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SEP 15 2005
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY PCA

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-10-05

WHEREAS, **CENTURY CAPITAL GROUP, INC.** applied to Community Zoning Appeals Board 8 for the following:

RU-2 to BU-1A

SUBJECT PROPERTY: Lot 12, less the south 15′ and the east 5′ for right-of-way and Lots 13 & 14, less the south 15′ for right-of-way, Block 13, ACME GULFAIR, 2ND ADDITION, Plat book 44, Page 68.

LOCATION: The Northwest corner of N.W. 32 Avenue & N.W. 103 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 8 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions, and

WHEREAS, upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 8 Board that the requested district boundary change to BU-1A 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. CZAB8-2-05, and

WHEREAS, **CENTURY CAPITAL GROUP, INC.** appealed the decision of Community Zoning Appeals Board 8 to the Board of County Commissioners for the following:

RU-2 to BU-1A

SUBJECT PROPERTY: Lot 12, less the south 15′ and the east 5′ for right-of-way and Lots 13 & 14, less the south 15′ for right-of-way, Block 13, ACME GULFAIR, 2ND ADDITION, Plat book 44, Page 68.

LOCATION: The Northwest corner of N.W. 32 Avenue & N.W. 103 Street, 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:

> That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by the Orlando Alonso Architects, entitled "Proposed Gas Station, Car Wash and C-Store for: Gables Partnership," dated October 12, 2004, consisting of six (6) sheets (collectively, the "Plan"), as may be modified at the public hearing on the Application, said plan being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement.

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, after reviewing the record and decision of Community Zoning Appeals Board 8 and after having given an opportunity for interested parties to be heard, it is the opinion of this Board that the grounds and reasons made by Community Zoning Appeals Board 8 in Resolution No.CZAB8-2-05 were sufficient to merit a reversal of the decision and the appeal should be granted and the decision of Community Zoning Appeals Board 8 be overruled, and that the requested district boundary change to BU-1A 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 grant the appeal and overrule the decision of Community Zoning Appeals Board 8, accept the proffered Declaration of Restrictions, and approve the

application was offered by Commissioner Dorrin D. Rolle, seconded by Commissioner Dr. Barbara M. Carey-Shuler, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	aye	Dennis C. Moss	aye
Dr. Barbara M. Carey-Shuler	aye	Dorrin D. Rolle	aye
Jose "Pepe" Diaz	aye	Natacha Seijas	aye
Carlos A. Gimmenez	aye	Katy Sorenson	aye
Sally A. Heyman	aye	Rebecca Sosa	aye
Barbara J. Jordan	aye	Sen. Javier D. Souto	aye

Chairperson Joe A. Martinez absent

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 8 is overruled.

BE IT FURTHER RESOLVED that the requested district boundary change to BU-1A be and the same is hereby approved.

BE IT FURTHER RESOLVED that Resolution No. CZAB8-2-05 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 19th day of May, 2005, 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. 05-2-CZ8-1
ej

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

By _____
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 2ND DAY OF JUNE, 2005.

STATE OF FLORIDA

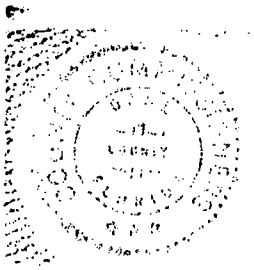
COUNTY OF MIAMI-DADE

I, Deputy Clerk's Name, 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-10-05 adopted by said Board of County Commissioners at its meeting held on the 19th day of May, 2005.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 2nd day of June, 2005.

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

SEAL



Department of Planning and Zoning
Stephen P. Clark Center
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miamidade.gov

MIAMI-DADE

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Housing Finance Authority
Human Services
Independent Review Panel
International Trade Consortium
Juvenile Assessment Center
Medical Examiner
Metro-Miami Action Plan
Metropolitan Planning Organization
Park and Recreation
Planning and Zoning
Police
Procurement Management
Property Appraiser
Public Library System
Public Works
Safe Neighborhood Parks
Seaport
Solid Waste Management
Strategic Business Management
Team Metro
Transit
Task Force on Urban Economic Revitalization
Vizcaya Museum And Gardens
Water & Sewer

June 2, 2005

Century Capital Group, Inc.
Georgina Santiago
P.O. Box 347511
Coral Gables, Fl. 33324

Re: Hearing No. 05-2-CZ8-1
Location: The Northwest corner of N.W. 32 Avenue & N.W. 103 Street, Miami-Dade County, Florida

Dear Applicant:

Dear Appellant:

Enclosed herewith is Resolution No. Z-10-05, adopted by the Board of County Commissioners, which accepted the proffered Declaration of Restrictions and granted your appeal and reversed the decision of Community Zoning Appeals Board 8 on the above-described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required.

If stipulated in the resolution that building permits and/or use, occupancy or completion certificates will be required, please note that permits must be obtained and final inspection approvals received for construction work done or required prior to issuance of the applicable certificate(s) pursuant to Section 33-8 of the Zoning Code. Payment of certificates may be subject to annual renewal by this Department. Application for required permits and/or certificates related to use, occupancy or completion 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.

If there are anticipated changes from any plan submitted for the hearing, a plot use plan is to 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.

The Board's decision may be appealed by an aggrieved party to Circuit Court within 30 days of the date of transmittal of the resolution to the Clerk of the County Commission. The transmittal date is **June 2, 2005**. In the event an appeal is filed, any building permit sought shall be at the risk of the party seeking 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

Enclosure