

**CZAB15-22-02**  
**Administrative Reformation**

WHEREAS, SUMMERVILLE DEVELOPMENT, INC. applied for the following:

To permit the reformation of Resolution No. CZAB15-22-02 in order to correct a scrivener's error in the legal description.

From: SUBJECT PROPERTY: EXHIBIT "B": The NE ¼ of the SE ¼, less the north 902.55' and the north ½ of the SE ¼ of the SE ¼, less the street dedication, in Section 24, Township 56 South, Range 39 East. LESS that W/ly portion described as follows: Commence at the Southeast corner of the NE ¼ of the SE ¼ and run N0°37'15"W along the east line of the SE ¼ of Section 24, Township 56 South, Range 39 East for a distance of 422.88' to a point; thence run S88°18'35"W along a line being 902.55' from the north line of the SE ¼ of said Section 24, measured at right angle for a distance of 1,009.78' to the Point of beginning; thence continue S88°18'35"W for a distance of 330.26' to a point; thence run S0°42'47"E for a distance of 757.84' to a point; thence run N88°9'38"E for a distance of 330.52' to a point; thence run N0°43'53"W, for a distance of 756.98' to the Point of beginning. EXHIBIT "C": The north ½ of the SW ¼ of the SW ¼ of the SW ¼ of Section 19, Township 56 South, Range 40 East, less the west 35' thereof. AND: The SW ¼ of the NW ¼ of the SW ¼ less the east 175' of the north 75' and the NW ¼ of the SW ¼ of the SW ¼ in Section 19, Township 56 South, Range 40 East. AND: The north ¾ of the west ½ of the east ½ of the SW ¼ of the SW ¼ of Section 19, Township 56 South, Range 40 East, less the south 65' thereof for road. EXHIBIT "D":

Commence at the Southeast corner of the NE ¼ of the SE ¼ and run N0°37'15"W along the east line of the SE ¼ of Section 24, Township 56 South, Range 39 East for a distance of 422.88' to a point; thence run S88°18'35"W along a line being 902.55' from the north line of the SE ¼ of said Section 24, measured at right angle for a distance of 1,009.78' to the Point of beginning; thence continue S88°18'35"W for a distance of 330.26' to a point; thence run S0°42'47"E for a distance of 757.84' to a point; thence run N88°9'38"E for a distance of 330.52' to a point; thence run N0°43'53"W, for a distance of 756.98' to the Point of beginning.

To: SUBJECT PROPERTY: EXHIBIT "B": The NE ¼ of the SE ¼, less the north 902.55' and the north ½ of the north ½ of the SE ¼ of the SE ¼, less the street dedication, in Section 24, Township 56 South, Range 39 East. LESS that W/ly portion described as follows: Commence at the Southeast corner of the NE ¼ of the SE ¼ and run N0°37'15"W along the east line of the SE ¼ of Section 24, Township 56 South, Range 39 East for a distance of 422.88' to a point; thence run S88°18'35"W along a line being 902.55' from the north line of the SE ¼ of said Section 24, measured at right angle for a distance of 1,009.78' to the Point of beginning; thence continue S88°18'35"W for a distance of 330.26' to a point; thence run S0°42'47"E for a distance of 757.84' to a point; thence run N88°9'38"E for a distance of 330.52' to a point; thence run N0°43'53"W, for a

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Summerville Develop, Inc. /F/K/A Robert Borek

distance of 756.98' to the Point of beginning. AND The north ½ of the SW ¼ of the SW ¼ of the SW ¼ of Section 19, Township 56 South, Range 40 East, less the west 35' thereof. AND: The SW ¼ of the NW ¼ of the SW ¼ less the east 175' of the north 75' and the NW ¼ of the SW ¼ of the SW ¼ in Section 19, Township 56 South, Range 40 East. AND: The north ¾ of the west ½ of the east ½ of the SW ¼ of the SW ¼ of Section 19, Township 56 South, Range 40 East, less the south 65' thereof for road. AND

Commence at the Southeast corner of the NE ¼ of the SE ¼ and run N0°37'15"W along the east line of the SE ¼ of Section 24, Township 56 South, Range 39 East for a distance of 422.88' to a point; thence run S88°18'35"W along a line being 902.55' from the north line of the SE ¼ of said Section 24, measured at right angle for a distance of 1,009.78' to the Point of beginning; thence continue S88°18'35"W for a distance of 330.26' to a point; thence run S0°42'47"E for a distance of 757.84' to a point; thence run N88°9'38"E for a distance of 330.52' to a point; thence run N0°43'53"W, for a distance of 756.98' to the Point of beginning.

LOCATION: North of S.W. 248 Street and both sides of S.W. 117 Avenue, Miami-Dade County, Florida, and

*WHEREAS*, upon consideration having been given to the matter and to Section 33-310. 1 (A)(II) of the Code of Miami-Dade County, the Director makes the following findings:

1. That the administrative modification will allow the zoning action to accurately reflect the Board's intent.
2. That the administrative modification will comply with all the standards stated in Section 33-310.01.
3. That failure to approve this administrative modification will lead to an unjust result.

*WHEREAS*, the requested administrative modification to permit the reformation of Resolution No. Z-28-02 in order to correct the legal description was approved on October 3, 2002.

*NOW THEREFORE BE IT RESOLVED* by the Director of Miami-Dade County, Department of Planning and Zoning that the requested administrative modification to permit the reformation of Resolution CZAB15-22-02 to correct the legal description be and the same was hereby approved.

**BE IT FURTHER RESOLVED**, that Resolution No. CZAB15-22-02, as reformed,

shall read as follows:

(1) AU to PAD

REQUEST #1 ON EXHIBITS "B" & "C"

(2) AU to EU-1

REQUEST #2 ON EXHIBIT "D"

OR IN THE ALTERNATIVE TO REQUESTS #1 & #2, REQUESTS #3 & #4 & #5

(3) AU to PAD

REQUEST #3 ON EXHIBIT "C"

AND:

(4) AU to RU-1

REQUEST #4 ON EXHIBIT "B"

(5) AU to EU-1

REQUEST #5 ON EXHIBIT "D"

SUBJECT PROPERTY: EXHIBIT "B": The NE ¼ of the SE ¼, less the north 902.55' and the north ½ of the north ½ of the SE ¼ of the SE ¼ less the street dedication, in Section 24, Township 56 South, Range 39 East. LESS that W/ly portion described as follows: Commence at the Southeast corner of the NE ¼ of the SE ¼ and run N0°37'15"W along the east line of the SE ¼ of Section 24, Township 56 South, Range 39 East for a distance of 422.88' to a point; thence run S88°18'35"W along a line being 902.55' from the north line of the SE ¼ of said Section 24, measured at right angle for a distance of 1,009.78' to the Point of beginning; thence continue S88°18'35"W for a distance of 330.26' to a point; thence run S0°42'47"E for a distance of 757.84' to a point; thence run N88°9'38"E for a distance of 330.52' to a point; thence run N0°43'53"W, for a distance of 756.98' to the Point of beginning. AND The north ½ of the SW ¼ of the SW ¼ of the SW ¼ of Section 19, Township 56 South, Range 40 East, less the west 35' thereof. AND: The SW ¼ of the NW ¼ of the SW ¼ less the east 175' of the north 75' and the NW ¼ of the SW ¼ of the SW ¼ in Section 19, Township 56 South, Range 40 East. AND: The north ¾ of the west ½ of the east ½ of the SW ¼ of the SW ¼ of Section 19, Township 56 South, Range 40 East, less the south 65' thereof for road. AND

Commence at the Southeast corner of the NE ¼ of the SE ¼ and run N0°37'15"W along the east line of the SE ¼ of Section 24, Township 56 South, Range 39 East for a distance of 422.88' to a point; thence run S88°18'35"W along a line being 902.55' from the north

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line of the SE ¼ of said Section 24, measured at right angle for a distance of 1,009.78' to the Point of beginning; thence continue S88°18'35"W for a distance of 330.26' to a point; thence run S0°42'47"E for a distance of 757.84' to a point; thence run N88°9'38"E for a distance of 330.52' to a point; thence run N0°43'53"W, for a distance of 756.98' to the Point of beginning.

LOCATION: North of S.W. 248 Street and both sides of S.W. 117 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 15 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant requested permission to withdraw the requests for district boundary changes from AU to PAD (Item #3), AU to RU-1 (Item #4), and AU to EU-1 (Item #5) and at which time the applicant proffered a Planned Area Development Agreement which among other things provided for:

1. That the Property shall be developed substantially in accordance with the plans entitled "Summerville", as prepared by Jarosz, Rosello & Balboa Architecture & Town Planning, dated stamped received July 15, 2002, and consisting of twenty-two (22) sheets, including cover sheet, and the landscape plans entitled, "Proposed 60 Acre P.A.D.," as prepared by Witkin Design Group, dated 7/9/02, and consisting of five (5) sheets (collectively, the "Plans"), as may be modified at the public hearing on the application
2. That the maximum number of dwelling units on the Property shall be two hundred sixty-seven (267) units, consisting of one hundred fifty-six (156) detached units and one hundred eleven (111) attached units.
3. That the Development of the Property is projected to commence no later than June 2003.
4. Additional Quantitative Data
  - A. That the total number of bedrooms on the Property shall not exceed 935.
  - B. That the total area of building coverage for the Property shall not exceed 474,976 square feet, or 22.67% of the Property.
  - C. That the total area of common open space for the Property shall be in accordance with Section 33-284.27 (l) of the Code of Miami-Dade County, as may be amended from time to time. The private open space for each

unit shall be in accordance with Section 33-284.27 (K) of the Code of Miami-Dade County, as may be amended from time to time.

- D. That the maximum density on the Property shall be 5.55 units per gross acre.
  - E. That the total green space on the Property, including Park Tracts, Bowers, and Sidewalks shall be 21.19 acres.
  - F. That the roadways within the proposed PAD shall be public roadways. The area of pavement shall be 8.03.
  - G. That the estimated population projection resulting from the development of the Property is 935 people, based on an average of 3.5 persons per dwelling unit: Type I, Type IIA, Type IIB, Type IIIA, Type IIIB, Type IVA, Type IVB, Type V, Type VIA, Type VIB. The development criteria for each type of dwelling unit is set forth below:
5. That the Owner agrees that the dwelling units within the Property shall be free-simple ownership, and that a homeowner's association shall be created for the maintenance of the common areas and easements. The homeowners' association shall also own and maintain all of the park tracts, green space, bowers, and sidewalks outside of the public right of way; said information shall be noted on the plat for the Property.
- A. Type I (Large House). That the proposed interior gross area is 2,500 s.f.; the minimum unit private open space shall be 3,125 s.f.; the maximum lot coverage shall be 1,896 s.f.; the minimum lot area shall be 44,352 s.f.
  - B. Type IIA (Park House). That the proposed interior gross area is 2,500 s.f.; the minimum unit private open space be 3,062 s.f.; the maximum lot coverage be 1,780 s.f.; the minimum lot area shall be 4,140 s.f.
  - C. Type IIB (Park House). That the proposed interior gross area is 3,020 s.f.; the minimum unit private open space shall be 3,775 s.f.; the maximum lot coverage shall be 1,740 s.f.; the minimum lot area shall be 5,040 s.f.
  - D. Type IIIA (Large Courtyard House). That the proposed interior gross area is 2,950 s.f.; the minimum unit private open space shall be 1,770 s.f.; the maximum lot coverage shall be 2,430 s.f.; the minimum lot area shall be 4,140 s.f.
  - E. Type IIIB (Small Courtyard House). That the proposed unit interior gross area is 2,485 s.f.; the minimum unit private open space shall be 1,491 s.f.; the maximum lot coverage shall be 1,904 s.f.; the minimum lot square footage shall be 3,150 s.f.

- F. Type IVA (Large Side yard House). That the proposed unit interior gross area is 2,800 s.f.; the minimum unit private open space shall be 3,500 s.f.; the maximum lot coverage shall be 2,135 s.f.; the minimum lot area shall be 5,040 s.f.
  - G. Type IVB (Small Side yard House). That the proposed unit interior gross area is 2,665 s.f.; the minimum unit private open space shall be 3, 020 s.f.; the maximum lot coverage shall be 1,725 s.f.; the minimum lot area shall be 4,050
  - H. Type V (Small House). 70'-76' Lot Depth: That the proposed unit interior gross area is 2,022 s.f.; the minimum unit private open space shall be 2,750 s.f.; the maximum lot coverage shall be 1,236 s.f.; the minimum lot area shall be 3,150 s.f.
- 90'-92' Lot Depth: That the proposed unit interior gross area is 2,330 s.f.; the minimum unit private open space shall be 2,912 s.f.; the maximum lot coverage shall be 2,120 s.f.; the minimum lot area shall be 4,140 s.f.
- I. Type VIA (Small Attached House). That the proposed unit interior gross area is 2,520 s.f. ; the minimum unit private open space shall be 1,410 s.f.; the maximum lot coverage shall be 1,476 s.f. the minimum lot area shall be 2,310 s.f.
  - J. Type VIB (Large Attached House). That the proposed unit interior gross area is 2, 250 s.f.; the minimum unit private open space shall be 1,410 s.f.; the maximum lot coverae shall be 1, 476 s.f.; the minimum lot area shall be 2,310 s.f.

- 6. That the Owner agrees that the dwelling units within the Property shall be free-simple ownership, and that a homeowner's association shall be created for the maintenance of the common areas and easements. The homeowners' association shall also own and maintain all of the park tracts, green space, bowers, and sidewalks outside of the public right of way; said information shall be noted on the plat for the Property.
- 7. That the Owner agrees that the accessory uses on the Property shall be limited to the following:
  - A. Studio apartment, guest house, or loft as an accessory to the principal use. Said structure shall not be used for rental purposes.
  - B. Pool Gazebo
  - C. Plant conservatory/Greenhouse
  - D. Exercise Room/Sauna/Toilets

8. That the Owner agrees to reserve in perpetuity the following lots for future roadway dedications: Park Tract 3 and Park Tract 4 (the "Future Roadway Dedications"), which shall serve as future connections to the parcels adjacent to the north and south (the "Adjacent Parcels") when those parcels are developed. Upon the approval of a final plat for the Adjacent Parcels, showing connections to the Property that align with the Future Roadway Dedications, the Owner shall construct or cause the construction of public roadways (the "Roadways") as connections to the Adjacent Parcels. Provided the roadways have not been constructed prior to the issuance of a building permit for the 267<sup>th</sup> dwelling unit, the Owner shall provide such legally sufficient financial assurances, as may be acceptable to the Director of the Public Works Department, to assure the Director of the Public Works Department that the Owner will have the financial ability to construct the Roadways. The Owner agrees to maintain Park Tract 3 and Park Tract 4 in a manner that complies with the Miami-Dade County Code, until such time as said lots are improved as roadways. Notwithstanding anything in this Agreement to the contrary, the obligation of the Owner to build the Roadways shall ten (10) years following the issuance of a building permit for the 267<sup>th</sup> dwelling unit.
9. That the Owner agrees to construct both halves of the southernmost east-west roadway, including the entire traffic roundabout, which roadway and roundabout separate the Property from the "Future Mixed Use District" and "Future Fire Station Site", as designated on the Site Plan.
10. That the Owner agrees to provide permanent and safe access for pedestrian and vehicular traffic within the Property at all times. Access shall also be provided at all times to fire, police, health, sanitation and other public service personnel and vehicles. Furthermore, all streets or accessways shall be installed by the Owner, including, but not limited to, sidewalks, drainage facilities, water, sewers, and fire hydrants, meeting with the approval of the appropriate departments of Miami-Dade County.
11. That the Owner shall set aside for future conveyance to Miami-Dade County that certain 1± acre parcel of land (the "Fire Station Site"), which is legally described in Exhibit "B" to this Agreement, for the construction of a fire station. At the request of the Miami-Dade County Fire Rescue Department, prior to the approval of a tentative plat for any portion of the Property that is contiguous to the Fire Station Site, the Owner shall convey the Fire Station to Miami-Dade County.

The fire station Site shall be platted, at the Owner's cost and expense, at the time of platting of any portion of the Property that is contiguous to the Fire Station Site. The Fire Station Site shall be filled to 12" above the crown of the road compacted and stabilized to 3,000 pounds per square foot ("psf") with all utilities to the site (water, sewer, electrical, telephone) ready for connection and of sufficient quality and quantity to support a fire station site. The Owner shall provide engineering certification attesting to the compacting and stabilization to 3,000 psf and that fill and subsoil are clean and free of hazardous materials. The Owner shall provide either an environmental assessment by a reputable environmental firm or a certification by the Department of Environmental assessment by a reputable

environmental firm or a certification by the Department of Environmental Resources Management ("DERM") that environmental requirements have been met and that the Fire Station Site is free of hazardous materials and/or gases. The Fire Station Site shall be conveyed by statutory warranty deed, free of all encumbrances and liens subsequent to the verification that all site work is complete and meets the standards set forth in this paragraph. The Owner shall provide an opinion of title and a topological survey of the Fire Station Site prior to final transfer. The conveyance of the Fire Station Site may entitle the Owner to a credit against the impact fees that would be assessed against the development of the Property under the provisions of Chapter 33J of the Code of Miami –Dade County. Should Miami-Dade County elect not to accept conveyance of the Fire Station Site, title to the Fire Station Site shall revert to the Owner and the Owner shall be released of any further obligation under this paragraph.

12. That prior to the issuance of the first certificate of occupancy for the Property, the Owners shall identify a 2.5± acre site within the Property (the "School Site") for the construction and operation of a K-8 charter school (the "Charter School"). The Charter School shall be subject to approval by the County under separate application. Said application shall be subject to review and approval by the Public Works Department Traffic Concurrency Section, in addition to the review and approvals required by local and state laws and regulations. Subject to said approvals, the Charter School shall be in operation prior to the issuance of a certificate of occupancy for the one hundred sixty-sixth (166<sup>th</sup>) dwelling unit. Until all of the required approvals for the Charter School are granted, the School Site shall be maintained as open/green space. In the event that the Charter School is not approved by all of the appropriate agencies, the School Site remain as open/green space, and the Owner may proceed with the development of the Property as provided herein.

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

*WHEREAS*, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary changes to PAD (Item #1) and EU-1 (Item #2) would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, that the proffered Planned Area Development Agreement should be accepted, and that the request to withdraw the

requested district boundary changes from AU to PAD (Item #3), AU to RU-1 (Item #4), and AU to EU-1 (Item #5) should be granted, and

*WHEREAS*, a motion to approve Item #1, accept the proffered Planned Area Development Agreement and to grant the withdrawal of Items #3, 4, & 5 was offered by Nina Betancourt, seconded by Paul S. Vrooman, and upon a poll of the members present the vote was as follows:

Daniel L. Adams	aye	Nina Betancourt	aye
Leonard Anthony	nay	Paul S. Vrooman	aye
	Nancy McCue	aye	

*NOW THEREFORE BE IT RESOLVED* by the Miami-Dade County Community Zoning Appeals Board 15, that the requested district boundary changes to PAD (Item #1) and EU-1 (Item #2) be and the same are hereby approved and said properties are hereby zoned accordingly.

*BE IT FURTHER RESOLVED* that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

*BE IT FURTHER RESOLVED* that the request to withdraw district boundary changes from AU to PAD (Item #3), AU to RU-1 (Item #4), and AU to EU-1 (Item #5) be and the same are hereby approved and said Items are hereby withdrawn without prejudice.

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

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

*PASSED AND ADOPTED* this 3<sup>rd</sup> day of October, 2002.

Hearing No. 02-6-CZ15-1

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STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board CZAB 15, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB15-22-02 adopted by said Community Zoning Appeals Board at its meeting held on the 3<sup>rd</sup> day of October, 2002.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 16<sup>th</sup> day of October, 2002.



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

SEAL





**MAIN OFFICE**

□ 111 NW 1 STREET, SUITE 1210  
MIAMI, FLORIDA 33128  
(305) 375-2800

**PERMITTING AND INSPECTION OFFICE**

11805 S.W. 26 Street  
MIAMI, FLORIDA 33175  
□ IMPACT FEE SECTION  
(786) 315-2670 • SUITE 145  
□ ZONING INSPECTION SECTION  
(786) 315-2660 • SUITE 223  
□ ZONING PERMIT SECTION  
(786) 315-2666 • SUITE 106  
□ ZONING PLANS PROCESSING SECTION  
(786) 315-2650 • SUITE 113

September 17, 2004

Summerville Development, Inc.  
c/o Leila Batties  
SunTrust International Center  
One SE Third Avenue, 28th Floor  
Miami, Florida 33131-1714

Re: Hearing No. 02-6-CZ15-1  
Location: North of S.W. 248 Street and both sides of  
S.W. 117 Avenue, Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is revised Resolution No. CZAB15-22-02, in which the applicant(s) had applied for a reformation to correct an error in the legal description. The Director of the Department of Planning and Zoning has reviewed the application and has granted an administrative reformation to the property on October.

Please discard the original resolution and replace with the enclosed resolution, as the resolution has been written to reflect the above-mentioned reformation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Earl Jones'.

Earl Jones  
Deputy Clerk

Enclosures