



Miami-Dade County
Department of Planning and Zoning

Hearing History

Hearing #: Z2005000144

STR: 12-56-38

Aplicant: ROYD LEMUS & RAQUEL LAU JTRS

YEAR	APPLICANT	REQUEST	RESOLUTION	BOARD	DECISION
1990	Ramon Ruiz Sr. & Jr.	D.B.C. (EU-1) to AU. Var. to permit parcel w/2.68 gross ac. (5 ac. gross reqd.).	Z9290	BCC	APPROVED

2001 Royd Lemus & Raquel LAU - DBC(AU) to BUIA Z-11-01 ZAB denied
 - special exception
 - nuv of zoning regulation
 - nuv of parking regulation
 - nuv of zoning subdivision regulation

1999 Royd Lemus & Raquel LAU - DBC(AU) to BUIA 02ab14-25-99 ZAB denied
 - special exception
 - nuv of zoning regulation
 - nuv of parking regulation
 - nuv of zoning subdivision regulation

#22

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-11-01

WHEREAS, ROYD LEMUS & RAQUEL LAU had applied to Community Zoning Appeals

Board 14 for the following:

- (1) AU to BU-1A
- (2) SPECIAL EXCEPTION to permit site plan approval for a proposed commercial development.
- (3) NON-USE VARIANCE OF ZONING REGULATIONS requiring a 5' high decorative masonry wall where a business lot abuts AU and EU zoned property; to waive same to omit the wall along the rear (west) and interior side (south) property lines.
- (4) NON-USE VARIANCE OF PARKING REGULATIONS to permit parking spaces on natural terrain, excluding handicap parking spaces (not permitted).
- (5) NON-USE VARIANCE OF ZONING SUBDIVISION REGULATIONS requiring the section line right-of-way of S.W. 177th Avenue (Krome Avenue) to be 180' wide; to vary same to permit a right-of-way of 50' (90' required) on the west side of S.W. 177 Avenue (Krome Avenue).

OR IN THE ALTERNATIVE TO REQUEST #5, THE FOLLOWING:

- (6) NON-USE VARIANCE OF PARKING REGULATIONS to permit 48 parking spaces (72 spaces required).

Plans are on file and may be examined in the Zoning Department entitled "Redland Market," as prepared by Rocco J. Ceo, AIA, dated 6-1-99, last revised 6-20-99 and consisting of 3 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: The north 330' of the east ¾ of the SE ¼ of Section 12, Township 56 South, Range 38 East, less the west 1,686.68' thereof, being subject to an ingress-egress easement across the north 35' thereof.

LOCATION: The Southwest corner of S.W. 177th Avenue (Krome Avenue) and theoretical S.W. 208th Street, 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, at which time the applicant proffered a Declaration of Restrictions which among other things provided for:

1. That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by Rocco J. Ceo, A.I.A., entitled, "Redland Market", dated the 1st day of June, 1999, last revised June 20, 1999 and consisting of three (3) sheets, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement, which plans may be modified by the Community Zoning Appeals Board during it's consideration of the Application (the "Plans").
2. That the use of the Property shall be restricted to a community market and accessory uses and structures, all as depicted on the Plans. Furthermore, at least fifty percent (50%) of the total patron area at said market shall be used for the display and sale of fresh produce and foliage.

WHEREAS, 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 (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 special exception (Item #2), non-use variance of zoning regulations (Item #3), non-use variances of parking regulations (Items # 4 & 6), and non-use variance of zoning subdivision regulations (Item # 5) would not be compatible with the area and its development and 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 that the requested special exception (Item #2) would have an adverse impact upon the public interest, and should be denied without prejudice, and that the proffered Declaration of Restrictions should not be accepted, and that the said application was denied by Resolution No. CZAB14-25-99, and

WHEREAS, **ROYD LEMUS & RAQUEL LAU** appealed the decision of Community Zoning Appeals Board 14 to the Board of County Commissioners, and 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 appellant proffered a covenant which, among other things provided for:

1. That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by Rocco J. Ceo, A.I.A., entitled, "Redland Market", dated the 1st day of June, 1999, last revised June 20, 1999 and consisting of three (3) sheets, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement, which plans may be modified by the Community Zoning Appeals Board during its consideration of the Application (the "Plans").
2. That the use of the Property shall be restricted to a community market and accessory uses and structures, all as depicted on the Plans. Furthermore, at least fifty percent (50%) of the total patron area at said market shall be used for the display and sale of fresh produce and foliage, of which fifty-one (51%) shall be locally produced fresh produce and foliage.

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 is 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. CZAB 14-25-99 and that the appeal should be denied and the decision of Community Zoning Appeals Board 14 should be sustained, and

WHEREAS, a motion to deny the appeal and sustain the decision of Community Zoning Appeals Board 14 was offered by Commissioner Dennis C. Moss, seconded by Commissioner Katy Sorenson, and upon a poll of the members present the vote was as follows:

Miriam A. Alonso	absent	Dennis C. Moss	aye
Bruno A. Barreiro	aye	Pedro Reboredo	absent
Barbara M. Carey-Shuler	aye	Dorrin D. Rolle	aye
Betty T. Ferguson	absent	Natacha Seijas	absent
Joe A. Martinez	aye	Katy Sorenson	aye
Jimmy L. Morales	aye	Javier D. Souto	aye
		Chairperson Gwen Margolis	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 denied and the decision of Community Zoning Appeals Board 14 is sustained, and

BE IT FURTHER RESOLVED that Resolution No. CZAB14-25-99 shall remain in full force and effect.

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 12th day of April, 2001, 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. 99-9-CZ14-4
rb

MIAMI-DADE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

KAY SULLIVAN

by Harvey Ruvin, Clerk
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 30TH DAY OF APRIL, 2001.

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RESOLUTION NO. CZAB14-25-99

WHEREAS, ROYD LEMUS & RAQUEL LAU applied for the following:

- (1) AU to BU-1A
- (2) SPECIAL EXCEPTION to permit site plan approval for a proposed commercial development.
- (3) NON-USE VARIANCE OF ZONING REGULATIONS requiring a 5' high decorative masonry wall where a business lot abuts AU and EU zoned property; to waive same to omit the wall along the rear (west) and interior side (south) property lines.
- (4) NON-USE VARIANCE OF PARKING REGULATIONS to permit parking spaces on natural terrain, excluding handicap parking spaces (not permitted).
- (5) NON-USE VARIANCE OF ZONING SUBDIVISION REGULATIONS requiring the section line right-of-way of S.W. 177th Avenue (Krome Avenue) to be 180' wide; to vary same to permit a right-of-way of 50' (90' required) on the west side of S.W. 177 Avenue (Krome Avenue).

OR IN THE ALTERNATIVE TO REQUEST #5, THE FOLLOWING:

- (6) NON-USE VARIANCE OF PARKING REGULATIONS to permit 48 parking spaces (72 spaces required).

Plans are on file and may be examined in the Zoning Department entitled "Redland Market," as prepared by Rocco J. Ceo, AIA, dated 6-1-99, last revised 6-20-99 and consisting of 3 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: The north 330' of the east ¾ of the SE ¼ of Section 12, Township 56 South, Range 38 East, less the west 1,686.68' thereof, being subject to an ingress-egress easement across the north 35' thereof.

LOCATION: The Southwest corner of S.W. 177th Avenue (Krome Avenue) and theoretical S.W. 208th Street, Miami-Dade County, Florida,

WHEREAS, a public hearing of the Miami-Dade County 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, at which time the applicant proffered a Declaration of Restrictions which among other things provided for:

1. That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by Rocco J. Ceo, A.I.A., entitled, "Redland Market", dated the 1st day of June, 1999, last revised June 20, 1999 and consisting of three (3) sheets, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement, which plans may be modified by the Community Zoning Appeals Board during it's consideration of the Application (the "Plans").
2. That the use of the Property shall be restricted to a community market and accessory uses and structures, all as depicted on the Plans. Furthermore, at least fifty percent (50%) of the total patron area at said market shall be used for the display and sale of fresh produce and foliage.

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 BU-1A (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 special exception (Item #2), non-use variance of zoning regulations (Item #3), non-use variances of parking regulations (Items # 4 & 6), and non-use variance of zoning subdivision regulations (Item # 5) would not be compatible with the area and its development and 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 that the requested special exception (Item #2) would have an adverse impact upon the public interest, and should be denied without prejudice, and that the proffered Declaration of Restrictions should not be accepted, and

WHEREAS, a motion not to accept the proffered covenant and deny the application without prejudice was offered by William H. Losner, seconded by Curtis Lawrence, and upon a poll of the members present the vote was as follows:

Wilbur Bell
George Fedorko
Curtis Lawrence

aye
absent
aye

William H. Losner
Jacqueline V. Pepper
Marilyn Smith

aye
aye
aye

Charlie McGarey

aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 14, that the requested district boundary change to BU-1A (Item #1) be and the same is hereby denied without prejudice.

BE IT FURTHER RESOLVED that the special exception (Item #2), non-use variance of zoning regulations (Item #3), non-use variances of parking regulations (Items # 4 & 6), and non-use variance of zoning subdivision regulations (Item # 5) be and the same are hereby denied without prejudice.

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.

PASSED AND ADOPTED this 2nd day of September, 1999.

Hearing No. 99-9-CZ14-4
mc

RESOLUTION NO. Z-92-90

The following resolution was offered by Commissioner Jorge (George) Valdes, seconded by Commissioner Charles Dusseau, and upon poll of members present the vote was as follows:

Barbara M. Carey	absent	Barry D. Schreiber	absent
Charles Dusseau	aye	Jorge (George) Valdes	aye
Joseph M. Gersten	absent	Sherman S. Winn	absent
Larry Hawkins	aye	Stephen P. Clark	aye
Harvey Ruvlin	aye		

WHEREAS, RAMON RUIZ, SR. & RAMON RUIZ, JR., had applied for the following:

- (1) A district boundary change from EU-1 (One Acre Estates) to AU (Agricultural)
- (2) NON-USE VARIANCE OF LOT AREA REQUIREMENTS to permit a parcel of land with 2.68 gross acres (5 gross acres required).

A plan is on file and may be examined in the Zoning Department entitled "Sketch of Survey," as prepared by Alberto Lorenzo Luaces, dated 12-15-89. Plans may be modified at public hearing.

SUBJECT PROPERTY: The north 330' of the east 3/4 of the SE 1/4 of Section 12, Township 56 South, Range 38 East, less the west 1,686.68' thereof being subject to an ingress-egress easement across the north 35' thereof.

AND:

The east 330' of the NE 1/4 of the SE 1/4 of Section 12, Township 56 South, Range 38 East, less the north 330' and less the south 899.26' thereof.

LOCATION: The Southwest corner of S.W. 177 Avenue and S.W. 208 Street, Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners, Dade County, Florida, was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, it is the opinion of this Board that the requested district boundary change to AU would be compatible with the neighborhood and area concerned and would not be in conflict with the principles and intent of the plan for the development of Dade County, Florida, and should be approved, and that the

Subject property #22

requested non-use variance would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, and should be approved, subject to one condition, and

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;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the requested district boundary change to AU be and the same is hereby approved and said property is hereby zoned accordingly;

BE IT FURTHER RESOLVED that the requested non-use variance be and the same is hereby approved, subject to the following condition:

That the property not be utilized as a residential building site.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request 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 Zoning Director is hereby directed to make the necessary changes and notations upon the maps and records of the Dade County Building and Zoning Department and to issue all permits in accordance with the terms and condition of this resolution.

PASSED AND ADOPTED this 19th day of April, 1990.

April, 1990
No. 90-4-CC-13
4/27/90
mr

DADE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By Richard P. Brinker, Clerk
Deputy Clerk

This resolution transmitted to the Clerk of the Board of County Commissioners on the 4th day of May 1990.