RESOLUTION NO. Z-20-05

WHEREAS, **JOSE A. ORTEGA TRUSTEE ET AL** had applied to Community Zoning Appeals Board 14 for the following:

AU to BU-1A

SUBJECT PROPERTY: A portion of the NW ¼ of Section 7, township 56 South, Range 39 East, being more particularly described as follows:

Commence at the Northwest corner of the NW ¼of said Section 7; thence run N88°8′48″E along the north line of the NW ¼ of said Section 7 for a distance of 50.01′ to a point; thence run S0°41′43″E for a distance of 20′ to the Point of beginning of the parcel of land hereinafter described; thence continue S0°41′43″E along a line parallel to the west line of the NW ¼ of said Section 7, for a distance of 444.86′ to a point; thence run N89°18′17″E for a distance of 243.45′ to a point; thence run N0°41′43″W along a line parallel to the west line of the NW ¼ of said Section 7 for a distance of 449.78′ to a point; thence run S88°8′48″W along a line parallel to the north line of the NW ¼ of said Section 7 for a distance of 243.5′ to the Point of beginning.

LOCATION: The Southeast corner of S.W. 200 Street (Quail Roost Drive) & S.W. 177 Avenue (Krome Avenue), 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 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 by Resolution No. CZAB14-38-03, and

WHEREAS, **JOSE A. ORTEGA TRUSTEE ET AL** appealed the decision of Community Zoning Appeals Board 14 to the Board of County Commissioners for the following:

AU to BU-1A

SUBJECT PROPERTY: A portion of the NW ¼ OF Section 7, Township 56 South, Range 39 East, being more particularly described as follows:

Commence at the Northwest corner of the NW ¼ of said Section 7; thence run N88°8′48″E along the north line of the NW ¼ of said Section 7 for a distance of 50.01′ to a point; thence run S0°41′43″E for a distance of 20′ to the Point of beginning of the parcel of land hereinafter described; thence continue S0°41′43″E along a line parallel to the west line of the NW ¼ of said Section 7, for a distance of 444.86′ to a point; thence run N89°18′17″E for a distance of 243.45′ to a point; thence run N0°41′43″W along a line parallel to the west line of the NW ¼ of said Section 7 for a distance of 449.78′ to a point; thence run S88°8′48″W along a line parallel to the north line of the NW ¼ of said Section 7 for a distance of 243.5′ to the Point of beginning.

LOCATION: The Southeast corner of S.W. 200 Street (Quail Roost Drive) & S.W. 177 Avenue (Krome Avenue), Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners, Miami-Dade County, Florida was advertised and held, upon notice, as required by the Zoning Procedure Ordinance, and at which time the applicant proffered a Declaration of Restrictions, and

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 was the opinion of this Board that the grounds and reasons specified in the appeal were insufficient to merit a reversal of the ruling made by Community Zoning Appeals Board 14 in Resolution No CZAB14-38-03 and that the appeal should be denied and the decision of Community Zoning Appeals Board 14 should be sustained, and said appeal was denied by Resolution No. Z-13-04, and

WHEREAS, **JOSE A. ORTEGA TRUSTEE ET AL** appealed the decision of the Board of County Commissioners to the 11th Judicial Circuit Court in and for Miami-Dade County, Florida (Appellate Division Case No. 04-278 AP), for a Writ of Certiorari to quash Resolution No. Z-13-04, and

WHEREAS, pursuant to a mandate dated December 7, 2004, the 11th Judicial Circuit Court made a ruling grant the writ of Certiorari and remanded the matter back to the County Commission for approval of the application, and

WHEREAS, a public hearing of the Board of County Commissioners, Miami-Dade County, Florida was advertised and held, upon notice, as required by the Zoning Procedure Ordinance, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

1. That notwithstanding the proposed BU-1A zoning classification of the Property, none of the following uses shall be permitted on the Property:

    1. The sale of used apparel, used jewelry, or any other used merchandise.
    2. Attended, non-motorized donation collection vehicles.
    3. Donated goods centers.
    4. Pawn shops.
    5. Amusement centers, as defined in Section 33-1 (5.1) of the Code of Miami-Dade County.
    6. Auditoriums.
    7. Automobile and light truck sales (new and used).
    8. Automobile service stations.
    9. Automobile self-service gas stations.
    10. Automobile storage within a building.
    11. Automobile washing.
    12. Billiard rooms and poolrooms.
    13. Bowling alleys.
    14. Convention halls.
    15. Bath and massage parlors.
    16. Medical observation dormitory.
    17. Motorcycle sales and repairs.
    18. Natatoriums.
    19. Open-air theatres.

20. Private clubs.

21. Self-service storage facilities.

22. Skating rinks.

23. Telegraph stations.

24. Telephone exchange.

2. That to the extent that a detached point of sale sign is used in connection with the development of the Property, said signs shall be of a monument type and shall not exceed a height of twelve feet (12′), as measured from grade to the top of the sign.

3. That the Property's access to and from Krome Avenue shall be limited to a single curb cut.

4. That prior to the final zoning approval for the occupancy of any improvements within the Property, the Owner shall plant and, thereafter, maintain live oak, mahogany or jumbo limbo trees at a minimum height of sixteen to eighteen feet (16′-18″) at a distance of twenty five feet (25′) on center along the Property's frontage with Krome Avenue (SW 177 Avenue) and Quail Roost Drive (SW 200 Street), except for points of ingress and egress, within a fifteen foot (15′) wide landscaped area.

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, said cause having been remanded to the Board of County Commissioners, and in compliance with the Court's remand, it is the opinion of this Board 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, the matter was remanded from Court for this Board to grant the application and in compliance with that remand a motion to accept the proffered Declaration of Restrictions and approve the application was offered by Commissioner Katy

Sorenson, seconded by Commissioner Sally A. Heyman, 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	absent
Carlos A. Gimmenez	aye	Katy Sorenson	aye
Sally A. Heyman	aye	Rebecca Sosa	absent
Barbara J. Jordan	aye	Sen. Javier D. Souto	absent

Chairperson Joe A. Martinez aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the requested District Boundary Change to BU-1A be and the same is hereby approved.

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 6th day of October, 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. 03-12-CZ14-3
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 19TH DAY OF OCTOBER, 2005.

STATE OF FLORIDA

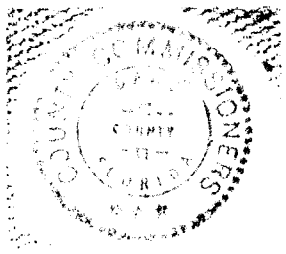
COUNTY OF MIAMI-DADE

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-20-05 adopted by said Board of County Commissioners at its meeting held on the 6th day of October, 2005.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 19th day of October, 2005.

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

SEAL



Department of Planning and Zoning
Stephen P. Clark Center
111 NW 1st Street • Suite 1210
Miami, Florida 33128-1902
T 305-375-2800

miamidade.gov

MIAMI-DADE COUNTY

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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

October 19, 2005

Jose A. Ortega Trustee Et Al
Juan Mayol
701 Brickell Avenue
Suite 3000
Miami, Florida 33131

Re: Hearing No. 03-12-CZ14-3
Location: The Southeast corner of S.W. 200 Street (Quail Roost Drive) & S.W. 177 Avenue (Krome Avenue), Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. Z-20-05, adopted by the Board of County Commissioners, which **accepted your Declaration of Restrictions and approved your request for a district boundary change to BU-1A** on the above described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required. Failure to comply with stipulated conditions, if any, will result in the immediate issuance of a civil violation notice for each condition violated. Each notice issued may require payment of a daily monetary fine.

If, as stipulated in the resolution, building permits and/or use, occupancy or completion certificates will be required, 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 **October 19, 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