Approved: _____ **Mayor**

Veto: _____

Override: _____

RESOLUTION NO. Z-25-03

WHEREAS, **ROBERT CARTER, TR. & DAMAAJ INTERNATIONAL, INC.** had applied to Community Zoning Appeals Board 14 for the following:

AU to EU-M

SUBJECT PROPERTY: That part of the NW ¼ of the NW ¼ of the SW ¼ less the north 35′ and the west 35′ thereof, in Section 5, Township 57 South, Range 39 East, lying north and NE/ly of C-103, canal Right-of-Way; AND: The NE ¼ of the NW ¼ of the SW ¼ less the north 35′ and the east 35′ thereof, in Section 5, Township 57 South, Range 39 East.

LOCATION: Lying on the Southwest corner of S.W. 164 Avenue and S.W. 288 Street (Biscayne Drive), Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 14 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter, it was the opinion of Community Zoning Appeals Board 14 that the requested district boundary change to EU-M 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 said application was denied by Resolution No. CZAB14-19-03, and

WHEREAS, **ROBERT CARTER, TR. & DAMAAJ INTERNATIONAL, INC.** had appealed the decision of Community Zoning Appeals Board 14 to the Board of County Commissioners for the following:

AU to EU-M

SUBJECT PROPERTY: That part of the NW ¼ of the NW ¼ of the SW ¼ less the north 35′ and the west 35′ thereof, in Section 5, Township 57 South, Range 39 East, lying north and NE/ly of C-103, canal Right-of-Way; AND: The NE ¼ of the NW ¼ of the SW ¼ less the north 35′ and the east 35′ thereof, in Section 5, Township 57 South, Range 39 East.

LOCATION: Lying on the Southwest corner of S.W. 164 Avenue and S.W. 288 Street (Biscayne Drive), Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and after reviewing the record and decision of Community Zoning Appeals Board 14 and after having given an opportunity for interested parties to be heard, it was the opinion of the Board to vacate Resolution CZAB14-19-03 and remand the application back to Community Zoning Appeals Board 14 for further consideration, and the application was remanded by Resolution Z-11-03, and

WHEREAS, **ROBERT CARTER, TR. & DAMAAJ INTERNATIONAL, INC.** had applied to Community Zoning Appeals Board 14 for the following:

AU to EU-M

SUBJECT PROPERTY: That part of the NW ¼ of the NW ¼ of the SW ¼ less the north 35' and the west 35' thereof, in Section 5, Township 57 South, Range 39 East, lying north and NE/ly of C-103, canal Right-of-Way; AND: The NE ¼ of the NW ¼ of the SW ¼ less the north 35' and the east 35' thereof, in Section 5, Township 57 South, Range 39 East.

LOCATION: Lying on the Southwest corner of S.W. 164 Avenue and S.W. 288 Street (Biscayne Drive), Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 14 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter, it was the opinion of Community Zoning Appeals Board 14 that the requested district boundary change to EU-M 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 said application was denied by Resolution No. CZAB14-26-03, and

WHEREAS, **ROBERT CARTER, TR. & DAMAAJ INTERNATIONAL, INC.** appealed the decision of Community Zoning Appeals Board 14 for the following:

AU to EU-M

SUBJECT PROPERTY: That part of the NW ¼ of the NW ¼ of the SW ¼less the north 35' and the west 35' thereof, in Section 5, Township 57 South, Range 39 East, lying north and NE/ly of C-103, canal Right-of-Way; AND: The NE ¼ of the NW ¼ of the SW ¼ less the north 35' and the east 35' thereof, in Section 5, Township 57 South, Range 39 East.

LOCATION: Lying on the Southwest corner of S.W. 164 Avenue and S.W. 288 Street (Biscayne Drive), Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and it was noted that the applicant had previously submitted revised plans within the scope of the advertisement entitled."Eve Estates First Addition," as prepared by Ford, Armenteros, & Manucy, Inc., dated stamped received December 9, 2003, and consisting of five (5) sheets, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

1) That the Property shall be developed substantially in accordance with that certain plan entitled " Eve Estates First Addition," as prepared by Ford, Armenteros & Manucy, Inc., dated stamped received December 9, 2003, and consisting of five (5) sheets, and as may be modified at the public hearing on the application (the " Plan").

2) That the density on the Property shall be limited to nineteen (19) dwelling units.

3) That prior to the final zoning inspection for any dwelling unit on the Property, the Owner agrees to improve, at its sole cost, in accordance with the subdivision requirements of the Public Work Department, those portions of SW 164 Avenue, between SW 288 Street (Biscayne Drive) and SW 290 Street, along the entire frontage of the Property. Said roadway improvement shall consist of two lanes of a future four-lane roadway and shall constitute the west half of SW 164 Avenue

   In addition to the foregoing, the Owner shall use its best efforts to cause the dedication of right-of-way necessary for the construction of the east half of SW 164 Avenue (two lanes) from SW 288 Street (Biscayne Drive) to SW 290 Street. Subject to the dedication of the right-of-way, the Owner shall construct the east half of SW

164 Avenue prior to the final zoning inspection for any dwelling unit within the Property. Furthermore, said roadway improvement shall entitle the Owner to seek the Public Works Director' s approval of an application for a contribution in lieu of impact fees, as provided in Chapter 33E of the Code of Miami-Dade County, for the cost of the design and construction of said improvement. Subject to the dedication of right-of-way, the denial of the application for an impact fee credit shall not affect the Owner' s obligation to construct said roadway improvement.

4) That in accordance with the subdivision requirements of the Miami-Dade County Public Works Department, the Owner shall install a decorative wall consisting of masonry, wrought iron, or a combination thereof, along the Property' s frontage on SW 288 Street and SW 167 Avenue. Additionally, the Owner shall install a hedge along the outside of said wall. The hedge shall be a minimum of three feet (3') in height at the time of planting. The Owner shall provide for the maintenance of the wall and landscaping through the establishment of a multi-purpose special taxing district, if approved by Miami-Dade County, or other funding mechanism acceptable to Miami-Dade County.

5) That prior to the approval of a final plat for any portion of the Property, in accordance with Sec. 28-15(b)(5) of the Miami-Dade County Code, the Owner shall seek a waiver of the requirements for sidewalks within the Property as set forth in Sec. 28-15(b)(3) of the Code. Furthermore, in accordance with Sec. 28-15(g) of the Miami-Dade County Code, the Owner shall seek a waiver of the requirements for street lighting within the Property. In the event that one or both of said waivers are granted by the County, unless otherwise required by law, the Owner shall not install or cause the installation of sideswalks and/or street lighting in connection with the development of the Property.

WHEREAS, after reviewing the record and decision of Community Zoning Appeals Board 14 and after having given an opportunity for interested parties to be heard, it is the opinion of this Board that the grounds and reasons specified in the appeal were sufficient to merit a reversal of the ruling made by Community Zoning Appeals Board 14 in Resolution No CZAB14-26-03 and that the appeal should be approved and that the decision of Community Zoning Appeals Board 14 should be overruled and that a district boundary change to EU-S in lieu of the requested district boundary change to EU-M would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the proffered Declaration of Restrictions should be accepted, and

WHEREAS, a motion to accept the proffered Declaration of Restrictions, grant the appeal and overrule the decision of Community Zoning Appeals Board 14, and approve a district boundary change to EU-S in lieu of the requested district boundary change to EU-M was offered by Commissioner Katy Sorenson, seconded by Commissioner Dennis C. Moss, and upon a poll of the members present the vote was as follows:

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

Chairperson Barbara M. Carey-Shuler aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal be and the same is hereby granted and the decision of Community Zoning Appeals Board 14 is overruled.

BE IT FURTHER RESOLVED that a district boundary change to EU-S in lieu of the requested district boundary change to EU-M be and the same is hereby approved.

BE IT FURTHER RESOLVED that Resolution No. CZAB14-26-03 is hereby null and void.

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.

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.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 18th day of December, 2003, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 03-4-CZ14-1
ej

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

By KAY SULLIVAN
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 12TH DAY OF JANUARY, 2004.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-25-03 adopted by said Board of County Commissioners at its meeting held on the 18th day of December, 2003.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 12th day of January, 2004.

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

SEAL

MIAMI-DADE COUNTY, FLORIDA

MIAMI-DADE

DP&Z

DEPARTMENT OF PLANNING AND ZONING

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

January 13, 2004

Robert Carter, Tr. & Damaaj International, Inc.
c/o Leila Batties
SunTrust International Center
One SE Third Avenue, 28th Floor
Miami, Florida 33131-1714

Re: Hearing No. 03-4-CZ14-1
Location: Lying on the Southwest corner of S.W. 164 Avenue and S.W. 288 Street (Biscayne Drive), Miami-Dade County, Florida

Dear Appellant:

Enclosed herewith is Resolution No. Z-25-03, adopted by the Board of County Commissioners, which accepted your proffered Declaration of Restrictions and approved your appeal and reversed the decision of Community Zoning Appeals Board 14 the Director on the above-described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required.

Once the use has been established, failure to maintain compliance with any of the required conditions will result in the immediate issuance of a civil violation notice for each condition violated. Each ticket issued will require payment of a daily monetary fine in the amount of $500.00.

If there are any anticipated changes from the plan submitted for the hearing, a plot use plan should be submitted to this department in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

Application for necessary permits and/or Certificate of Occupancy permits should be made with this Department, or the Building Department as appropriate. At time of permit application you must provide a copy of this resolution.

Please note that a [Unity of Title, cross-access, or other] agreement suitable for recording, should be submitted to this Department prior to building permit issuance.

You are hereby advised that the decision of the Miami-Dade County Commission may be appealed by an aggrieved party within 30 days of the date of the transmittal 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.

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

Robert A. Ginsburg, County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128-1993

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

Sincerely,

Earl Jones
Deputy Clerk

Enclosures