Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-33-06

WHEREAS, **MARCOS CENTURION** applied to Community Zoning Appeals Board 12 for the following:

(1) AU to EU-M

(2) Applicant is requesting to permit 1 lot with a frontage of 113′ and 1 lot with a frontage of 113.05′ (120′ required for each).

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(14) (Alternative Site Development Option) or 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 "Site Plan," as prepared by Mario Prats, Jr. & Associates and dated 5/6/05. Plans may be modified at public hearing.

SUBJECT PROPERTY: The Northwest ¼of the SW ¼of the SW ¼of the NW ¼of Section 6, Township 55 South, Range 40 East, LESS the west 35′ thereof and LESS the south 25′ thereof, and bounded by a 25′ radius arc concave to the Northeast; said arc being tangent to both of the last described portions, being excepted herefrom, as set forth in Right-of-Way Deed to Miami-Dade County, filed for record in Official Records Book 14641, Page 1873, being described as follows:

The area bounded by the east line of the west 35′ of the NW ¼ of the SW ¼of the SW ¼ of the NW ¼ of Section 6, Township 55 South, Range 40 East, and bounded by the north line of the south 25′ of the NW ¼ of the SW ¼ of the SW ¼ of the NW ¼ of said Section 6, and bounded by a 25′ radius arc concave to the Northeast, said arc being tangent to both of the last described lines.

LOCATION: 11605 S.W. 95 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and, 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 12 that the requested district boundary change to EU-M (Item #1), and the request to permit 1 lot with a frontage of 113′ and 1 lot with a frontage of 113.05′ (Item #2) 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. CZAB12-10-06, and

WHEREAS, **MARCOS CENTURION** appealed the decision of Community Zoning Appeals Board 12 to the Board of County Commissioners for the following:

(1) AU to EU-M

(2) Applicant is requesting to permit 2 lots with frontages varying from 113′ to 113.05′ (120′ required for each).

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(14) (Alternative Site Development Option) or 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 "Site Plan," as prepared by Mario Prats, Jr. & Associates and dated 5/6/05. Plans may be modified at public hearing.

SUBJECT PROPERTY: The Northwest ¼ of the SW ¼ of the SW ¼ of the NW ¼ of Section 6, Township 55 South, Range 40 East, LESS the west 35′ thereof and LESS the south 25′ thereof, and bounded by a 25′ radius arc concave to the Northeast; said arc being tangent to both of the last described portions, being excepted herefrom, as set forth in Right-of-Way Deed to Miami-Dade County, filed for record in Official Records Book 14641, Page 1873, being described as follows:

The area bounded by the east line of the west 35′ of the NW ¼ of the SW ¼ of the SW ¼ of the NW ¼ of Section 6, Township 55 South, Range 40 East, and bounded by the north line of the south 25′ of the NW ¼ of the SW ¼ of the SW ¼ of the NW ¼ of said Section 6, and bounded by a 25′ radius arc concave to the Northeast, said arc being tangent to both of the last described lines.

LOCATION: 11605 S.W. 95 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

WHEREAS, after reviewing the record and decision of the Metropolitan Dade County Zoning Appeals Board 12 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 insufficient to merit a reversal of the ruling made by the Zoning Appeals Board in Resolution No. CZAB12-10-06 and the appeal should be denied and the decision of Community Zoning Appeals Board 12 should be sustained, 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 EU-M (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 2 lots with frontages varying from 113′ to 113.05′ (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

WHEREAS, a motion to deny the appeal without prejudice, sustain the decision of Community Zoning Appeals Board 12, and deny Items #1 and 2 without prejudice was offered by Commissioner Katy Sorenson, seconded by Commissioner Carlos A. Gimmenez, and upon a poll of the members present the vote was as follows:

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

Chairperson Joe A. Martinez 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 12 is sustained.

BE IT FURTHER RESOLVED that the requested district boundary change to EU-M (Item #1) be and the same is hereby denied without prejudice.

BE IT FURTHER RESOLVED that the request to permit 2 lots with frontages varying from 113' to 113.05' (Item #2) be and the same is hereby denied without prejudice.

BE IT FURTHER RESOLVED that Resolution No. CZAB12-10-06 remains in full force and effect.

The Director is hereby authorized to make the necessary notations upon the records of the Miami-Dade County Department of Planning and Zoning.

***THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED* this 14th day of September, 2006, 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. 06-4-CZ12-2
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 25TH DAY OF SEPTEMBER, 2006.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Earl Jones, 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-33-06 adopted by said Board of County Commissioners at its meeting held on the 14th day of September, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 25th day of September, 2006.

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

ADA Coordination
Agenda Coordination
Animal Services
Art in Public Places
Audit and Management Services
Aviation
Building
Building Code Compliance
Business Development
Capital Improvements
Citizens' Independent Transportation Trust
Commission on Ethics and Public Trust
Communications
Community Action Agency
Community & Economic Development
Community Relations
Consumer Services
Corrections & Rehabilitation
Cultural Affairs
Elections
Emergency Management
Employee Relations
Empowerment Trust
Enterprise Technology Services
Environmental Resources Management
Fair Employment Practices
Finance
Fire Rescue
General Services Administration
Historic Preservation
Homeless Trust
Housing Agency
Housing Finance Authority
Human Services
Independent Review Panel
International Trade Consortium
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

September 26, 2006

Marcos Centurion
c/o Michael Friere
701 Brickell Avenue
Suite 3000
Miami, Florida 33131

Re: Hearing No. 06-4-CZ12-2
Location: 11605 S.W. 95 Street,
Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. Z-33-06, adopted by the Board of County Commissioners, which denied your appeal, sustain CZAB 12's decision, and denied application without prejudice.

Be advised that the decision of the Board may be appealed to Circuit Court within 30 days of the date of the transmittal of the resolution to the Clerk of the County Commission. The date of transmittal is **September 25, 2006**.

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