

Approved: \_\_\_\_\_ Mayor

Veto: \_\_\_\_\_

Override: \_\_\_\_\_

**RESOLUTION NO. Z-24-03**

WHEREAS, MANUEL C. & EMILIA DIAZ, ET AL had applied to Community Zoning

Appeals Board 15 for the following:

(1) AU to RU-1M(a)

ON: PARCELS "1-A," "1-D," "2-G," "2-H" & "2-E"

(2) AU to RU-TH

ON: PARCELS "1-B" & "2-F"

(3) AU to RU-3M

ON: PARCEL "1-C"

SUBJECT PROPERTY: SILVER PALM PARCEL 1-A: All of Tract 1 of the AMENDED PLAT OF PORTIONS OF SOUTH MIAMI GARDENS, Plat book 31, Page 58, less the south 107' of the west 107.65', and less the east 25'; AND: The north 262' of the east 1/2 of the NW 1/4 of the NW 1/4 of the SW 1/4 of Section 19, Township 56 South, Range 40 East. AND: The south 107' of the west 107.65', less the east 25' of Tract 1 of AMENDED PLAT OF PORTIONS OF SOUTH MIAMI GARDENS, Plat book 31, Page 58. AND: Tract 1, of FLORENCE B. HOLFERTY'S FARM, Plat book 51, Page 24, less the following parcel, to-wit: Begin 25' east of the Northwest corner of said Tract 1; thence east 107.65'; thence south 107'; thence west 107.65'; thence north 107' to the Point of beginning. AND: Tract 5, less the west 132' and less the east 25' thereof, AMENDED PLAT OF PORTIONS OF SOUTH MIAMI GARDENS, Plat book 31, Page 58. AND: The south 2/5 of the NE 1/4 of the SW 1/4 less the east 50'; and the south 2/5 of the east 1/4 of the NW 1/4 of the SW 1/4 and the south 2/5 of the west 1/2 of the east 1/2 of the NW 1/4 of the SW 1/4 all in Section 19, Township 56 South, Range 40 East. AND: The east 1/2 of the NW 1/4 of the NW 1/4 of the SW 1/4 less the north 463.56' in Section 19, Township 56 South, Range 40 East; AND: The east 175' of the north 75' of the SW 1/4 of the NW 1/4 of the SW 1/4 less the east 25' in Section 19, Township 56 South, Range 40 East. AND: SILVER PALM PARCEL 1-B: A portion of the NW 1/4 of Section 19, Township 56 South, Range 40 East, being more particularly described as follows:

Commence at the Northeast corner of the south 1/2 of the said NW 1/4 of Section 19; thence S89°19'19"W along the north line of the said south 1/2 of the NW 1/4 of Section 19 for 50' to a point on a line that is 50' east of, as measured at right angles to, the east line of the said NW 1/4 of Section 19, said line being the west Right-of-Way line of S.W. 112<sup>th</sup> Avenue (Allapattah Road), said point being the Point of beginning of the parcel herein described; thence from the above established Point of beginning run S0°19'47"E along said line that

is 50' west of the east line of the NW ¼ of Section 19 and along the said right-of-way line of S.W. 112<sup>th</sup> Avenue (Allapattah Road) for 1,059.47' to a point on the north line of Tract 6 of SECOND AMENDED PLAT OF PORTIONS OF SOUTH MIAMI GARDENS, Plat book 48, Page 28; thence S89°26'28"W along the north line of said Tract 6 for 1,618.47' to the Northwest corner of said Tract 6, said point also lying on the west line of the east ½ of the SE ¼ of the said SW ¼ of the NW ¼ of Section 19; thence N0°30'14"W along the said west line of the east ½ of the SE ¼ of the SW ¼ of the NW ¼ of Section 19 for 315.98'; thence S89°28'16"W for 333.82' to a point on the east line of the SW ¼ of the said SW ¼ of the NW ¼ of Section 19; thence S0°32'20"E along the said east line of the SW ¼ of the NW ¼ of Section 19 for 30'; thence S86°50'49"W for 436.69'; thence S89°28'16"W for 196.35' to a point on the east right-of-way line of S.W. 117<sup>th</sup> Avenue (Colonial Road), said point lying 35' east of, as measured at right angles to, the west line of the said NW ¼ of Section 19; thence N0°36'32"W along the said east right-of-way line of S.W. 117<sup>th</sup> Avenue, and along a line that is 35' east of, and parallel with, the said west line of the NW ¼ of Section 19 for 293.48' to a point on the north line of the south ¼ of the NW ¼ of the SW ¼ of the said NW ¼ of Section 19; thence N89°22'40"E along the said north line of the south ¼ of the NW ¼ of the SW ¼ of the NW ¼ of Section 19 for 632.94' to the Northeast corner of the said south ¼ of the NW ¼ of the SW ¼ of the NW ¼ of Section 19; thence N0°32'20"W along the west line of the NE ¼ of the said SW ¼ of the NW ¼ of Section 19 for 494.71' to the Northwest corner of the said NE ¼ of the SW ¼ of the NW ¼ of Section 19; thence N89°19'19"E along the north line of the said south ½ of the NW ¼ of Section 19 for 39.58' to a Point of curvature of a circular curve to the right; thence to the right along said curve, having for its elements a radius of 495' and a central angle of 39°40'14" for an arc distance of 342.73' to a Point of reverse curvature; thence to the left along said curve, having for its elements a radius of 260' and a central angle of 71°26'43" for an arc distance of 324.21' to a Point of reverse curvature; thence to the right along said curve, having for its elements a radius of 900' and a central angle of 31°46'29" for an arc distance of 499.12' to the Point of tangency, said point lying on the said north line of the south ½ of the NW ¼ of Section 19; thence N89°19'19"E along the said north line of the south ½ of the NW ¼ of Section 19 for 823.25' to the Point of beginning. AND: Tract 6, less the west 103' thereof, of SOUTH MIAMI GARDENS, SECOND AMENDED PLAT, Plat book 48, Page 28 AND: All of Tract 7 of the 2<sup>nd</sup> AMENDED PLAT OF PORTIONS OF SOUTH MIAMI GARDENS, Plat book 48, Page 28. AND: SILVER PALM PARCEL "1-C": A portion of the NW ¼ of Section 19, Township 56 South, Range 40 East, being more particularly described as follows:

Commence at the Southeast corner of the north ½ of the said NW ¼ of Section 19; thence S89°19'19"W along the south line of the said north ½ of the NW ¼ of Section 19 for 50' to a point on a line that is 50' east of, as measured at right angles to, the east line of the said NW ¼ of Section 19, said line being the west right-of-way line of S.W. 112<sup>th</sup> Avenue (Allapattah Road), said point being the Point of beginning of the parcel herein described; thence from the above established Point of beginning continue S89°19'19"W along the said south line of the north ½ of the NW ¼ of Section 19 for 823.25' to a Point of curvature of a circular curve to the left; thence to the left along said curve, having for its elements a radius of 900' and a central angle of 31°46'29" for an arc distance of 499.12' to a Point of reverse curvature; thence to the right along said curve, having for its elements a radius of 260' and a central angle of 32°8'9" for an arc distance of 145.83' to a point; thence N0°19'2"W for 1,494.47' to a point on the north line of the said NW ¼ of Section 19; thence N89°10'24"E along the said north line of the NW ¼ of Section 19

for 824.34' to a point that is 660' west of, as measured at right angles to, the said east line of the NW ¼ of Section 19; thence S0°19'47"E along a line that is 660' west of, and parallel with, the said east line of the NW ¼ of Section 19 for 660.02' to a point that is 660' south of, as measured at right angles to, the said north line of the NW ¼ of Section 19; thence N89°10'24"E along a line that is 660' south of, and parallel with the said north line of the NW ¼ of Section 19 for 610.02' to a point on the said west right-of-way line of S.W. 112<sup>th</sup> Avenue (Allapattah Road). Said point lying 50' west of, as measured at right angles to, the said east line of the NW ¼ of Section 19; thence S0°19'47"E along the said west right-of-way line of S.W. 112<sup>th</sup> Avenue (Allapattah Road) and along a line that is 50' west of, and parallel with, the said east line of the NW ¼ of Section 19 for 664.31' to the Point of beginning. AND: SILVER PALM PARCEL "1-D": A portion of the west ½ of the NW ¼ of Section 19, Township 56 south, Range 40 East, being more particularly described as follows:

Commence at the Southwest corner of the north ½ of the said west ½ of the NW ¼ of Section 19; thence N89°19'19"E along the south line of the said north ½ of the west ½ of the NW ¼ of Section 19 for 35' to a point on the east right-of-way line of S.W. 117<sup>th</sup> Avenue (Colonial Road), said point lying 35' east of, as measured at right angles to, the west line of the said west ½ of the NW ¼ of Section 19, said point being the Point of beginning of the parcel herein described; thence from the above established Point of beginning run N0°36'32"W along the said east right-of-way line of S.W. 117<sup>th</sup> Avenue (Colonial Road) and along a line that is 35' east of, and parallel with, the said west line of the NW ¼ of Section 19 for 1,317.58' to a point on the north line of the said west ½ of the NW ¼ of Section 19; thence N89°10'24"E along the said north line of the west ½ of the NW ¼ of Section 19 for 1,161.29'; thence S0°19'2"E radial to the next described curve, for 1,494.47' to a point on a circular curve concave to the Northwest; thence SW/ly, W/ly and NW/ly along said curve to the right, having for its elements a radius of 260' and a central angle of 39°18'34" for an arc distance of 178.38' to a Point of reverse curvature; thence to the left along said curve, having for its elements a radius of 495' and a central angle of 39°40'14" for an arc distance of 342.73' to the Point of tangency, said point lying on the said south line of the north ½ of the west ½ of the NW ¼ of Section 19; thence S89°19'19"W along the said south line of the north ½ of the west ½ of the NW ¼ of Section 19 for 673.13' to the Point of beginning. AND: The west ½ of the SW ¼ of the SW ¼ of the SW ¼ of Section 18, Township 56 South, Range 40 East lying south of Bailes Road. AND: The west ½ of the SE ¼ of the SW ¼ of the SW ¼ less that part lying north of Bailes Road, Section 18, Township 56 South, Range 40 East, said property being more particularly described as follows:

A portion of the SW ¼ of Section 18, Township 56 South, Range 40 East, being more particularly described as follows:

Commence at the Southwest corner of said SW ¼ of Section 18; thence along the south line of said SW ¼ N89°10'24"E, 670.16' to a Point of intersection with the west line of the SE ¼ of the SW ¼ of the SW ¼ of Section 18; AND: SILVER PALM PARCEL "2-E": The NE ¼ of the NE ¼ of Section 24, Township 56 South, Range 39 East, less the east 35' thereof. AND: SILVER PALM PARCEL "2-F": A portion of the SE ¼ of the NE ¼ of Section 24, Township 56 South, Range 39 East, being more particularly described as follows:

Commence at the Southeast corner of the said SE ¼ of the NE ¼ of Section 24; thence S88°18'35"W along the south line of the said SE ¼ of the NE ¼ of Section 24 for 35.01' to a point on the west right-of-way line of S.W. 117<sup>th</sup> Avenue, said point being 35' west of, as measured at right angles to, the east line of the SE ¼ of the said Section 24; thence continue S88°18'35"W along the said south line of the SE ¼ of the NE ¼ of Section 24 for 777.38'; thence N1°41'25"W for 85' to a Point of curvature of a circular curve to the left; thence to the left along said curve, having for its elements a radius of 128' and a central angle of 35°15'50" for an arc distance of 78.78' to a Point of reverse curvature; thence to the right along said curve, having for its elements a radius of 873' and a central angle of 70°19'23" for an arc distance of 1,071.49' to the Point of tangency; thence N33°22'8"E for 133.26'; thence N1°18'28"W for 49.03' to a point on the north line of the said SE ¼ of the NE ¼ of Section 24; thence N88°41'32"E along the said north line of the SE ¼ of the NE ¼ of Section 4 for 750.68' to a point on the said west right-of-way line of S.W. 117<sup>th</sup> Avenue (Colonial Road), said point lying 35' west of, as measured at right angles to, the east line of the said NE ¼ of Section 24; thence S0°36'32"E along the said west right-of-way line of S.W. 117<sup>th</sup> Avenue (Colonial Road), and along a line that is 35' west of, and parallel with, the said east line of the NE ¼ of Section 24 for 1,317.07'; thence S0°37'18"E along the said west right-of-way line of S.W. 117<sup>th</sup> Avenue (Colonial Road) and along a line that is 35' west of, and parallel with, the said east line of the SE ¼ of Section 24 for 0.66' to the Point of beginning. AND: SILVER PALM PARCEL "2-G": A portion of the SE ¼ of the NE ¼ of Section 24, Township 56 South, Range 39 East, being more particularly described as follows:

Begin at the Southwest corner of the said SE ¼ of the NE ¼ of Section 24; thence N0°54'25"W along the west line of the said SE ¼ of the NE ¼ of Section 24 for 1,326.38' to the Northeast corner of the said SE ¼ of the NE ¼ of Section 24; thence S88°41'32"E along the north line of the said SE ¼ of the NE ¼ of Section 24 for 562.55'; thence S1°18'28"E for 49.03'; thence S33°22'8"W for 133.26' to a Point of curvature of a circular curve to the left; thence to the left along said curve, having for its elements a radius of 873' and a central angle of 70°19'23" for an arc distance of 1,071.49' to a Point of reverse curvature; thence to the right along said curve; having for its elements a radius of 128' and a central angle of 35°15'50" for an arc distance of 78.78' to the Point of tangency; thence S1°41'25"E for 85' to a point on the said south line of the SE ¼ of the NE ¼ of Section 24; thence S88°18'35"W along the said south line of the SE ¼ of the NE ¼ of Section 24 for 529.08' to the Point of beginning. AND: SILVER PALM PARCEL "2-H": The north 902.55' of the NE ¼ of the SE ¼ in Section 24, Township 56 South, Range 39 East, less the east 35' thereof.

LOCATION: Lying south & north of S.W. 232 Street (Silver Palm Drive) and lying between S.W. 112 Avenue & theoretical S.W. 119 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of 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 upon due and proper consideration having been given to the matter and to the recommendation of the Developmental Impact

Committee it was the opinion of Community Zoning Appeals Board 15 that the requested district boundary changes to RU-1M(a) on parcels "1-A," "1-D," "2-G," "2-H" & "2-E" (Item #1), RU-TH on parcels "1-B" & "2-F" (Item #2), and RU-3M on parcel "1-C" (Item #3) 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 said application was denied by Resolution No. CZAB15-17-03, and

*WHEREAS, MANUEL C. & EMILIA DIAZ, ET AL* appealed the decision of Community Zoning Appeals Board 15 to the Board of County Commissioners for the following:

(1) AU to RU-1M(a)

ON: PARCELS "1-A," "1-D," "2-G," "2-H" & "2-E"

(2) AU to RU-TH

ON: PARCELS "1-B" & "2-F"

(3) AU to RU-3M

ON: PARCEL "1-C"

SUBJECT PROPERTY: SILVER PALM PARCEL 1-A: All of Tract 1 of the AMENDED PLAT OF PORTIONS OF SOUTH MIAMI GARDENS, Plat book 31, Page 58, less the south 107' of the west 107.65', and less the east 25'; AND: The north 262' of the east ½ of the NW ¼ of the NW ¼ of the SW ¼ of Section 19, Township 56 South, Range 40 East. AND: The south 107' of the west 107.65', less the east 25' of Tract 1 of AMENDED PLAT OF PORTIONS OF SOUTH MIAMI GARDENS, Plat book 31, Page 58. AND: Tract 1, of FLORENCE B. HOLFERTY'S FARM, Plat book 51, Page 24, less the following parcel, to-wit: Begin 25' east of the Northwest corner of said Tract 1; thence east 107.65'; thence south 107'; thence west 107.65'; thence north 107' to the Point of beginning. AND: Tract 5, less the west 132' and less the east 25' thereof, AMENDED PLAT OF PORTIONS OF SOUTH MIAMI GARDENS, Plat book 31, Page 58. AND: The south 2/5 of the NE ¼ of the SW ¼ less the east 50'; and the south 2/5 of the east ¼ of the NW ¼ of the SW ¼ and the south 2/5 of the west ½ of the east ½ of the NW ¼ of the SW ¼ all in Section 19, Township 56 South, Range 40 East. AND: The east ½ of the NW ¼ of the NW ¼ of the SW ¼ less the north 463.56' in Section 19, Township 56 South, Range 40 East; AND: The east 175' of the north 75' of the SW ¼ of the NW ¼ of the SW ¼ less the east 25' in Section 19, Township 56 South, Range 40 East. AND: SILVER PALM PARCEL 1-B: A portion of the NW ¼ of Section 19, Township 56 South, Range 40 East, being more particularly described as follows:

Commence at the Northeast corner of the south ½ of the said NW ¼ of Section 19; thence S89°19'19"W along the north line of the said south ½ of the NW ¼ of Section 19 for 50' to a point on a line that is 50' east of, as measured at right angles to, the east line of the said NW ¼ of Section 19, said line being the west Right-of-Way line of S.W. 112<sup>th</sup> Avenue (Allapattah Road), said point being the Point of beginning of the parcel herein described; thence from the above established Point of beginning run S0°19'47"E along said line that is 50' west of the east line of the NW ¼ of Section 19 and along the said right-of-way line of S.W. 112<sup>th</sup> Avenue (Allapattah Road) for 1,059.47' to a point on the north line of Tract 6 of SECOND AMENDED PLAT OF PORTIONS OF SOUTH MIAMI GARDENS, Plat book 48, Page 28; thence S89°26'28"W along the north line of said Tract 6 for 1,618.47' to the Northwest corner of said Tract 6, said point also lying on the west line of the east ½ of the SE ¼ of the said SW ¼ of the NW ¼ of Section 19; thence N0°30'14"W along the said west line of the east ½ of the SE ¼ of the SW ¼ of the NW ¼ of Section 19 for 315.98'; thence S89°28'16"W for 333.82' to a point on the east line of the SW ¼ of the said SW ¼ of the NW ¼ of Section 19; thence S0°32'20"E along the said east line of the SW ¼ of the SW ¼ of the NW ¼ of Section 19 for 30'; thence S86°50'49"W for 436.69'; thence S89°28'16"W for 196.35' to a point on the east right-of-way line of S.W. 117<sup>th</sup> Avenue (Colonial Road), said point lying 35' east of, as measured at right angles to, the west line of the said NW ¼ of Section 19; thence N0°36'32"W along the said east right-of-way line of S.W. 117<sup>th</sup> Avenue, and along a line that is 35' east of, and parallel with, the said west line of the NW ¼ of Section 19 for 293.48' to a point on the north line of the south ¼ of the NW ¼ of the SW ¼ of the said NW ¼ of Section 19; thence N89°22'40"E along the said north line of the south ¼ of the NW ¼ of the SW ¼ of the NW ¼ of Section 19 for 632.94' to the Northeast corner of the said south ¼ of the NW ¼ of the SW ¼ of the NW ¼ of Section 19; thence N0°32'20"W along the west line of the NE ¼ of the said SW ¼ of the NW ¼ of Section 19 for 494.71' to the Northwest corner of the said NE ¼ of the SW ¼ of the NW ¼ of Section 19; thence N89°19'19"E along the north line of the said south ½ of the NW ¼ of Section 19 for 39.58' to a Point of curvature of a circular curve to the right; thence to the right along said curve, having for its elements a radius of 495' and a central angle of 39°40'14" for an arc distance of 342.73' to a Point of reverse curvature; thence to the left along said curve, having for its elements a radius of 260' and a central angle of 71°26'43" for an arc distance of 324.21' to a Point of reverse curvature; thence to the right along said curve, having for its elements a radius of 900' and a central angle of 31°46'29" for an arc distance of 499.12' to the Point of tangency, said point lying on the said north line of the south ½ of the NW ¼ of Section 19; thence N89°19'19"E along the said north line of the south ½ of the NW ¼ of Section 19 for 823.25' to the Point of beginning. AND: Tract 6, less the west 103' thereof, of SOUTH MIAMI GARDENS, SECOND AMENDED PLAT, Plat book 48, Page 28 AND: All of Tract 7 of the 2<sup>nd</sup> AMENDED PLAT OF PORTIONS OF SOUTH MIAMI GARDENS, Plat book 48, Page 28. AND: SILVER PALM PARCEL "1-C" : A portion of the NW ¼ of Section 19, Township 56 South, Range 40 East, being more particularly described as follows:

Commence at the Southeast corner of the north ½ of the said NW ¼ of Section 19; thence S89°19'19"W along the south line of the said north ½ of the NW ¼ of Section 19 for 50' to a point on a line that is 50' east of, as measured at right angles to, the east line of the said NW ¼ of Section 19, said line being the west right-of-way line of S.W. 112<sup>th</sup> Avenue (Allapattah Road), said point being the Point of beginning of the parcel herein

described; thence from the above established Point of beginning continue S89°19'19"W along the said south line of the north ½ of the NW ¼ of Section 19 for 823.25' to a Point of curvature of a circular curve to the left; thence to the left along said curve, having for its elements a radius of 900' and a central angle of 31°46'29" for an arc distance of 499.12' to a Point of reverse curvature; thence to the right along said curve, having for its elements a radius of 260' and a central angle of 32°8'9" for an arc distance of 145.83' to a point; thence N0°19'2"W for 1,494.47' to a point on the north line of the said NW ¼ of Section 19; thence N89°10'24"E along the said north line of the NW ¼ of Section 19 for 824.34' to a point that is 660' west of, as measured at right angles to, the said east line of the NW ¼ of Section 19; thence S0°19'47"E along a line that is 660' west of, and parallel with, the said east line of the NW ¼ of Section 19 for 660.02' to a point that is 660' south of, as measured at right angles to, the said north line of the NW ¼ of Section 19; thence N89°10'24"E along a line that is 660' south of, and parallel with the said north line of the NW ¼ of Section 19 for 610.02' to a point on the said west right-of-way line of S.W. 112<sup>th</sup> Avenue (Allapattah Road). Said point lying 50' west of, as measured at right angles to, the said east line of the NW ¼ of Section 19; thence S0°19'47"E along the said west right-of-way line of S.W. 112<sup>th</sup> Avenue (Allapattah Road) and along a line that is 50' west of, and parallel with, the said east line of the NW ¼ of Section 19 for 664.31' to the Point of beginning. AND: SILVER PALM PARCEL "1-D": A portion of the west ½ of the NW ¼ of Section 19, Township 56 south, Range 40 East, being more particularly described as follows:

Commence at the Southwest corner of the north ½ of the said west ½ of the NW ¼ of Section 19; thence N89°19'19"E along the south line of the said north ½ of the west ½ of the NW ¼ of Section 19 for 35' to a point on the east right-of-way line of S.W. 117<sup>th</sup> Avenue (Colonial Road), said point lying 35' east of, as measured at right angles to, the west line of the said west ½ of the NW ¼ of Section 19, said point being the Point of beginning of the parcel herein described; thence from the above established Point of beginning run N0°36'32"W along the said east right-of-way line of S.W. 117<sup>th</sup> Avenue (Colonial Road) and along a line that is 35' east of, and parallel with, the said west line of the NW ¼ of Section 19 for 1,317.58' to a point on the north line of the said west ½ of the NW ¼ of Section 19; thence N89°10'24"E along the said north line of the west ½ of the NW ¼ of Section 19 for 1,161.29'; thence S0°19'2"E radial to the next described curve, for 1,494.47' to a point on a circular curve concave to the Northwest; thence SW/ly, W/ly and NW/ly along said curve to the right, having for its elements a radius of 260' and a central angle of 39°18'34" for an arc distance of 178.38' to a Point of reverse curvature; thence to the left along said curve, having for its elements a radius of 495' and a central angle of 39°40'14" for an arc distance of 342.73' to the Point of tangency, said point lying on the said south line of the north ½ of the west ½ of the NW ¼ of Section 19; thence S89°19'19"W along the said south line of the north ½ of the west ½ of the NW ¼ of Section 19 for 673.13' to the Point of beginning. AND: The west ½ of the SW ¼ of the SW ¼ of the SW ¼ of Section 18, Township 56 South, Range 40 East lying south of Bailes Road. AND: The west ½ of the SE ¼ of the SW ¼ of the SW ¼ less that part lying north of Bailes Road, Section 18, Township 56 South, Range 40 East, said property being more particularly described as follows:

A portion of the SW ¼ of Section 18, Township 56 South, Range 40 East, being more particularly described as follows:

Commence at the Southwest corner of said SW ¼ of Section 18; thence along the south line of said SW ¼ N89°10'24"E, 670.16' to a Point of intersection with the west line of the SE ¼ of the SW ¼ of the SW ¼ of Section 18; AND: SILVER PALM PARCEL "2-E": The NE ¼ of the NE ¼ of Section 24, Township 56 South, Range 39 East, less the east 35' thereof. AND: SILVER PALM PARCEL "2-F": A portion of the SE ¼ of the NE ¼ of Section 24, Township 56 South, Range 39 East, being more particularly described as follows:

Commence at the Southeast corner of the said SE ¼ of the NE ¼ of Section 24; thence S88°18'35"W along the south line of the said SE ¼ of the NE ¼ of Section 24 for 35.01' to a point on the west right-of-way line of S.W. 117<sup>th</sup> Avenue, said point being 35' west of, as measured at right angles to, the east line of the SE ¼ of the said Section 24; thence continue

S88°18'35"W along the said south line of the SE ¼ of the NE ¼ of Section 24 for 777.38'; thence N1°41'25"W for 85' to a Point of curvature of a circular curve to the left; thence to the left along said curve, having for its elements a radius of 128' and a central angle of 35°15'50" for an arc distance of 78.78' to a Point of reverse curvature; thence to the right along said curve, having for its elements a radius of 873' and a central angle of 70°19'23" for an arc distance of 1,071.49' to the Point of tangency; thence N33°22'8"E for 133.26'; thence N1°18'28"W for 49.03' to a point on the north line of the said SE ¼ of the NE ¼ of Section 24; thence N88°41'32"E along the said north line of the SE ¼ of the NE ¼ of Section 4 for 750.68' to a point on the said west right-of-way line of S.W. 117<sup>th</sup> Avenue (Colonial Road), said point lying 35' west of, as measured at right angles to, the east line of the said NE ¼ of Section 24; thence S0°36'32"E along the said west right-of-way line of S.W. 117<sup>th</sup> Avenue (Colonial Road), and along a line that is 35' west of, and parallel with, the said east line of the NE ¼ of Section 24 for 1,317.07'; thence S0°37'18"E along the said west right-of-way line of S.W. 117<sup>th</sup> Avenue (Colonial Road) and along a line that is 35' west of, and parallel with, the said east line of the SE ¼ of Section 24 for 0.66' to the Point of beginning. AND: SILVER PALM PARCEL "2-G": A portion of the SE ¼ of the NE ¼ of Section 24, Township 56 South, Range 39 East, being more particularly described as follows:

Begin at the Southwest corner of the said SE ¼ of the NE ¼ of Section 24; thence N0°54'25"W along the west line of the said SE ¼ of the NE ¼ of Section 24 for 1,326.38' to the Northeast corner of the said SE ¼ of the NE ¼ of Section 24; thence S88°41'32"E along the north line of the said SE ¼ of the NE ¼ of Section 24 for 562.55'; thence S1°18'28"E for 49.03'; thence S33°22'8"W for 133.26' to a Point of curvature of a circular curve to the left; thence to the left along said curve, having for its elements a radius of 873' and a central angle of 70°19'23" for an arc distance of 1,071.49' to a Point of reverse curvature; thence to the right along said curve; having for its elements a radius of 128' and a central angle of 35°15'50" for an arc distance of 78.78' to the Point of tangency; thence S1°41'25"E for 85' to a point on the said south line of the SE ¼ of the NE ¼ of Section 24; thence S88°18'35"W along the said south line of the SE ¼ of the NE ¼ of Section 24 for 529.08' to the Point of beginning. AND: SILVER PALM PARCEL "2-H": The north 902.55' of the NE ¼ of the SE ¼ in Section 24, Township 56 South, Range 39 East, less the east 35' thereof.

LOCATION: Lying south & north of S.W. 232 Street (Silver Palm Drive) and lying between S.W. 112 Avenue & theoretical S.W. 119 Avenue, 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 at which time the applicant proffered a Declaration of Restrictions which among other things provided:

1. **Controlling Site Plan.** The Property shall be developed substantially in accordance with that certain plan entitled "Silver Palm," as prepared by Oliva-Meoz, Architects & Planners, Inc., dated May 20, 2003, dated stamped received May 23, 2003, as amended by sheets dated 11/18/03, date-stamped received 11/19/03, and as further amended by landscaping plan dated November 21, 2003, date stamped received November 25, 2003, as may be modified at the public Hearing on the application (the "Plan").
2. **Residential Density Restriction.** The maximum number of dwelling units on the property shall be a total of 1632 residential units at a maximum density of 5.59 units per gross acre.
3. **Phase in of Development and Build Out Date.** The Silver Palm Community is to be a cohesive, master planned community, which will be built out in seven self-sustained neighborhoods. The projected build out date for the total 291.82 acre community is December 2008. To this end, the Owners will limit certificates of occupancy obtained to 350 lots per calendar year from the dated of approval of the zoning application; provided, however, if the Owners obtain fewer than 350 certificates of occupancy in any calendar year, the balance available may be added to the certificates of occupancy obtained for the following calendar year or any subsequent year. Owner shall submit yearly reports to the Department of Planning & Zoning, on each anniversary date of the approval of this application indicating the number of certificates of occupancy issued per year and on a cumulative basis.
4. **ASPR Approval of Lakes.** Prior to the application for or the issuance of a building permit for any dwelling units, the Owners shall submit a separate application to the Department of Planning and Zoning for ASPR approval for any lake excavations proposed on the Property. Such lake excavations shall comply with Sec. 33-16 of the Code. The Owners shall obtain such approval of the lake excavations prior to obtaining building permits for any dwelling units within the Property.
5. **Restricted Use of Recreational Facilities.** Except for those Public Park parcels identified herein under Section 7, which will be open to the public, the Owners agree that the recreational facilities constructed on the Property shall be only for the private use of the residents within the Property and their authorized guests and for the marketing purposes of the Owners. The Owners shall not offer memberships or other permission to use such recreational facilities to any persons who are not residents of the development.

## 6. Charter School

- a) The Plan identifies 7.82 acres (hereinafter collectively the "School Site") designated for the construction and operation of one or more K-12 charter schools, which will provide 1100 student stations, operated under one or more charter(s) from the School Board of the County (hereinafter the "School Board"). Prior to construction of the School Site, the charter school(s) shall be subject to review by the Miami-Dade County Developmental Impact Committee ("DIC") Executive Council under separate application in accordance with procedures for the review of charter schools. The application(s) for such review shall include a Phase I Environmental Assessment and subsurface investigations and, if required, Phase II Environmental Assessment and subsurface investigations prepared by a licensed geotechnical firm. The cost of the Phase I Environmental Assessment and Phase II Environmental Assessment if required, shall be paid for by the Owners.
- b) Prior to seeking the final plat review for any portion of the Property, the Owners shall provide documented proof to the County that a charter application(s) has/have been submitted to the School Board, that such application(s) has/have been granted subject to County review as provided in Section 6(a) hereof, and that a duly qualified charter school operator has been retained, and has committed, to operate such charter school(s) on the School Site. In addition, the Owners, prior to seeking final plat approval on any portion of the Property, shall enter into a separate agreement with the School Board upon approval of the charter school(s) outlining appropriate operation terms. In the event the charter school(s) is not approved, the Owners shall comply with Section 6(h) hereof.
- c) Prior to obtaining final plat of any portion of the Property, the Owners shall show documented proof to the County that the charter school(s) have been approved by the DIC Executive Council. Should the charter school(s) be comprised of one or more campuses, this provision shall be considered satisfied only if the DIC Executive Council has reviewed and approved the entirety of all of the campuses.
- d) Prior to seeking the issuance of a certificate of occupancy for the 400<sup>th</sup> residential unit, the Owners shall have obtained certificates of use and occupancy for a charter school(s) providing a minimum of 400 student stations for at least a minimum K-5 program. Proof of compliance with this provision shall be in the form of monthly reports submitted by the Owners to the Director, Department of Planning and Zoning, and the School Board specifying the number of certificates of occupancy obtained monthly and the number of certificates of occupancy anticipated to be issued in the following month for residential dwelling units. Monthly reports shall be based upon personal knowledge and shall be sworn and notarized.
- e) Prior to seeking the issuance of a certificate of occupancy for the 800<sup>th</sup> residential unit, the Owners shall have obtained certificates of use and

occupancy for a charter school(s) providing a minimum of an additional 400 students for grades K - 12. Prior to seeking the issuance of a certificate of occupancy for the 1000<sup>th</sup> residential unit, the Owners shall have obtained certificates of use and occupancy for a charter school(s) providing an aggregate total of 1100 student stations. Proof of compliance with this provision shall be as set forth in Section 6(d) above. The Owner shall apply for the creation of a special taxing district, create a homeowners association, and/or similar entity approved by Miami Dade County to maintain and operate the charter school(s) in the event that such maintenance or operation would become necessary. Owners shall be deemed to have complied with paragraph 6 (a)-(e) herein upon completing and opening an 1100 student station charter school.

- f) The charter school(s) shall be operated continuously so long as this Declaration remains in effect subject to (i) any closures due to casualties and/or natural disasters and (ii) changes approved by the County and/or the School Board.
- g) Until all of the aforesated approvals for the charter school(s) has been obtained, and construction of the charter school(s) has commenced, the School Site shall be maintained as open/green space. At no time shall the School Site be used for the location of temporary structures or uses such as but not limited to, construction trailers, sales offices, construction staging areas, or construction storage areas.
- h) In the event that the charter school application(s) is/are not approved by the School Board prior to final plat on any portion of the Property, or in the event the charter school(s) is/are not approved by the DIC Executive Council prior to approval of final plat in any portion of the Property, as referenced above, the Owners shall offer the 7.82 acre School Site for sale to the School Board in accordance to the provisions of a separate covenant between the Owners and the School Board (the "School Board Covenant"), acceptable to the School Board, to be recorded prior to application for final plat approval of any portion of the Property. In the event that the School Board fails to enter into an agreement with the Owners to purchase the School Site pursuant to the School Board Covenant in favor of the School Board, the School Site shall remain as open/green space, and the Owners may proceed with the development of the remainder of the Property as provided herein. If not developed as a charter school(s) or purchased by the School Board, the School Site, which shall then remain open/green space, shall be landscaped and maintained by the Owners at no cost to the County, in accordance with a landscape plan, to be submitted to and approved by, the Director, Department of Planning and Zoning, prior to final plat approval of any portion of the Property abutting or immediately across the street from the 7.82 acre School Site. Further, in such case the Owners shall apply for the creation of a special taxing district, create a homeowner's association and/or similar entity approved by Miami-Dade County to maintain the School Site in perpetuity open as green space. Notwithstanding any provision herein to the contrary, the then fee simple

owners of the school site may offer the School Site for sale to the School Board at any time.

**7. Contribution to Parks and Recreation Department.**

- a) In addition to the property containing a clubhouse, private parks and 67 acres of private open space, the Owners, their heirs, successors and assigns, in order to meet the future public park needs generated by this development, shall reserve by plat for future public park use to be administered by the Miami-Dade County Park and Recreation Department (the "Department"), the parcels within the Property identified on the plan as:

"Parcel 1-A:	1(0.82 acres), 2(1.04 acres), 5(1.11 acres),
Parcel 1-C:	13 (1.09 acres),
Parcel 2-E:	19 (0.81 acres), 20 (2.00 acres),
Parcel 2G	21 (6.2 acres),

(the "Public Park Parcels"), and totalling 13.07 acres.

- b) The Public Park Parcels shall conveyed to the County, at no cost to the County, by Warranty deed warranting title by, through and under Owners, in fee simple, free from all liens and encumbrances, after the recordation of the final plat of any portion of the Property and immediately after request by the Department. Prior to conveyance, the Owners, at their expense, shall provide to the County an Assessment Report(s) prepared by a licensed geotechnical firm, and shall further provide a Phase I Environmental Assessment and a Phase II Environmental Assessment if indicated by such Phae I Environmental Assessment Report. The Public Park Parcels shall be administered by the Department and shall be maintained in perpetuity at no cost to the County through a maintenance program fully funded by an acceptable community development district or special taxing district subject to approval by the County. Maintenance may be performed directly by the Department or by such community development district on special taxing district upon approval of the Department, and at no cost to the Department. If the Public Park Parcels are accepted by the County, the Owners shall provide to the County, in recordable form, a hold harmless and indemnification agreement, in form acceptable to the County, to hold the County harmless from liability for occurrences on the Public Park Parcels. The maintenance program shall include, but shall not be limited to, a guarantee that all recreational improvements are kept in good working order and fully usable by the public. Notwithstanding any other provision contained in this Declaration of Restrictions, the County shall be under no obligation to accept any dedication or conveyance and the right to reject any such dedication or conveyance is expressly reserved to the County.

- c) The Owners shall construct on the Public Park recreational improvements pursuant to a site plan and specification approved by the Miami-Dade County Parks and Recreation Department. The cost of the improvements shall be at least equal to the Owners' obligation to pay the improvement portion of the Park Impact Fee under Section 33H-7 of the Code of Miami-Dade County, as amended from time to time. The improvements specified in this section, which lie east of 117 Avenue, shall be completed no later than the issuance of a certificate of occupancy for the 600<sup>th</sup> residential unit. The remaining public park parcels improvements shall be completed by the time of issuance of a certificated of occupancy for the 1500<sup>th</sup> residential unit.
  - d) The County retains the sole right to accept or reject any parcel of land described in this section in accordance with Section 33H-10 of the Code governing suitability of public park donations.
8. The Owners have determined that the Silver Palm Community meets traffic concurrency. Nonetheless, in order to increase road capacity at the intersections of SW 112 Ave and 220, 224, and 232 Streets, the Owners shall apply for and enter into an agreement with the County, pursuant to Section 33E-10 of the Miami Dade County Code and in accordance with the Impact Fee Manual, to have or cause to have all the off-site roadway improvements contained within Exhibit "B" attached hereto open to traffic prior to the issuance of the certificate of occupancy for the 250<sup>th</sup> residential unit. The improvements listed on Exhibit "B" shall be subject to credit for contribution in lieu of impact fees or roadway improvements at actual construction costs, if authorized and approved pursuant to County code. Those improvements to be constructed or caused to be constructed by the Owners will be subject to review by the County and the Florida Department of Transportation ("FDOT"). The cost of the improvements listed on Exhibit "B" will not exceed 50% of the Owners' proportionate share, as calculated based on the impact fee formula in Section 33E-7 of the Miami Dade County Code, of roadway improvement impact fees. In addition, the Owners will provide a contribution in lieu of road improvement impact fees in an amount not to exceed the remaining 50% balance owed for road improvement impact fees. This additional 50% balance shall be used for capacity improvements at the intersection of SW 112 Avenue and 248 Street or along the SW 112 Avenue corridor between the Homestead Extension of Florida's Turnpike (HEFT) and US 1. This additional contribution in lieu of road impact fees shall be provided at the time required by the County code for payment of road impact fee. The total contribution in lieu of roadway improvement impact fees will not exceed the Owners' proportionate share as determined by the impact fee formula in Section 33E-7 of the county code. Construction of any improvement is subject to permitting by the appropriate governmental agencies. Any contribution in lieu of impact fees shall be subject to authorization and approval pursuant to the county code.

**9. Prohibition of Apartment Units in RU-3M Zones Areas.**

The RU-3M zoned area of Silver Palm shall be built with townhouses as defined in Chapter 33 of the code of Miami Dade County and pursuant to the Plan. Notwithstanding the RU-3M zoning classification on any portion of the Property, the Owners will at no time

build apartment units at Silver Palm. The Silver Palm Community will be comprised solely of single-family homes and townhouses as provided in the Plan.

WHEREAS, upon due and proper consideration having been given to the matter and to the recommendation of the Developmental Impact Committee, and after reviewing the record and decision of Community Zoning Appeals Board 15 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 15 in Resolution No CZAB15-17-03 and that the appeal should be approved and the decision of Community Zoning Appeals Board 15 should be overruled, and that the proffered Declaration of Restrictions should be accepted, and

WHEREAS, a motion to accept the proffered Declaration of Restrictions and to grant the appeal and overrule the decision of Community Zoning Appeals Board 15 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	aye
Betty T. Ferguson	absent	Natacha Seijas	aye
Sally A. Heyman	aye	Katy Sorenson	aye
Joe A. Martinez	aye	Rebeca Sosa	aye
Jimmy L. Morales	nay	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 15 is overruled.

BE IT FURTHER RESOLVED that Resolution No. CZAB15-17-03 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.

***THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED*** this 4<sup>th</sup> 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. 03-7-CZ15-1

ej

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

By: **KAY SULLIVAN**

Deputy Clerk

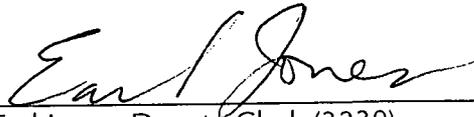
**THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 19<sup>TH</sup> DAY OF DECEMBER, 2003.**

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-24-03 adopted by said Board of County Commissioners at its meeting held on the 4<sup>th</sup> day of December, 2003.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 19<sup>th</sup> day of December, 2003.



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

SEAL



**EXHIBIT B**

**Silver Palms Offsite Roadway Improvements**

**Contribution In-Lieu of Roadway Impact Fees**

<b>INTERSECTION</b>	<b>IMPROVEMENT</b>
SW 112 Avenue/SW 220 Street	Add SB & NB Right Turn Lane
SW 112 Avenue/SW 224 Street	Install Traffic Signal Add SB Right Turn Lane Add EB, WB, SB, NB Left Turn Lanes
SW 112 Avenue/SW 232 Street	Install Traffic Signal Add SB Right Turn Lane Add WB and SB Left Turn Lanes



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 22, 2004

Manuel C. & Emilia Diaz, Et Al  
c/o Juan Mayol  
Suntrust International Center  
One Southeast Third Avenue 28th Fl.  
Miami, FL 33131-1714

Re: Hearing No. 03-7-CZ15-1  
Location: Lying south & north of S.W. 232 Street  
(Silver Palm Drive) and lying between S.W. 112 Avenue &  
theoretical S.W. 119 Avenue, Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is a corrected copy of Resolution No. Z-24-03, which was adopted by the Board of County Commissioners on December 4, 2003. Due to a scrivener's error on the first paragraph on page 5 (resolution history). The error was with the mention of the first CZAB. The error was CZAB 8 instead of CZAB 15. The minor error was corrected. This correction does not affect the resolution or changes the past appeal period date.

Please discard the original replace with the attached, as the resolution has been revised to reflect the above-mentioned correction.

Sincerely,

Earl Jones  
Deputy Clerk

Enclosure(s)

cc Miguel Diaz de la Portilla  
200 S. Biscayne Blvd, Suite 3400  
Miami, Florida 33131