association in the IU-C zone as would be permitted in RU-5 zone.
- (4) USE VARIANCE to permit Hotels, Motels, Public Art Galleries, Libraries and Museums in the IU-C zone as would be permitted in the RU-4A zone.

SUBJECT PROPERTY: Commence at the Northeast corner of Section 12, Township 52 South, Range 40 East.

LOCATION: From N.W. 57 Avenue to theoretical N.W. 60 Avenue and between theoretical N.W. 177 Street and theoretical N.W. 185 Street, 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 proffered an Agreement limiting the uses to be permitted on the subject property, 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 that the requested variances 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 should be approved and the proffered agreement should be accepted;

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

Composite Exhibit "A"

Z-22-80

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.
3. That a Unity of Title agreement suitable for recording be submitted to and meet with the approval of the Zoning Director; said agreement to be to the effect that the property will be developed and maintained under one ownership.

BE IT FURTHER RESOLVED that the requested use variances be and the same are hereby approved;

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Metropolitan Dade County, Florida, the County hereby accepts the proffered Agreement 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 24th day of January, 1980.

Heard January, 1980
No. 80-1-CC-13
vp
3/4/80

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

By RAYMOND REED
Deputy Clerk

This resolution transmitted to the Clerk of the Board of County Commissioners on the 7th day of March, 1980.

STATE OF FLORIDA)
) SS:
COUNTY OF DADE)

I, RICHARD P. BRINKER, Clerk of the Circuit Court in and for Dade County, Florida, and Ex-Officio Clerk 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. 2-22-80, adopted by the said Board of County Commissioners at its meeting held on January 24, 19 80.

IN WITNESS WHEREOF, I have heretofore set my hand and official seal on this 18th day of March, A. D. 19 80.

RICHARD P. BRINKER, Ex-Officio Clerk
Board of County Commissioners
Dade County, Florida

By Elizabeth D'Elben
Deputy Clerk

SEAL



Board of County Commissioners
Dade County, Florida

March 7, 1980

1000 Brickell, Inc.
1000 Brickell Avenue - Suite 1200
Miami, Florida - 33131

Re: Hearing No. 80-1-CC-13; From NW 57th Avenue to theo. NW 60th Avenue, between theo. NW 177th Street and theo. NW 185th Street

Gentlemen:

Enclosed, herewith, is a copy of Resolution No. Z-22-80, adopted by the Board of County Commissioners, which approved your requested district boundary change to IU-C, subject to conditions, on the above-described property, and accompanying use variances, and accepted your proffered Agreement.

Please note the conditions under which said approval was granted inasmuch as strict compliance, therewith, will be required.

You are, hereby, advised that the decision of the Dade County Commission may be appealed by an aggrieved party within 30 days of the date of the submittal of the resolution to the Clerk of the County Commission. You are, further, advised that in the event that a petition for writ of certiorari is timely filed in the Circuit Court, any building permit sought or obtained shall be solely at the risk of the party obtaining said permit.

Very truly yours,

Chester C. Czebrinski
Assistant Director

CCC/vp

Enclosure

AMENDED LETTER OF INTENT

This AMENDED LETTER OF INTENT given this 21st day, of December, 1979, by 1000 Brickell, Inc., a Florida Corporation, hereinafter referred to as the "OWNER", to DADE COUNTY, a Metropolitan Subdivision of the State of Florida, hereinafter referred to as the "COUNTY".

WITNESSETH

WHEREAS, the OWNER is the fee simple owner of 101.354 acres of land located in Dade County, Florida, as described in Exhibit I, attached hereto, and

WHEREAS, the OWNER purchased the land in March, 1971, to develop it as an office park under the terms and conditions of the Agreement dated the 9th day of February, 1972, between 900 Brickell, Inc. (since consolidated with 1000 Brickell, Inc.) and Dade County, and

WHEREAS; the original development concept has been delayed and has changed due to the following reasons:

1. The Country Club of Miami land has not been developed as originally projected and planned.
2. The general area has since developed as a middle income residential neighborhood blended with industrial/commercial usage viz: MiamiLakes Industrial Park, Palmetto Lakes Industrial Park, etc.

NOW, THEREFORE, the said owner makes application to the COUNTY to modify the previous resolution dated July 7th, 1972, that established a BU-2 (MODIFIED) zone. The OWNER considers that such a modification in zoning will benefit the public as follows:

1. The land will be developed with industrial/commercial usage compatible with the general neighborhood.
2. The land is not presently feasible for development as an office park throughout the acreage, and the present known development plans for the general neighborhood indicate that a future office park development may not be feasible.
3. The general neighborhood has been successfully developed with industrial/commercial usage as noted above.
4. The OWNER further requests that a future consideration be given by the COUNTY to Modify the use of the southern parcel to RU4A in the event the shopping mall is erected on the property north of the Palmetto Expressway and west of Red Road (N.W. 57th Avenue).

The OWNER therefore makes application to the COUNTY to modify the present zoning to allow uses permitted in an IU-C zone (excluding IU-3 uses unless individually approved by the Director of Planning and the Director of Building and Zoning), while reserving the present authorized uses of the BU-2 (MODIFIED) zoning:

General Office Uses → IUC
Professional Offices → IUC
Banks and Financial Institutions → IUC & BUS
Research Laboratories → IUC
Technical Services →
Computer Center →
Personal Service Businesses → BU1A
Medical Laboratories →
Telephone Exchange → IUC
Utility Companies →
Educational Institutions of a Business, Professional Academic, Technical, Trade or Scientific Nature → IUC
Theatre → BU1A
Government Office → IUC
Hotel and Motel → RU4A

Allied Office Service Uses:

- a. Office Supplies → BU-1
- b. Office Interior Design Studios → BU-1
- c. Office Machine Sales and Service → BU-1
- d. Duplication Service → BU-1
- e. Art and Photographic Supplies → BU-1
- f. Engineering Supplies and Blueprinting → BU-1 - IUC

IU-1 →

- Restaurants, Bars, Tea Rooms or Cafes, Lounges → BU-2
- Radio and Television Studios → IUC
- Drugs and Sundries → BU-1
- Post Office → BU-1
- Art Galleries, Museums, Libraries → BU-1
- Telegraph Stations → BU-1
- Automobile Service Station → BU-1

BU-1 →

and other uses comparable to, or compatible with, the above.

The OWNER also intends to submit a ZONING AGREEMENT to the COUNTY agreeing to the above use restrictions.

IN WITNESS WHEREOF, the said Owner has caused this Letter of Intent to be executed in its name by a proper and fully authorized officer, the date and year first above written.

1000 BRICKELL, INC.

BY: G. Emerson Travis
G. Emerson Travis, Vice President

LETTER OF INTENT

This LETTER OF INTENT given this 7th day of September, 1979 by 1000 Brickell, Inc., a Florida Corporation, hereinafter referred to as the "OWNER", to DADE COUNTY, a Metropolitan Subdivision of the State of Florida, hereinafter referred to as the "COUNTY".

WITNESSETH:

WHEREAS, the OWNER is the fee simple owner of 101.354 acres of land located in Dade County Florida as described in Exhibit I, attached hereto, and

WHEREAS, the OWNER purchased the land in March 1971 to develop it as an office park under the terms and conditions of the Agreement dated the 9th day of February, 1972 between 900 Brickell, Inc. (since consolidated with 1000 Brickell, Inc.) and Dade County, and

WHEREAS the original development concept has been delayed and has changed due to the following reasons:

1. The Country Club of Miami land has not been developed as originally projected and planned.
2. The general area has since developed as a middle income residential neighborhood blended with industrial/commercial usage viz: MiamiLakes Industrial Park, Palmetto Lakes Industrial Park, etc.,

NOW, THEREFORE, the said Owner hereby makes application to the County to change the zoning classification of said property from BU-2 (as modified by the abovementioned Agreement) to the IU-C classification of Industrial/Commercial usage. The Owner considers that such change in zoning will benefit the public as follows:

1. The land will be developed with industrial/commercial usage compatible with the general neighborhood.
2. The land is not presently feasible for development as an office park, and the present known development plans for the general neighborhood do not indicate that an office park development will be feasible.
3. The general neighborhood has been successfully developed with industrial/commercial usage as noted above.
4. The Owner further requests that a future right be given by the County to modify the use of the southern parcel to RU4A in the event the shopping mall is erected on the property north of the Palmetto Expressway and west of Red Road (N.W. 57th Avenue).

The OWNER therefore makes application to the County to change the present zoning to an IU-C classification.

IN WITNESS WHEREOF, the said Owner has caused this Letter of Intent to be executed in its name by a proper and fully authorized officer, the date and year first above written.

1000 BRICKELL, INC.

By: G. Emerson Travis
G. Emerson Travis, Vice President

RECEIVED
79-636
SEP 7 1979

DADE CO. BLDG. & ZONING DEPT.
ZONING HEARING SECTION
BY amy

LAW OFFICES

BATCHELOR BRODNAX GUTHRIE & PRIMM

DOUGLAS D. BATCHELOR, OF COUNSEL
SAMUEL A. BRODNAX, JR.
REX B. GUTHRIE
ARTHUR W. PRIMM
TIMOTHY J. ARMSTRONG
ROBERT A. FREYER
STANLEY A. BRONS
ALVARO L. MEJER

SUITE 2550
ONE SOUTHEAST 3RD AVENUE
MIAMI, FLORIDA 33131

TELEPHONE
(305) 358-4962

CABLE ADDRESS
"DOBAT"
TELEX
51-9703

January 24, 1980

Metropolitan Dade County
Dade County Courthouse
73 W. Flagler Street
Miami, FL 33130

Re: Zoning Application
1000 Brickell, Inc.
(80-1-CC-13)
Application #79-636

Gentlemen:

We understand that today you have requested a legal opinion concerning title to the property involved in the above-described application. On June 14, 1977, Douglas D. Batchelor of our firm furnished Dade County with an Opinion of Title concerning a portion of this property. Prior to furnishing the opinion of title, Mr. Batchelor received an updated abstract covering the entire tract.

In his Opinion of Title, a copy of which is attached, Mr. Batchelor concluded that the following parties must join in the platting of the property in order that Dade County and the public might receive good and proper title to the dedicated areas shown on the final plat: 1000 Brickell, Inc., as fee holder; Ernest Hinterkopf and Hilda D. Hinterkopf, as Trustees, as mortgage holders; and G.B.B. Investments, Inc. as mortgage holder.

Because of the urgency of your request, we have been unable to update the abstract through January 24, 1980. Nevertheless, we have reviewed our files in an attempt to determine whether we have received notice of any encumbrances on the property other than those specified in Mr. Batchelor's opinion. Our files contain copies of the following documents:

1. Satisfaction of G.B.B. Investments, Inc. Mortgage assigned to Walter E. Heller & Company, Southeast, dated March 1, 1979. The assignment is dated March 31, 1978.

Metropolitan Dade County

2

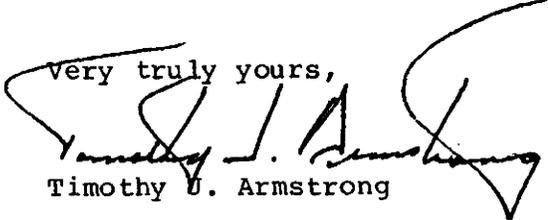
January 24, 1980

2. Satisfaction of Agreed Final Judgment of Mortgage Foreclosure in action titled Ernest Hinterkopf and Hilda D. Hinterkopf, as Trustees, etc., Plaintiffs, vs. G.B.B. Investments, Inc., a Florida corporation, et al., Defendants. The action was filed in the Circuit Court Of The 11th Judicial Circuit In And For Dade County, Florida, and the Case No. is 75-11446 (18).

The records in our office do not reveal any encumbrances on the property other than those listed by Mr. Batchelor in his earlier Opinion of Title. In light of the satisfactions described above and based on the documents available to us at this time, it is now our opinion that Ernest Hinterkopf and Hilda D. Hinterkopf, as Trustees and G.B.B. Investments, Inc. need not join in this application.

We are updating the abstract immediately and shall notify you in the event that the updated abstract provides information changing our current view.

Very truly yours,


Timothy U. Armstrong

cbvl

Enclosures

RESOLUTION NO. Z-149-82

The following resolution was offered by Commissioner Beverly B. Phillips, seconded by Commissioner Ruth Shack, and upon poll of members present the vote was as follows:

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

WHEREAS, 1000 BRICKELL, INC., had applied for the following:

- (1) A district boundary change from RU-4L (Limited Apartment House), AU (Agricultural) and RU-3M (Minimum Apartment House) to IU-C (Industry-Controlled);

ON

A portion of CHAMBER'S LAND COMPANY SUBDIVISION of Section 12, Township 52 South, Range 40 East, Plat book 2, Page 27, being more particularly described as follows:

Commence at the northeast corner of said Section 12; thence S00°06'59"E along the east line of said Section 12 for 504.54' to the Point of beginning; thence continue S00°06'59"E along said east line for 143.27'; thence N87°45'07"W for 1,458.36'; thence N02°14'53"E for 143.14'; thence S87°45'07"E for 1,452.45' to the Point of beginning. LESS the east 65' thereof previously dedicated for canal right-of-way.

- (2) A district boundary change from AU to IU-C;

ON

A portion of CHAMBERS LAND COMPANY SUBDIVISION of Section 12, Township 52 South, Range 40 East, Plat book 2, Page 27, being more particularly described as follows:

Commence at the southeast corner of said Section 12; thence N00°06'59"W along the east line of said Section 12 for 2,061.16' to the Point of beginning said point being S00°06'59"E, 3,215.34' from the northeast corner of said Section 12; thence N87°47'25"W for 2,130.65'; thence N00°06'59"W for 5'; thence along the E/ly boundary of the property as described in the Warranty Deed recorded in Official Record Book 10678, Page 2760 the following two courses: N00°06'59"W for 2,135.99'; thence N30°44'01"E for 406.57' to a point on the S/ly right-of-way line of N.W. 183 Street (Miami Gardens Drive); thence leaving said E/ly boundary, proceed S59°15'59"E along said right-of-way line for 200'; thence S30°44'01"W for 351.39'; thence S00°06'59"E for 1,650.00'; thence S70°06'49"E for 638.40'; thence S87°47'25"E for 150'; thence N00°06'59"W for 962.56'; thence N16°17'40"E for 879.41'; thence S89°15'59"E for 165.79'; thence S00°06'59"E for 435.12'; thence S00°09'54"E for 635.52'; thence S00°06'59"E for 690'; thence S34°51'46"E for 262.96'; thence S87°47'52"E for 615' to a point on said east line of Section 12; thence S00°06'59"E along said east line for 99.92' to the Point of beginning. LESS the east 65' thereof previously dedicated for canal right-of-way.

- (3) UNUSUAL USE to permit a lake excavation;

ON

A portion of CHAMBER'S LAND COMPANY SUBDIVISION of Section 12, Township 52 South, Range 40 East, Plat book 2, Page 27, being more particularly described as follows:

Commence at the southeast corner of said Section 12, thence N00°06'59"W along the east line of said Section 12 for 2,066.17'; thence N87°47'25"W for 567.05'; thence N02°12'35"E for 370' to the Point of beginning; thence N87°47'25"W for 1,100'; thence NW/ly along a tangent curve to the right having a radius of 100', a central angle of 87°40'26" for an arc distance of 153.02'

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ZONING MAPS AND FILE

to a Point of tangency; thence $N00^{\circ}06'59''W$ for 260'; thence NE/ly along a tangent curve to the right having a radius of 100', a central angle of $92^{\circ}19'34''$ for an arc distance of 161.14' to a Point of tangency; thence $S87^{\circ}47'25''E$ for 1,100'; thence SE/ly along a tangent curve to the right having a radius of 100', a central angle of $87^{\circ}40'26''$ for an arc distance of 153.02' to a Point of tangency; thence $S00^{\circ}06'59''E$ for 260'; thence SW/ly along a tangent curve to the right having a radius of 100', a central angle of $92^{\circ}19'34''$ for an arc distance of 161.14' to a Point of tangency and the Point of beginning.

Applicant is requesting a proposed 1' vertical to 4.5' horizontal slope beginning at flood criteria elevation +6.7' NGVD and extending lakeward to elevation -3.5' NGVD; thence beginning deep cut as material permits to elevation of -53' NGVD.

- (4) TO DELETE Conditions #2, #4 and #5 of Resolution Z-41-75 passed and adopted by the Board of County Commissioners on the 11th day of February, 1975 only as it applies to the subject property reading as follows:

Condition #2:

2. "That the plan be basically in accordance with that submitted for the hearing, said plan being entitled 'Country Club of Miami Southeast Golf Course for United Resources, Inc.' prepared by Donald W. McIntosh & Associates, Inc. Architects and dated revised 5-2-74."

Condition #4:

4. "That a declaration of restrictions and covenants running with the land in proper covenant form, meeting with the approval of the Zoning Director, be recorded to insure that the golf course be maintained as such."

Condition #5:

5. "That the property be platted and plat restricted in proper restriction form, meeting with the approval of the Zoning Director, against any use other than a golf course."
- (5) TO DELETE Condition #3 of Resolution Z-22-80 passed and adopted by the Board of County Commissioners on the 24th day of January, 1980 only as it applies to the subject property and reading as follows:

"That a Unity of Title Agreement suitable for recording be submitted to and meet with the approval of the Zoning Director; said agreement to be to the effect that the property will be developed and maintained under one ownership."

REQUESTS NUMBER 4 & 5 ON THE FOLLOWING DESCRIBED PROPERTY

A portion of CHAMBER'S LAND COMPANY SUBDIVISION of Section 12, Township 52 South, Range 40 East, Plat book 2, Page 27, being more particularly described as follows:

Commence at the northeast corner of said Section 12; thence $S00^{\circ}06'59''E$ along the east line of said Section 12 for 1,055.30'; thence $N89^{\circ}15'59''W$ along the N/ly right-of-way line of N.W. 183 Street (Miami Gardens Drive) for 65.01' to the Point of beginning; thence continue along said right-of-way line $N89^{\circ}15'59''W$ for 216.56'; thence W/ly along a tangent curve to the right having a radius of 2,809.79', a central angle of $30^{\circ}00'00''$ for an arc distance of 1,471.20' to a Point of tangency; thence $N59^{\circ}15'59''W$ for 414.40'; thence $N30^{\circ}44'01''E$ for 297.33'; thence $S59^{\circ}15'59''E$ for 504.11'; thence $S87^{\circ}45'07''E$ for 1,387.39'; thence $S00^{\circ}06'59''E$ along a line parallel with and 65' west of the east line of said Section 12 for 552.48' to the Point of beginning.

AND

Commence at the northeast corner of said Section 12; thence $S00^{\circ}06'59''E$ along the east line of said Section 12 for 1,165.31'; thence $N89^{\circ}15'59''W$ along the S/ly right-of-way line of N.W. 183 Street (Miami Gardens Drive) for 65.01' to

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the Point of beginning; thence S00°06'59"E along a line parallel with and 65' west of the east line of said Section 12 for 2,048.36'; thence N87°47'25"W along the north line of the water's edge of an existing canal for 2,065.6'; thence N00°06'59"W for 2,141'; thence N30°44'01"E for 406.57' to a point on the S/ly right-of-way line of said N.W. 183 Street; thence S59°15'59"E along said right-of-way line for 213.53'; thence E/ly along a tangent curve to the left having a radius of 2,919.79', a central angle of 30°00'00" for an arc distance of 1,528.80' to a Point of tangency; thence S89°15'59"E for 218.19' to the Point of beginning.

- (6) USE VARIANCE to permit those business uses such as: Banks, Duplication Services, Theaters, Bars, Lounges, Drugs, Sundries, Research Laboratories, Technical Services, Computer Center, Personal Service Businesses, Medical Laboratories, Educational Institutions of a Business, Professional, Academic, or Scientific Nature, Office Supplies, Office Interior Design Studios, Office Machine Sales and Service, Art & Photographic Supplies, Engineering Supplies and Blueprinting, Telegraph Stations and Automobile Service Station in the IU-C zone as would be permitted in the BU-1, BU-1A and BU-2 zones.
- (7) USE VARIANCE to permit a State or Federal Savings and Loan Association in the IU-C zone as would be permitted in RU-5 zone.
- (8) USE VARIANCE to permit Public Art Galleries, Libraries and Museums in the IU-C zone as would be permitted in the RU-4A zone.

REQUESTS 6, 7, and 8 ON THE FOLLOWING DESCRIBED PROPERTY:

A portion of CHAMBER'S LAND COMPANY SUBDIVISION of Section 12, Township 52 South, Range 40 East, Plat book 2, Page 27, being more particularly described as follows:

Commence at the northeast corner of said Section 12; thence S00°06'59"E along the east line of said Section 12 for 504.54' to the Point of beginning; thence continue S00°06'59"E along said east line for 143.27'; thence N87°45'07"W for 1,458.36'; thence N02°14'53"E for 143.14'; thence S87°45'07"E for 1,452.45' to the Point of beginning. LESS the east 65' thereof previously dedicated for canal right-of-way.

AND

A portion of CHAMBERS LAND COMPANY SUBDIVISION of Section 12, Township 52 South, Range 40 East, Plat book 2, Page 27, being more particularly described as follows:

Commence at the southeast corner of said Section 12; thence N00°06'59"W along the east line of said Section 12 for 2,061.16' to the Point of beginning said point being S00°06'59"E, 3,215.34' from the northeast corner of said Section 12; thence N87°47'25"W for 2,130.65'; thence N00°06'59"W for 5'; thence along the E/ly boundary of the property as described in the Warranty Deed recorded in Official Record Book 10678, Page 2760 the following two courses: N00°06'59"W for 2,135.99'; thence N30°44'01"E for 406.57' to a point on the S/ly right-of-way line of N.W. 183 Street (Miami Gardens Drive); thence leaving said E/ly boundary, proceed S59°15'59"E along said right-of-way line for 200'; thence S30°44'01"W for 351.39'; thence S00°06'59"E for 1,650.00'; thence S70°06'49"E for 638.40'; thence S87°47'25"E for 150'; thence N00°06'59"W for 962.56'; thence N16°17'40"E for 879.41'; thence S89°15'59"E for 165.79'; thence S00°06'59"E for 435.12'; thence S00°09'54"E for 635.52'; thence S00°06'59"E for 690'; thence S34°51'46"E for 262.96'; thence S87°47'52"E for 615' to a point on said east line of Section 12; thence S00°06'59"E along said east line for 99.92' to the Point of beginning. LESS the east 65' thereof previously dedicated for canal right-of-way.

Plans are on file and may be examined in the Zoning Department entitled "Zoning Map" dated 10-7-81 and "Lake Plan" dated 12-3-81 as prepared by Lodovici and Orange, Consulting Engineers.

LOCATION: The northwest corner of theoretical N.W. 176^{STREET} Street and N.W. 57^{DADE COUNTY} Avenue (Red Road), Dade County, Florida, and

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ZONING HEARING FILE

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 proffered a Unity of Title and a Declaration of Restrictions restricting the uses to which the Westerly 100' of the subject property may be used for, including a 50-foot green belt open space on the Westerly 50 feet, and upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary changes 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 that the requested unusual use, deletion of conditions 2, 4 and 5 of Resolution Z-41-75 and Condition 3 of Resolution Z-22-80, and the three requested use variances 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 should be approved subject to conditions, and that 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 changes to IU-C be and the same are 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 the requested unusual use to permit a lake excavation be and the same is hereby approved, subject to the following conditions:

1. That final "as built" plans be submitted to and meet with the approval of the Directors of the Departments of Environmental Resources Management and Building and Zoning; and that said plans be substantially in compliance with that submitted for the hearing entitled "Zoning Map" and "Lake Plan", as prepared by Ludovici and Orange, Consulting Engineers, dated 10-7-81, and consisting of two pages.
2. That the perimeter be backfilled and graded to meet with the approval of the Directors of Building and Zoning and Environmental Resources Management, except that a slope of one foot vertical shall be provide for each 4.5' horizontal slope, beginning at flood criteria elevation +6.7' NGVD and extending lakeward to elevation -3.5' NGVD; ~~the deep cut as material permits to an elevation of -53' NGVD.~~ ~~the deep cut as material permits to an elevation of -53' NGVD.~~

3. That soil borings taken on-site be submitted for preliminary review by the Department of Environmental Resources Management to determine if excavation to requested depth may result in displacement of layers of soft material (e.g. sand) and cause sinking of nearby properties. In addition, if hard rock is not encountered during excavation, the vertical cut shall be modified in such a manner that suitable stable side slope will be sustained and maintained.
4. That the grading, leveling, and sloping of the banks shall be on a progressive basis as the project develops and the excavation progresses. In accordance with this requirement, the applicant will submit "as built" plans at one-fourth, one-half, three-fourths, and final completion of the excavation or at six-month intervals, whichever is of a lesser duration, or upon request of the Directors of Building and Zoning or Environmental Resources Management.
5. That the material to be excavated shall be used primarily in increasing the property in question to an elevation to meet with the approval of the Zoning Director. Any surplus material over and above these requirements, however, may be disposed of by the applicant upon certification by the Zoning Director that the same will not be needed for the elevation of the property in question; that before any such surplus is disposed of, a request in writing should be submitted to the Dade County Building and Zoning Department for such certification, which shall be accompanied by surveyors/or engineers calculations to verify the same. Necessary data for certification must be submitted by surveyors/engineers prior to the commencement of the excavation and prior to the issuance of the excavation permit.
6. That the property shall be staked to meet with the approval of the Zoning Director; said stakes shall be maintained in proper fashion so that the limits of excavation, slopes, and grade levels may be easily determined.
7. That the property shall be suitably posted to meet with the approval of the Zoning Director, denoting the operation and warning the public concerning possible hazards.
8. That if the area in the surrounding neighborhood becomes substantially built up, and if the water in the excavation exceeds two feet (flash floods excepted), and if, in the opinion of the Metropolitan Dade County Zoning Appeals Board, after public hearing, the excavation then becomes hazardous to the surrounding area, the property will be fenced in by the applicant.
9. That upon completion of the project, the property shall be sodded as a minimum and left in an acceptable condition meeting with the approval of the Directors of Environmental Resources Management and Building and Zoning.
10. That the use of explosives shall be strictly prohibited in connection with the operation.
11. That the hours of operation be controlled by the Dade County Zoning Director, except that the applicant shall be permitted to operate between the hours of 7:00 A.M. and 5:00 P.M. on weekdays; Sunday operation and/or other hours of operation than 7:00 A.M. to 5:00 P.M. may be permitted by the Zoning Director only if the same does not become objectionable, in his opinion, to the surrounding area.
12. If the operation is discontinued, abandoned, falls behind schedule, or time expires, the existing excavation shall immediately be sloped to conform to the approved slope in condition Number Two above, and the entire operation shall be removed from the premises.
13. That the excavation shall start on or before the 8th day of July, 1983.
14. That the time for the completion of the project, including excavation, grading, etc., shall be determined by the Directors of Building and Zoning and Environmental Resources Management, and the work shall be carried on

continuously and expeditiously so that the excavation will be completed within the allocated time.

15. Top soil such as muck and/or marl may be removed from the premises, provided that sufficient amount is retained to landscape the property around the lake.
16. That any pre-existing County roads in the vicinity used in connection with the project shall be repaired, replaced, or restored to their original condition when, in the opinion of the Director of Public Works, they have deteriorated beyond normal wear and tear due to the operation of the project. The opinion of the Director of Public Works in connection with the repair, replacement, or restoration of roads used in connection with the project shall be final.
17. That the title to the property in question shall not be transferred without the approval of the Director of the Building and Zoning Department, unless the excavation on the subject property has been completed and/or unless the bond has been released.
18. That in order to insure compliance with all terms and conditions imposed, a cash or surety bond shall be posted with the Dade County Building and Zoning Department, payable to Dade County, in such an amount as may be determined and established by the Director of the Building and Zoning Department; that said bond shall be in such form that the same may be recorded in the public records of Dade County; that said bond shall be executed by the property owner and any and all parties who may have an interest in the land, such as mortgagees, etc.
19. That the use permit be automatically renewable annually by the Dade County Building and Zoning Department upon review by the Department of Environmental Resources Management and upon compliance with all terms and conditions, and be subject to cancellation upon violation of any of the conditions or when, in the opinion of the Metropolitan Dade County Zoning Appeals Board, after public hearing, it is determined that the use is detrimental to and/or incompatible with the surrounding neighborhood.
20. No stormwater run-off, from roads or any other source, will be permitted to enter the proposed excavation.
21. The applicant is advised that permits may be required from other local, state, or federal regulatory agencies (including Dade County Departments of Public Works and Environmental Resources Management, State DER, U.S. Corps of Engineers, etc.) prior to commencing the excavation.
22. That a curb and gutter roadway adjacent to the top of the lake bank may be used in lieu of providing a berm +1-foot above flood criteria.

BE IT FURTHER RESOLVED that the requested deletion of Conditions 2, 4 and 5 of Resolution Z-41-75 and the requested deletion of Condition 3 of Resolution Z-22-80 be and the same are hereby approved;

BE IT FURTHER RESOLVED that the three requested use variances be and the same are hereby approved, subject to the following condition:

"That the applicant submit to the Planning 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 any certificate of use and occupancy."

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Metropolitan Dade County, Florida, the County hereby accepts the proffered Un-

ity of Title and Declaration of Restrictions and does exercise its option to

OFFICIAL DADE COUNTY

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ZONING HEARING FILE

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 8th day of July, 1982.

July, 1982
No. 82-7-CC-16
vp
7/13/82

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

By _____
Deputy Clerk

This resolution transmitted to the Clerk of the Board of County Commissioners on the 14th day of July, 1982.

July 14, 1982

1000 Brickell, Inc., et al
One Biscayne Tower - Suite 2600
Miami, Florida - 33131

Attn: Mr. H. Leland Taylor
Re: Hearing No. 82-7-CC-16; The NW corner of theo. NW
176th Street and NW 57th avenue

Gentlemen:

Enclosed herewith is a copy of Resolution No. Z-149-82, adopted by the Board of County Commissioners, which approved your requested district boundary changes to IU-C on the above-described property, and the balance of your requests, subject to conditions, and accepted your proffered Unity of Title and Declaration of Restrictions. Please note conditions under which said approval was granted, inasmuch as strict compliance therewith will be required.

You will note that the resolution requires you to submit plans for approval to this Department. I would suggest you furnish three (3) sets of excavation plans to Mr. Gil Diamond, P.E., Supervisor of Construction Processing of this Department, for approval of said plans, establishment of the amount of bond and time for completion of the project. Please advise the undersigned in writing, as soon as soon as possible, who will execute the bond on behalf of principal, name of mortgagee/mortgagees and other parties in interest, name of bonding company, attorney-in-fact for the bonding company; address of principal, address of mortgagee/mortgagees or other parties in interest and address of attorney-in-fact. Upon approval of the plans, establishment of amount of bond and time for completion, and upon receipt of the completed Opinion of Title form, this Department will prepare the bond for execution.

Please note that the resolution indicates approval and permits may be required from other regulatory agencies, including the Public Works Department, the Environmental Resources Management Department, the State D.E.R. and the U.S. Corps of Engineers. It is suggested that the plans be reviewed and approved by those agencies before they are submitted to this Department for approval since final approved plans will be made a part of the required bond.

Page One

OFFICIAL PADE COUNTY

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ZONING HEARING FILE

You are, hereby, advised that the decision of the Dade County Commission may be appealed by an aggrieved party within 30 days of the date of the submittal of the resolution to the Clerk of the County Commission. You are, further, advised that in the event that an appropriate appeal is timely filed in the Circuit Court, any building permit sought or obtained shall be solely at the risk of the party obtaining said permit.

Respectfully yours,

Chester C. Czebrinski
Assistant Director

CCC/vp

Enclosure

cc: Richard Hodges-Public Works Department
Fire Chief - 6000 SW 87th Avenue
Robert Perez-Property Appraiser-Revitco Building
Gil Diamond-Building & Zoning Department
Director-DEEM-Brickell Plaza Building
Jose Heredia-Building & Zoning Department
Helen Zubieta-(To Prepare Bond)
Lake Excavation File
Hearing File

OFFICIAL DADE COUNTY

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ZONING HEARING FILE.



RECYCLED PAPER



TO REORDER CALL 954-846-9399



Sec. 33-151.18. - Physical standards.

- (a) *Outdoor areas.* Outdoor recreation/play areas shall be in accordance with the following minimum standards, calculated in terms of the proposed maximum number of children for attendance at the school at any one (1) time unless otherwise indicated.

Minimum Standards for Outdoor Recreation Playground/Play Areas

<i>School categories</i>	<i>Required area</i>
Day nursery/kindergarten and preschool and after-school care	45 square feet per child calculated in terms of half of the proposed maximum number of children for attendance at the school at one (1) time
Elementary school (grades 1–6)	500 square feet per student for the first 30 students; thereafter, 300 square feet per student
Junior and senior high school (grades 7–12)	800 square feet per student for the first 30 students; 300 square feet per student for the next 300 students; thereafter, 150 square feet per student

Where there are category combinations, each classification shall be calculated individually.

- (b) *Signs.* Signs shall comply with district regulations as contained in Chapter 33 of the Miami-Dade County Code; provided, however, that the total square footage of all freestanding signs in any residential district shall not exceed six (6) square feet in size.
- (c) *Auto stacking.* Stacking space, defined as that space in which pickup and delivery of children can take place, shall be provided for a minimum of two (2) automobiles for schools with twenty (20) to forty (40) children; schools with forty (40) to sixty (60) [children] shall provide four (4) spaces; thereafter there shall be provided a space sufficient to stack five (5) automobiles.
- (d) *Parking requirements.* Parking requirements shall be as provided in the Miami-Dade County Zoning Code, Section 33-124(1).
- (e) *Classroom size.* All spaces shall be calculated on the effective net area usable for instruction or general care of the group to be housed. This space shall not include kitchen areas, bathrooms, hallways, teachers' conference rooms, storage areas, or any other interior space that is not used for instruction, play or other similar activities. The minimum classroom space shall be determined by multiplying the maximum proposed number of pupils for attendance at any one (1) time by the minimum square footages, (1) through (4) below. Where a private educational facility is nongraded, calculations shall be based on the age level that corresponds to the grade level in the public school system. Where a school includes more than one (1) of the following categories, each category shall be individually computed:
- (1) Day nursery and kindergarten, preschool and afterschool care, 35 square feet per pupil.
 - (2) Elementary (grades 1–6), 30 square feet per pupil.
 - (3) Junior high and senior high (grades 7–12), 25 square feet per pupil.
 - (4) Baby-sitting service, 22 square feet of room area per child.
- (f) *Height.* The structure height shall not exceed the height permitted for that site by the existing zoning.
- (g)

Trees. Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.

- (h) *[Exemptions.]* Baby-sitting services are exempted from the requirements of Subsections (a), (c), (d) and (g), "Outdoor Areas," "Auto Stacking," "Parking" and "Trees," Section 33-151.18. Schools permitted within existing multifamily structures (Subsection (d), Section 33-151.17) are exempted from Subsections (c) and (d), Section 33-151.18, provided such schools are limited to the occupants of the subject multifamily structures.
- (i) Child care facilities as described in Section 33-151.11(a), (b) and (f), shall be prohibited from operating on property abutting or containing a water body such as a pond, lake, canal, irrigation well, river, bay, or the ocean unless a safety barrier is provided which totally encloses or affords complete separation from such water hazards. Swimming pools and permanent wading pools in excess of eighteen (18) inches in depth shall be totally enclosed and separated from the balance of the property so as to prevent unrestricted admittance. All such barriers shall be a minimum of forty-eight (48) inches in height and shall comply with the following standards:
- (1) Gates shall be of the spring back type so that they shall automatically be in a closed and fastened position at all times. Gates shall also be equipped with a safe lock and shall be locked when the area is without adult supervision.
 - (2) All safety barriers shall be constructed in accordance with the standards established in Section 33-12, except that screen enclosures shall not constitute a safety barrier for these purposes.
- (j) *Location requirement for outdoor recreation playground/play areas for Child Care facilities.* Where the front or side street property line of a child care facility as described in Section 33-151.11(a), (b) and (f), abuts a section line or half section line right-of-way no outdoor recreation playground/play area shall be located between the right-of-way and the building line parallel to the right-of-way. Within two years after the Director mails notice of the requirement of this ordinance all existing child care facilities shall either comply with the foregoing requirement or install a safety barrier from vehicular traffic designed by a professional engineer and approved by the Public Works Department. For any existing child care facility which is required to either relocate its outdoor recreation playground/play area or provide a safety barrier, any resulting reduction in outdoor recreation playground/play area shall be deemed in compliance with the minimum playground/play area requirements of Section 33-151.18(a). Any such reduction shall also be deemed to be in substantial compliance with any site plan previously approved at public hearing. In event that such a child care facility whose site plan was approved at public hearing seeks to relocate its playground/play area, such relocation shall be subject to approval after public hearing upon appropriate application. No fee shall be charged for such application. This subsection shall not be deemed to allow the future expansion of any child care facility to occur without complying with the requirements of Section 33-151.18(a). Notwithstanding any thing in the Code to the contrary the provision of this subsection shall apply to Miami-Dade County child care facilities.

(Ord. No. 77-59, § 1, 9-6-77; Ord. No. 86-27, §§ 1, 2, 4-1-86; Ord. No. 90-115, § 1, 10-16-90; Ord. No. 93-126, § 3, 11-16-93; Ord. No. 95-223, § 1, 12-5-95; Ord. No. 01-24, § 1, 2-13-01; Ord. No. 05-16, § 1, 1-27-05)

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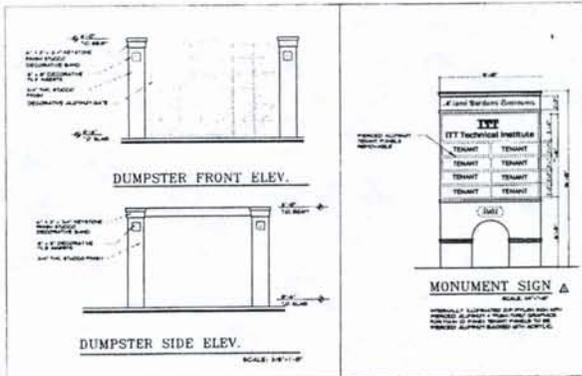
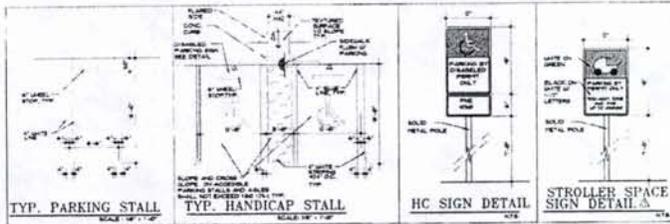
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RECYCLED PAPER



TO REORDER CALL 954-846-9399



EDUCATIONAL FACILITIES REQUIRED ANTICIPATED
BASED ON 2008 CHAPTER 25, D.C. 31-15-10

UNIT USE OF THE SITE

APPROXIMATE NUMBER OF TENANTS AND EMPLOYEES

NUMBER OF CLASSROOMS

NUMBER OF STUDENTS

NUMBER OF PARKING SPOTS

NUMBER OF OUTDOOR AREAS

NUMBER OF AVIARY STAKING

CLASSROOMS

STAIRWAYS

OUTDOOR AREAS

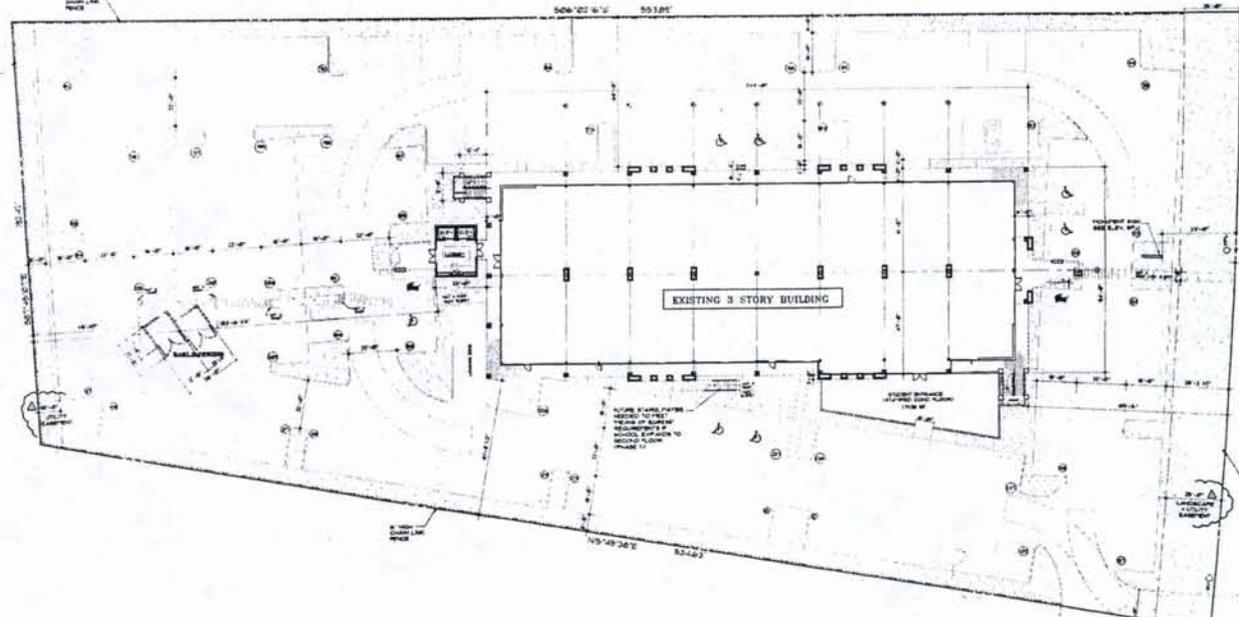
AVIARY STAKING

CLASSROOMS



MIAMI GARDENS COMMONS PARKING TABLE RUN

FLOOR	TYPE	AREA (SQ. FT.)	NUMBER OF SPOTS	REMARKS
1st Floor	Handicap	1,000	25	
1st Floor	Standard	10,000	200	
2nd Floor	Handicap	1,000	25	
2nd Floor	Standard	10,000	200	
3rd Floor	Handicap	1,000	25	
3rd Floor	Standard	10,000	200	
TOTAL			500	



PARKING USE BREAKDOWN

Handicap	25
Standard	475
TOTAL	500

INDEX

- 01 SITE PLAN
- 02 FLOOR PLAN
- 03 FLOOR PLAN
- 04 ELEVATIONS
- 05 LANDSCAPE PLAN

TYPING DATA LEGEND

DATE OF REVISION	BY	REVISION
10/15/11	GL	ISSUED FOR PERMIT
10/15/11	GL	REVISED
10/15/11	GL	REVISED

SITE PLAN

NOTES:

- ALL DIMENSIONS ARE GIVEN UNLESS NOTED OTHERWISE.
- ALL DIMENSIONS SHALL BE TO FACE UNLESS NOTED OTHERWISE.
- ALL DIMENSIONS SHALL BE TO FACE UNLESS NOTED OTHERWISE.

LEGAL DESCRIPTION

SECTION 14, TOWNSHIP 25 S., RANGE 28 W., COUNTY OF MIAMI DADE, FLORIDA.

ACCORDING TO THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA.



GUTIERREZ & LOZANO ARCHITECTS

2501 N. STATE ROAD 11, SUITE 117
 FT. LAUDERDALE, FL 33312
 PHONE: (954) 571-1247
 FAX: (954) 571-2884

REVISIONS

NO.	DATE	DESCRIPTION
1	10/15/11	ISSUED FOR PERMIT
2	10/15/11	REVISED
3	10/15/11	REVISED

PROPOSED PRIVATE SCHOOL/EDUCATIONAL FACILITY AT:
MIAMI GARDEN COMMONS

5001 MIAMI GARDENS DRIVE
 MIAMI, MIAMI DADE COUNTY, FL.

SHEET TITLE

SITE PLAN

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

JOB No.:

DATE: 06/13/11

SHEET

SP-1

OF

OFF. REC. 19224PG 631

00R374241 2000 AUG 03 08:52

DECLARATION OF RECIPROCAL, NON-EXCLUSIVE ACCESS EASEMENT

THIS DECLARATION OF RECIPROCAL NON-EXCLUSIVE ACCESS EASEMENT (the "Easement") is made this 21 day of July, 2000 among MGCP, Inc., a Florida corporation, the address of which is 1000 Brickell Avenue, Twelfth Floor, Miami, Florida 33131 ("Grantor"), and BMS Miami Gardens, L.L.C., a Florida limited liability company, the address of which is 5901 S.W. 74th Street, Suite 205, South Miami, Florida 33143 ("BMS").

WITNESSETH:

WHEREAS, Grantor is the owner in fee of a parcel of land more fully described as follows:

All of Tract "B" of SG Plat, according to the Plat thereof, recorded in Plat Book 150, Page 67 of the Public Records of Miami-Dade County, Florida (the "MGCP Parcel");

WHEREAS, concurrently herewith, Grantor has subdivided a part of the MGCP Parcel that is legally described in Exhibit "A" hereto (the "CS Parcel"). The CS Parcel has frontage that directly abuts the dedicated road right-of-way of Miami Gardens Drive;

WHEREAS, concurrently herewith, Grantor is prepared to convey to BMS a part of the MGCP Parcel that is legally described in Exhibit "B" hereto (the "BMS Parcel"). The BMS Parcel does not have frontage on a dedicated road right-of-way, but has direct pedestrian and vehicular access to the dedicated road right-of-way of N.W. 57 Avenue, by means of a driveway over a canal;

WHEREAS, the MGCP Parcel is burdened by certain cross access easements that are established in that certain Declaration of Easement, Covenants, Conditions and Restrictions made between Grantor and Azalea Plaza, Ltd., which is dated June 25, 1997 and is recorded in Official Records Book 17750 at Page 3725 of the Public Records of Miami-Dade County, Florida (the "Walgreens Covenant");

WHEREAS, the cross access easements that are established in the Walgreens Covenant benefit the following described real property.

Tract "A" of S.G. Plat, according to the plat thereof, recorded in Plat Book 150, Page 67 of the Public Records of Miami-Dade County, Florida (the "Walgreens Parcel");

WHEREAS, prior to their first and second replatting into the MGCP Parcel, the CS Parcel, the BMS Parcel and the Walgreens Parcel, such properties together constituted a single, approximate 5.7 acre parcel that was originally platted as Tract "A" of Miami Gardens Corporate Park, according to the plat thereof, recorded in Plat Book 130 at Page 36 of the Public Records of Miami-Dade County, Florida ("Tract 'A'");

WHEREAS, the northerly lot line of the CS Parcel directly abuts the BMS Parcel, and the easterly lot line of the CS Parcel directly abuts the Walgreens Parcel;

WHEREAS, a portion of the southerly lot line of the BMS Parcel directly abuts the Walgreens Parcel and another portion of the southerly lot line of the BMS Parcel directly abuts the CS Parcel;

DOCSTPDEE 0.60 SURTX 0.45
HARVEY RUVIN, CLERK DADE COUNTY, FL

55102

WHEREAS, the Grantor is the owner of that certain parcel of land that directly abuts the westerly lot lines of both the CS Parcel and the BMS Parcel and that is more particularly described as:

Tract "B" of Miami Gardens Corporate Park, according to the plat thereof, recorded in Plat Book 130 at Page 36 of the Public Records of Miami-Dade County, Florida ("Tract "B").

WHEREAS, Grantor desires and intends to declare and to grant to the owner of the CS Parcel, to the owner of the BMS Parcel, and to the owner of Tract "B", and for the non-exclusive benefit of the CS Parcel, the BMS Parcel and Tract "B", a non-exclusive easement over the parts of the CS Parcel and the BMS Parcel, for the purposes set forth herein and no other purposes;

WHEREAS, Grantor, as owner of the CS Parcel, desires and intends to accept the easements granted herein for the non-exclusive benefit of the CS Parcel; BMS desires and intends to accept the easements granted herein for the non-exclusive benefit of the BMS Parcel; and Grantor desires and intends to accept the easements granted herein for the non-exclusive benefit of Tract "B".

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein set forth and the sum of Ten (\$10) Dollars paid by BMS to Grantor and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Definitions. For purposes hereof:

(a) The term "Grantee" shall mean and refer to each and all of the owner of the CS Parcel, BMS and the owner of Tract "B" or any part thereof.

(b) The term "Owner" or "Owners" shall mean any Grantee and any and all successors or assigns of Grantor that are the owner or owners of fee simple title to all or any portion of the MGCP Parcel, the CS Parcel, the BMS Parcel or Tract "B", whether by sale, assignment, inheritance, operation of law, trustee's sale, foreclosure, or otherwise, but not including the holder of any lien or encumbrance on such MGCP Parcel, the CS Parcel, the BMS Parcel or Tract "B".

(c) The term "Parcel" or "Parcels" shall mean the CS Parcel or the BMS Parcel or Tract "B" and any future subdivisions thereof.

(d) The term "Permittees" shall mean: (i) the tenants of a Parcel and any improvement that is now or may hereafter be constructed on any Parcel; and (ii) the agents, employees, licensees and invitees of the Owner and the tenants of a Parcel and any improvement that is now or may hereafter be constructed on any Parcel.

2. Declaration of Easement.

2.1 Grantor hereby declares for the benefit of the CS Parcel, the BMS Parcel and Tract "B" and their respective Owners and Permittees, a perpetual non-exclusive easement upon, over and across those parts of the MGCP Parcel that are legally described in Exhibit "C" hereto and

that are hereinafter referred to as the "Servient Estates", for the sole purposes of providing reciprocal pedestrian and vehicular ingress, egress and access, over, upon and across the Servient Estates: (i) from Tract "B", the BMS Parcel and the CS Parcel to the publicly dedicated road right-of-way that abuts the CS Parcel, which is known as Miami Gardens Drive and which is also known as N.W. 183rd Street; and (ii) from the CS Parcel, Tract "B" and the BMS Parcel to the westerly line of termination of a driveway and culvert over the canal and canal maintenance easement that lie between the BMS Parcel and the dedicated road right of way which is known as N.W. 57 Avenue. The perpetual non-exclusive easement that is granted herein over the Servient Estates is hereinafter referred to as the "Easement".

2.2 Exhibit "D" hereto is a graphic depiction of the Servient Estates. In the event of an inconsistency between the graphic depiction of the Servient Estates contained in Exhibit "D" and the legal descriptions thereof contained in Exhibit "C", Exhibit "C" shall control.

2.3 The Easement that is granted over, upon and across the Servient Estates is not an exclusive easement to the CS Parcel, or the BMS Parcel or to Tract "B". The Owners of Tract "B" and the Owners of the Parcels, together with all Owners in any future subdivision thereof, together with all Permittees, all shall have the right to use the Servient Estates for the purposes set forth in this Easement. In the event of any subdivision of a Parcel that occurs subsequent to the date this Easement is placed of public record, all benefits and burdens of this Easement shall apply to each and every subdivided portion of a Parcel.

2.4 No part of the Servient Estates shall underlie any building or structure existing, or proposed to exist, on any part of the MGCP Parcel as of the date of this Easement. Subsequent to the date of this Easement, no Owner may erect any building or structure on, over or within any Servient Estate, without the prior written consent of all Owners. Nothing contained in this Easement will limit the right of an Owner to install, within that part of the Servient Estates that is located on such Owner's Parcel, pavement, drainage, utility lines, conduits facilities or any other improvement listed in the first sentence of Section 6.1 hereof, provided no such improvement installed may interfere with the use of the Easement as provided herein.

2.5 Except to the extent set forth in this Easement, the use of the Easement may not interfere with or impair any Owner's use of its respective owned part of the MGCP Parcel or the operation of such Owner's business thereon.

2.6 This Easement does not create, and shall not be intended to create, any parking rights on any part of the Servient Estates in favor of any third party including, but not limited to, any Owner or Permittee.

2.7 In entering into and accepting this Easement, no Owner will be delayed or interfered within such Owner's process to obtain development and building permits for such Owner's proposed improvements on its part of the MGCP Parcel.

3. Acceptance of Easement. In accepting this Easement, each of: Grantor, as the owner of the CS Parcel; BMS; and Grantor, as the owner of Tract "B", acknowledges and agrees that it accepts the provisions of Section 2 hereof.

4. Indemnification. Each Owner agrees to indemnify and hold any Owner that owns any part of the Servient Estates, harmless from and against all claims, liabilities and expenses arising from any act or omission of the indemnifying Owner or its Permittees including, but not limited to,

reasonable attorney's fees relating to accidents, injuries, loss, or damage to persons or property, arising from or in any manner relating to the use of the Easement, except as may result from the gross negligence or intentional misconduct of the indemnified Owner.

5. Initial Paving of the Servient Estates.

5.1 The owner of the CS Parcel is solely responsible for, and agrees to pay, all costs initially to pave the part of the Servient Estates that is located on the CS Parcel.

5.2 BMS is solely responsible for, and agrees to pay, all costs initially to pave the part of the Servient Estates that is located on the BMS Parcel.

5.3 No Owner will have any obligation to pay for the installation of any pavement on or to pave any part of the Servient Estates that lies on a part of the MGCP Parcel that is not owned by such Owner.

5.4 All such initial paving shall comply with all applicable laws, rules and regulations and shall be completely installed by not later than the date the Owner receives a certificate of occupancy for the improvements on such Owner's Parcel.

5.5 In the event either the owner of the CS Parcel or BMS fails to pave its respective part of the Servient Estate, as provided in Section 5.1 and 5.2 upon not less than 15 days prior written notice of such failure to pave during which the pavement is not installed, any other Owner shall have the right to install such paving on behalf of the defaulting owner of the CS Parcel or BMS and, thereupon, shall have all rights as are provided in Section 8 hereof.

6. Maintenance.

Each Owner of the CS Parcel and the BMS Parcel shall be responsible to maintain, at its expense, the driveway improvements, curbs, gutters, pavement, striping, and directional signage located on the part of the Servient Estates on each such Owner's Parcel, as of the date hereof and hereafter. The Owner of the Walgreens Parcel is obligated to bear maintenance expenses of the driveway improvements, curbs, gutters, pavement, striping and directional signage on a part of the Servient Estate, as is more fully set forth in the Walgreens Covenant. To the extent that the owner of the Walgreens Parcel contributes for maintenance of the improvements on a part of the Servient Estate, as provided in the Walgreens Covenant, then the amount of contributions from the owner of the Walgreens Parcel will be deducted from the overall expenses to maintain the improvements on all of the Servient Estate before any Owner is obligated to pay for maintenance costs, as further provided in this Section 6. The expenses of maintenance, exclusive of the costs of the initial paving and installation of initial improvements, shall be proportionally shared among the Owners of the CS Parcel and the BMS Parcel for the benefit of all users of the Easement. Maintenance expenses shall be shared on the basis that: (i) the number of square feet contained in the CS Parcel, which is 66,651, bears to the 248,727.6 square feet contained in Tract "A", which ratio is hereinafter referred to as "CS' Proportionate Share"; and (ii) the number of square feet contained in the BMS Parcel, which is 91,405, bears to the 248,727.6 square feet contained in Tract "A", which ratio is hereinafter referred to as "BMS' Proportionate Share". Nothing contained herein shall obligate the Owner of any Parcel or the Owner of the Walgreens Parcel to perform the maintenance responsibilities of any governmental authority that regulates Miami Gardens Drive or N.W. 57 Avenue.

7. No Rights in Public. Nothing contained herein shall be construed as dedicating for public use any portion of the CS Parcel, the BMS Parcel or Tract "B".

8. Remedies and Enforcement.

8.1 All Legal and Equitable Remedies Available. In the event of a breach by any Owner or its Permittees of any of the terms, covenants, restrictions or conditions hereof, the other Owner(s) shall be entitled forthwith to full and adequate relief by injunction and/or all such other available legal and equitable remedies from the consequences of such breach, including payment of any amounts due and/or specific performance.

8.2 Self-Help. In addition to all other remedies available at law or in equity, upon the failure of a defaulting Owner to cure a breach hereof within thirty (30) days following written notice thereof by non-defaulting Owner, any Owner shall have the right to perform such obligation contained in this instrument on behalf of such defaulting Owner and to be reimbursed by such defaulting Owner upon demand for the reasonable costs of performance, together with interest at the New York Prime Rate, as published in The Wall Street Journal, plus two percent (2%) but in no event to exceed the maximum rate of interest allowed by Florida law. Notwithstanding the foregoing, in the event of: (i) an emergency; (ii) blockage or material impairment of the Easement rights; (iii) the parking of vehicles on the CS Parcel or the BMS Parcel that is not authorized under this Easement, an Owner may immediately cure the same and be reimbursed by the other Owner, upon demand for the reasonable cost thereof together with interest at the New York Prime Rate, plus two percent (2%).

8.3 Remedies Cumulative. The remedies specified herein shall be cumulative and in addition to all other remedies permitted at law or in equity.

8.4 No Termination for Breach. No breach of this instrument shall entitle any Owner to cancel, rescind, or otherwise terminate the Easement. No breach hereunder shall defeat or render invalid the lien of any mortgage upon all or any Parcel made in good faith for value. This instrument shall be binding upon and effective against any Owner of such Parcel whose title is acquired by foreclosure, trustee's sale, or otherwise.

9. Miscellaneous

9.1 Amendment. This instrument may be modified, amended or terminated, in whole or in part, only by a document that has been executed by all record Owners of the CS Parcel, the BMS Parcel and Tract "B", and that has been recorded in the Public Records of Miami-Dade County, Florida.

9.2 No Waiver. No waiver of any default of any obligation by any party hereto shall be implied from any omission by the other party to take any action with respect to such default.

9.3 No Agency. Nothing herein shall be deemed or construed by any party or by any third person to create the relationship of principal and agent or of limited or general partners or of joint venturers or of any other association between the parties.

9.4 Covenants to Run with Land. The Easement and covenants set forth herein run with and burden each Parcel.

9.5 Grantee's Acceptance. The Owner of any Parcel and Tract "B" or any portion thereof, by acceptance of a deed conveying title thereto, accepts such Parcel and Tract "B" subject to the provisions of this instrument.

9.6 Separability. Each provision of this instrument and the application thereof to the owner of the CS Parcel, the BMS Parcel and to Tract "B" are hereby declared to be independent of and severable from the remainder of this instrument. If any provision contained herein shall be held to be invalid or to be unenforceable or not to run with the land, such holding shall not affect the validity or enforceability of any other provision of this instrument. Ownership of both Parcels by the same person or entity shall not terminate this Easement, nor in any manner affect or impair the validity or enforceability of this Easement.

9.7 Joinder of each Owner's Mortgagee. In the event any Owner has granted a mortgage lien on its Parcel prior to the date such Owner executes this Easement, then such Owner agrees to obtain the recordable joinder this Easement from its mortgagee.

9.8 Time of Essence. Time is of the essence of this instrument.

9.9 Entire Agreement. This instrument contains the complete understanding and agreement of the parties hereto with respect to all matters referred to herein, and all prior representations, negotiations, and understandings are superseded hereby.

IN WITNESS WHEREOF, Grantor executed and delivered this instrument and the Grantees have accepted the same the year and day first above written.

Attest: Bill G. Davis
Bill G. Davis
Its: Secretary/Treasurer

MGCP, INC., a Florida corporation

By: H. Leland Taylor
H. Leland Taylor
Its: Vice President

Attest: Victor Brown
Victor Brown
Its: SECRETARY

BMS MIAMI GARDENS, L.L.C., a Florida limited liability company

By: Victor Brown
VICTOR BROWN
Its: PRESIDENT

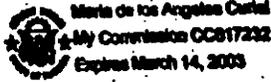
STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 21st day of July, 2000
by Bill G. Davis and H. Leland Taylor the
Secretary and Vice President respectively of MGCP, Inc., a Florida

OFF. 1922416 637
REC.

corporation, on behalf of the Corporation, who are personally known to me and who did not take an oath.



[Signature]

Notary Public
State of Florida

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 27 July, 2000
by VICTOR BROWN and VICTOR BROWN the
PRESIDENT and SECRETARY respectively of BMS Miami Gardens, L.L.C.,
a Florida limited liability company, on behalf of the Company, who are personally known to me and
who did not take an oath.

Kathleen K Jones
OFFICIAL NOTARY SEAL
KATHLEEN K JONES
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC88816
MY COMMISSION EXP. NOV. 30 2003

Notary Public
State of Florida

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EXHIBIT "A"

("CS Parcel")

Tract "C" of SG PLAT FIRST ADDITION, according to the Plat thereof recorded in Plat Book 156 at Page 17 of the Public Records of Miami Dade County, Florida.

OFF. 192246 639
REC.

Exhibit "B"

("BMS Parcel")

Tract "D" of SG PLAT FIRST ADDITION, according to the Plat thereof recorded in Plat Book 156 at Page 17 of the Public Records of Miami-Dade County, Florida.

LEGAL DESCRIPTION

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That portion of land in Tract "B" of S.G. Plat, according to the Plat thereof, as recorded in Plat Book 150, at Page 67 of the Public Records of Miami-Dade County, Florida; more particularly described as follows:

COMMENCE at the Northeast corner of Tract "A" of S.G. Plat, according to the Plat thereof, as recorded in Plat Book 150, at Page 67 of the Public Records of Miami-Dade County, Florida; thence S87°19'55"W along the North boundary line of said Tract "A", as a basis of bearings, for 70.00 feet; thence N02°40'05"W for 5.00 feet to the POINT OF BEGINNING of the land hereafter described; thence S87°19'55"W for 186.00 feet to a point of curvature, thence Southwesterly 21.99 feet along the arc of a curve to the left, said curve having a radius of 14.00 feet and central angle of 90°00'00" to a point of tangency; thence S02°40'05"E for 255.81 feet; thence S87°57'10"W for 20.00 feet; thence N02°40'05"W for 250.82 feet to a point of curvature, thence Northwesterly 29.27 feet along the arc of a curve to left said curve having a radius of 20.00 feet and central angle of 83°50'58" to a point of tangency; thence N86°31'03"W for 131.94 feet; thence N03°28'57"E for 20.00 feet; thence S86°31'03"E for 139.37 feet; thence N87°19'55"E for 228.32 feet; thence S02°40'05"E for 20.00 feet to the POINT OF BEGINNING. Containing 12883 square feet more or less.

LEGEND

P.B.	Plat Book.	O.R.B.	Official Record Book.	CA	Central Angle
PG.	Page	P.O.C.	Point of Commence	L	Length of curve
ℙ	Property Line	P.O.B.	Point of Beginning.	R	Radius

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY that the LEGAL AND SKETCH of the property described hereon was made under my supervision and that the LEGAL AND SKETCH meets the Minimum Technical Standards set forth by the Florida Board of Professional Land Surveyors and Mappers in Chapter 61G17-8, Florida Administrative Code pursuant to Section 472.027, Florida Statutes. And, that the sketch hereon is true and correct to the best of my knowledge and belief. Subject to notes and notations shown hereon. This sketch does not represent a land survey. Ludovici and Orange Consulting Engineers Inc. L.B. # 1012



by: Arturo A. Sosa P.S.M.
Reg. Surveyor and Mapper #2829
State of Florida

Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

LEGAL DESCRIPTION



LUDOVICI & ORANGE
CONSULTING ENGINEERS INC.
329 PALERMO AVE. CORAL GABLES, FL 33134
TEL: (305)448-1600 FAX: (305)446-3876

Date: 03-21-2000	Drawn: AF
Proj. 8537F	Checked: AS

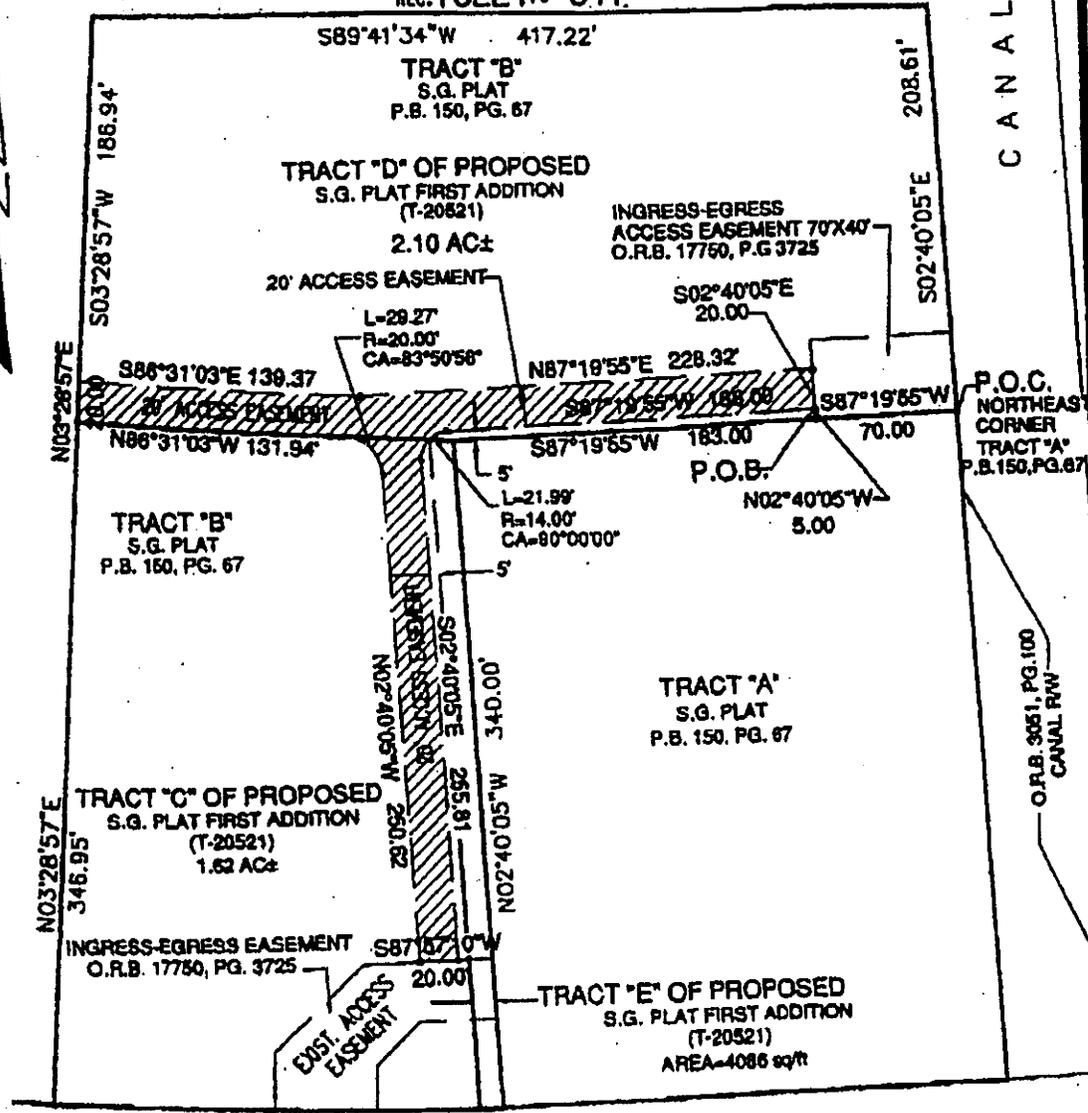
PARCEL 1

SHEET 1 of 2

Exhibit "C"

OFF. REC. 19224PG 641

SCALE: 1" = 80'



Not valid without the signature and the original related seal of a Florida licensed surveyor and mapper.

MIAMI GARDENS DRIVE N.W. 183RD STREET

SKETCH OF LEGAL DESCRIPTION



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CONSULTING ENGINEERS INC.
 329 PALERMO AVE. CORAL GABLES, FL. 33134
 TEL: (305)448-1600 FAX: (305)446-3876

Date: 03-21-2000	Drawn: AF
Proj: 8537F	Checked: AS
PARCEL 1	
SCALE: 1"=80'	SHEET 2 of 2

Exhibit "D"

OFF. REC. 19224PG 642

DOCUMENT COVER PAGE

Document Title: Declaration of Reciprocal, Non-Exclusive Access Easement

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Brief Legal Description: All of Tract "B", SG Plat, according to the Plat thereof, recorded in Plat Book 15, page 67 of the PUBLIC RECORDS OF Miami-Dade COUNTY, FLORIDA.

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MIAMI GARDENS COMMONS

90

AVOCADO

Handicap parking sign

Handicap parking sign











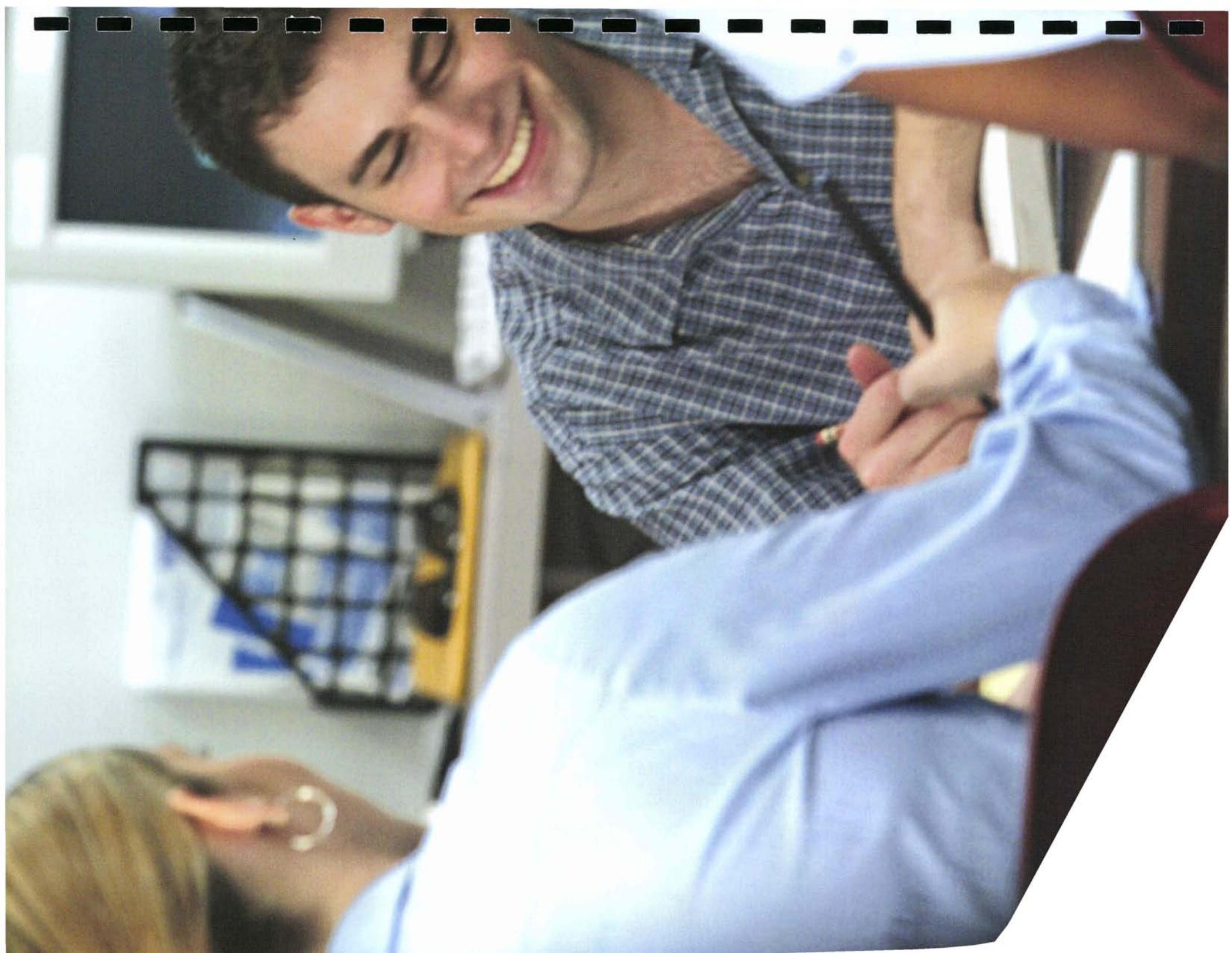
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ITT Technical Institute
EDUCATION FOR THE FUTURE







Welcome to the ITT Technical Institutes.
As educators dedicated to our students,
we help men and women develop
skill-sets and knowledge that can be used to
pursue career opportunities in today's world.

From hands-on applications in labs to graduate
job search assistance, we support our students.
We offer an education in some of the fastest
growing career fields.



“I AM GLAD I CHOSE ITT TECH,
AND I AM PROUD TO BE AN
ALUMNI OF SUCH A GREAT
INSTITUTION.”

– ORLANDO MCLIN, APRIL 29, 2005

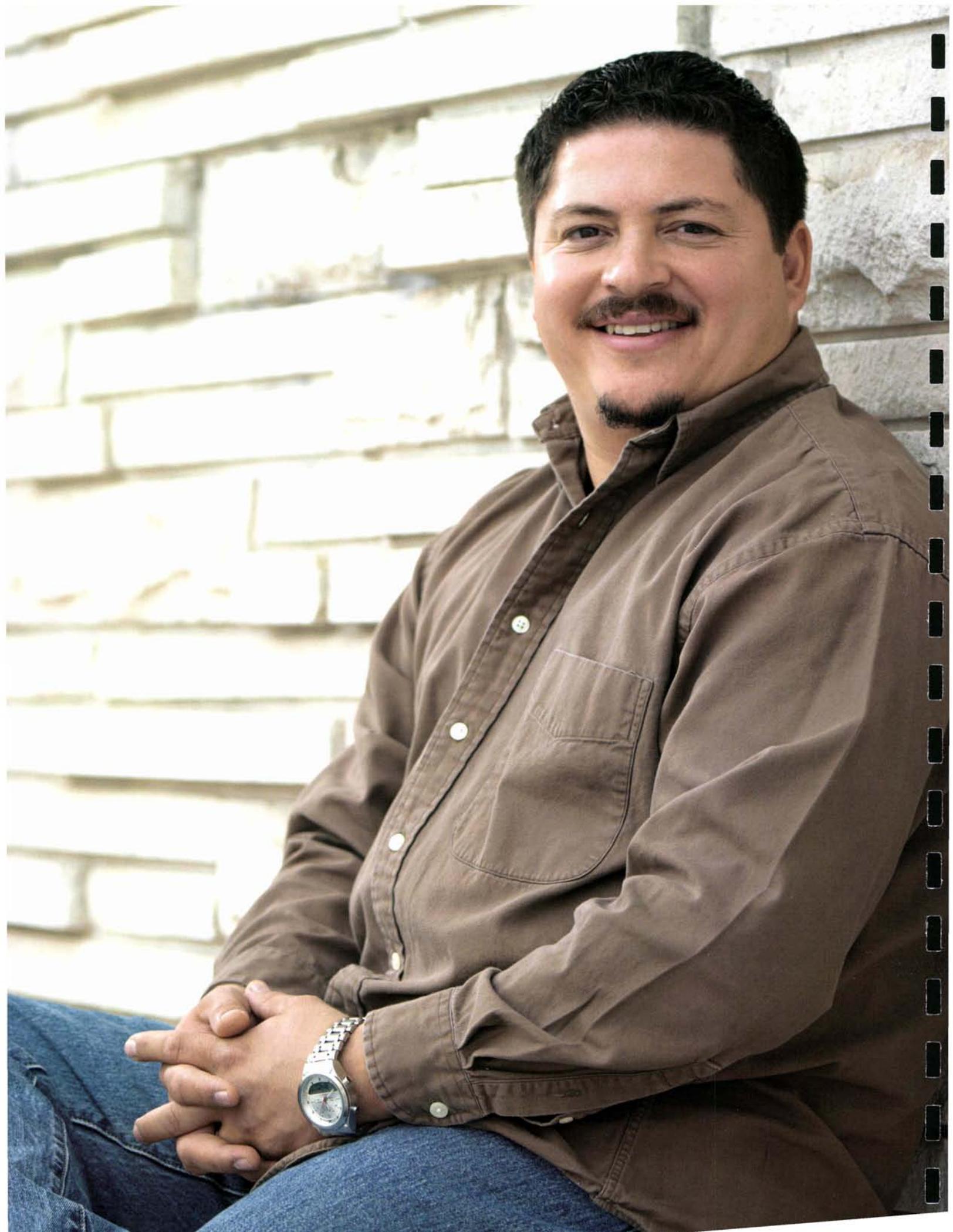
When we interviewed Orlando McLin he was a Project Manager for an architectural firm in Phoenix, Arizona. He said that he enjoys that every project is completely different and allows him to use his creativity. Orlando credits ITT Technical Institute with teaching him the principles to find his career path and he is proud of the education he received. He went to ITT Tech right after high school and says his instructors helped him become a better student and more professional. Thanks to his ITT Tech education, he developed skills that he used to help him start a career and take care of his family. In addition to his job as a Project Manager, Orlando is an instructor himself, teaching and motivating students to set and achieve goals.

ORLANDO MCLIN

Graduated from ITT Technical Institute, Tempe, AZ

Bachelor of Applied Science Degree in Computer Visualization Technology, 2003

Associate of Applied Science Degree in Computer-Aided Drafting Technology, 1998



“I FOUND THAT THE HANDS-ON
EXPERIENCE AT ITT TECH TRULY
GAVE ME DIRECTION.”

– HENRY IBARRA, NOVEMBER 21, 2005

Henry Ibarra decided to go to ITT Technical Institute in search of a career change. He said he was tired of working jobs where he felt he had no chance of advancement or of achieving financial stability. The hands-on teaching and the interaction with instructors at ITT Tech helped Henry find direction and determine what he wanted to do to shape his future.

After graduating, Henry obtained a job with a leading company in the manufacturing of computer numerical control punch and laser machines for the sheet metal industry. When we interviewed Henry he was a Service Engineer responsible for maintaining and servicing regional clients.

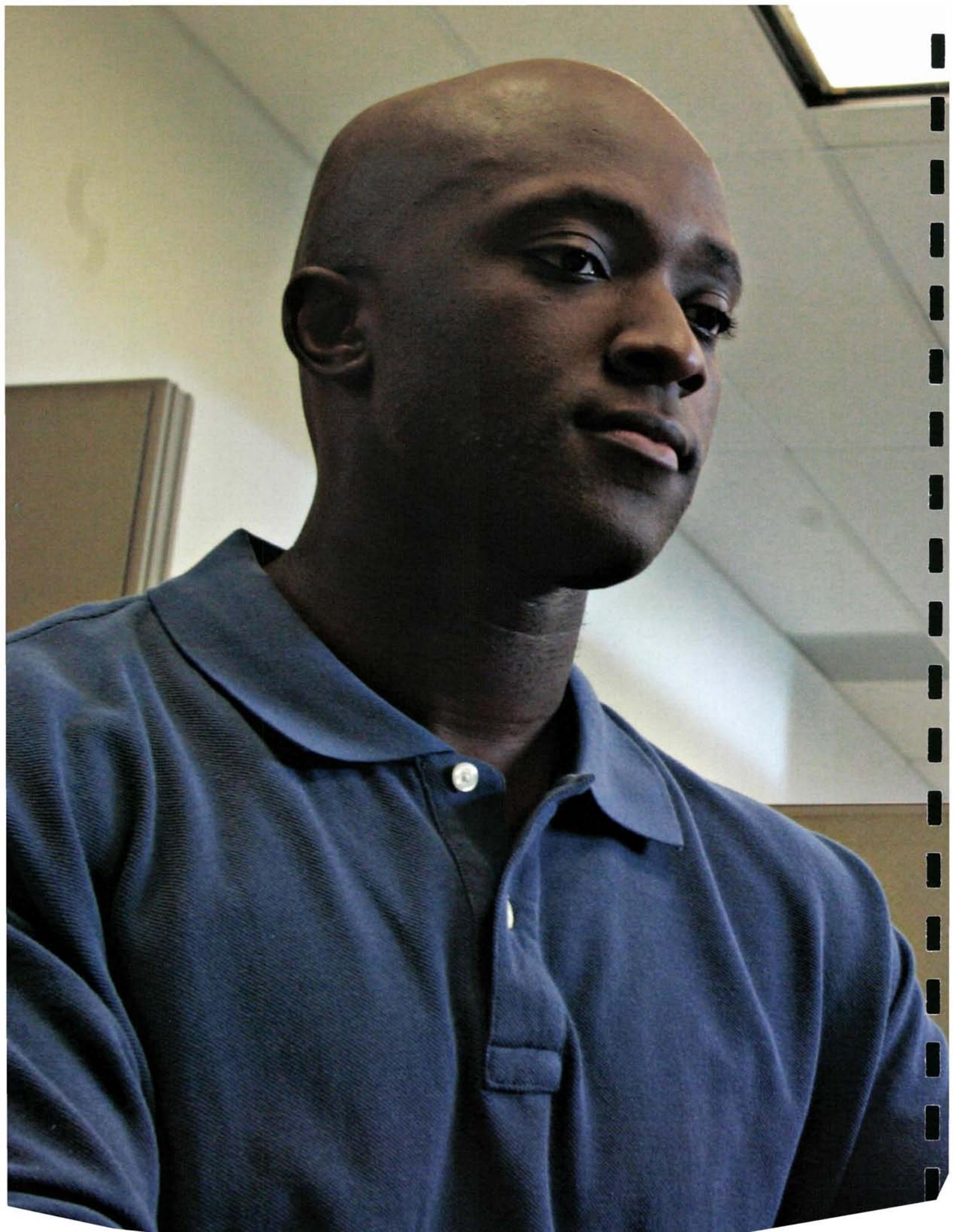
His family –especially his wife– is very proud of him and he feels his life is full. If he could, the only one thing Henry would change would be to have attended ITT Tech much earlier on in his life.

HENRY IBARRA

Graduated from ITT Technical Institute, West Covina, CA

Bachelor of Science Degree in Automated Manufacturing Technology, 1997

Associate of Science Degree in Electronics Engineering Technology, 1996



“EDUCATION HAS MADE A HUGE
IMPACT ON MY LIFE.”

– WILLIAM AGNEW, JUNE 25, 2006

William Agnew now knows the impact that education can have on a person’s life, but it wasn’t always like that. He had tried college right out of high school, but at the time, he felt it didn’t work for him and dropped out. A few years later, and after starting a family, he understood that he needed to go back to school to help him build a career. He chose ITT Technical Institute.

At ITT Tech, William was determined to make the best out of it and took advantage of everything ITT Tech had to offer. He thinks of ITT Tech as his platform to success; the place where he was taught the basics of what he could use to pursue his career.

William says that having an education made a difference in his life from both a social and financial standpoint, and that he enjoys working for one of the world’s leading manufacturers of semiconductors.

WILLIAM AGNEW

Graduated from ITT Technical Institute, Phoenix, AZ

Bachelor of Science Degree in Electronics Engineering Technology, 2002

Graduated from ITT Technical Institute, Greenville, SC

Associate of Applied Science Degree in Electronics Engineering Technology, 2001



**“THE EDUCATION I RECEIVED AT ITT TECH
HAS ALLOWED ME TO GET INTO A CAREER.”**

– CHARLIE GRAVES, JUNE 24, 2006

When we interviewed Charlie Graves he was a Biomedical Technician for one of the country's leading medical equipment rental and biomedical services company. He says that he loves being able to put his electronic and problem-solving skills to good use helping the medical community.

Charlie told us that going to ITT Technical Institute was a turning point in his life. He felt that the instructors really cared about the quality of the education he was receiving, and he was surprised to find himself truly enjoying going to class and learning. After graduation, Charlie obtained his current job.

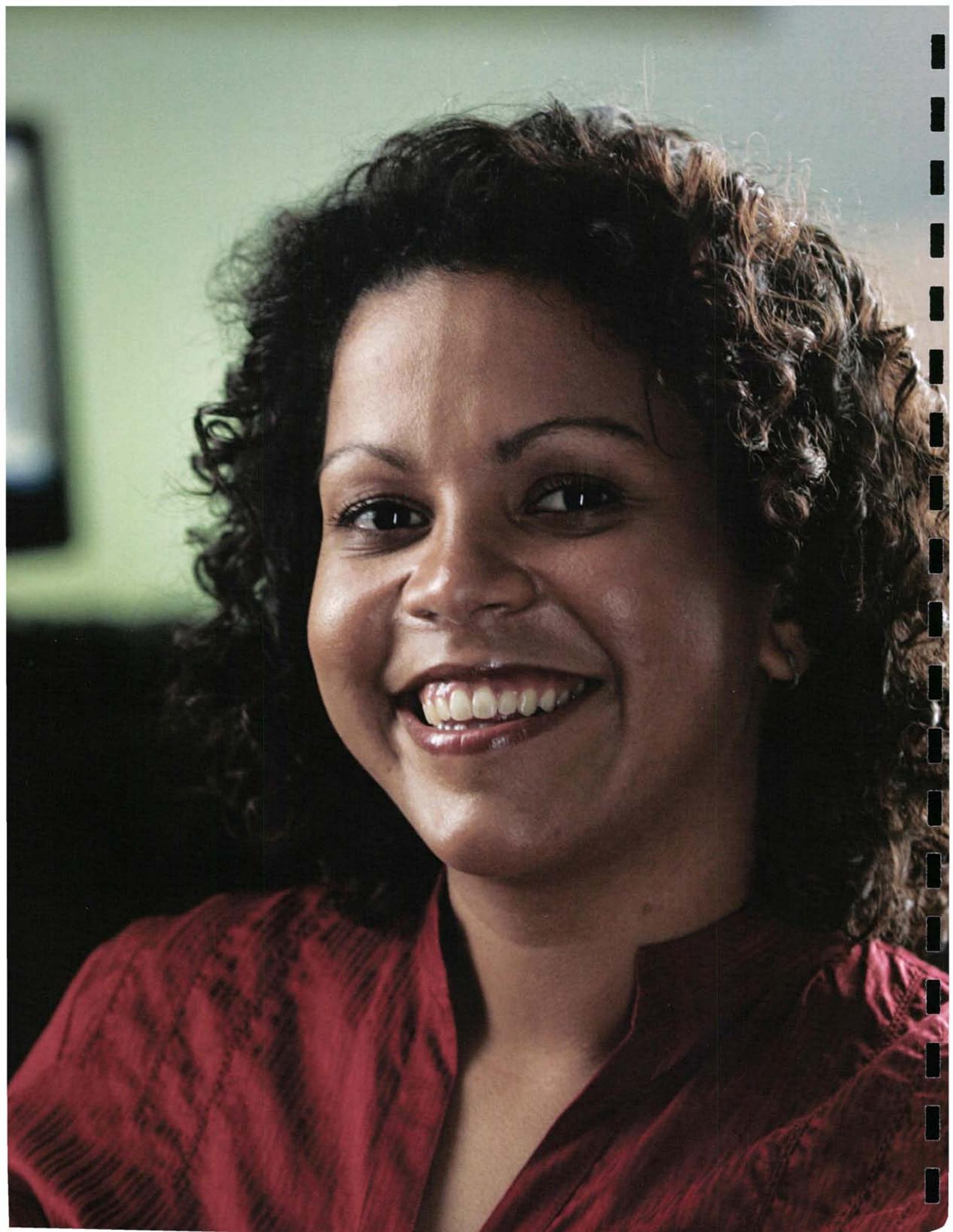
Balancing work, family and school wasn't easy, but Charlie believes that the sacrifice was well worth it. His education, he says, has helped him advance into better job opportunities and become a better provider to his family.

CHARLIE GRAVES

Graduated from ITT Technical Institute, Little Rock, AR

Bachelor of Science Degree in Electronics and Communications Engineering Technology, 2006

Associate of Applied Science Degree in Computer and Electronics Engineering Technology, 2004



“IF YOU LOVE COMPETITION AND
YOU WANT TO PROVE THAT WOMEN
CAN DO THIS, I DEFINITELY SAY GO
FOR ELECTRONICS.”

– NATALIE BAEZ, JUNE 25, 2006

When we interviewed Natalie Baez she was an in-house investigator for a firm that helps law offices on cases involving matters such as computer fraud and surveillance. In this position she uses her knowledge and skills to conduct computer forensics and surveillance in a variety of legal cases ranging from white collar crimes to child abuse.

Natalie told us that everything she’s doing is connected to what she learned at ITT Technical Institute. She says that she learned from hands-on applications –not just theory lectures– and knows how things work. Natalie says that the knowledge she obtained from hands-on applications has been an asset in her professional life.

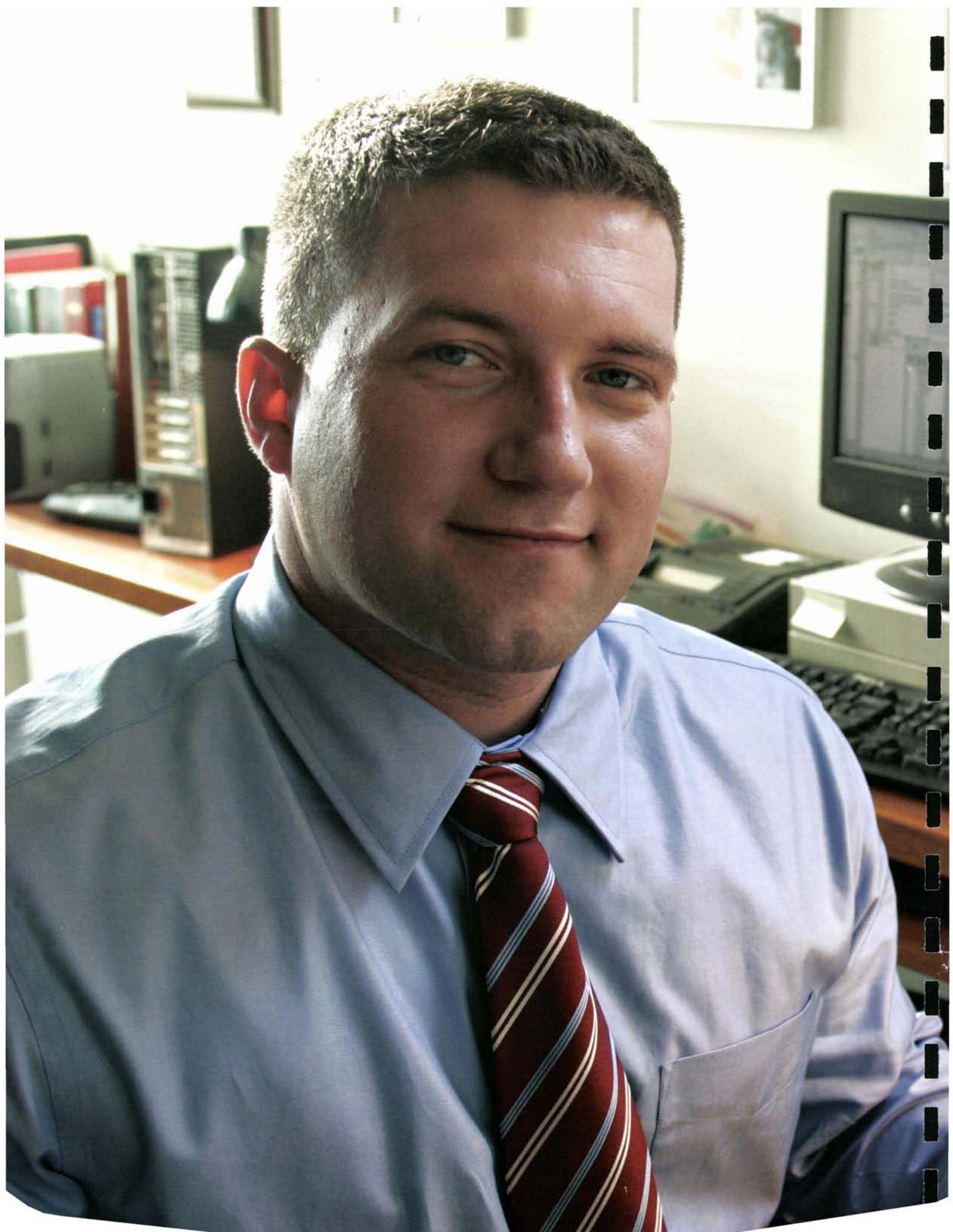
Working in a male-dominated field has been challenging, but Natalie loves to compete and overcome barriers.

NATALIE BAEZ

Graduated from ITT Technical Institute, Ft. Lauderdale, FL

Bachelor of Science Degree in Electronics Engineering Technology, 2001

Associate of Science Degree in Electronics Engineering Technology, 1999



**“YOU SEE THE PRIZE.
GO GET IT; DON’T LET
ANYTHING STOP YOU.”**

– TORY RHYNE, JUNE 24, 2006

When we interviewed Tory Rhyne he was an IT specialist providing IT support to a law enforcement agency. Tory told us that he enjoys feeling he is moving up and doors are opening up for him, and that he knows getting an education was his steppingstone.

Before getting his education, he felt he was in a rut and life was passing him by. Tory learned from his dad that life is not a spectator sport, so he decided to go to ITT Technical Institute. That was his turning point. The hands-on education at ITT Tech helped Tory prepare for the work he does, and he now feels fulfilled.

Tory keeps setting new goals and striving to achieve them. He doesn’t let anything stop him or get him down. He keeps an upbeat attitude and doesn’t let anything stand in the way of achieving his goals.

TORY RHYNE

Graduated from ITT Technical Institute, Spokane, WA

Bachelor of Science Degree in Information Systems Security, 2005

Associate of Applied Science Degree in Information Technology–Computer Network Systems, 2003



“HAVING AN EDUCATION IN
ELECTRONICS REALLY OPENS
UP YOUR OPTIONS.”

– MIKE PREDIKA, JUNE 25, 2006

Mike Predika decided to enroll at ITT Technical Institute after spending four years in the United States Air Force as a communications navigations specialist. When his term was over, he knew it was time to take the next step and advance his education.

Mike says that getting an education broadened his options and helped him get into the field of electronics engineering technology. That’s the field where he was working as a Senior Engineer and Technologist when we interviewed him. He told us that he is glad he went to ITT Tech and learned what he needed to help him reach his objectives.

Mike now also contributes to the improvement of curricula at ITT Tech through his participation on the advisory committee for the School of Electronics Technology.

MIKE PREDIKA

Graduated from ITT Technical Institute, Albuquerque, NM

Bachelor of Science Degree in Electronics and Communication Engineering Technology, 2004

Associate of Applied Science Degree in Computer and Electronics Engineering Technology, 2003



School of Information Technology

BACHELOR DEGREE PROGRAMS

Data Communication Systems Technology

This program can help graduates prepare to design, deploy and manage data communication systems and infrastructures. Graduates of this program may pursue career opportunities involving the design, deployment, implementation and administration of networking and data communication systems and infrastructures, in a variety of entry-level positions.

Information Systems Security¹

Individuals with knowledge of information systems security are now considered to be an important part of most IT infrastructure teams. Roles cover a range of activities from analysis, to design and implementation of security systems, to security monitoring and countermeasures and ongoing administration. Graduates of this program may pursue careers in a variety of entry-level positions involving information systems security, such as network/security administrators or security systems technologists.

Project Management

This program combines theory and techniques that can be used by a project management professional to practice in a digital global environment. The program includes instruction on project management knowledge areas and processes designated by the Project Management Institute. Courses teach knowledge and skills to help participate in and lead the management of a variety of project types. It includes techniques for initiating, planning, organizing, staffing, guiding, monitoring and controlling a project through an integrated process to meet identified requirements on time and on budget. Graduates may begin their careers in entry level positions as a project team member, project coordinator, project scheduler, project resource coordinator or project manager with a business, government agency or other organization.

Software Applications Development

The purpose of this program is to help graduates develop knowledge and skills to pursue career opportunities in areas involving software design and development, systems analysis, programming, process design and management, and other areas related to computer software production and deployment. The coursework offers a foundation in programming skills using a number of languages and platforms while systematically addressing theories and methods of software engineering processes and models governed by industry standards.

Software Engineering Technology

This program of study can help graduates prepare for career opportunities in areas involving software design and development, systems analysis, programming, software development process design and management, and other areas related to computer software production to help meet the needs of business and consumer markets. Graduates of this program may pursue career opportunities in a variety of entry-level positions, including software developer, Web application developer, software engineer, software applications analyst, Web applications analyst, Web applications specialist and software applications specialist.

ASSOCIATE DEGREE PROGRAMS

Information Technology–Computer Network Systems

This program can help graduates prepare to perform tasks associated with installing, upgrading and maintaining computer network systems in typical LAN/WAN environments. Graduates may pursue careers in Information Technology–Computer Network Systems in a variety of entry-level positions.

Information Technology–Software Applications and Programming

This program can help graduates prepare to perform tasks associated with developing and modifying software applications. Graduates may pursue careers in Information Technology–Software Applications and Programming in a variety of entry-level positions.

Information Technology–Web Development

This program can help graduates prepare to perform tasks associated with designing, creating and maintaining Web sites. Graduates may begin their careers in Information Technology–Web Development in a variety of entry-level positions.

Software Development Technology

The goal of this program is to help the student learn a balanced combination of practical programming techniques and problem-solving skills. Areas of study include logical and algorithmic analysis and design, object-oriented programming and relational databases, programming languages and development tools, Web scripting and programming, Web services and applications, software development lifecycles, and business and ethical impacts on software development practices. Graduates of this program may begin their careers in a variety of entry-level positions involving computer software development.



School of Electronics Technology

BACHELOR DEGREE PROGRAMS

Industrial Automation Engineering Technology

This program of study offers instruction in electronics applications and computer aspects of automated manufacturing, including both theory and applications of digital and industrial electronics, hydraulics/pneumatics, robotic systems, computer-assisted manufacturing languages and programming, and industrial management. Graduates of this program may pursue career opportunities in a variety of entry-level positions, such as technical sales representative, automation technician, machine technician, manufacturing technician, process control technician, field service technician and production maintenance technician.

Electronics and Communications Engineering Technology

This program can help graduates prepare for career opportunities in a variety of entry-level positions in various fields involving electronics engineering technology, including communication systems. Among the types of work environments that may use the services of graduates with the skills addressed in this program are: data and telecommunications service providers, TV and satellite services organizations, entertainment industries, transportation companies, communications R&D facilities, product development departments, research and development groups,

quality engineering departments, field service offices and maintenance departments.

ASSOCIATE DEGREE PROGRAM

Computer and Electronics Engineering Technology

This program of study can help students become acquainted with certain circuits, systems and techniques used in electronics and computer technology career fields. It also exposes students to a combination of classroom theory and practical application in a laboratory environment. Graduates of this program may begin their careers in a variety of entry-level positions in many fields involving electronics and computer technology.

School of Drafting and Design

BACHELOR DEGREE PROGRAMS

Digital Entertainment and Game Design

This program of study can help graduates prepare for career opportunities in a variety of entry-level positions involving technology associated with designing and developing digital games and multimedia applications. Graduates' entry-level job functions may include working as a part of a team to help design, develop, test and produce video games or create animations and 3D scenes for use in video games.

Construction Management

This program can help graduates prepare for career opportunities in the construction industry. The program offers a foundation in construction management, construction techniques and legal issues relating to the construction management field. Areas of study include building codes, site construction and measurement, construction documents, construction project management and construction safety management. Graduates may begin their careers in a variety of entry-level positions involving construction estimating, construction safety, construction project management or building code compliance with specialty trade contractors or general building contractors, architectural, engineering and related service firms, and local governments.

ASSOCIATE DEGREE PROGRAMS

Computer Drafting and Design

This program combines, wherever appropriate, computer-aided drafting with conventional methods of graphic communication to solve drafting and basic design-related problems. Graduates may begin their careers in a variety of entry-level positions in various fields involving drafting and design, some of which include mechanical drafting, piping drafting, architectural and construction drafting, civil drafting, interior design, illustration and design detailing.

Information Technology–Multimedia

This program can help graduates prepare to perform tasks associated with designing and creating interactive multimedia communications. Additional curriculum topics, investigated through classroom and laboratory experiences, include introductory computer programming, multimedia applications and other related technical subjects. Graduates may begin their careers in Information Technology–Multimedia in a variety of entry-level positions.

Visual Communications

This program examines how to perform tasks associated with the design and production of digital and print media, as well as a variety of applications used in corporate and public communications. Topics include graphic design, multimedia applications, other related technical subjects and general education subjects. Graduates of this program may pursue entry-level positions in visual communications-related professions.

School of Business

GRADUATE PROGRAM

Master of Business Administration ²

Designed for the working adult, the Master of Business Administration (MBA) program synthesizes practical issues, such as business management, information systems, finance and regulatory restraints, with strategic issues such as leadership, group processes and decision analysis.

BACHELOR DEGREE PROGRAMS

Technical Project Management ¹

This program combines the theory and techniques of the professional discipline of project management with an emphasis on their application to electronic commerce. Graduates of this program may begin their careers in entry-level positions involving personnel and projects to implement, support, maintain and update electronic business systems.

Business Administration ¹

Business administration skills can be important in every organization, from government to the private sector and from small local companies to multi-national companies. This program offers a foundation to develop business knowledge and skills. It combines the study of fundamentals of marketing, finance, communication and strategic management, while also emphasizing the impact of the dynamic, global information age on business and how to make efficient use of technology. This program offers graduates the opportunity to develop knowledge and skills that can help them begin careers in a variety of entry-level business and related positions.

Business Accounting Technology ¹

The fundamentals of accounting and business operations are important in many economic endeavors. This program blends accounting concepts and skills, financial applications and elements of business with accounting technology, such as business data interchange and migration, and network technologies. This blend offers students a practitioner-oriented program of study that can help them prepare to function in a variety of business atmospheres. The program can help graduates prepare for a business accounting career and pursue entry-level positions in fields involving accounting or finance.

1. Program offered on-campus or online. All online programs of study are offered through the ITT Technical Institute in Indianapolis, Indiana (IN AC-0148 OH Reg. No. 01-12-1614T) and are delivered by means of distance education.

2. Program offered only online through the ITT Technical Institute in Indianapolis, Indiana (IN AC-0148 OH Reg.No.01-12-1614T) and is delivered by means of distance education.



Business Administration–Project Management ¹

A blend of knowledge and skill in business administration and project management can be beneficial to the operation, growth and management of many organizations. This program involves the study of business fundamentals and project management skills. Students are taught tools and techniques that can be used to plan, schedule, report, control and manage projects. The program emphasizes the project planning process: the project life cycle; requirements and scope; and quality assurance plans. The Project Management program can help graduates prepare for careers in a variety of entry-level business and project management positions.

ASSOCIATE DEGREE PROGRAMS

Business Administration ¹

Large or small, every organization can use effective business professionals. This program includes three major focuses: business; marketing; and communication. It also offers instruction on teamwork, technology and problem solving and includes general education coursework. The program is designed to offer graduates an opportunity to develop knowledge and skills that can help them begin careers in a variety of entry-level positions in business or related areas.

Business Accounting Technology ¹

This program includes instruction on basic accounting principles and financial accounting applications. Students will have the opportunity to create, analyze and interpret financial data and statements. Critical thinking, accounting technology and professional and interpersonal communication are also elements of this program. Graduates will have developed knowledge and skills used to integrate general accounting, finance, data interchange and network technologies.



BACHELOR DEGREE PROGRAMS

Criminal Justice ^{1,3}

This program teaches the fundamentals of the criminal justice system and criminal justice skills. Students are taught about the legal system and law enforcement standards to help them develop technical skills used in today’s criminal justice environment. Areas of study include law enforcement, the courts and corrections. Upon completion of the program, graduates will have developed knowledge and skills that can be used to pursue entry-level positions involving a broad spectrum of criminal justice careers in the private sector and government.

Criminal Justice–Cyber Security ^{1,3}

An emerging area of study within Criminal Justice offers knowledge and skills that can be used to recognize, resist and recover from attacks on networked computer systems. This program offers a foundation to understand the risks and damages associated with digital fraud and cyber crimes. Students are taught the fundamentals of cyber security, including methodologies for inspecting and protecting computer systems, as well as detecting and responding to cyber crimes. This program can help graduates prepare for employment in entry-level positions within the criminal justice field, including computing, cyber security, cyber crimes, risks and threats to Internet and local systems, or other areas.

ASSOCIATE DEGREE PROGRAM

Criminal Justice ^{1,3}

This program teaches fundamentals of the criminal justice system and criminal justice skills. The curriculum is designed to offer a balance of theory and application used in the field by integrating interpersonal skills and criminal justice subject matter. Program content includes communication, criminology, courts, correctional programs, criminal investigations, security and policing. The program can help graduates prepare for careers in community corrections, the private investigation and security fields and law enforcement.

Paralegal Studies

While lawyers assume ultimate responsibility for legal work, they often delegate many tasks to paralegals. The program leading to an associate’s degree in Paralegal Studies in the School of Criminal Justice at ITT Technical Institute is designed to help students prepare for entry-level positions as paralegals. Areas of study include ethics, legal research and writing, law office technology and specific areas of the law, such as criminal law, corporate law and litigation, among others. The program is also intended to help students develop critical thinking and problem-solving skills. Paralegals are found in various organizations, including law firms, corporate legal departments and government offices. Graduates of this program may pursue careers beginning with a variety of entry-level positions, including paralegal, real estate paralegal, contracts administrator and legal assistant.

1. Program offered on-campus or online. All online programs of study are offered through the ITT Technical Institute in Indianapolis, Indiana (IN AC-0148 OH Reg. No. 01-12-1614T) and are delivered by means of distance education.

3. This program of study may not qualify a graduate for a career in law enforcement involving employment as a police officer or agent by many federal, state, county, local or municipal authorities. An applicant must contact the applicable governmental authority prior to beginning the program of study at the ITT Technical Institute to determine if there are any specific requirements and/or qualifications that a candidate must satisfy to be eligible for employment as a police officer or agent by that authority.

Not all ITT Technical Institutes offer bachelor degree programs and not every program at a particular degree level is offered at every ITT Technical Institute. Please refer to the current school catalog of the particular ITT Technical Institute to determine the programs offered at that institute and the degree level of those programs.

ASSOCIATE DEGREE PROGRAM

Health Information Technology

This program teaches how to collect, analyze, monitor, maintain and report health data. These functions include, among other duties, processing requests for release of personal health information and coding clinical information. Another function involves processing health data for clinical quality management, billing and reimbursement, and compliance with patient privacy requirements. Graduates of this program may pursue entry-level positions involving health information technology in a variety of health care settings.

Nursing

This program is offered by ITT Technical Institute to help individuals prepare for careers as registered nurses and provide competent care in the wide range of health care settings. Nursing is both an art and a science that requires compassion, clinical knowledge, and critical thinking and problem-solving skills. The curriculum in this program addresses nursing values, the nursing process, health promotion and maintenance, nursing roles, therapeutic communication skills and competent nursing care. Graduates of this program are eligible to apply for and take the NCLEX exam for licensure as a registered nurse. Graduates may pursue careers as registered nurses in a variety of health care settings.



ITT TECHNICAL INSTITUTES

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Bessemer, AL 35022
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3100 Cottage Hill Road
Mobile, AL 36606
(251) 472-4760

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10220 North 25th Ave., Suite 100
Phoenix, AZ 85021-1605
(602) 749-7900

1840 North 95th Ave., Suite 132
Phoenix, AZ 85037
(623) 474-7900

5005 S. Wendler Dr.
Tempe, AZ 85282
(602) 437-7500

1455 W. River Rd.
Tucson, AZ 85704
(520) 408-7488

Arkansas

12200 Westhaven Drive
Little Rock, AR 72211
(501) 565-5550

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362 N. Clovis Avenue
Clovis, CA 93612
(559) 325-5400

1140 Galaxy Way
Concord, CA 94520
(San Francisco)
(925) 674-8200

4160 Temescal Canyon Road, Suite 100
Corona, CA 92883
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6101 West Centinela Avenue
Culver City, CA 90230
(Los Angeles)
(310) 417-5800

16916 S. Harlan Rd.
Lathrop, CA 95330
(Stockton)
(209) 858-0077

7901 Oakport Street
Suite 3000
Oakland, CA 94621
(510) 553-2800

4000 W. Metropolitan Drive
Suite 100
Orange, CA 92668
(714) 941-2400

2051 Solar Drive, Suite 150
Oxnard, CA 93036
(Los Angeles)
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(Sacramento)
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San Bernardino, CA 92408
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San Diego, CA 92123
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650 W. Cienega Avenue
San Dimas, CA 91773
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Sylmar, CA 91342
(Los Angeles)
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2555 W. 190th Street, Suite 125
Torrance, CA 90504
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440 S. Melrose Drive, Suite 100
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OH Reg# 71-03-0242T

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IN AC - 0148
OH Reg# 01-12-1614T

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IN AC - 0242

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Clive, IA 50325-8278
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Kansas

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Overland Park, KS 66213
(913) 253-1300

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Wichita, KS 67226
(316) 609-4100

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COMMUNITY ZONING APPEALS BOARD - AREA 5
MEETING OF THURSDAY, JULY 28, 2012
NORMA & JEAN REACH PARK
7901 N.W. 176 Street, Miami, Florida

ITEM

MIAMI GARDENS COMMONS, LLC
(11-077)

Members of the Board

Present

Juan A. Garcia, Chair
Joanne Carbana, Vice-Chair
Leonardo A. Perez
Alexander C. Senderoff
Ira J. Paul

STAFF

Earl Jones, Clerk
Jackie Carranza

John McInnis, Assistant County Attorney

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(Thereupon, the following proceedings were had:)

CHAIRMAN GARCIA: Good evening, Ladies and Gentlemen. Are the court report and the county attorney present?

THE COURT REPORTER: Present.

MR. McINNIS: Yes.

CHAIRMAN GARCIA: Thank you.

Ladies and Gentlemen, this meeting of Community Council 5 has come to order this 28th day of June 2012.

Please, at this time would you rise for the Pledge of Allegiance.

(Thereupon, the Pledge of Allegiance was had.)

CHAIRMAN GARCIA: You may be seated.

Staff, would you please call the roll.

MR. JONES: Vice Chairwoman Carbana?

VICE CHAIRWOMAN CARBANA: Present.

MR. JONES: Councilman Paul?

COUNCILMAN PAUL: Present.

MR. JONES: Councilman Perez?

COUNCILMAN PEREZ: Present.

MR. JONES: Councilman Senderoff?

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I N D E X
SPEAKERS & PAGE NUMBERS

Chairman Garcia: 3-4, 7-10, 18-20, 24, 35-41, 44, 46-47, 49-51, 53-56.

Vice-Chair Carbana: 3, 19-20, 22-24, 35, 42, 49-56.

Councilman Perez: 3, 24-27, 29-34, 36, 44, 54-56.

Councilman Senderoff: 3-4, 50-53, 56.

Councilman Paul: 3, 56.

STAFF

Mr. McInnis: 3, 55.

Mr. Jones: 3-5, 56.

Ms. Carranza: 8-10, 36, 41-44, 50.

APPLICANT'S REPRESENTATIVE

John Herin: 8-10, 19-20, 22-25, 29-37, 39-47, 50, 52-54.

Peter Jenkins: 11, 18, 21, 25-29

SUPPORTERS

None

OBJECTORS

None

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COUNCILMAN SENDEROFF: Present.

MR. JONES: Chairman Garcia?

CHAIRMAN GARCIA: Present.

MR. JONES: We have a quorum.

CHAIRMAN GARCIA: Thank you.

Those of you present, who wish to speak this evening, must stand and the court reporter will swear you in.

(Thereupon, individuals seeking to give testimony in this matter were duly sworn to tell the truth, the whole truth, and nothing but the truth, after which the following transpired:)

CHAIRMAN GARCIA: Those of you who are lobbyists should have registered with the Dade County Clerk of the Board's Office prior to this hearing.

At this time, is there anyone present who wishes to defer or withdraw an application? If so, please come forward at this time and state your name and address for the record.

Okay. No one moving. We'll move on.

There are no deferrals or withdrawals at this time.

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1 Staff, for the record, please read
 2 the Department's introductory statement.
 3 MR. JONES: "In accordance with the
 4 Code of Miami-Dade County, all items to be
 5 heard this evening have been legally
 6 advertised in the newspaper, Notices have
 7 been mailed, and the properties have been
 8 posted. Additional copies of the agenda
 9 are available here at the meeting.

10 Items will be called up to be heard
 11 by agenda number and name of applicant.

12 The record of the hearing on each
 13 application will include the record of
 14 Department of Regulatory and Economic
 15 Resources.

16 All these items are physically
 17 present this evening, available to all
 18 interested parties, and available to the
 19 Members of the Board, who examine items
 20 from the record during the hearing.

21 Parties have the right of
 22 cross-examination.

23 This statement, along with the fact
 24 that all witnesses have been sworn, should
 25 be included in any transcript or all or

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1 into the record at the time of hearing as
 2 each application is read. Those items not
 3 heard prior to the ending time for this
 4 meeting will be deferred to the next
 5 available zoning hearing meeting date for
 6 this Board.

7 CHAIRMAN GARCIA: Thank you.

8 Just a little quick explanation of
 9 how the meeting is going to go, and so
 10 that way we can stay on task and be on
 11 time. We have to be out of here by nine
 12 o'clock, so hopefully sooner.

13 When we call your item, please step
 14 up to the podium. State your name and
 15 address for the record. Then we'll
 16 proceed with the presentation.

17 After that, we will call for anyone
 18 supporting the application. Then we'll
 19 call any objectors to the application.

20 Those of you that wish to speak,
 21 state your name and address for the
 22 record. And I would ask that the ones
 23 that are making a presentation or
 24 speaking, just keep it to the point,
 25 concise, so that way we'll have enough

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1 any part of these proceedings.

2 In addition, the following
 3 departments have representatives present
 4 here at the meeting to address any
 5 questions: The Department of Public Works
 6 & Waste Management, the Department of
 7 Regulatory & Economic Resources, the
 8 County Attorney's Office.

9 All exhibits used in presentation
 10 before the Board become part of the public
 11 record and will not be returned unless an
 12 identical letter-sized copy is submitted
 13 for the file.

14 Any person making impertinent or
 15 slanderous remarks or becomes boisterous
 16 while addressing the Community Zoning
 17 Appeals Board shall be barred from further
 18 audience before the Community Zoning
 19 Appeals Board by the presiding officer
 20 unless permission to continue or again
 21 address the Board be granted by the
 22 majority vote of the Board Members
 23 present.

24 The number of filed protests and
 25 waivers on each application will be read

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1 time to get through it and get done with
 2 all the items that we have on the agenda.

3 With that being said, staff, would
 4 you please call the first item.

5 (Thereupon, other matters not related
 6 to this cause were heard, after which the
 7 following transpired:)

8 CHAIRMAN GARCIA: Okay. Next item.

9 MS. CARRANZA: Item Number 1, Miami
 10 Gardens Commons, LLC, Zoning Hearing
 11 Application Number 11-077.

12 MR. HERIN: Give me one moment.

13 MS. CARRANZA: If I may, through the
 14 Chair.

15 CHAIRMAN GARCIA: Yes.

16 MS. CARRANZA: I have a point of
 17 clarification on this item. On the
 18 handwritten Page Number 4, there is a
 19 mistake on the second paragraph. It's the
 20 last two sentences of the second
 21 paragraph. If you could just disregard
 22 those two sentences. That's from a
 23 previous version, I guess, of this -- of
 24 this recommendation.

25 CHAIRMAN GARCIA: Where it starts by

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1 saying "staff?"
 2 MS. CARRANZA: "Staff opines that
 3 since the additional tenant sign," yes.
 4 CHAIRMAN GARCIA: Okay. So scratch
 5 all that out?
 6 MS. CARRANZA: All that. From that
 7 to the end of that paragraph.
 8 MR. HERIN: Which one?
 9 MS. CARRANZA: Handwritten Page
 10 Number 4.
 11 MR. HERIN: Yes.
 12 MS. CARRANZA: The last two
 13 sentences. If you could disregard it,
 14 that's a mistake. That's an error.
 15 MR. HERIN: Of which paragraph?
 16 MS. CARRANZA: Of handwritten Page
 17 Number 4, the second paragraph, the last
 18 two sentences where it starts, "Staff
 19 opines that since the additional tenant
 20 sign --"
 21 MR. HERIN: Okay.
 22 MS. CARRANZA: Thank you.
 23 CHAIRMAN GARCIA: Okay. Does that --
 24 those two sentences relate to any of the
 25 conditions?

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1 MS. CARRANZA: No, it doesn't relate
 2 to the conditions. What it is, it's just
 3 a mistake.
 4 CHAIRMAN GARCIA: Oh, okay.
 5 MS. CARRANZA: It's taken care of in
 6 the next paragraph --
 7 CHAIRMAN GARCIA: Oh, okay.
 8 MS. CARRANZA: -- when we discuss
 9 those two conditions. It's just to
 10 disregard those two sentences.
 11 CHAIRMAN GARCIA: No problem. Just
 12 wanted to make sure if there's any
 13 correlation. So if there isn't, then --
 14 MR. HERIN: Good evening, Members of
 15 the Council. I really appreciate the
 16 opportunity to be here this evening.
 17 My name is John Herin with address at
 18 1221 Brickell Avenue, Suite 1600, Miami,
 19 Florida. I'm here on behalf of the
 20 applicant, Miami Gardens Commons, LLC,
 21 that is seeking, as the cover page
 22 indicates, a request for zoning and
 23 various non-use variance applications.
 24 I have along with me here this
 25 evening, starting here, Mr. Gutierrez, who

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1 is the project architect; Peter Jenkins,
 2 who happens to be the General Counsel for
 3 ITT, who's travelled from Indiana to be
 4 here this evening to hear this
 5 application.
 6 I have Mr. Porris and Mr. Padron, who
 7 are representatives of the property owner
 8 as well as the applicant here this evening
 9 as well.
 10 We're here in support of the staff
 11 recommendation. We're requesting that you
 12 adopt that.
 13 We do have two questions or two
 14 issues with those that are -- would relate
 15 to the two non-use variances that the
 16 staff is recommending denial. If you turn
 17 to the information that I've handed out,
 18 it's really just a -- for your easy
 19 reference, the code section dealing with
 20 non-use variance and the standards, it
 21 talks about compatibility.
 22 The two non-use variance applications
 23 that we have requested and staff has
 24 recommended denial deal first with the
 25 issue of signage on the building in

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1 question. And the building is on 183rd
 2 Street just west of 57th Avenue. It's
 3 there; it's built; and it's currently
 4 zoned IU-C.
 5 What's being proposed -- and the
 6 reason for the rezoning and the variance
 7 is because what's being proposed, as a
 8 tenant there, is ITT University, in order
 9 to provide for a private college at this
 10 location. They're taking the vast
 11 majority of what is now an empty building.
 12 And want to operate an ITT vocational
 13 university in accordance with the same
 14 process that they have throughout the
 15 country.
 16 Because of that, the current IU-C
 17 zoning is required to now convert to BU-2.
 18 It's completely consistent with all the
 19 requirements of the Comprehensive Plan and
 20 land development relations with respect to
 21 the rezoning. And again, staff is
 22 recommending approval of that rezoning
 23 request.
 24 The issue about the signage is as
 25 follows. And this is -- the schematic is

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1 actually in the staff report. Under the
2 code, any tenant in this location is
3 entitled to have at least one sign on the
4 building.

5 What we're proposing to do is to put
6 ITT in this building as the significant
7 largest tenant and basically occupy the
8 entire building, which would -- which
9 would then give them the right to put one
10 sign on the side of the building.

11 What we're asking is a variance for
12 them to also put a second sign on the
13 other side of the building over here
14 (indicating).

15 Now, what you need to note is that
16 under the code, this area that we're
17 asking for this variance is eligible for
18 signage already or anyway. It just may
19 not be for ITT. So, in fact, what we're
20 proposing, what we believe we're doing by
21 you -- asking for this variance, and you
22 all potentially granting it, is we're
23 going to ultimately reduce the amount of
24 overall signage that can otherwise go on
25 this building by placing ITT in this

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1 location.

2 So, otherwise, as you can see, a sign
3 could go here, a sign could go here, a
4 sign here, here, here, all throughout that
5 balcony across the entire building
6 depending upon how it's subdivided and
7 ultimately rented out. But with one major
8 tenant such as ITT, they would only
9 otherwise be eligible for one sign.

10 We're asking for the right to be able
11 to have it on the other side as well, and
12 essentially make this a marquee building
13 for this area.

14 And then the last page -- last three
15 pages of the materials I handed out to
16 you -- and I know that staff may suggest
17 that, you know, just because something is
18 in one location does not necessarily mean
19 that you have to grant the variance here,
20 but by way of example, it is the existing
21 Kaiser University building out on 117th
22 out off the Turnpike in unincorporated
23 area, very near Doral. And as you can
24 see, there's signage on all three sides of
25 that building except the rear. It has the

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1 same type of zoning, same type of
2 development, same type of tenant that
3 we're proposing here. As you can see,
4 it's a marquee.

5 That building at night -- and I just
6 happened to be travelling past that area
7 Tuesday evening -- you know, it's lit up.
8 It's a beacon. And that's what we would
9 like for this particular building. Not
10 only do we think it's the marquee building
11 for this area for a tenant in a business
12 of this type, but because they do offer
13 evening classes as part of their
14 curriculum. The fact that they will have
15 that signage will allow people to easily
16 locate the building in a rather congested
17 area as well.

18 So not withstanding the staff
19 recommendation, we are, if fact, asking
20 that you grant that non-use variance. And
21 we do believe that what we're proposing is
22 entirely compatible with the area, and
23 consistent with the criteria, and the code
24 that is before you, and the staff report
25 and in my handout.

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1 The last item that we're asking a
2 variance for, for which staff has
3 recommended denial -- I'll go back to the
4 aerial photograph -- is, again, a function
5 of the rezoning.

6 Currently under the IU-C, which is a
7 fairly intensive zoning category, whenever
8 an IU-C area is adjacent to a residential
9 area, you're required to put in a
10 greenbelt buffer. In this case, it's an
11 eight-foot-wide buffer. It exists. It's
12 already there, and there's actually a
13 chain link fence on the other side that
14 has been installed by the apartment
15 complex. And they have landscaping on
16 their side as well.

17 If you follow the staff
18 recommendation, what's going to happen is
19 you're going to have a chain link fence
20 and a greenbelt buffer that extends from
21 57th Avenue and runs all the way down here
22 (indicating) interrupted by about a
23 75-foot wall, five feet in height, that's
24 going to stick out like a sore thumb. And
25 I respectfully submit to you that it's

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1 going to become a beacon for potential
2 vandalism and other types of inappropriate
3 action with regard to that.

4 And the maintenance that then will
5 have to be undertaken on a regular basis
6 in order to maintain that wall is going to
7 be pretty onerous, particularly when it's
8 also going to inhibit our ability to get
9 to the landscaping that we've already --
10 that we were required and have already
11 installed on that property.

12 So from, again, a compatibility
13 standpoint, which is the criteria in the
14 code, I would again respectfully suggest
15 that putting up a wall at this location is
16 actually incompatible with what's all
17 there right now, that exists today, and
18 that will continue to exist.

19 You're going to have this isolated
20 wall in the back of this property right
21 here (indicating) when none of these other
22 very intense uses have any similar
23 requirement whatsoever and will never have
24 such a requirement.

25 And, in fact, as you can see from the
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1 aerial of all the buildings and all the
2 uses in this area, this is one that's
3 probably the farthest away from the actual
4 residential area. So not only do you have
5 the existing greenbelt requirement that's
6 been met, you also have a distance
7 separation that's going to serve as a
8 buffer.

9 And, again, we would suggest to you
10 that if you take a look at the criteria in
11 the code regarding compatibility for
12 non-use variances, this is certainly
13 compatible and this is consistent with the
14 community character.

15 And we'd ask that you grant that
16 variance as well.

17 I'm here to answer any questions. We
18 also have, as I said, the individuals
19 related to the project. In particular, if
20 you have any questions about the
21 operational aspect of ITT, Mr. Jenkins can
22 come up and answer any of those questions
23 you may have.

24 CHAIRMAN GARCIA: Okay.

25 At this time, anyone present wishing
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1 to speak in support of the application?
2 Okay. No one moving. We'll move on.

3 Anyone present wishing to speak in
4 opposition to this application? Okay. No
5 one moving.

6 The public hearing is closed.

7 Council Members, I open up the floor
8 for your questions, comments, concerns,
9 observations, all that good stuff.

10 MR. HERIN: Johnny Herin, H-e-r-i-n.
11 One last observation that I have with
12 respect to the sign issue. If you look at
13 Section 33-106 of the County Code, it
14 specifically says that "type and number of
15 point of sale signs permitted for a single
16 individual business on a lot will be based
17 on the following formula: If you have 76
18 to 150 foot of frontage," which this
19 property certainly does, "you're entitled
20 to three signs, one of which may be
21 detached."

22 And that's permitted point of sale
23 signs in the BU and IU district section of
24 the code.

25 CHAIRMAN GARCIA: Any questions?

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1 VICE CHAIRWOMAN CARBANA: Mr. Chair?

2 CHAIRMAN GARCIA: Yes.

3 VICE CHAIRWOMAN CARBANA: I'd like to
4 ask some questions.

5 CHAIRMAN GARCIA: Yes, ma'am.

6 VICE CHAIRWOMAN CARBANA: You want an
7 extra sign on this building. As you're
8 coming down 183rd or 186th, if you have
9 the sign in the front -- is that where
10 you're putting the sign? On the side?

11 MR. HERIN: No, it would be on the
12 side.

13 VICE CHAIRWOMAN CARBANA: On the
14 side?

15 MR. HERIN: On both sides, on the
16 east and west side of the building.

17 VICE CHAIRWOMAN CARBANA: Okay.
18 There's not that much congestion in that
19 area that I can see, but my question is,
20 what happens if AT&T decides to either
21 downsize or you get another tenant in
22 there?

23 MR. HERIN: There's not going to be
24 much, if any space, left over. ITT is
25 taking virtually the entire -- there's two

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1 existing tenants, and -- I'm sorry. Go
2 ahead, Mr. Jenkins.

3 MR. JENKINS: Peter Jenkins. I'm
4 Counsel and Manager of Real Estate for
5 ITT. My office is 13000 North Meridian
6 Street, Carmel, Indiana.

7 I just wanted to -- point of fact.
8 We will take the entire first floor of the
9 building and have plans for expansion on
10 the majority of the second floor of the
11 building. There will be some vacant space
12 on the upper floor.

13 But to answer your question, I think
14 one of the important things to realize
15 about this space is that it's currently
16 designed to be many individual condominium
17 units on each floor. I think as many as
18 eight to 10 on each side.

19 And part of the reason that we're
20 asking for the additional signage is to
21 make sure that once people are on the
22 site, they understand where we are in
23 relation to all these other individual
24 condominium units that are already in
25 place, and so they can find our entrance

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1 and understand where they're going and
2 where they're going to be.

3 But my primary purpose was just to
4 clarify what space we were taking in the
5 building.

6 VICE CHAIRWOMAN CARBANA: But, then,
7 again, you have space that's available.
8 If you decide to bring in another tenant,
9 then what's going to happen with the
10 signage?

11 MR. HERIN: They would -- they would
12 be entitled to signage that's already
13 provided for under -- again, going back to
14 the elevation schematic, which is, again,
15 a part of your package, the code allows
16 all -- anyone to have a sign anyway. What
17 we're saying is that the sign that would
18 go on the other elevation will no longer
19 be available because ITT will take it.
20 It's allowed for already.

21 VICE CHAIRWOMAN CARBANA: I
22 understand that. But if you get someone
23 else in --

24 MR. HERIN: They won't -- no, the
25 agreement is that's it. It will be ITT on

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1 that side, and that's it.

2 VICE CHAIRWOMAN CARBANA: Okay. So
3 another tenant comes in and they don't get
4 a sign?

5 MR. HERIN: They won't get a sign at
6 that location. If there's other space
7 available, which there are signage here
8 and here (indicating) -- this is, I guess,
9 an architectural feature on the building,
10 if you've been by it.

11 VICE CHAIRWOMAN CARBANA: Right.
12 It's kind of --

13 MR. HERIN: So -- but all other
14 entrances will have -- already are
15 entitled to their own signage, if it is
16 compartmentalized as suggested.

17 The -- I don't mean to misspeak, but
18 one of the ideas is that if this is a
19 successful site for ITT, it may decide to
20 expand and take all the other space, which
21 is -- we already know we'd have to then
22 come in again for an amendment to our
23 existing site plan to provide for that.

24 So that's -- that really is the
25 long-term plan, is for this to be a

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1 success for this community and this area,
2 and that's all that will be there.

3 VICE CHAIRWOMAN CARBANA: No further
4 questions.

5 COUNCILMAN PEREZ: Mr. Chair, if I
6 may?

7 CHAIRMAN GARCIA: Go right ahead.

8 COUNCILMAN PEREZ: What's the --
9 what's the parking lot count?

10 MR. HERIN: It meets requirements for
11 parking. The total amount of parking
12 is --

13 Manny, do you know off the top of
14 your head?

15 MR. GUTIERREZ: Yes, it provides --

16 CHAIRMAN GARCIA: Yes, you've got to
17 come up and speak into the mike.

18 MR. GUTIERREZ: I thought so.

19 Manny Gutierrez, Gutierrez and Lozano
20 Architects, 2830 West State Road 84, Fort
21 Lauderdale, Florida.

22 The existing parking provided is 247
23 spaces. And it meets and exceeds --
24 what's there now, it meets and exceeds the
25 requirement for the proposed use.

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1 COUNCILMAN PEREZ: Okay. Now, you
 2 could have up to 907 students?
 3 MR. HERIN: Correct.
 4 COUNCILMAN PEREZ: Now, it's not
 5 going to be like on a shift?
 6 MR. HERIN: Yes.
 7 COUNCILMAN PEREZ: What's the hours?
 8 MR. HERIN: The hours are from --
 9 MR. JENKINS: I can answer that
 10 question again. This is Peter Jenkins,
 11 again, for ITT.
 12 We have three class sessions on a
 13 daily basis. There are -- there's a
 14 morning session from 8:00 to noon, an
 15 afternoon session from 1:00 to 4:00, 4:30,
 16 and then usually an evening session from
 17 6:00 to 10:00.
 18 Our heavier session is usually in the
 19 evening. Average age of student is
 20 somewhere around 28 years old. Usually a
 21 working adult during the day. So they
 22 work at their job during the day and come
 23 to school at night.
 24 We usually fit very well into these
 25 type of multi-tenant situations where most

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1 of the other businesses, if there are any,
 2 close their doors before our heavy hours
 3 begin.
 4 Typically our general parking
 5 requirement is about eight spaces for
 6 every thousand square feet in the evening.
 7 And the last thing that we want to do is
 8 get into a situation where we don't have
 9 enough parking for our students, because
 10 then we won't have very many.
 11 COUNCILMAN PEREZ: And if they're
 12 adults, most likely they're going to come
 13 in their own vehicles. You might have a
 14 few that might have transportation or
 15 share a ride with someone, But being
 16 they're adults, you're going to have a
 17 mass of cars coming in and using the
 18 parking lot.
 19 MR. JENKINS: Yes.
 20 COUNCILMAN PEREZ: And I'm very, very
 21 familiar because -- and I'm in the area a
 22 lot, and that particular building has been
 23 empty for quite a while.
 24 But I have a concern. I have a lot
 25 of concerns. And one of my main concern

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1 is there's only one way in and one way
 2 out. That's Number 1.
 3 Number 2, you cannot go eastbound
 4 when you exit the building onto Miami
 5 Gardens Drive. You have to go westbound.
 6 You have to do a U-turn right in front of
 7 the entrance to the Winn-Dixie and the
 8 K-mart and the Ross, which I believe is in
 9 there, which right now is a nightmare.
 10 MR. JENKINS: Right.
 11 COUNCILMAN PEREZ: Further west, I
 12 believe that's 62nd Avenue, I'm not too
 13 sure, a traffic light -- a traffic light
 14 was supposed to be installed many years
 15 ago, and it's not there.
 16 Miami Gardens Drive, last I checked,
 17 was Class "D" as far as traffic flow.
 18 That's almost the worst. Adding -- I
 19 don't know how many students might show up
 20 between these classes, a couple hundred,
 21 maybe 300?
 22 MR. JENKINS: I think that would be
 23 on the high end for 300. The way that we
 24 utilize our space, not all of those seats
 25 can be filled at any one time.

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1 COUNCILMAN PEREZ: What's your
 2 capacity in the classroom at one time?
 3 MR. JENKINS: I don't know how to
 4 answer that question specifically, because
 5 we don't know what programmatic offerings
 6 we're going to have yet, because we
 7 haven't recruited students to that
 8 location. We respond to the community's
 9 need, what the employers in the area would
 10 like to see, what kind of demand there is
 11 for certain programs before we schedule
 12 them.
 13 But typically what will happen is
 14 that one session of students will have to
 15 rotate between several different
 16 classrooms to complete their coursework in
 17 that any one session. So you don't fill
 18 up all the rooms, because the different
 19 functions -- there are different functions
 20 for different rooms in the space. And you
 21 don't use that simultaneously.
 22 To answer your question about ingress
 23 and egress, I was out at the site today
 24 and noted that this driveway here
 25 (indicating) appears to have originally

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1 been designed to connect into the space
2 and provide a second means of egress from
3 the facility.

4 And all that would need to be done
5 is, you know, make the curb cut to have
6 that connection. And that would give a
7 second means of egress directly out to
8 Northwest 57th. And anybody who would
9 want to go west on 183rd could come out
10 that way and make the turn.

11 COUNCILMAN PEREZ: Yeah, but as we
12 speak, that does not exist.

13 MR. JENKINS: The drive -- this is
14 all there. All you have to do is make a
15 simple connection between the two.

16 COUNCILMAN PEREZ: But it's when, and
17 who and how.

18 MR. HERIN: I don't -- John Herin. I
19 don't disagree. You do have the cross
20 access to use this access point as well.

21 But what I would like to say and
22 remind everyone is that the impacts of
23 this development, including the max use
24 of it, has already been calculated and
25 factored into the traffic for this site.

1 vehicles cutting through the swales just
2 to try to get through there. And
3 people -- I mean, it's a nightmare.

4 The main -- to me, the really main
5 concern is the traffic issue there that's
6 going to happen due to the fact that
7 you're going to have quite a few students.
8 And not only students, you've got faculty.
9 You know, you have other -- other --

10 MR. HERIN: I don't disagree. I
11 really don't mean to get into -- to argue
12 about this, but if you -- if you didn't
13 have ITT, if you built this out and
14 staffed it completely or occupied it
15 completely with its max available tenancy,
16 you would generate the same amount of
17 traffic at the site.

18 COUNCILMAN PEREZ: But not the same
19 time.

20 MR. HERIN: Actually, it would -- the
21 peak hours of traffic would congest the
22 road more, because with ITT, it's spread
23 out throughout the day.

24 COUNCILMAN PEREZ: Well, what I'm
25 trying to say is, let's say you have

1 When this was originally approved
2 several years ago by the County, that
3 traffic generation was taken into account.
4 And you'll see in your staff report that
5 the -- that Public Works has stated that
6 it meets the appropriate level of service,
7 because it's been accounted for.

8 COUNCILMAN PEREZ: But at a --

9 MR. HERIN: No, at the max build-out.

10 COUNCILMAN PEREZ: Right. But let me
11 go back a few years ago. Miami Gardens
12 Drive, if you look east as soon you get to
13 Red Road, and you continue east into Miami
14 Gardens, into the City of Miami Gardens,
15 it turns into a six-lane highway.

16 We were supposed to get that six-lane
17 highway all the way through -- westbound
18 through I-75.

19 MR. HERIN: It merges right over
20 there.

21 COUNCILMAN PEREZ: Right. It merges
22 right there. And it's a funnel there.
23 And God forbid if there's an accident on
24 the Palmetto. I mean, you cannot go
25 through there. I've seen emergency

1 offices in there, and I'm going to visit
2 an office, an accountant, a hair stylist,
3 whatever it may be, there's -- you know,
4 you go there at different hours. You
5 don't go there -- you know, if you got to
6 go to ITT to attend school and it starts
7 at 8:00 p.m. -- 8:00 a.m., you're going to
8 have a flow of traffic getting up there at
9 8:00 a.m., and they're going to be exiting
10 at 12:00, and at 1:00 and at 6:00, and
11 then leaving those other times.

12 So you're going to have a mass flow
13 going in at a certain times and a mass
14 flow exiting.

15 MR. HERIN: You would have the same
16 with the employees and the people who are
17 there at opening time and closing time.

18 COUNCILMAN PEREZ: But the people who
19 do visit that building right now -- I know
20 it's not much, because most of it is
21 empty, but, still, the hours flex. So
22 it's a different comparison as when you
23 have to show up at eight o'clock in the
24 morning to go to school. So you're going
25 to be there between 7:00 and a quarter

1 'till or so, and so forth and so on.
2 MR. HERIN: All I -- my -- the only
3 answer -- the only additional answer I can
4 give to that is that the County has
5 already factored that in, and it said that
6 it won't negatively impact --

7 COUNCILMAN PEREZ: Sir, with all due
8 respect, the County has factored a lot of
9 things into this area, especially the
10 immigration area. And that's a long
11 story. And they dropped the ball many
12 times.

13 MR. HERIN: Fair enough. I -- you
14 know, all I have is what the County itself
15 has said.

16 COUNCILMAN PEREZ: And I totally
17 respect that. And I understand exactly
18 what you're saying. But I travel that
19 road every single day; sometimes over a
20 dozen times. So I'm aware of the traffic
21 issue there, especially if you're trying
22 to leave the shopping center where the
23 Winn-Dixie is. It is horrible. There's
24 not a traffic light there. It's just
25 horrible.

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1 you see the difference. It's all at one
2 time.

3 No further questions, Mr. Chairman.

4 CHAIRMAN GARCIA: Okay. If I -- I
5 was going to ask for permission to speak,
6 I'm giving myself permission to speak.

7 MR. HERIN: Go ahead.

8 VICE CHAIRWOMAN CARBANA: Yes.
9 Please go ahead.

10 CHAIRMAN GARCIA: Go ahead? Okay,
11 great. Thanks.

12 VICE CHAIRWOMAN CARBANA: Anytime.

13 CHAIRMAN GARCIA: Okay. Just to --
14 I've been doing this for awhile, and most
15 of us up here have also, but I want to
16 make sure that we understand. And, as
17 Council Members, we, you know, are going
18 to ask questions. We have our concerns.
19 We have a right to, you know, to factor in
20 a lot of things.

21 But just for the benefit of my fellow
22 Council Members, what we're here to
23 determine is -- the conditions for
24 approval have already been set, and the
25 applicant is basically saying that

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1 I don't know if you -- you're not
2 from this area, so you're not really
3 familiar at rush hour or in the morning
4 how bad it gets there.

5 MR. HERIN: Well, I have traveled
6 through the area, and, you know, it's --
7 there's -- there's not many streets in
8 Miami-Dade County or, for that matter,
9 Broward County, that don't get congested
10 at one point or another.

11 COUNCILMAN PEREZ: True.

12 MR. HERIN: And, you know, it is what
13 it is, and we deal with that. And, again,
14 all I can say is that, according to the
15 County, that's been factored into their
16 analysis. And, you know, all things --
17 whether it's ITT or anyone else, God
18 willing, for the benefit of the owner of
19 this building that he's able to ultimately
20 get tenants in there, and staff it out
21 completely, and have a viable
22 income-producing piece of property, it's
23 going to generate traffic.

24 COUNCILMAN PEREZ: I understand what
25 you're saying. It's just the hours where

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1 conditions five and six, he would like to
2 be included in that approval, okay? So
3 that's what we've really got to focus on.

4 I understand about the traffic. I
5 understand about all these different
6 things, but we really -- what we need to
7 focus on is what they're asking for, which
8 is the sign and the wall.

9 MR. HERIN: Correct.

10 CHAIRMAN GARCIA: I just -- again,
11 I'm just saying that because that's what
12 we really need to focus on. We can ask
13 questions, and you have a right to ask --
14 and you -- because you -- because you've
15 been on the council, Councilman Perez, for
16 as long as I have. And, listen, you drive
17 that -- I know you drive that road all the
18 time, so it's a concern.

19 COUNCILMAN PEREZ: But, if I may, and
20 where we clarified, the staff is making a
21 recommendation. And we could change it;
22 am I correct? We don't have to abide by
23 your recommendation?

24 MS. CARRANZA: That's correct.

25 CHAIRMAN GARCIA: That is correct.

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1 And what I said was, the whole thing is,
 2 the recommendation is based on -- for
 3 approval and the conditions, and then the
 4 applicant says they're fine with all the
 5 recommendations. Nine times out of 10,
 6 when staff, you know, approves and gives
 7 us conditions, we tend to go with that,
 8 because that's -- it makes -- it makes
 9 sense. It's staff approval.

10 But what I'm saying is, what the
 11 applicant is asking for is for us to
 12 include in the approval conditions five
 13 and six. So we need to focus on that five
 14 and six and how that affects the whole
 15 application.

16 With that said, I have a question.
 17 Again, I'm going to ask about the
 18 signage. Okay. The signage, you're
 19 talking about putting in two signs --

20 MR. HERIN: Correct.
 21 CHAIRMAN GARCIA: -- as opposed to
 22 one sign, which is what you're allowed to
 23 have.

24 MR. HERIN: Well, I think that
 25 there's -- as I indicated before -- sorry.

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1 As I indicated before, I think that
 2 there is an interpretative issue as to
 3 whether or not there's just one sign as
 4 opposed to multiple signs permitted.

5 But for argument's sake, for the
 6 purpose of answering your question, staff
 7 is saying there's only one sign permitted.
 8 But, yes, we're asking for a mirror second
 9 sign on the flip side of the building
 10 where a sign is already permitted, but
 11 conceivably for use by another tenant,
 12 which that tenant would then no longer
 13 have that space available. We understand
 14 that. We know that. And -- that we, you
 15 know, have that limitation.

16 So a sign -- this sign that's here on
 17 this east elevation, we're asking to be
 18 also allowed on the west elevation where,
 19 as you can see, a sign is already allowed
 20 under the Code here. It just would be ITT
 21 as opposed to AT&T. If AT&T were to rent
 22 out some space here, we would not allow
 23 that to happen.

24 CHAIRMAN GARCIA: Okay. So based on
 25 the Code, it says -- and I'll paraphrase

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1 -- each tenant has one sign. In this
 2 case, you're being a tenant, and you're
 3 asking for an additional sign.

4 MR. HERIN: Correct.
 5 CHAIRMAN GARCIA: Additional signage.

6 Now, within the building, there's the
 7 face of the building; there's the side;
 8 the back; all that.

9 But in the face of the building where
 10 you're going to have -- where there's
 11 going to be other tenants there, there is
 12 the -- there is the capability of putting
 13 smaller signage, not the marquee signage,
 14 like you called it, where it's on the --
 15 on the higher elevations?

16 MR. HERIN: That's correct. These
 17 other locations would have the ability to
 18 put signage on the front of the building,
 19 if they rent out that space.

20 But from the perspective of the
 21 proposed use, ITT is going to be occupying
 22 the ground floor and the second floor, and
 23 that's going to take up all that signage
 24 as well.

25 CHAIRMAN GARCIA: So currently right

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1 now there's four -- I would say four
 2 areas, large areas that you can put the
 3 big signs. The marquee signs -- the
 4 larger ones. Because you have two in the
 5 front, two in the back, correct?

6 MR. HERIN: Yeah. Four. One, two,
 7 three, and four.

8 CHAIRMAN GARCIA: Okay.

9 MR. HERIN: And one here, which is
 10 for the building that's allowed. It
 11 already has that signage up there.

12 CHAIRMAN GARCIA: Okay. So
 13 technically you would put one more in one
 14 of these other three places that doesn't
 15 have the signage?

16 MR. HERIN: That's correct.

17 CHAIRMAN GARCIA: That would leave
 18 two other spots for -- if someone in the
 19 third floor says, "I want a marquee spot,"
 20 they would have either those two to choose
 21 from.

22 MR. HERIN: That's correct. And
 23 that's allowed under the Code.

24 CHAIRMAN GARCIA: No, I understand
 25 that.

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1 MR. HERIN: Yes.
 2 CHAIRMAN GARCIA: So what you're
 3 asking for is to allow to be put a second
 4 sign where you're only -- at this point
 5 you're only allowed to put one?
 6 MR. HERIN: That's correct.
 7 CHAIRMAN GARCIA: Okay. In regards
 8 to -- you made a mention of the ingress
 9 and egress. You stated that there's -- if
 10 you could put the picture back up, because
 11 that's a concern of mine as well. Where
 12 you only have technically right now one
 13 way in and one way out. And that has to
 14 do with, you know, the whole scheme of the
 15 whole application.
 16 Right now, is there an entrance in
 17 there or not?
 18 MR. HERIN: Back here?
 19 CHAIRMAN GARCIA: Yes.
 20 MR. HERIN: No, no, there is not.
 21 CHAIRMAN GARCIA: What -- and I think
 22 this is more for staff's question. What
 23 would need to happen in order to make --
 24 to open that up?
 25 MS. CARRANZA: To open what up?

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1 drive-through for Walgreens and to access
 2 Walgreens.
 3 MS. CARRANZA: Okay.
 4 VICE CHAIRWOMAN CARBANA: As you go,
 5 the next building over is an auto parts
 6 store.
 7 MS. CARRANZA: Correct.
 8 VICE CHAIRWOMAN CARBANA: All right.
 9 And what he's saying is, because that road
 10 goes there and ends --
 11 MS. CARRANZA: At the Auto Zone?
 12 VICE CHAIRWOMAN CARBANA: At the --
 13 yes, behind the Auto Zone into where their
 14 property goes.
 15 MS. CARRANZA: Um-hmm.
 16 VICE CHAIRWOMAN CARBANA: So he's, I
 17 guess, asking, or we are, what would it
 18 take in order to open that up to allow
 19 another --
 20 MS. CARRANZA: Oh, an entrance all
 21 the way into this property?
 22 Well, one of the first things would
 23 be, you would have to get approval from
 24 those property owners --
 25 VICE CHAIRWOMAN CARBANA: Right.

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1 CHAIRMAN GARCIA: Where they're
 2 saying that there was that street. I
 3 don't know if it has a name or number.
 4 VICE CHAIRWOMAN CARBANA: It's just
 5 by the auto place.
 6 MR. HERIN: There is an -- there is
 7 an access point that runs east/west from
 8 57th to our property line. Right now it's
 9 curbed. That was -- the site plan that
 10 was approved by the County told us to curb
 11 that. I presume. I mean, I don't --
 12 MS. CARRANZA: So, I'm sorry, for
 13 clarification, you're -- you want to open
 14 up an entrance on the east side? Is that
 15 what you're suggesting?
 16 MR. HERIN: If it's -- if the other
 17 -- I don't think that we can unilaterally
 18 do that not knowing what the approvals for
 19 these other properties were, if that's a
 20 public road. I do not know.
 21 VICE CHAIRWOMAN CARBANA: Staff, if I
 22 may.
 23 If you come off of Red Road, there's
 24 a Walgreens on the corner. That's part
 25 of -- to come in, in order to do the

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1 MS. CARRANZA: -- in order to go
 2 through those properties.
 3 MR. HERIN: That's correct.
 4 MS. CARRANZA: But, now, that's not a
 5 part of this application.
 6 CHAIRMAN GARCIA: I know that, and I
 7 said that. I know that's not part of it.
 8 It's just what we're looking at as far as,
 9 you know, the whole scheme of traffic in
 10 and out just as a Board. And, like,
 11 Councilman Perez brought it up, there's a
 12 lot -- whether it's ITT, ABC, L, M, N, O,
 13 P, whoever it is that's in there is going
 14 to have traffic at the same time, but here
 15 you have specific pockets of times that
 16 you will have more traffic than others.
 17 If it's an office location -- and you
 18 know what, it's my opinion that if you're
 19 there from 9:00 to 5:00, your -- most of
 20 your traffic is going to be at the
 21 beginning, 9:00 -- 8:30, nine o'clock and
 22 five o'clock. During those median times
 23 or middle times, unless there's constant
 24 traffic, you're going to have a lull in
 25 that movement.

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1 MR. HERIN: Correct.
 2 CHAIRMAN GARCIA: And in this case,
 3 it would be three times, three different
 4 shifts that you would have movement of "X"
 5 number of students, whether it's 50, 75 or
 6 a hundred, whereas if it was just regular
 7 tenants, you would have a different
 8 traffic pattern.

9 Again, that's not part of the
 10 application or -- you're not asking for
 11 anything that's not already been part of
 12 the recommendations and the -- and what's
 13 already zoned. And you're following those
 14 rules. There's just a concern that we
 15 have that we would like to -- again, as
 16 the Board, we're voicing.

17 MR. HERIN: Look, I understand the
 18 concern. I think it's a concern of any
 19 community council in your position that,
 20 you know, how it's going to impact, but at
 21 the end -- as I said before, and as you
 22 just stated, at the end of the day,
 23 theoretically, it's all been accounted
 24 for.

25 If there's anything that we can do,
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1 we try and accommodate, but we're
 2 somewhat, as staff said, limited. I don't
 3 believe, to the best of my knowledge, that
 4 this access point is public. And so we
 5 would have to get the approval of those
 6 property owners and enter into some kind
 7 of a cross-access easement in order to be
 8 able to do that. And all it would take is
 9 one of those property owners to say no,
 10 and we would not be able to do that.

11 And, again, I don't want to say
 12 anything or put words in staff that -- not
 13 necessarily with regards to this
 14 application, but when this item first came
 15 and was approved, that was known by
 16 everyone. And we weren't told at that
 17 time hey, go ahead and open up that access
 18 point there, work it out with the
 19 neighbors, or see if you can work it out
 20 with the neighbors.

21 CHAIRMAN GARCIA: One more question I
 22 have, because you've provided us with this
 23 document here that gives us, you know, the
 24 sections of what the Code says, or the
 25 statutes.

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1 If you look at the one -- now we're
 2 talking about the wall.

3 MR. HERIN: Yes.

4 CHAIRMAN GARCIA: Okay. It's Page 1
 5 -- the second page.

6 MR. HERIN: Yes.

7 CHAIRMAN GARCIA: Where it says
 8 Section 33-253.7.

9 MR. HERIN: Yes.

10 CHAIRMAN GARCIA: Now, you're asking
 11 the Board -- or you're asking for us to
 12 say, you know, waive that required
 13 five-foot, but you've given us the
 14 information that says where a business lot
 15 abuts -- all that stuff that you can see,
 16 it says, "masonry wall at least five feet
 17 in height shall be erected on the business
 18 lots along the common property line
 19 separating the two districts."

20 MR. HERIN: Correct. But if you go
 21 to the next page, which is the current
 22 zoning district, it's a more intense
 23 zoning district than what we're asking.
 24 We're actually being -- we're asking for
 25 the equivalent of a down-zone. We're

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1 going from industrial to business. And
 2 under the industrial zoning classification
 3 that this property currently has, we meet
 4 the requirements, which I would suggest,
 5 and respectfully suggest, are more
 6 onerous, which is, as you see down on
 7 33-278.1, "A continuous, extensively
 8 planted greenbelt of eight feet in width,"
 9 which on our side, as well as similarly
 10 one on the other side of the apartment
 11 complex with chain link fence. That
 12 greenbelt runs from 57th all the way to
 13 the end of the complex uninterrupted.

14 And if you put a wall here
 15 (indicating), it just -- it makes no
 16 sense. If you don't have a continuous
 17 wall, like you have a continuous
 18 greenbelt, you're just -- you're a slave
 19 to form over substance, which is there's a
 20 greenbelt that already exists, and it's
 21 been permitted and required to be
 22 maintained, as opposed to, well, the Code
 23 says you need to have a five-foot wall.

24 That five-foot wall in that location,
 25 in the absence of anything on its side to

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1 connect into is going to be the blank
2 canvas in that community for vandalism, I
3 would suggest.

4 And if talk -- if you now go back to
5 the second page of the handout, that "the
6 non-use variance maintains basic intent
7 and purpose of the land use regulations,
8 particularly as it affects the stability
9 and appearance of the community and will
10 otherwise be compatible with the
11 surrounding land."

12 I would, again, suggest that if you
13 require a wall to go there in the absence
14 of any other wall next to it, that's not
15 consistent with the community character.
16 And actually granting the variance will
17 maintain the integrity of that area,
18 what's there, what's been approved to
19 date, which has been in existence for
20 years and that we're obligated to maintain
21 anyway.

22 VICE CHAIRWOMAN CARBANA: Mr. Chair?

23 CHAIRMAN GARCIA: Yes.

24 VICE CHAIRWOMAN CARBANA: I have a
25 question for staff.

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1 Is the purpose of that wall to try to
2 stop a lot of the noise from the traffic
3 at the school?

4 MS. CARRANZA: That is one of the
5 reasons, but also it's to bring it up to
6 compliance with BU-2, which is what
7 they're proposing.

8 But the applicant is correct where
9 he's saying that it's not a requirement in
10 the IU-C zoning district.

11 VICE CHAIRWOMAN CARBANA: Thank you.

12 COUNCILMAN SENDEROFF: Mr. Chairman?

13 CHAIRMAN GARCIA: Hold on a second.

14 So right now I know that it's IU-C.

15 MS. CARRANZA: Correct. Right now
16 it's currently zoned IU-C.

17 CHAIRMAN GARCIA: So right now it's
18 fine.

19 MS. CARRANZA: Right. Right now it's
20 fine, and it's not required.

21 CHAIRMAN GARCIA: But if he changes
22 the zone to BU-2, then that's where the
23 wall comes into effect.

24 MS. CARRANZA: That's correct.

25 That's just because it's part of the

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1 regulations of the BU-2 zoning district.

2 MR. HERIN: And I would suggest
3 that's the whole reason why you have the
4 non-use variances. For this, to me, is a
5 classic example where everything around it
6 is a greenbelt with a chain link fence on
7 both sides -- the greenbelt is on both
8 sides, the residential side, and the
9 commercial -- and the industrial side.
10 And it goes for thousands of feet. And
11 you're now -- and we're going to be a
12 slave to the language in the Code that
13 says for 75 feet with no end -- so people
14 can go around it, noise can go around it
15 -- you're going to have a wall 75 feet in
16 width just because we down-zoned this
17 piece of property. Not up-zoned it, but
18 down-zoned it.

19 CHAIRMAN GARCIA: Okay. You had a --
20 you already had your question.

21 VICE CHAIRWOMAN CARBANA: No. Thank
22 you, staff.

23 CHAIRMAN GARCIA: Senderoff, sir.

24 COUNCILMAN SENDEROFF: So the
25 building to the west of that, I know that

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1 there's a -- I believe it's a doctor's
2 office. Just if you're facing it to the
3 west, the left side there (indicating).

4 MR. HERIN: Right here (indicating)?

5 COUNCILMAN SENDEROFF: Yes. What's
6 that behind the building? Is that a wall
7 as well?

8 VICE CHAIRWOMAN CARBANA: That's a
9 storage.

10 MR. HERIN: No, that's a storage.
11 That's all storage.

12 VICE CHAIRWOMAN CARBANA: That's a
13 storage unit.

14 MR. HERIN: They're all storage.
15 These are storage units.

16 COUNCILMAN SENDEROFF: Oh, that's the
17 storage facility. Okay.

18 MR. HERIN: These are storage spaces
19 right up against the property line with
20 the buffer. This side of the buffer, the
21 south side of the buffer, a chain link
22 fence and the north side of the buffer on
23 the apartment side. And that goes from
24 57th all the way down to the end of the
25 complex on the other side.

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1 COUNCILMAN SENDEROFF: And you're
2 saying it's on both sides?

3 MR. HERIN: Yes. There's -- and it's
4 in the staff report. Staff went out and
5 verified that. There is landscaping on
6 both sides. We're required to maintain
7 ours. There a row of Ficus and other
8 vines that are -- that we're required to
9 install, and we will continue to maintain
10 that.

11 That's another reason why we think
12 the variance should be granted. Because
13 if you put up the wall, we're not going to
14 have space to then get in and maintain the
15 landscaping that's already been put in at
16 great expense that the County told us we
17 had to put in.

18 COUNCILMAN SENDEROFF: And to the
19 east of that is another storage facility,
20 correct?

21 MR. HERIN: That's correct. And same
22 thing.

23 COUNCILMAN SENDEROFF: Storage units.

24 MR. HERIN: As you can see, we're
25 right up against it.

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1 CHAIRMAN GARCIA: Okay.

2 VICE CHAIRWOMAN CARBANA: So they
3 have walls already there?

4 MR. HERIN: No, they don't.

5 VICE CHAIRWOMAN CARBANA: But, I
6 mean, part of their building is a wall.

7 MR. HERIN: But it doesn't -- the use
8 is right up against them. We, on the
9 other hand, are a hundred feet to the
10 south parking lot.

11 CHAIRMAN GARCIA: Okay. Anything
12 else? Any other questions?
13 Clarifications? I don't see any show of
14 hands or mouths moving.

15 I will definitely entertain a motion
16 at this time.

17 COUNCILMAN PEREZ: Mr. Chair, I would
18 like to make a motion to deny the
19 application without prejudice.

20 CHAIRMAN GARCIA: Motion on the floor
21 to deny the application without prejudice.

22 Is there a second?

23 No second.

24 Motion dies.

25 Do we have a motion -- another

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1 motion? Can't be the same one.

2 VICE CHAIRWOMAN CARBANA: Can I ask
3 for his clarification on his motion?

4 MR. McINNIS: Sure.

5 CHAIRMAN GARCIA: Please, I -- if
6 you're uncertain, I give plenty of
7 latitude.

8 VICE CHAIRWOMAN CARBANA: Well, I
9 just want to make sure where he's coming
10 from.

11 Mr. Perez, so your motion is
12 encompassing that everything will be
13 denied because of -- because of the
14 reasons that were brought up today in
15 order to resolve the traffic flow, et
16 cetera?

17 COUNCILMAN PEREZ: Correct.

18 VICE CHAIRWOMAN CARBANA: Then I
19 second the motion.

20 CHAIRMAN GARCIA: Well, you can't
21 second the motion, because the motion
22 died, but we can re-motion.

23 COUNCILMAN PEREZ: Then I'll --

24 VICE CHAIRWOMAN CARBANA: Restate
25 your motion.

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1 COUNCILMAN PEREZ: -- restate my
2 motion to deny the application with
3 prejudice.

4 VICE CHAIRWOMAN CARBANA: And I will
5 second it.

6 MR. JONES: Did you say "with
7 prejudice"?

8 COUNCILMAN PEREZ: With prejudice.

9 CHAIRMAN GARCIA: With?

10 COUNCILMAN PEREZ: With prejudice.

11 MR. JONES: Motion to deny the
12 application with prejudice.

13 Vice Chairwoman Carbana?

14 VICE CHAIRWOMAN CARBANA: For the
15 motion.

16 MR. JONES: Councilman Paul?

17 COUNCILMAN PAUL: For the motion.

18 MR. JONES: Councilman Perez?

19 COUNCILMAN PEREZ: For the motion.

20 MR. JONES: Councilman Senderoff?

21 COUNCILMAN SENDEROFF: For the
22 motion.

23 MR. JONES: Chairman Garcia?

24 CHAIRMAN GARCIA: Against the motion.

25 MR. JONES: Motion passes four to

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1 one. So the application has been denied
2 with prejudice.

3 CHAIRMAN GARCIA: Okay.
4 (Thereupon, the proceeding was
5 concluded:)
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1 CERTIFICATE OF REPORTER

2
3 STATE OF FLORIDA)
4 SS:
5 COUNTY OF DADE)

6 I, Jannett Taylor-Brown, Court
7 Reporter and Notary Public in the State of
8 Florida, do hereby certify that a meeting was
9 held before Community Zoning Appeals Board 5 on
10 June 28, 2012; and that Item Number 11-077,
11 MIAMI GARDENS COMMONS, LLC was heard, and that
12 the foregoing pages, numbered 1 through 57,
13 inclusive, constitute a true and correct
14 transcript of my stenographic notes.

15 WITNESS my hand in the City of Miami,
16 County of Dade, State of Florida, this 13th day
17 of July 2012.
18
19
20
21

22 _____
23 JANNETT TAYLOR-BROWN
24 COURT REPORTER
25

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1 CERTIFICATE OF OATH

2
3
4 STATE OF FLORIDA)
5 SS)
6 COUNTY OF MIAMI-DADE)

7 I, Jannett Taylor-Brown, Court
8 Reporter and Notary Public in the State of
9 Florida, certify that all witnesses personally
10 appeared before me on this 28th day of June,
11 2012, and were duly sworn.

12 _____
13 JANNETT TAYLOR-BROWN
14 Court Reporter
15 Notary Public, State of Florida
16 My Commission # DD947659
17 My Commission Expires: 12-27-2013
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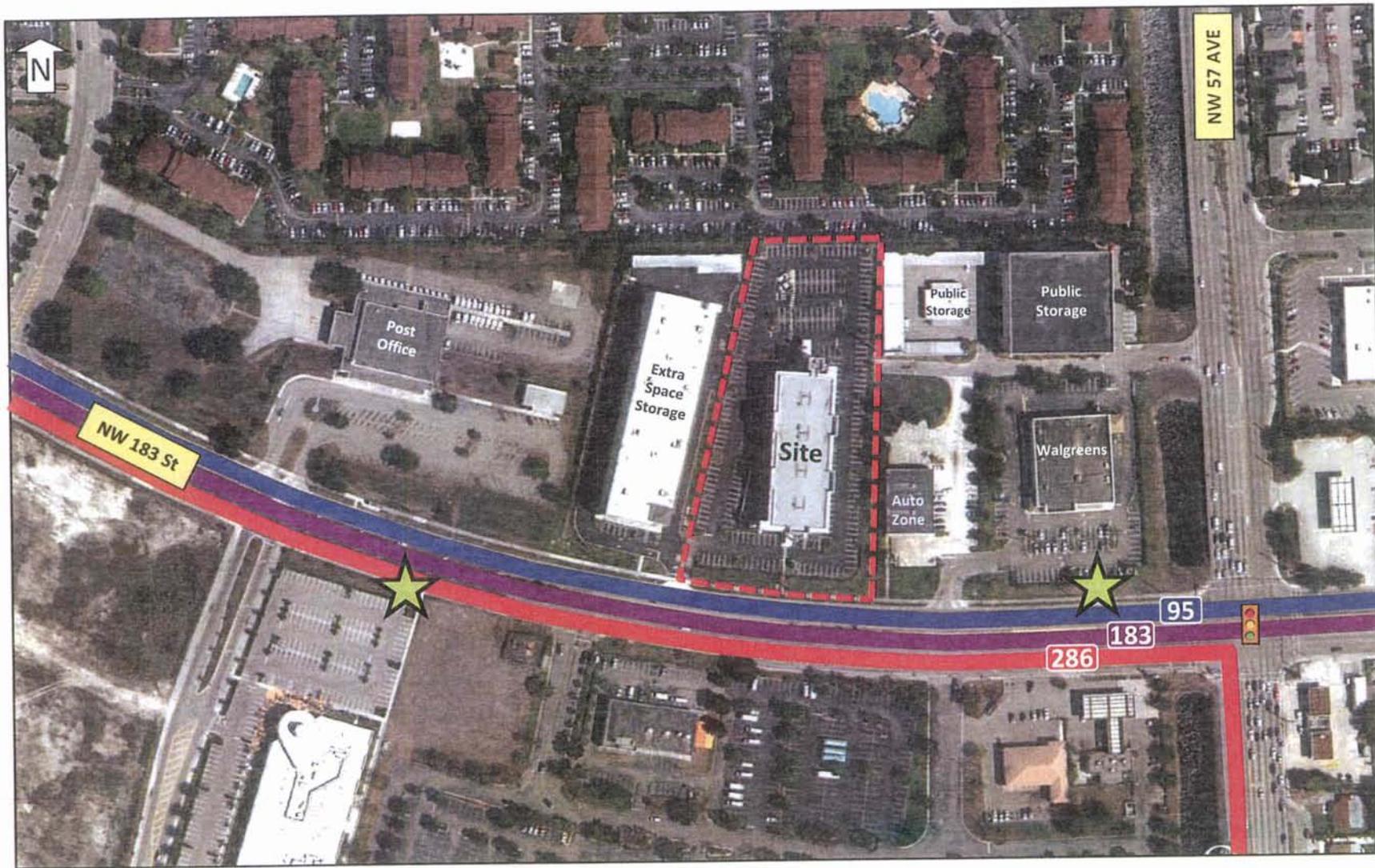
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Site

Route	AM/PM - Headway	Off-Peak - Headway	Sat/Sun - Headway
95 Express - GG	35 to 45 min - Peak Hour Only		
183 Local	12 to 24 min	20 to 24 min	20/24 min
286 Circulator	48 min	48 min	48 min - Sat

Existing Transit Access

Source: Cathy Sweetapple & Associates



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Holland & Knight LLP | www.hklaw.com

Joseph G. Goldstein
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October 12, 2012

VIA PDF AND HAND DELIVERY

Mr. Eric Silva, AICP, Assistant Director
Department of Regulatory and Economic Resources
111 N.W. First Street, 11th Floor
Miami, Florida 33128

Re: Miami Gardens Commons Corp. / Z2011-077 (the "Application") / Notice of Expert Testimony

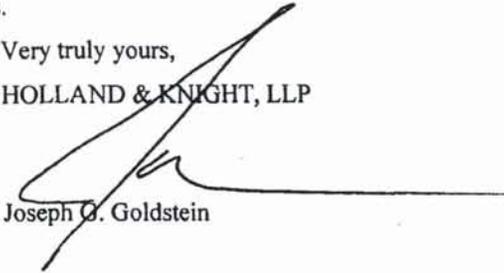
Dear Eric:

Please consider this to be our notice, on behalf of Miami Gardens Commons Corp. and in accordance with Sec. 33-311(D) of the Miami-Dade County Code, that the following individuals may be asked to provide expert opinion testimony and analysis at the public hearing on October 25, 2012 to consider the above-referenced application:

- Cathy Sweetapple, AICP: Ms. Sweetapple may provide expert testimony regarding her analysis of the traffic impacts of the proposed application, which may include a comparison of the impacts of the proposed use versus the uses currently permitted on the subject property as a matter of right, access issues affecting the subject property, and other matters which may arise during the consideration of the Application.
- Mr. Elias Porras, CCIM, SIOR: Mr. Porras may provide expert testimony regarding the commercial real estate market, in general, and the micro-market surrounding the subject property.
- JM Padron, CCIM, CDPE, CRB: Mr. Padron will provide fact and expert testimony regarding leasing and condition of the subject property and its proposed and potential use.

Copies of their resumes are attached. Thank you for your considerate attention to this matter. Please do not hesitate to contact me if you have any questions or concerns.

Very truly yours,
HOLLAND & KNIGHT, LLP


Joseph G. Goldstein

Cc: Ms. Cathy Sweetapple, AICP
Mr. Andy Erpelding
Peter L. Jenkins, Esq.
John Herrin, Esq.
Alan S. Krischer, Esq.

CATHY SWEETAPPLE & ASSOCIATES
TRANSPORTATION AND MOBILITY PLANNING

Cathy Sweetapple, AICP

Academic Background and Professional Certification

Masters of Urban and Regional Planning, University of Miami - 1985
Bachelor of Arts, Pomona College, Claremont, CA - 1982
American Institute of Certified Planners (AICP) - 2003

Professional Experience in Transportation Planning and Urban and Regional Planning

Ms. Sweetapple has 27 years of experience in transportation planning, traffic impact analysis, comprehensive land use and master plan studies, concurrency studies, corridor studies, parking utilization studies and regional and sub-area connectivity and mobility planning in conjunction with master plan and redevelopment efforts. She has strong project management skills and is responsible for regional DRI transportation reports, growth management transportation studies, development of TDM programs, and the identification of implementation strategies for multi-modal system development. She is well versed in local land development regulations, local comprehensive planning policies, Florida statutes governing developments of regional impact and rules from the Department of Community Affairs and the Department of Transportation governing transportation policy, growth management and access management.

Transportation Planning Expertise

- Developments of Regional Impact and NOPC Application Traffic Studies
- Comprehensive Plan Amendment Transportation Studies
- Traffic Impact Studies
- Traffic Concurrency Studies
- Site Access Analyses and Signal Warrant Studies
- Parking Utilization and Parking Reduction Studies
- Master Plan, Redevelopment and Mobility Studies
- Transportation Demand Management Programs
- EAR Based Amendments for Transportation

Developments of Regional Impact and NOPC Application Traffic Studies

- Southeast Overtown Park West DRI – Increment III, City of Miami, 2011-2012
- Dolphin Center North DRI – NOPC for the Water Park, Miami-Dade County, 2010-2011
- Homestead Miami Speedway – NOPC, City of Homestead, 2010-2011
- Miami Ballpark – Binding Letter of Vested Rights, City of Miami, 2009
- Homestead Pavilion – Binding Letter of DRI Status, City of Homestead, 2008
- Parkland 2014 DRI, Miami-Dade County, 2008
- Downtown Miami DRI - Increment III, City of Miami, underway in 2008
- Transal Business Park - Modification of Vested Rights, City of Doral, 2008 and 2005
- Dolphin Center DRI – NOPC, City of Miami Gardens, Miami-Dade County, 2007 and 2005
- Beacon Lakes DRI - NOPC - Miami-Dade County, 2007
- Ryder Systems DRI – NOPC, City of Doral, 2006
- Florida City Commons DRI, City of Florida City, 2006
- Hialeah Park DRI, City of Hialeah, 2006
- Providence DRI, Miami-Dade County, 2005
- Southeast Overtown Park West DRI – Increment II - NOPC, City of Miami, 2005
- Metrozoo DRI - NOPC, Miami-Dade County, 2005
- Beacon TradePort DRI - NOPC, Miami-Dade County, 1998, 1999, 2000, 2001, 2003, 2005

Cathy Sweetapple, AICP

Page 2

- FEC Industrial Park/Gran Central/Beacon Station DRI - NOPC, Miami-Dade County, 2005
- Hemmeter-Continental DRI - NOPC, Village of Key Biscayne, 2005
- Lightspeed Broward Center DRI – NOPC, Oakland Park and Fort Lauderdale, 2005
- Pembroke Lakes Regional Center DRI - NOPC, City of Pembroke Pines, 2005
- Beacon Square Village - NOPC, City of Boca Raton, 2005
- Downtown Miami DRI - Increment II, City of Miami, 2002
- Peninsula Corporate Center DRI - NOPC, City of Boca Raton, 2001
- Oakwood Plaza DRI – NOPC, City of Hollywood, 2000
- DCOTA DRI - NOPC, City of Dania Beach, 2000
- Fort Lauderdale-Hollywood International Airport DRI, Broward County, 2000
- Dolphin Center DRI – NOPC, Miami-Dade County, 1999 and 1993-1995
- East Miramar Areawide DRI – Increment II, City of Miramar, 1998
- Country Lakes West DRI, City of Miramar, 1997
- Southeast Overtown Park West DRI – Increment II, Miami-Dade County, 1992

Comprehensive Plan Amendment Transportation Studies

- April 2012 Cycle – Application No. 2 – CDMP Amendment Transportation Analysis – Sept 2012
- April 2012 Cycle – Application No. 3 – CDMP Amendment Transportation Analysis – Sept 2012
- Rosal Westview LLC – CDMP Amendment Transportation Analysis, October 2012
- UM South Campus-Coral Reef Commons - CDMP Transportation Analysis, October 2012
- Homestead Miami Speedway – CDMP Amendment Transportation Analysis, October 2010
- CC Doral – City of Doral Comprehensive Plan Amendment, September, 2010
- Metrozoo Entertainment Area II – CDMP Amendment Transportation Analysis, March 2010
- Sunforest Apartments Land Use Plan Amendment, Town of Davie, Broward County, 2009
- Gold River – CDMP Amendment Transportation Analysis, Miami-Dade County, 2009
- Manuel Diaz – CDMP Amendment Transportation Analysis, Miami-Dade County, 2009
- Parkland DRI – CDMP Amendment Transportation Analysis, Miami-Dade County, 2008
- Brown – CDMP Amendment Transportation Analysis, Miami-Dade County, 2008
- Dolphin Station RAC - CDMP Amendment Transportation Analysis, Miami-Dade County, 2007
- Beacon Lakes NOPC - CDMP Amendment Transportation Analysis, Miami-Dade County, 2007
- Metrozoo CDMP Amendment Transportation Analysis, Miami-Dade County, June 2007
- Marmol Export Land Use Plan Amendment, City of Doral, 2007
- Applications 13, 14, 15 CDMP Amendment Transportation Analysis, Miami-Dade County, 2007
- Hialeah/Graham – CDMP Amendment Transportation Analysis, Miami-Dade County, April 2006
- The Commons TOD Land Use Plan Amendment, Oakland Park, Broward County, 2006
- Bel Lago Villas Land Use Plan Amendment, City of Coconut Creek, Broward County, 2005
- Liberty Investments CDMP Amendment, Miami-Dade County, 2005
- Four Amendment Sites in Section 17, Land Use Plan Amendment, City of Doral, 2005
- Doral 1 and Doral 2, CDMP Amendment, Miami-Dade County, 2005
- Beacon Town Centre, CDMP Amendment, City of Doral, 2005
- Autohaus Land Use Plan Amendment, City of Pompano, Broward County, 2004
- Downtown Broward RAC Housing Amendment, City of Fort Lauderdale, 2004

Traffic Impact Studies and Traffic Concurrency Studies

- The Pearl at Flagler Village, City of Fort Lauderdale, September 2012
- First Presbyterian Church of Fort Lauderdale, September 2012
- Fontainebleau Square Traffic Impact Study, Miami-Dade County, April 2012
- Atlantech Plaza, City of Fort Lauderdale, April 2012
- CC Doral/Downtown Doral Traffic Impact Study, City of Doral, March 2012
- 400 North Federal, City of Fort Lauderdale, March 2011
- Port Royale, City of Fort Lauderdale, June 2011
- Broward County Courthouse Garage, City of Fort Lauderdale, July 2010
- First Presbyterian Church, City of Fort Lauderdale, 2010
- Miami Ballpark MUSP, City of Miami, 2009
- Palm Drive Villas Traffic Concurrency Analysis, Miami-Dade County, 2009
- The Village at Palm Drive Traffic Concurrency Analysis, Miami-Dade County, 2009
- Beacon Lakes – Retail Site Access Analysis, Miami-Dade County, 2008
- AMB I-75 Business Park Traffic Concurrency Analysis, Miami-Dade County, 2008
- Parcel B - The Lake Parcel, City of Boca Raton, 2008
- Banyan Bay, City of Dania Beach, 2008
- Calle Ocho MUSP, City of Miami, 2007
- Beacon Commons, City of Doral, 2007
- Grand Floridian at Doral, City of Doral, 2007
- United Storage, City of Doral, 2007
- Village of Marbella, City of Coconut Creek, 2007
- Biscayne Plaza MUSP, City of Miami, 2006
- One Dania Beach, City of Dania Beach, 2006
- Downtown Doral Traffic Impact Study, City of Doral, 2006
- Park Square at Doral Traffic Impact Study, City of Doral, 2006
- Homestead Pavilion – Campbell Drive Corridor Analysis, City of Homestead, 2006
- Boca Beach Club, City of Boca Raton, 2005, 2006 and 2007
- Oakland Park Station, City of Oakland Park, 2005
- Marriott Springhill Suites, Town of Miami Lakes, 2005
- City Square MUSP, City of Miami, 2005
- Majorca Isles, City of Miami Gardens, 2005
- La Entrada at the Boca Raton Resort and Club, City of Boca Raton, 2005
- Dania Beach Hotel, City of Dania Beach, 2005
- Siemens East and West Parcels, City of Boca Raton, 2005
- South Miami Mixed Use, City of South Miami, 2005
- Lighthouse Point Townhomes, City of Lighthouse Point, 2005
- 300 Third, City of Fort Lauderdale, 2005
- The Commons at Flagler Village, City of Fort Lauderdale, 2005
- Altaire Village, City of Fort Lauderdale, 2004
- The Satori at Sunrise-Holiday Park, City of Fort Lauderdale, 2004
- 109 Park Condominiums, City of Dania Beach, 2004
- Bella Dania, City of Dania Beach, 2004
- Beacon Square Village Site Specific Traffic Study, City of Boca Raton, 2004
- Spielman-Margolis Replat Concurrency Approval, Town of Davie, 2004
- Boca Beach Club Site Specific Traffic Study, City of Boca Raton, 2002

Site Access Analyses and Signal Warrant Studies

- Signal Warrant Analysis at SW 88 Place and SW 216 Avenue, Miami-Dade County, 2011
- Signal Warrant Analysis at SW 93 Path and SW 216 Avenue, Miami-Dade County, 2011
- Signal Warrant Analysis at SW 97 Avenue and SW 216 Avenue, Miami-Dade County, 2011
- Miami Ballpark – Parking Access Analysis, City of Miami and Miami-Dade County, 2009
- Beacon Lakes – Retail Site Access Analysis, Miami-Dade County, 2008
- Signal Warrant Analysis at Relocated Kingman Rd and SW 312 St, Miami-Dade County, 2007
- Signal Warrant Analysis at SW 152 Avenue and Pacifica Boulevard, Miami-Dade County, 2007
- Signal Warrant Analysis at Bayshore Drive and NE 14 Terrace, Miami-Dade County, 2006
- Signal Warrant Analysis at SW 102 Avenue and SW 33 Street, Miami-Dade County, 2005

Parking Utilization, Parking Reduction and Parking Garage Access Studies

- Diversified Andrews Parking Evaluation, October 2012
- 1253 East Las Olas Blvd Parking Evaluation, October 2012
- Coral Reef Commons Parking Evaluation, September 2012
- Broward County Courthouse Parking Facility, August 2011
- Coral Center, City of Fort Lauderdale, July 2011
- First Presbyterian Church, City of Fort Lauderdale, 2010
- The Escape – Tiffany House, City of Fort Lauderdale, 2008
- Holiday Inn, City of Fort Lauderdale, 2008
- One Dania Beach, City of Dania Beach, 2006
- London Square, Miami-Dade County, 2006
- The Satori, City of Fort Lauderdale, 2005
- Boca Raton Resort and Club Parking Utilization Study, Boca Raton, 1998 and 2005
- Mizner Park Parking Utilization Study, Boca Raton, 2003

Master Plan, Redevelopment and Mobility Studies

- Marlins Ballpark Transit Access Alternatives, City of Miami, Miami-Dade County, 2011
- Finding of Necessity Study - West Perrine, Miami-Dade County, 2004
- Finding of Necessity Study – Goulds, Miami-Dade County, 2004
- Finding of Necessity Study – Biscayne, Miami-Dade County, 2004
- Finding of Necessity Study - Metrozoo-Richmond Heights, Miami-Dade County, 2004
- Downtown Transit and Pedestrian Master Plan, Fort Lauderdale DDA, 2004
- RAC Sub-area Mobility Study, Fort Lauderdale DDA, 2002
- Fort Lauderdale Beach Transit and Parking Mobility Funding Study, 2002
- Central Plantation Master Plan and Sub-area Mobility Study, City of Plantation, 2002

Transportation Demand Management Programs

- Parkland DRI, Miami-Dade County, 2008
- Beacon Square Village, City of Boca Raton, 2004
- IBM at Beacon Square, City of Boca Raton, 2001
- Peninsula Corporate Center DRI, City of Boca Raton, 2000
- Lightspeed Broward Center DRI, City of Fort Lauderdale, 2000

EAR Based Amendments for Transportation

- City of Miami, Adopted November 2008

Elias Porras, SIOR, CCIM



Commercial Real Estate professional and creative deal-maker with 27+ years experience in the leasing, sale and acquisition of office buildings and industrial properties on behalf of corporate facility users in a variety of industries, as well as for property investors and developers.

"A strong believer in relationships that goes beyond a transaction".

Specialist in:

- Providing real estate brokerage and advisory services to corporate clients for facility relocations, expansions, dispositions and lease restructuring.
- Advising corporate clients in managing their total cost of occupancy and maximizing workplace efficiency & image.
- Negotiating creative and flexible lease and sale-purchase contracts.
- Commercial real estate market analysis.
- Property & title due diligence.
- Financial lease & ownership analysis.
- Facility planning & consulting.

Expertise:

Business Development, Client Prospecting, Networking, Commercial Real Estate, Sales and Leasing, Proposal Preparation and Presentation, Contract Negotiation, Financial Analysis, Facility Analysis and Planning, Cost Reduction Strategies, Market Analysis, Marketing, Promotion, Strategic Planning, Build-to-Suit, Sale Lease Back.

List of Deals include:

W.W. Grainger, American Express, ITT Technical Institute, Graebel Movers and Relocation, Wells Fargo Bank, N.A., Wachovia Financial Services, Bank of America, Countrywide Financial Services, Landsafe Title, Parkson, CEC (Career Education Corporation), Sanford-Brown Institute, WAC South Florida, WAC New York, GSA US General Services Administration, World Savings, Kaplan, RunAware, CTX Mortgage Company, CruiseOne, WMPH Vacations, State of Florida, Citrix, Advo, PAETEC, Intel Latin America, Regus, Elluminate, Fusion, Bit Defender, ECI, Pierson Grant Public Relations, Sharp Electronics USA, Clearly Medical Solutions, Health Extras, Humana, Local Matters, Southern Automotive Group, Newbridge Financial, Mounted Memories, HDG Mansur, GE Capital, United Trust Fund, Ameripath, Dreams Inc, Nuvox, City College, Honeywell, Gehr Enterprises, McMahon Transportation Engineers.

Experience:

Commercial Property Realty Group, LLC

Principal & Broker

October 2001 – Present

From October 2001 through 2009, operated a successful commercial real estate brokerage firm, Commercial Property Realty Advisors, LLC, (CPRA). In August 2006, Prudential Commercial Real Estate purchased CPRA. CPRA was re-opened in April 2009 under a new name, Commercial Property Realty Group, LLC to resume providing independent brokerage and advisory services to institutional and local building owners for the sale, leasing, disposition of office buildings and light-industrial properties.

Earned profitable brokerage assignments from Corporate Level Executives and business owners through aggressive prospecting, referrals and networking, by demonstrating the ability to meet client's needs of either: (a) minimizing the total cost of occupancy/ownership for a corporate tenant or user-buyer or (b) maximizing the building's occupancy, rent income and sale price for a building owner/seller.

Colliers International

Senior Vice President

March 2000 – October 2001

Five Star Network, Inc. / Coldwell Banker Commercial

Founder, CEO & Real Estate Broker

September 1991 – March 2000

Served as Principal Broker and President for a sales force of twelve (12) sales associates. I was active in recruiting, training, corporate and public relations for the firm.

In September 1998, our company merged with Coldwell Banker Commercial and I was retained as Senior Vice president

Colliers International

Real Estate Sales Associate

July 1986 - September 1991

Accomplishments:

CoStar Power Broker – 2002, 2003, 2004, 2005, 2006, 2008, 2009, 2010, 2011
Chairman's Circle – Prudential Commercial Real Estate – 2007, 2008
Top Producer – Coldwell Banker Commercial – 1998, 1999

Education:

2005 – *Commercial Investment Real Estate Institute – CCIM*
2002 – *CI 104 – Investment Analysis for Commercial Investments*
2001 – *CI 103 – User Decision Analysis for Commercial Investments*
2000 – *CI 102 – Market Analysis for Commercial Investments*
2000 – *CI 101 – Financial Analysis for Commercial Investments*

2005 – *Texas Real Estate Brokers License*

2001 – *Society of Industrial and Office Realtors – SIOR*

1990 – *Florida Real Estate Brokers License*

1986 – *Florida Real Estate Salesmans License*

CCIM Professional Profile

JM Padron, CCIM

CCIM Designee #13007

Resume:

Contact Information

REMAX COMMERCIAL ASSOCIATES
President
2500 Weston Road
Suite 103
Fort Lauderdale, FL 33331

(954) 703-2021 [business]
(954) 703-2023 [fax]
Business Website: <http://www.floridacommercialassociates.com>

Professional Profile

Working in Commercial Real Estate Since 2004

JM Padron is the President of REMAX Premier Associates and REMAX Commercial Associates, real estate firms with more than 100 agents. The firm has a commercial division and a residential division. Mr. Padron has closed important commercial deals for more than \$200 million, as well as leased more than 200,000 Sq Ft of retail space. JM Padron brings more than 25 years of experience in management, business development and mergers and acquisitions, both domestic and international. Mr. Padron has held important senior management positions in Motorola, AT&T Network Systems, CCI and Shell Oil, among others. Mr. Padron received a Bachelor of Science in Engineering from Metropolitan University and a Master of Engineering Sciences Degree from Lamar University and an MBA from Cleveland State University. Mr. Padron is a Licensed Real Estate in the State of Florida, and holds the prestigious CCIM (Certified Commercial Investment Member) designation. Mr. Padron held important recognitions in his productive years at RE/MAX: Member of the RE/MAX multimillion dollar 100% Club and the prestigious Chairman's Club. Mr. Padron is fluent in both English and Spanish.

Market Areas

US States: Florida: CORAL SPRINGS
US States: Florida: Miami-Ft. Lauderdale
US States: Florida: Boca Raton
US States: Florida: Broward County
US States: Florida: Fort Lauderdale
US States: Florida: Palm Beach County

Expertise

Property Types:

- Retail

Professional Specializations:

- LANDLORD
- TENANT

Sub-Specializations:

- Leasing
- Site Selection
- International Commercial Real Estate

Credentials

Designations & Certifications:

- CCIM
- CRB

Professional Licenses:

- Real Estate Brokerage

Additional Languages Spoken:

- English (FLUENT)
- Spanish (FLUENT)
- Italian (CONVERSANT)
- Portuguese (READONLY)

Education

- Bachelor of Arts - Engineering - Metropolitan University - 1977
- Masters Degree - Engineering - Lamar University - 1981
- MBA - - Cleveland State University - 1983



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