

**RESOLUTION NO. CZAB10-9-13**

*WHEREAS*, **JULMAR 147 INVESTMENT, LLC** applied for the following:

- (1) DISTRICT BOUNDARY CHANGE from AU to RU1-MA.

REQUEST #1 ON PARCELS "1" & "2"

- (2) SPECIAL EXCEPTION to permit a private school.
- (3) UNUSUAL USE to permit a daycare.
- (4) NON-USE VARIANCE to permit the school setback 6' (25' required) from the side street (north) property line.
- (5) NON-USE VARIANCE to permit parking and within drives 25' of an official right-of-way (not permitted).
- (6) NON-USE VARIANCE to permit an outdoor recreation area of 11,350 sq. ft. (21,600 sq. ft. required).

REQUESTS #2 THROUGH #6 ON PARCEL "1"

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Higher Learning Educational Center and 6 Residential Lots" as prepared by Villa & Associates Inc. Sheets A-1, A-3 & L-1 dated stamped received 8/21/12 and the remaining 4 sheets dated stamped received 8/13/12 and consisting of 7 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: PARCEL 1: Proposed Lot for higher Learning Educational Center. The West 305 feet of the North ½ of Tract 6, less the North 25 feet thereof, lying in Section 10, Township 54 South, Range 39 East of J.G. Heads Farms Subdivision, according to Plat Book 46, Page 44. PARCEL 2: Proposed Lot for 6 RU1-MA Lots. The North ½ of Tract 6, less the West 305 feet and less the North 25 feet thereof, lying in Section 10, Township 54 South, Range 39 East of J.G. Heads Farms Subdivision, Plat Book 46, Page 44.

LOCATION: Lying South of SW 15 Street, between SW 145 Avenue & SW 147 Avenue, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Miami-Dade County Community Zoning Appeals Board 10 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions, and

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 RU1-MA on Parcels #1 and #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 special exception to permit a private school on Parcel #1 (Item #2), the requested unusual use to permit a daycare on Parcel #1 (Item #3), the requested non-use variance to permit the school setback 6' from the side street (north) property line on Parcel #1 (Item #4), the requested non-use variance to permit parking and within drives 25' of an official right-of-way on Parcel #1 (Item #5), and the requested non-use variance to permit an outdoor recreation area of 11,350 sq. ft. on Parcel #1 (Item #6) would not be compatible with the area and its development and would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance and that the requested special exception on Parcel #1 (Item #2) unusual use on Parcel #1 (Item #3) would have an adverse impact upon the public interest and should be denied without prejudice ,and

WHEREAS, a motion to deny the application without prejudice was offered by Julio R. Caceres, seconded by Gerardo Rodriguez, and upon a poll of the members present the vote was as follows:

Julio R. Caceres	aye	Gerardo Rodriguez	aye
Miriam Planas	aye	Toufic Zakharia	aye
		Manuel Valdes	nay
	Richard M. Gomez	nay	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 10, that the requested district boundary change to RU1-MA on Parcels #1 and #2 (Item #1) be and the same is hereby denied without prejudice.

*BE IT FURTHER RESOLVED* that the requested special exception to permit a private school on Parcel #1 (Item #2), the requested unusual use to permit a daycare on Parcel #1 (Item #3), the requested non-use variance to permit the school setback 6' from the side street (north) property line on Parcel #1 (Item #4), the requested non-use variance to permit parking and within drives 25' of an official right-of-way on Parcel #1 (Item #5), and the requested non-use variance to permit an outdoor recreation area of 11,350 sq. ft. on Parcel #1 (Item #6) be and the same are hereby denied without 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 23<sup>rd</sup> day of April, 2013.

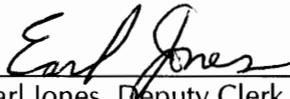
Hearing No. 12-12-CZ10-1  
ej

**STATE OF FLORIDA**

**COUNTY OF MIAMI-DADE**

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Regulatory and Economic Resources as designated by the Director of the Miami-Dade County Department of Department of Regulatory and Economic Resources and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 10, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB10-9-13 adopted by said Community Zoning Appeals Board at its meeting held on the 23<sup>rd</sup> day of April, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 30<sup>th</sup> day of April, 2013.



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

**SEAL**





Department of Regulatory and Economic Resources

Development Services Division  
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April 30, 2013

Julmar 147 Investment, LLC  
c/o Melissa Tapanes Llahues  
First Union Financial Center  
200 South Biscayne Blvd, Suite 850  
Miami, Florida 33131

Re: Hearing No. 12-12-CZ10-1  
Location: Lying South of SW 15 Street, between SW 145 Avenue  
& SW 147 Avenue, Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. CZAB10-9-13, adopted by the Miami-Dade County Community Zoning Appeals Board 10, which denied your application without prejudice.

Information regarding options and methods for challenging a decision of a Community Zoning Appeals Board may be obtained from sources that include, but are not limited to, the following: Sections 33-312, 33-313, 33-314, 33-316, and 33-317 of the Code of Metropolitan Dade County, Florida; the Florida Rules of Appellate Procedure; and the Municode website ([www.municode.com](http://www.municode.com)). Miami-Dade County does not provide legal advice regarding potential avenues and methods for appealing or otherwise challenging CZAB decisions; however, a licensed attorney may be able to provide assistance and legal advice regarding any potential challenge or appeal.

Copies of any court filings concerning this matter should be served upon both my office and:

R.A. Cuevas, Jr.  
County Attorney  
111 N.W. 1<sup>st</sup> Street, Suite 2810  
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

A handwritten signature in black ink that reads "Earl Jones". The signature is written in a cursive, flowing style.

Earl Jones  
Deputy Clerk

Enclosure