Approved: _____ **Mayor**

Veto: _____

Override: _____

RESOLUTION NO. Z-8-07

WHEREAS, **IRWIN POTASH, ET AL.** had applied to Community Zoning Appeals Board 14 for the following:

(1) AU, EU-1 & EU-M to PAD

(2) Applicant is requesting to permit 1-way drives 12′ in width (14′ required).

Upon a 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).

Plans are on file and may be examined in the Zoning Department entitled "Palms of Coral Reef," as prepared by Sotolongo Architects, consisting of 20 sheets, dated, signed and sealed 7/15/05 and landscape plans as prepared by Witkin Design Group, consisting of 8 sheets, dated, signed and sealed 7/14/05. Plans may be modified at public hearing.

SUBJECT PROPERTY: The east ½,of the SW ¼ of the SW ¼ of the SW ¼of Section 21, Township 55 South, Range 40 East, less the south 35′ and less that portion lying east and Northeast of the south Right-of-Way Line of Canal C-100. AND: The west ½,of the SW ¼ of the SW ¼ of the SW ¼of Section 21, Township 55 South, Range 40 East, less the south 35′, less the west 35′, and less that portion for Right-of-Way of Canal C-100. AND: The NE ¼, of the SE ¼,of the SE ¼ lying south of Canal C-100 Right-of-Way Section 20, Township 55 South, Range 40 East. AND: The north 129′, of the east ½,of the SE ¼ of the SE ¼, of the SE ¼ of Section 20, Township 55 South, Range 40 East subject to dedication of the east 40′ thereof, Official Records Book 16849, Page 4211. AND: The north 214′ of Tract "A" of JACADAMA TRACT, Plat book 119, Page 81 AND: In addition that portion of the SW ¼, of the NW ¼,of the SW ¼ of the SW ¼ of Section 21, Township 55 South, Range 40 East; lying south and west of Canal C-100; less the west 35′ thereof.

LOCATION: The north side of S.W. 152 Street & lying east and west of theoretical S.W. 97 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 PAD (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 the request to permit 1-way drives 12′ in width (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 said application was denied by Resolution No. CZAB14-38-05, and

WHEREAS, **CORAL REEF DRIVE LAND DEVELOPMENT L. L. C. F/K/A: IRWIN POTASH, ET AL** appealed the decision of Community Zoning Appeals Board 14 to the Board of County Commissioners for the following:

(1) AU, EU-1 & EU-M to PAD

(2) Applicant is requesting to permit 1-way drives 12′ in width (14′ required).

REQUESTS #1 & #2 ON ORIGINAL SUBJECT PROPERTY 13.76 GROSS ACRES.

WHICH SAID REQUESTS HAVE BEEN REVISED AND READVERTISED ONLY ON 5.82 ACRES OF THE ORIGINAL SUBJECT PROPERTY AS FOLLOWS:

(3) EU-M to OPD

(4) Applicant is requesting to permit a floor area ratio of .87 (.54 permitted).

(5) Applicant is requesting to permit an office building setback 25′ (50′ required) from the front (south) property line and setback 19′ (30′ required) from the interior side (east) property line.

(6) Applicant is requesting to permit a parking garage setback 15′ (30′ required) from the rear (north) property line and setback 22′7″ (30′ required) from the interior side (east) property line.

REQUESTS #3 - #6 ON MODIFIED SUBJECT PROPERTY (5.82 ACRES)

Upon a demonstration that the applicable standards have been satisfied, approval of requests #4 - #6 may be considered under §33-311(A)(21) (Alternative Site Development

Option for Office Buildings, laboratory Buildings and Associated Accessory Buildings and Structures in the OPD Zoning District) and Requests #2 and #4 - #6 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "The Medical Plaza at Coral Reef," as prepared by Greshman, Smith & Partners, Inc., consisting of 11 sheets, dated stamped received 12/11/06. Plans may be modified at public hearing.

SUBJECT PROPERTY: ORIGINAL SUBJECT PROPERTY (13.76 GROSS ACRES): The NE ¼, of the SE ¼ of the SE ¼ lying south of Canal C-100 Right-of-Way Section 20, Township 55 South, Range 40 East. AND: The north 129', of the east ½,of the SE ¼ of the SE ¼ of the SE ¼of Section 20, Township 55 South, Range 40 East subject to dedication of the east 40' thereof, Official Records Book 16849, Page 4211. AND: The north 214' of Tract "A" of JACADAMA TRACT, Plat book 119, Page 81 AND: In addition that portion of the SW ¼of the NW ¼of the SW ¼ of the SW ¼ of Section 21, Township 55 South, Range 40 East; lying south and west of Canal C-100; less the west 35' thereof. AND: The east ½, of the SW ¼ of the SW ¼ of the SW ¼ of Section 21, Township 55 South, Range 40 East, lying west and southwest of Canal C-100, less the south 55' thereof. AND: The west ½, of the SW ¼,of the SW ¼ of the SW ¼ of Section 21, Township 55 South, Range 40 East, less the south 35' (should be 55'), less the west 35', and less that portion for Right-of-Way of Canal C-100. (ALL IN THE MODIFIED SUBJECT PROEPRTY (5.82 ACRES): The east ½ of the SW ¼ of the SW ¼ of the SW ¼ of Section 21, Township 55 South, Range 40 East, lying west and southwest of Canal C-100, less the south 55' thereof The west ½ of the SW ¼ of the SW ¼ of the SW ¼ of Section 21, Township 55 South, Range 40 East, less the south 35' (should be 55'), less the west 35' and less that portion for the right-of-way of Canal C-100.

LOCATION: The north side of S.W. 152 Street & lying east of theoretical S.W. 97 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 requested permission to withdraw Items #1 and 2, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

1. **Site Plan.** That the Property and the Adjacent Parcel shall be developed substantially in accordance with the plans entitled "The Medical Office Plaza at Coral Reef," as prepared by Gresham Smith and Partners, consisting of eleven (11) sheets, date stamped received by Miami-Dade County on December 11, 2006, as may modified at the public hearing on the Application (the "Plan"), said Plan being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement.

2. **Adjacent Parcel.** That the Adjacent Parcel shall be maintained by the Owner as landscaped open space in perpetuity. In addition, the Owner shall install and thereafter maintain a twenty-foot (20') wide landscape buffer along the perimeter of the Adjacent Parcel to provide a buffer between the Property and the properties located on the north side of the C-100 canal. The landscape buffer shall consist of a double row of staggered native trees (excluding palm trees) and plants, which trees shall be at least fourteen feet (14') in height at time of planting and shall be planted at thirty-five (35') feet on center. Prior to the issuance of a building permit for any structure within the Property, the Owner shall submit a landscape plan of the Adjacent Parcel for review and approval by the Department of Planning and Zoning. All required landscaping shall be installed prior to the issuance of the Certificate of Use for any structure on the Property. The Adjacent Parcel is the subject of a proposed land use plan change which is currently pending as CDMP Application No. 7 (April, 2006 Cycle), which land use application includes additional property to the west. Based on the foregoing restrictions on the future use of the Adjacent Parcel, it is the intent of the Owner to request the withdrawal of the Adjacent Parcel from the land use application prior to final action by the Board of County Commissioners on the land use application.

3. **Landscape Plan.** That the Property shall be landscaped and maintained in accordance with the Plan. All required landscaping shall be installed prior to the issuance of the Certificate of Use for any structure on the Property.

4. **Future Improvements to SW 97th Avenue.** That prior to the approval of a building permit for any structure on the Property, the Owner shall cause the east half of the SW 97th Avenue zoned right-of-way along the Property's and the Adjacent Parcel's western boundary (excluding any previously dedicated portions) to be dedicated by plat or instrument as a public roadway. Prior to the issuance of a certificate of use for any structure on the Property, the Owner shall cause the improvement of SW 97th Avenue adjacent to the Property and Adjacent Parcel as a section line road and shall provide a cul-de-sac or t-turn at the north end of SW 97th Avenue abutting the C-100 Canal in accordance with the standards and specifications in the Public Works Manual, all subject to the review and approval of the affected departments, including the Fire and Rescue Department and the Department of Public Works. The Owner understands that additional right-of-way may be required for either improvement (cul-de-sac or t-turnaround).

5. **Improvements to the Intersection of SW 152nd Street and SW 97th Avenue.** That prior to the issuance of a certificate of use for any structure on the Property, the Owner shall cause the improvement of (1) a left-turn lane with appropriate transition on the northwest side of the intersection of SW 152nd Street and SE 97th Avenue, in accordance with the Florida Department of Transportation Standards.

6. **Compliance with DIC Report.** That the Owner shall comply with all of the applicable conditions, requirements, recommendations, requests, and other provisions of the various departments, as contained in the Departmental memoranda, which are part of the record of this application and incorporated herein by reference.

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 the Metropolitan Dade County Zoning Appeals Board 14 and after having given an opportunity for interested parties to be heard, it was the opinion of the Board of County Commissioners, Miami-Dade County, Florida, that that the grounds and reasons alleged by the appellants specified in the appeal were sufficient to merit a reversal of the ruling made by the Zoning Appeals Board in Resolution No. CZAB14-35-05, and that the appeal should be approved and the decision of Community Zoning Appeals Board 14 should be overruled, and

WHEREAS, the requested district boundary change to OPD (Item #3) 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 requests to permit a floor area ratio of .87 (Item #4), to permit an office building setback 25′ from the front (south) property line and setback 19′ from the interior side (east) property line (Item #5), and requesting to permit a parking garage setback 15′ from the rear (north) property line and setback 22′7″ from the interior side (east) property line (Items #6), and that the proffered Declaration of Restrictions should be accepted, and that the request to withdraw Items #1 and 2 shall be granted, and

WHEREAS, a motion to grant the appeal and overrule the decision of Community Zoning Appeals Board 14, accept the proffered Declaration of Restrictions, approve Items #3 through 6, and withdraw Items #1 and 2 was offered by Commissioner Dennis C. Moss, seconded by Commissioner Joe A. Martinez, and upon a poll of the members present the vote was as follows:

Jose "Pepe" Diaz	aye	Dennis C. Moss	aye
Audrey M. Edmonson	aye	Dorrin D. Rolle	aye
Carlos A. Gimmenez	aye	Natacha Seijas	aye
Sally A. Heyman	aye	Katy Sorenson	aye
Barbara J. Jordan	aye	Rebecca Sosa	aye
Joe A. Martinez	aye	Sen. Javier D. Souto	absent

Bruno A. Barreiro 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 approved and the decision of Community Zoning Appeals Board 14 is overruled.

BE IT FURTHER RESOLVED that the requested district boundary change to OPD (Item #3) be and the same is hereby approved and said property is hereby zoned accordingly.

BE IT FURTHER RESOLVED that the requests to permit a floor area ratio of .87 (Item #4), to permit an office building setback 25′ from the front (south) property line and setback 19′ from the interior side (east) property line (Item #5), and requesting to permit a parking garage setback 15′ from the rear (north) property line and setback 22′7″ from the interior side (east) property line (Items #6) be and the same are hereby approved, with Items #4, 5, and 6 subject to the following conditions:

1. That a site plan submitted to and meet with the approval of the Director upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include among other things but not be limited thereto, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "The Medical Plaza at Coral Reef," as prepared by Greshman, Smith & Partners, Inc., consisting of 11 sheets, dated stamped received 12/11/06.

3. That the use be established and maintained in accordance with the approved plan.

4. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the

issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.

5. That the applicant obtain a Certificate of Use from the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

6. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained in the Departmental memoranda which are part of the record of this application and incorporated herein by reference.

7. That a Covenant in Lieu of Unity of Title for the proposed OPD as required by Section 33-284.31 of the Zoning Code, be submitted to and meet with the approval of the Director. The agreement, which shall be a covenant running with the land, shall also be a covenant running with the land, shall also be executed by the property owner and any and all parties having an interest in the land, such as mortgages, etc., and its improvements.
8. That no banners or murals of any type be used on the premises or displayed in connection with the facility.

9. That the parking garage openings be improved with a decorative façade, covered with architectural grill-style features and screened so as to avoid spillage of light onto adjacent properties.

10. That all signage for the office park development be located on the central portion of the two-story office park building only.

11. That subject to all applicable regulatory approvals and the approval of the adjacent property owner, the Owner shall provide a pedestrian bridge wide enough to accommodate golf cart traffic, as determined by the Public Works Director across the C-100 Canal to allow access between the property and the adjacent property to the east.

BE IT FURTHER RESOLVED that the request to withdraw Items #1 and 2 be and the same are hereby granted and said Items are hereby withdrawn without prejudice.

BE IT FURTHER RESOLVED that Resolution No. CZAB14-35-05 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 and to issue all permits in accordance with the terms and conditions of this resolution.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED **this 10th day of May, 2007, 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. 05-10-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 17TH DAY OF MAY, 2007.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

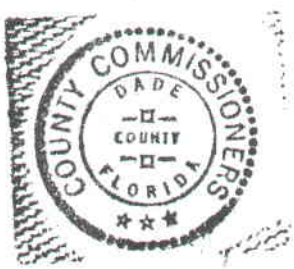
I, Deputy Clerk's Name, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-8-07 adopted by said Board of County Commissioners at its meeting held on the 10th day of May, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 17th day of May, 2007.

Earl Jones

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

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MIAMI-DADE COUNTY

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Human Services
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Juvenile Services
Medical Examiner
Metro-Miami Action Plan
Metropolitan Planning Organization
Park and Recreation
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

May 21, 2007

Coral Reef Drive Land Development L. L. C.
F/K/A: Irwin Potash, ET AL
c/o Tracy Slavens
701 Brickell Avenue
Suite 3000
Miami, Florida 33131

Re: Hearing No. 05-10-CZ14-1
Location: The north side of S.W. 152 Street & lying east of theoretical S.W. 97 Avenue, Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. Z-8-07, adopted by the Board of County Commissioners, which **accepted your Declaration of Restrictions, approved your request for a district boundary change to OPD (Item #3), approved Items #4, 5, and 6, and withdrew Items #1 and 2 without prejudice** 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 **May 17, 2007**. 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:

Murray A. Greenberg, 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