RESOLUTION NO. CZAB11-33-06

WHEREAS, **TCAG L. L. C.** had applied to Community Zoning Appeals Board 11 for the following:

(1) GU to IU-C

(2) To permit the zoning of a tract of land with an area of 4.99 gross acres (a minimum of 10 acres required for platting or rezoning).

Upon demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

SUBJECT PROPERTY: The north ½ of the SE ¼ of the SE ¼ of the SW ¼ in Section 14, Township 55 South, Range 39 East.

LOCATION: Lying north of theoretical S.W. 135 Street and west of theoretical S.W. 132 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 11 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it was the opinion of the Board that the requested district boundary change to IU-C (Item #1) 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 that the request to permit the zoning of a tract of land with an area of 4.99 gross (Item #2) would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and should be denied, and said application was denied by CZAB11-20-04, and

WHEREAS, **TCAG L. L. C.** had appealed the decision of Community Zoning Appeals Board 11 to the Board of County Commissioners for the following:

(1) GU to IU-C

(2) To permit the zoning of a tract of land with an area of 4.99 gross acres (a minimum of 10 acres required for platting or rezoning).

Upon demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

SUBJECT PROPERTY: The north ½ of the SE ¼ of the SE ¼ of the SW ¼ in Section 14, Township 55 South, Range 39 East.

LOCATION: Lying north of theoretical S.W. 135 Street and west of theoretical S.W. 132 Avenue, Miami-Dade County, Florida, and

WHEREAS, after reviewing the record and decision of Community Zoning Appeals Board 11, and after having given an opportunity for interested parties to be heard, it was the opinion of the Board to vacate resolution CZAB11-20-04 and to remand the application back to Community Appeals Board 11 for further consideration, and said application was remanded by resolution Z-29-04, and

WHEREAS, **TCAG L. L. C.** applied for the following:

(1) GU to IU-C

(2) To permit the zoning of a tract of land with an area of 4.99 gross acres (a minimum of 10 acres required for platting or rezoning).

Upon demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

SUBJECT PROPERTY: The north ½ of the SE ¼ of the SE ¼ of the SW ¼ in Section 14, Township 55 South, Range 39 East.

LOCATION: Lying approximately 330′ north of S.W. 136 Street and west of theoretical S.W. 132 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 11 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 which among other things provided:

Industrial Use Restrictions. Nothwithstanding the approval of the IU-C zoning classification of the Property, the following uses shall be prohibited on the Property:

1) Adult entertainment uses as defined in Section 33-259.1 of the County Code;
2) Aircraft hangers;
3) Armories, arsenals;
4) Blacksmith, gas steam fitting shops;
5) Bottling plant;
6) Brewery;
7) Canning Factories;
8) Coal yards;
9) Commercial chicken hatcheries;
10) Livery stables, for riding clubs or sheltering horses;
11) Mattress manufacturing and renovating;
12) Passenger and freight – stations and terminals (boats, trucks, buses and railroads);
13) Power or steam laundries;
14) Cocktail lounge – bar use;
15) Liquor package stores;
16) Shipyards and dry docks;
17) Taxidermy;
18) Textile, hosiery, and weaving mills;
19) Vulcanizing; and
20) Welding shops

Lighting. No lighting on the Property shall be directed south so as to ensure that all lighting is directed away from the Venezia Lakes subdivision and Southwest 136 Street.

Noise. Sound deadeners shall be used for all automobile, truck, boat, yatch, metal work, and welding-related uses. All air compressors shall be of radial (silenced) design and not exceed 100 decibels.

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 change to IU-C (Item #1) 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 the request to permit the zoning of a tract of

land with an area of 4.99 gross acres (Item #2) would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance, and

WHEREAS, a motion to accept the proffered Declaration of Restrictions, to approve Item #1, and to approve Item #2 as a non-use variance was offered by Domingo Castillo, seconded by Miguel Cervera, and upon a poll of the members present the vote was as follows:

Roy Bustillo	aye	Frank Irizarry	aye
Domingo Castillo	aye	Thomas J. Schramm	aye
Miguel Cervera	aye		

Patrick M. Fiore absent

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 11, that the requested district boundary change to IU-C (Item #1) be and the same is hereby approved and said property is hereby zoned accordingly.

BE IT FURTHER RESOLVED that the request to permit the zoning of a tract of land with an area of 4.99 gross acres (Item #2) be and the same is hereby approved as a non-use variance.

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, notice is hereby given to the applicant that the approval 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 7th day of September, 2006.

Hearing No. 04-5-CZ11-3
ls

STATE OF FLORIDA

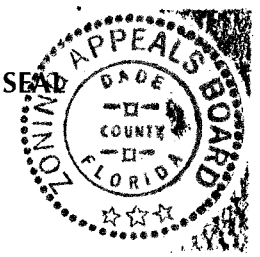
COUNTY OF MIAMI-DADE

I, Luis Salvat, 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 11, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB11-33-06 adopted by said Community Zoning Appeals Board at its meeting held on the 7th day of September 2006.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 15th day of September, 2006.

Luis Salvat, Deputy Clerk (2678)
Miami-Dade County Department of Planning and Zoning

SEAL



MIAMI-DADE COUNTY

Department of Planning and Zoning
Stephen P. Clark Center
111 NW 1st Street • Suite 1210
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Metro-Miami Action Plan
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Planning and Zoning
Police
Procurement Management
Property Appraisal
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

September 15, 2006

TCAG, L.L.C.
c/o Melissa Tapanes Llahues
Bercow & Radell
First Union Financial Center
200 South Biscayne Blvd, Suite 850
Miami, Florida 33131

Re: Hearing No. 04-5-CZ11-3 (03-242)
Location: North of theoretical S.W. 135 Street and west of theoretical S.W. 132 Avenue, Miami-Dade County, Florida

Dear Ms. Llahues:

Enclosed is Resolution No. CZAB11-33-06, adopted by Miami-Dade County's Community Zoning Appeals Board #11, which accepted your client's declaration of restrictions and granted a district boundary change to IU-C, and related variance on the above-noted location.

Please note that any aggrieved party may appeal the Board's decision to the Board of County Commissioners, within 14 days from the date of posting on the 11th floor of the Stephen P. Clark Building, 111 N.W. 1st Street, Miami, FL 33128. The date of posting was September 11, 2006.

To find out whether an appeal has been filed contact the Zoning Hearings office at the address noted above or call (305) 375-2640. If an appeal has been received, any action undertaken during the appeal period is at the applicant's risk.

Cordially,

Lou Salvat
Deputy Clerk

Enclosure

Delivering Excellence Every Day