



February 1, 2013

Miami-Dade County
Jack Osterholt, Director
Department of Sustainability,
Planning and Economic Enhancement
111 SW 1st Street, 11th Floor
Miami, FL 33128

RECEIVED

FEB 01 2013

MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
DEVELOPMENTAL IMPACT COMMITTEE
BY 

**Re: First Amended Letter of Intent/Pinecrest Academy Charter School Tamiami
Trail Campus Location: SW 8th Street & 152nd Avenue/ Process Number
Z2012000128**

Dear Mr. Osterholt:

Please accept this correspondence as our first amended letter of intent on behalf of Ferro Development, LLC (the "Applicant"), in support of its request for a Special Exception to permit a public charter school facility including, grades pre-kindergarten through the 12th grade and Deletion of a Covenant. The proposed charter school will serve up to 3000 students. The 8.9264 acre property is zoned BU-1A (Business District Limited). Currently, a charter school facility is a permitted use after public hearing in the BU – 1A zoning district.

Limitations on the siting of a public charter school pursuant to County Code

Section 33-154(b) and (c) of the Miami Dade County Code Provides:

(b) Except as provided in subsection (c) below, the following new charter school facilities and the expansion of such facilities shall be located inside the UDB and spaced from the UDB as follows:

- (1) Kindergarten, Elementary school: at least ¼ mile inside the UDB
- (2) Middle school: at least ½ mile inside the UDB
- (3) Senior high school: at least one mile inside the UDB.

(c) A proposed new kindergarten, elementary, middle, or senior high charter school facility, or the expansion of an existing charter school site, inside but closer to the UDB than indicated in (b) above, may be

CHICAGO HOFFMAN ESTATES SPRINGFIELD MILWAUKEE
FORT LAUDERDALE MIAMI TAMPA WEST PALM BEACH BOCA RATON

Arnstein & Lehr LLP is a member of the International Lawyers Network

ARNSTEIN & LEHR LLP

Miami-Dade County
Jack Osterholt, Director
Department of Sustainability,
Planning and Economic Enhancement
February 1, 2013
Page 2

approved at public hearing, when it is demonstrated that within a one-half mile radius of the outer boundaries of the proposed new charter school or charter school expansion site:

- (1) that the majority of the lots, parcels or tracts lying within the radius are developed or approved for development; and
- (2) there are no other lots, parcels or tracts within the radius that are available for development that meet the requirements of subsection (b) above and that meet all the requirements of this article.

Approval of such a site shall require that the majority of the subject site and the proposed buildings' ground floor square footage be located in accordance with (b) above, and that the principal buildings and entrances be placed as far from the UDB as possible.

The proposed charter school site is inside the UDB, but does not meet the spacing requirements listed in Section 33-154(b) (1), (2) and (3). However, the proposed charter school falls squarely within Section 33-154(c) (1) and (2), which allow for schools to be sited at distances closer to the UDB than Section 33-154(b) indicates. As shown on Miami Dade County's most recent aerial photos of the surrounding area, virtually all of the land located within a half mile radius of the property is developed and there are no other lots or parcels within a half mile radius that are available that meet the distancing criteria of Section 33-154(b) (1), (2) and (3). *Please see attached Exhibit "A."*

In terms of design, the proposed charter school's site plan places the principal buildings and entrances as far from the UDB as functionally possible. The sports field and extra-curricular activities areas of the proposed site are insulated by the buildings and as far away from the UDB as possible in a "U shaped" building layout.

Parking Calculations Preempted by state law

The proposed charter school will provide 274 parking spaces. The school drop-off area provides a surplus of vehicular stacking area for 67 vehicles that will primarily serve parents as they drop-off and pick-up their children. These parking calculations are based on state requirements for Educational Facilities 2010 FBC/ Sec. 423.10.2.8 and not Miami Dade County Code, which would require more than the 274 parking spaces provided. However, the County Code is preempted by Section 1002.33 (18)(a), Florida Statutes, which states, in pertinent part, that: "a local governing authority shall not adopt or impose any local building requirements or site-development restrictions, such as parking and site-size criteria, that are addressed by, and more stringent than, those found in the state requirements for educational facilities of the Florida Building Code."

ARNSTEIN & LEHR LLP

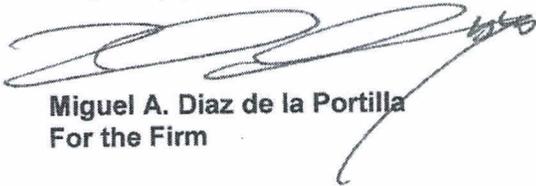
Miami-Dade County
Jack Osterholt, Director
Department of Sustainability,
Planning and Economic Enhancement
February 1, 2013
Page 3

Deletion of a Covenant

Additionally, the Applicant is seeking to delete a landscape covenant tied to the property, recorded on January 9, 2009, OR BK 26712 PG 0900, requiring a 15' wide landscape buffer along the Southern and Western perimeter of the property. This landscape covenant no longer makes sense given that the proposed development is no longer a shopping center as was proposed in 2009.

Once again, the proposed charter school is compatible with the surrounding area, consistent with the CDMP, and meets all of the applicable requirements of the Miami Dade County Code. We trust that these amendments to our initial letter of intent address staff's questions, and we request that you enthusiastically recommend approval of our request for a Special Exception and Deletion of a Covenant. If you have any questions or comments, please do not hesitate to contact our office. We look forward to working with your department.

Very truly yours,



Miguel A. Diaz de la Portilla
For the Firm

ADMINISTRATIVE OFFICE

3111 STIRLING ROAD
FORT LAUDERDALE, FL 33312
954-987-7550

WWW.BECKER-POLIAKOFF.COM
BP@BECKER-POLIAKOFF.COM

October 16, 2012

Reply To:
Miguel A. Diaz de la Portilla, Esq.
Direct Dial: (305) 260-1037
mportilla@becker-poliakoff.com

Miami-Dade County
Jack Osterholt, Director
Department of Sustainability,
Planning and Economic Enhancement
111 SW 1st Street, 11th Floor
Miami, FL 33128

RECEIVED
212-128
OCT 17 2012

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

**Re: Letter of Intent/Pinecrest Academy Charter School
Tamiami Trail Campus
Location: SW 8th Street & 152nd Avenue**

FLORIDA OFFICES

BOCA RATON

FORT MYERS

FORT WALTON BEACH

HOLLYWOOD

HOMESTEAD

MELBOURNE*

MIAMI

NAPLES

ORLANDO

PORT ST. LUCIE

SARASOTA

TALLAHASSEE

TAMPA BAY

WEST PALM BEACH

U.S. & GLOBAL OFFICES

BAHAMAS

NEW JERSEY

NEW YORK CITY

PARIS*

PRAGUE

TEL AVIV*

* by appointment only

Dear Mr. Osterholt:

This shall constitute our letter of intent on behalf of Ferro Development, LLC (the "Applicant"), in support of its request for a Special Exception to permit a public charter school facility including, grades pre-kindergarten through the 12th grade (the "Application"). The proposed charter school will serve up to 3000 students. The 8.9264 acre Property is zoned BU-1A (Business District Limited). Currently, a charter school facility is a permitted use after public hearing in the BU – 1A zoning district.

The 8.9264 acre Property is designated Business and Office on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). This land use category is generally characterized by commercial and retail activity. Schools are permitted in any land use category provided they are approved at a public hearing. Further, the proposed Charter School is consistent with the CDMP and will provide a much needed service to the surrounding community.

In accordance with the plans accompanying this Application, the charter school will consist of 81,600 sq. ft of class room area, 117,150 sq. ft. of non-class room area (offices, bathrooms, kitchens etc.) and 97,000 sq. ft. of outdoor recreation area. The plans fully comply with all applicable land development regulations.

Jack Osterholt
Miami- Dade County
October 16, 2012
Page 2

The proposed facility adheres to the setbacks for buildings of public assemblage and, therefore, is adequately spaced from adjoining properties under different ownership and from the rights-of-way. The property's frontage on S.W. 8th Street and S.W. 152nd Avenue provides good access to the site for the intended use. Vehicular ingress and egress to the site has been carefully designed. The parking lot will contain 274 parking spaces. The school drop-off area provides a surplus of vehicular stacking area for 67 vehicles that will primarily serve parents as they drop-off and pick-up their children.

The playground area is adequately spaced from the rights-of-way and will be enclosed with a fence and self-locking gates. Use of the playground area will occur in shifts to ensure that adequate outdoor space is afforded to the number of children allowed outdoors. Perimeter landscaping will be introduced to buffer the adjoining properties under different ownership.

This proposal is compatible with the surrounding area and consistent with the CDMP. We ask that you enthusiastically recommend approval of our request for a Special Exception. If you have any questions or comments, please do not hesitate to contact our office. We look forward to working with your department.

Very truly yours,



Miguel A. Diaz de la Portilla
For the Firm

MAP1/tfj