

Miami-Dade County  
Department of Planning and Zoning

Hearing History

Hearing #: Z2010000016

STR: 10-54-40

Applicant: TADPOLE INVESTMENTS, INC

YEAR	APPLICANT	REQUEST	RESOLUTION	BOARD	DECISION
1960	Westchester Inc.	S.E. for special permit for promtional installation.	5280	BCC	APPROVED WITH CONDITION(S)
1979	Lionel Leisure Inc.	S.E. to perm. expansion of exist'g shopp'g ctr.	4ZAB30879	ZAB	APPROVED WITH CONDITION(S)
1983	Arthur Fastenberg ET AL	Mod. cond. of res. / S.E. to perm. expansion of exist'g shopp'g ctr. / N.U.V of zon'g reg. as applied to signs. / N.U.V. of landscap'g req.	4ZAB10383	ZAB	APPROVED WITH CONDITION(S)
1983	Arthur Fastenberg ET AL	Mod. of cond. of reso	Z16983	BCC	APPROVED WITH CONDITION(S)
1989	Salsa Westchester Inc.	S.E. to perm. the expansion of exist'g shopp'g ctr. / N.U.V. of landscap'g req.	4ZAB30289	ZAB	APPROVED WITH CONDITION(S)
1990	Columbia- BBB Westchester Shopping Cent.	Mod. of cond. of res. reso.	4ZAB38590	ZAB	APPROVED WITH CONDITION(S)
1991	Columbia Westchester Shopping Center Associates	N.U.V. of zon'g reg. as applied to signs.	4ZAB23591	ZAB	APPROVED WITH CONDITION(S)
1999	Sprint Pcs.	(1) N.U.V. of set. req, landscape & landscaping.	CZAB101899	C10	APPROVED WITH CONDITION(S)

#245

**RESOLUTION NO. CZAB10-18-99**

**WHEREAS SPRINT PCS, ET AL**, applied for the following:

- (1) **UNUSUAL USE** to permit an existing telecommunications facility including ancillary equipment consisting of a tower with two antennae.
- (2) **NON-USE VARIANCE OF SETBACK REQUIREMENTS** to permit the existing tower with a setback of 100' (111.11' required) from the rear (north) property line.
- (3) **NON-USE VARIANCE OF LANDSCAPE REGULATIONS** to permit the following: 228 trees (451 required), 0 shrubs (4,510 required) and a maximum lawn area of 100% (20% permitted).

Plans are on file and may be examined in the Zoning Department entitled "Antenna Installation At Westchester Shopping Center," as prepared by Kimley-Horn & Associates, Inc., dated June 1998, consisting of 10 sheets, along with plans entitled "Westchester Shopping Center," as prepared by the applicant, dated stamped received 10-7-98 and consisting of two sheets for a total of 12 sheets. Plans may be modified at public hearing.

**SUBJECT PROPERTY:** A portion of the SW ¼ of Section 10, Township 54 South, Range 40 East, being more particularly described as follows: Commence at the Southwest corner of said Section 10 and run N88°3'5"E along the south line of the SE ¼ of said Section 10, for 98.12'; Thence N1°56'4"W, at right angles to the last described course of 50' to the Point of beginning of the following described parcel (said point being on a curve and bearing S1°56'4"E from the radius Point of the next described curve): Thence SW/ly, W/ly and NW/ly along a circular curve to the right, having a radius of 50' and a central angle of 89°10'10" for an arc distance of 77.82' to a Point of reverse curvature; Thence NW/ly along a circular curve to the left, having a radius of 1,950.86' and a central angle of 1°58'6" for an arc distance of 87.02' to a Point of tangency; Thence N4°44'0"W for 150' to a Point of curvature; Thence NW/ly along a circular curve to the right, having a radius of 1,868.86' and a central angle of 3°0'1" for an arc distance of 97.86' to a Point of tangency; Thence N1°43'59"W, along a line parallel with and 35' east of as measured at right angles to the west line of the SW ¼ of said Section 10, for 371.09'; Thence N88°3'56"E along a line parallel with and 785' north of, as measured at right angles to, the south line of the SW ¼ of said Section 10, for 1,215'; Thence S1°3'59"E along a line parallel with the west line of the SW ¼ of said Section 10, for 735'; Thence S88°3'56"W, along a line parallel with and 50' north of, as measured at right angles to the south line of the SW ¼ of said Section 10, for 408.25'; Thence N1°43'59"W, along a line parallel with and 841.75' east of, as measured at right angles to the west line of the SW ¼ of said Section 10, for 200'; Thence S88°3'56"W, along a line parallel with and 250' north of, as measured at right angles to the south line of the SW ¼ of said Section 10, for 160'; Thence 1°43'59"E along a line parallel with and 681.75' east of, as measures at right angles to the west line of the SW ¼ of Section 10, for 20'; Thence

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S88°3'56"W, along a line parallel with and 50' north of, as measured at right angles to the south line of the SW ¼ of said Section 10, for 583.78' to the Point of beginning. LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCELS THEREOF: PARCEL A: The east 160' of the west 841.75' of the north 130' of the south 250' of the SW ¼ of Section 10, Township 54 South, Range 40 East. PARCEL B: The east 55' of the west 896.75' of the north 130' of the south 250' of the SW ¼ of Section 10, Township 54 South, Range 40 East. PARCEL C: The east 80' of the west 761.75' of the north 15' of the south 265' of the SW ¼ of Section 10, Township 54 South, Range 40 East. PARCEL D: The east 160' of the west 841.75' of the north 70' of the south 120' of the SW ¼ of Section 10, Township 54 South, Range 40 East. PARCEL E: The east 100' of the west 681.75' of the north 130' of the south 250' of the SW ¼ of Section 10, Township 54 South, Range 40 East. PARCEL F: The east 208' of the west 969.75' of the north 174' of the south 294' of the SW ¼ of Section 10, Township 54 South, Range 40 East, less the south 130' of the west 135' thereof, AND: PARCEL G: The east 128' of the west 969.75' of the north 70' of the south 120' of the SW ¼ of Section 10, Township 54 South, Range 40 East. PARCEL II: The east 67.63' of the west 969.75' of the north 244' of the south 294' of the SW ¼ of Section 10, Township 54 South, Range 40 East.

LOCATION: The Northeast corner of S.W. 24 Street (Coral Way) and S.W. 87 Avenue (Galloway Road), Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Miami-Dade County Community Zoning Appeals Board 10 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*, 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 unusual use (Item #1), non-use variance of setback requirements (Item #2) and non-use variance of landscape regulations (Item #3) would be compatible with the area and its development and 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 that the requested unusual use would not have an adverse impact upon the public interest, and should be approved, and

WHEREAS, a motion to approve the application was offered by Tony Medina, Jr., seconded by Paul De Bodor Angelo XXVII, and upon a poll of the members present, the vote was as follows:

Paul De Bodor Angelo XXVII	aye	Enrique Fortun	absent
Manuel Casas	aye	Tony Medina, Jr.	aye
Armando T. Delgado	absent	Carlos A. Valderrama	absent
	Jesus Rodriguez	aye	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 10 that the requested unusual use (Item #1), non-use variance of setback requirements (Item #2) and non-use variance of landscape regulations (Item #3) be and the same are hereby approved, subject to the following conditions:

1. That a site plan be 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 and Occupancy; said plan to include among other things but not be limited thereto, location of structure or structures, 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 "Antenna Installation At Westchester Shopping Center," as prepared by Kimley-Horn & Associates, Inc., dated June 1998, consisting of 10 sheets, along with plans entitled "Westchester Shopping Center," as prepared by the applicant, dated stamped received 10-7-98 and consisting of two sheets for a total of 12 sheets.
3. That the use be established and maintained in accordance with the approved plan.
4. That the approval of the non-use variances applies only to the unusual use request.

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 Director is hereby authorized to make the necessary 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 23rd day of February, 1999.

Hearing No. 99-2-CZ10-8  
aj

**THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 4TH DAY OF MARCH, 1999.**

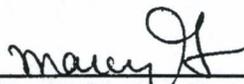
**STATE OF FLORIDA**

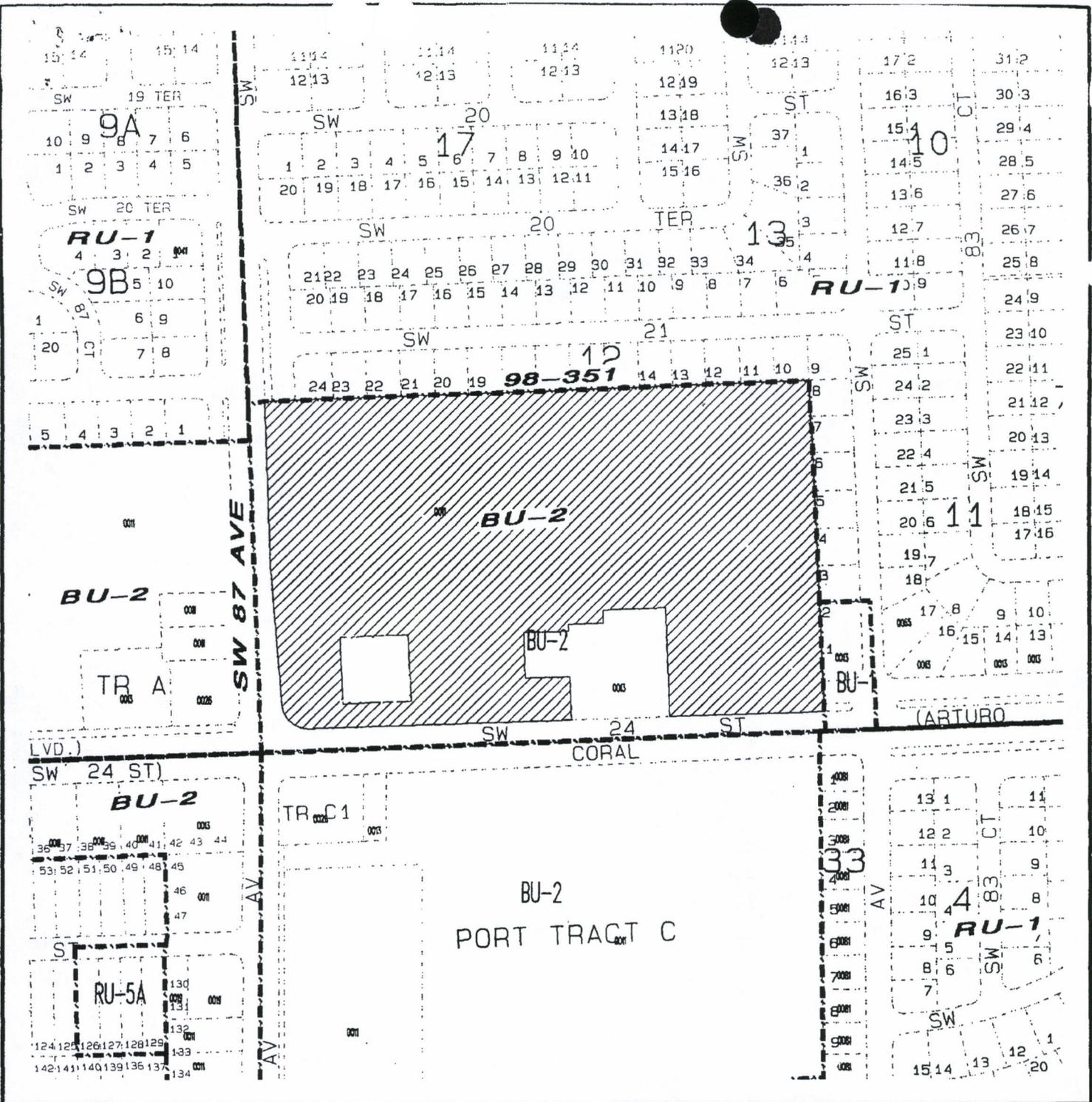
**COUNTY OF MIAMI-DADE**

I, Marcy Gordon, as Deputy Clerk and Legal Counsel for the Miami-Dade County Department of Planning and Zoning as designated by Guillermo E. Olmedillo, Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 10, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB10-18-99 adopted by said Community Zoning Appeals Board at its meeting held on the 23rd day of February, 1999.

IN WITNESS WHEREOF, I have hereunto set my hand on this 4th day of March, 1999.



  
\_\_\_\_\_  
Marcy Gordon, Deputy Clerk and Legal Counsel  
Miami-Dade County Department of Planning and Zoning



**LEGEND**

 SUBJECT PROPERTY

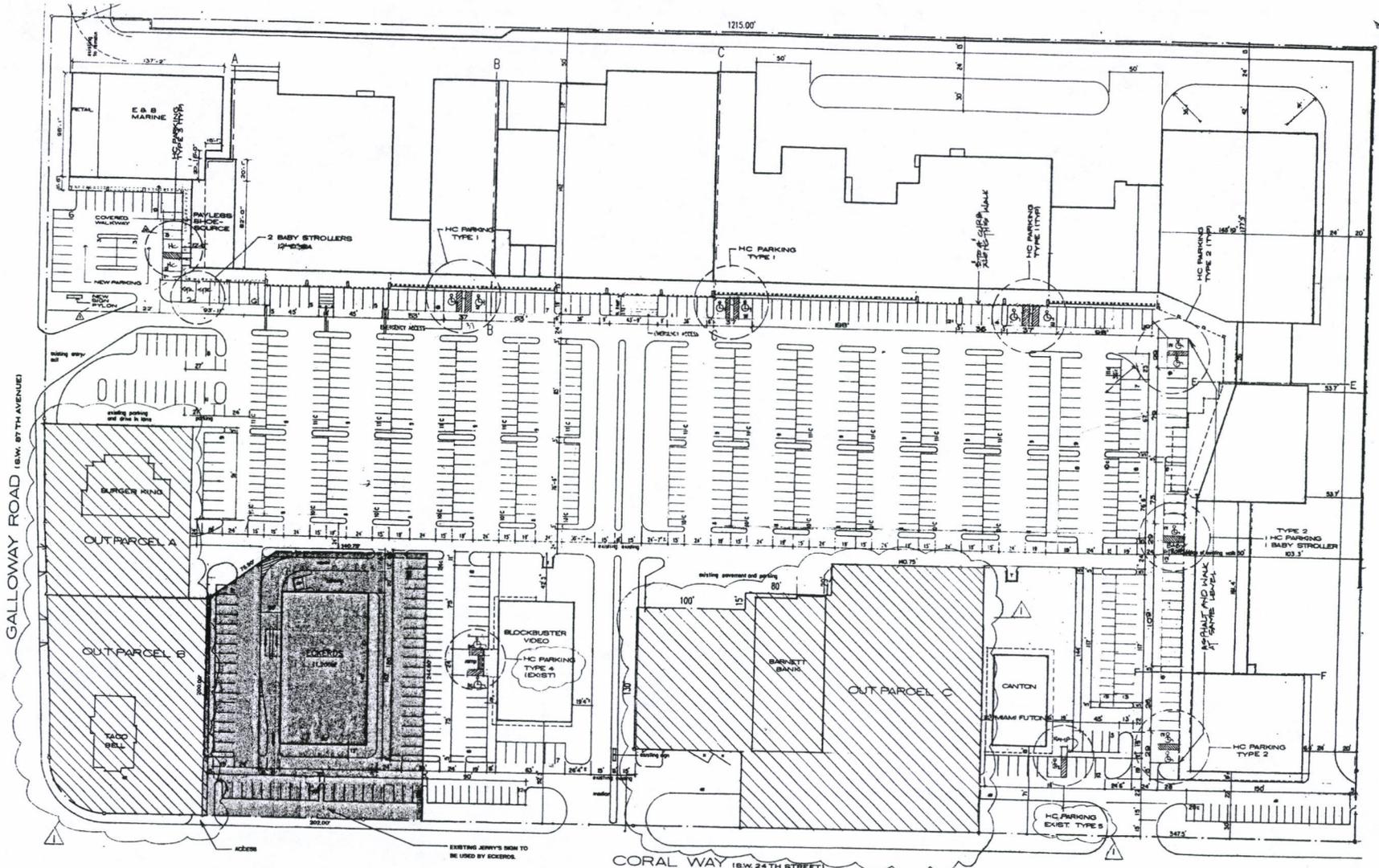
METROPOLITAN DADE COUNTY  
Hearing Map

**NOTICE**

Section: 10 Township: 54 Range: 40  
 Process Number: 98000351  
 Applicant: SPRINT PCS & WESTCHESTER SHOPPING CENTER  
 District Number: 10  
 Zoning Board: C10  
 Drafter ID: ERIC  
 Soder: 1300

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WESTCHESTER SHOPPING CENTER  
1" = 40'



**SITE PLAN**

**SITE DATA**  
 ZONING: PROPOSED USE  
 AREA OF SITE  
 TOTAL BUILDING AREA  
 F.A.R.  
 PERMITTED  
 ACTUAL  
 - NO CHANGE PARCEL

BLD	EXISTING BUILDING AREA	220,000 SF	NOT PART OF THE PERMIT
GENERAL RETAIL	CRACKDOWN JERRY'S	8,000 SF	
	TOTAL EXISTING	228,000 SF	OUTPARCEL 'W' BURGER KING
	NEW CONSTRUCTION	11,000 SF	OUTPARCEL 'W' TACO BELL
	NEW BUILDING AREA	285,000 SF	OUTPARCEL 'C' BARNETT BANK
	LESS OUTPARCELS	8,300 SF	
	TOTAL AREA OF PERMIT	276,700 SF	

EXISTING BUILDING AREA  
 6,700 SF  
 NOT INCLUDED IN

**EXISTING DATA**

RETAIL AREA	220,000 SF (1,000 AT)	736 SPACES
RESTAURANTS	CANTON 2,400 SF SUNWAY 800 SF	4 SPACES
PATRON AREA 800	1,800 SF (100 AT)	88 SPACES
ESTIMATED 16 EMPLOYEES		4 SPACES
TOTAL PARKING REQUIRED		777 SPACES
PARKING PROVIDED	REGULAR & COMPACT HANDICAP PK. OF TOTAL BABY STROLLER	848 SPACES 16 SPACES 3 SPACES
TOTAL PARKING PROVIDED		848 SPACES

NOTE: ALL EXISTING DIMENSIONS AND IMPROVEMENTS (BUILDINGS, PARKING SPACES, ETC.) ARE BASED ON THE SITE PLAN PREPARED BY BLITSTEIN DESIGN ASSOCIATES DATED 10/20/04.

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10-54-40/91-95

RESOLUTION NO. 4-ZAB-235-91

The following resolution was offered by Jose A. Losa seconded by Humberto Amaro and upon poll of members present, the vote was as follows:

Humberto Amaro	aye	William Losner	aye
Mavel Cruz	nay	Scott Notowitz	nay
Gussie Davis	absent	Dean Oddy	absent
Colleen Griffin	nay	Kenneth Welt	aye
Jose A. Losa	aye		

WHEREAS, COLUMBIA --BBB WESTCHESTER SHOPPING CENTER ASSOCIATES, LTD. had applied for the following:

NON-USE VARIANCE OF ZONING REGULATIONS as applied to signs to permit a fifth detached sign of 103.89 sq. ft. in a shopping center (4 signs exist -- 2 approved by public hearing -- two signs permitted).

Plans are on file and may be examined in the Zoning Department, elevation drawing identified with "Blockbuster Video," copy, as prepared by James T. Van Voast, Professional Engineer, and site plan identified as "Westchester Shopping Center," as prepared by Baldwin, Sackman & Associates, Architects, both plans dated received Feb. 7, 1991 by the Zoning Hearing Section. Plans may be modified at public hearing.

SUBJECT PROPERTY: A portion of the SW 1/4 of Section 10, Township 54 South, Range 40 East, being more particularly described as follows:

Commence at the Southwest corner of said Section 10 and run N88°3'56"E, along the south line of the SW 1/4 of said Section 10, for 98.12'; thence N1°56'4"W, at right angles to the last described course, for 50' to the Point of beginning of the following described parcel (said point being on a curve and bearing S1°56'4"E from the radius Point of the next described curve); thence SW/ly, W/ly and NW/ly along a circular curve to the right, having a radius of 50' and a central angle of 89°10'10" for an arc distance of 77.82' to a Point of reverse curvature; thence NW/ly along a circular curve to the left, having a radius of 1,950.86' and a central angle of 1°58'6" for an arc distance of 67.02' to a Point of tangency; thence N4°44'0"W for 150' to a Point of curvature; thence NW/ly along a circular curve to the right, having a radius of 1,868.86' and a central angle of 3°0'1" for an arc distance of 97.86' to a Point of tangency; thence N1°43'59"W, along a line parallel with and 35' east of as measured at right angles to the west line of the SW 1/4 of said Section 10, for 371.09'; thence N88°3'56"E along a line parallel with and 785' north of, as measured at right angles to, the south line of the SW 1/4 of said Section 10, for 1,215'; thence S1°43'59"E, along a line parallel with the west line of the SW 1/4 of said Section 10, for 735'; thence S88°3'56"W, along a line parallel with and 50' north of, as measured at right angles to the south line of the SW 1/4 of said Section 10, for 408.25'; thence N1°43'59"W, along a line parallel with and 841.75' east of, as measured at right angles to the west line of the SW 1/4 of said Section 10, for 200'; thence S88°3'56"W, along

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a line parallel with and 250' north of, as measured at right angles to the south line of the SW 1/4 of said Section 10, for 160'; thence S1°43'59"E along a line parallel with and 681.75' east of as measured at right angles to the west line of the SW 1/4 of said Section 10, for 200'; thence S88°3'56"W, along a line parallel with and 50' north of, as measured at right angles to the south line of the SW 1/4 of said Section 10, for 583.78' to the Point of beginning.

LESS AND EXCEPT the following described Parcels thereof:

PARCEL A: The east 160' of the west 841.75' of the north 130' of the south 250' of the SW 1/4 of Section 10, Township 54 South, Range 40 East; and

PARCEL B: The east 55' of the west 896.75' of the north 130' of the south 250' of the SW 1/4 of Section 10, Township 54 South, Range 40 East; and

PARCEL C: The east 80' of the west 761.75' of the north 15' of the south 265' of the SW 1/4 of Section 10, Township 54 South, Range 40 East; and

PARCEL D: The east 160' of the west 841.75' of the north 70' of the south 120' of the SW 1/4 of Section 10, Township 54 South, Range 40 East; and

PARCEL E: The east 100' of the west 681.75' of the north 130' of the south 250' of the SW 1/4 of Section 10, Township 54 South, Range 40 East; and

PARCEL F: The east 208' of the west 969.75' of the north 174' of the south 294' of the SW 1/4 of Section 10, Township 54 South, Range 40 East; LESS the south 130' of the west 135' thereof; and

PARCEL G: The east 128' of the west 969.75' of the north 70' of the south 120' of the SW 1/4 of Section 10, Township 54 South, Range 40 East.

LOCATION: The Northeast corner of S.W. 87 Avenue and Coral Way (S.W. 24 Street), Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board 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, 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 non-use variance of zoning regulations, on a modified basis to permit a pedestal-type sign 20' in height, 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;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the non-use variance of zoning regulations be and the same is hereby approved on a modified basis to permit a pedestal-type sign 20' in height;

BE IT FURTHER RESOLVED that the application, as approved, is subject to the following conditions:

1. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things but not be limited thereto, location of building or buildings, type and location of signs, light standards, parking areas, exits and entrances, drainage, walls, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with the plan submitted for the hearing entitled, "BV50-DFM", prepared by the applicant, page(s) 1, and dated September 22, 1989, except as herein modified to permit a pedestal-type sign a maximum height of 20'.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicants submit to the Planning Department for its review and approval a landscaping plan which indicates the type of plant material and size prior to the issuance of a building permit and to be installed prior to the issuance of a certificate of use and occupancy.

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 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 conditions of this resolution.

PASSED AND ADOPTED this 4th day of September, 1991.

Hearing No. 91-9-14  
Typed 9/12/91 bn

**RU-1**

**BU2**

**BU-2**

**RU-2**

**METRO Dade**

Sec. 10 Twp. 54 Rge. 40

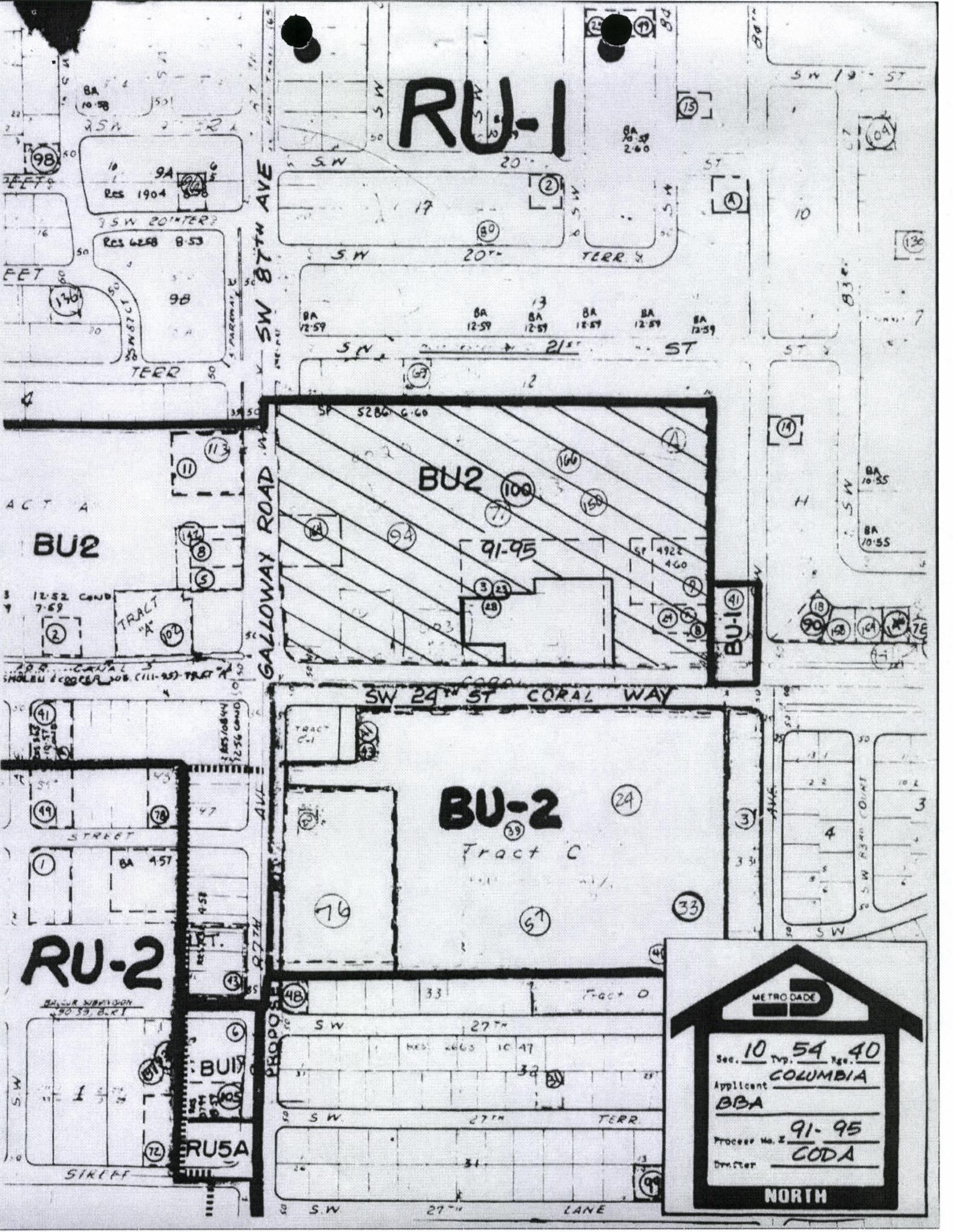
Applicant COLUMBIA

BBA

Process No. 91-95

Director CODA

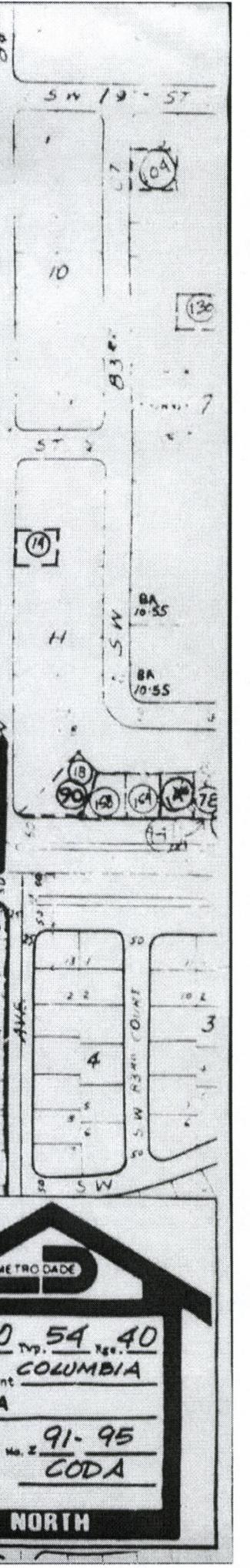
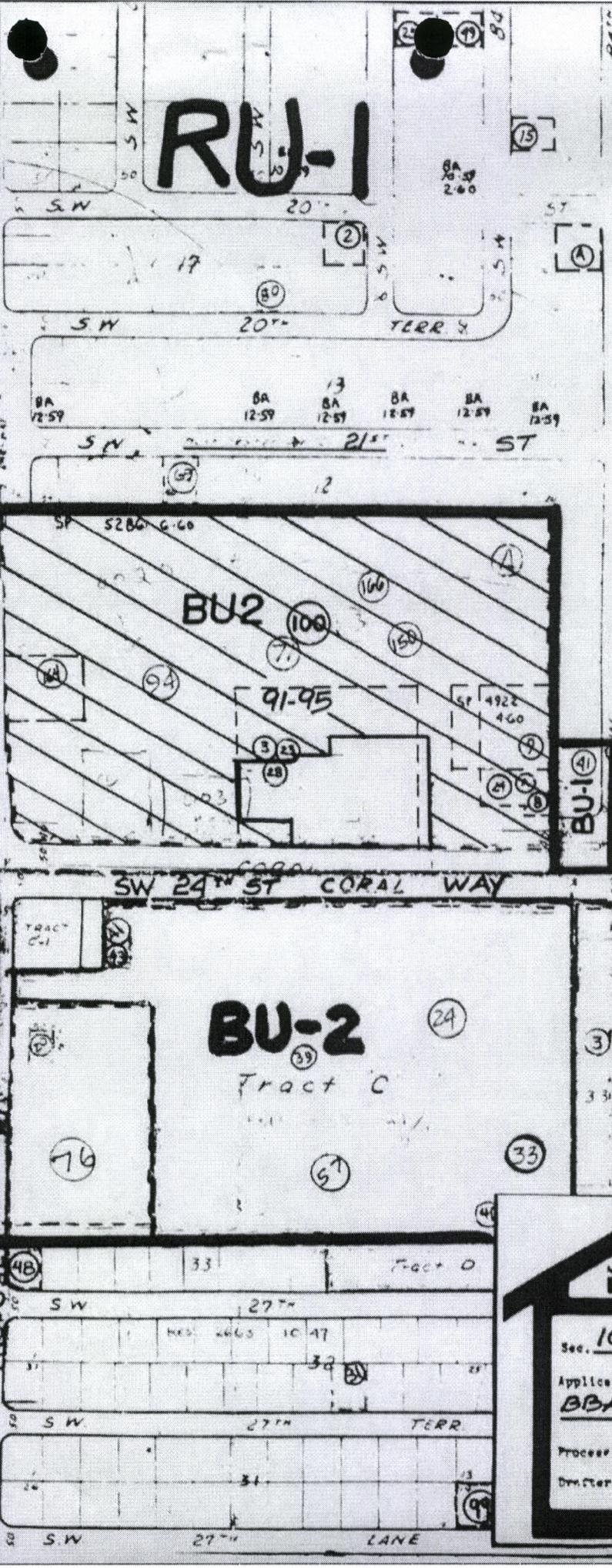
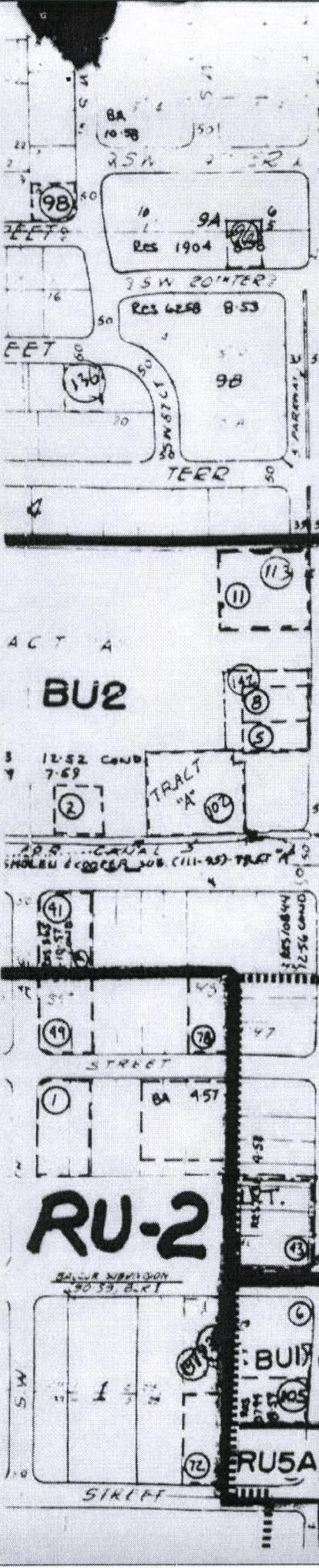
**NORTH**



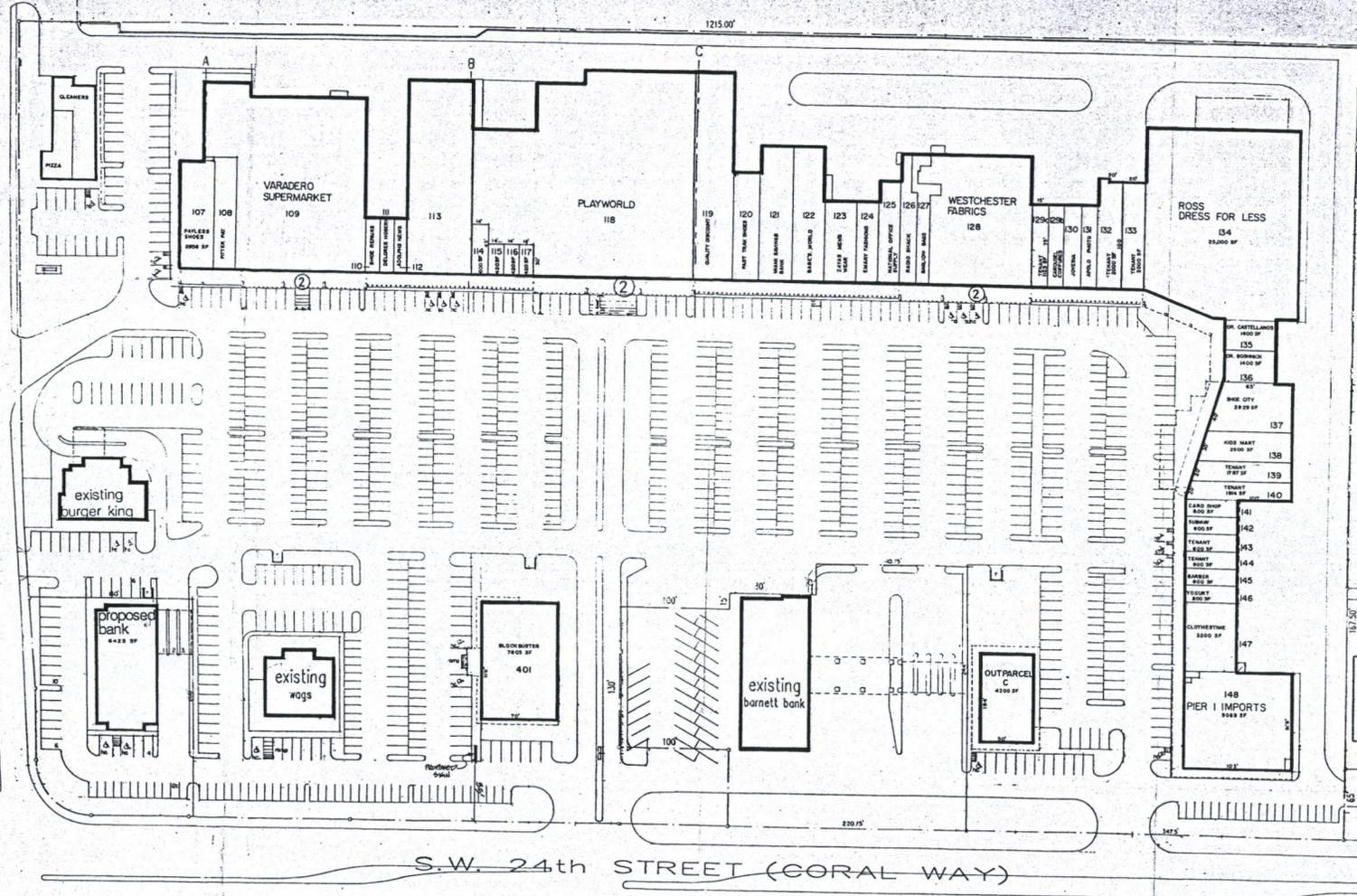
GALLOWAY ROAD

SW 24th ST CORAL WAY

PROPOSED SW 87th AVE



S.W. 87th AVENUE (GALLOWAY ROAD)



201	205
1894 SF	2014 SF
202	204
401 SF	1818 SF
203	
801 SF	

SECOND FLOOR PLAN

RECEIVED  
 BALDWIN  
 SACKMAN

BALDWIN SACKMAN + ASSOCIATES P.A. ARCHITECTS  
 westchester shopping center  
 ARCHITECTURE PLANNING INTERIOR DESIGN 1025 AMMONY AVE. COCONUT GROVE, FLORIDA 33133 305 858 8800

COMM. NO. 88  
 7.19.90  
 REVISIONS:  
 6.12.90

BANK

## RESOLUTION NO. 4-ZAB-385-90

The following resolution was offered by Georgia A. Wright seconded by Jose A. Losa and upon poll of members present, the vote was as follows:

Thomas A. Conger	nay	Scott Notowitz	absent
Mavel Cruz	aye	Dean Oddy	aye
Gussie Davis	nay	Georgia A. Wright	aye
Colleen Griffin	nay	Kenneth Welt	aye
Jose A. Losa	aye		

WHEREAS, COLUMBIA - BBB WESTCHESTER SHOPPING CENTER ASSOCIATES, LTD. had applied for the following:

MODIFICATION of Condition #5 of Resolution 4-ZAB-103-83, passed and adopted by the Metropolitan Dade County Zoning Appeals Board on the 13th day of April, 1983 as follows:

FROM: "5. That the proposed sign be restricted to a low pedestal-type sign no larger than 40 sq. ft. and 5' high."

TO: "5. That the proposed sign be restricted to no larger than 40 sq. ft. and a maximum 20' high."

The purpose of the request is to modify a condition in a previous resolution which granted a fourth detached sign in the shopping center but restricted the sign to a maximum of 5' height; to permit a replacement sign which is 20' high.

Plans are on file and may be examined in the Zoning Department entitled "Westchester Shopping Center," as prepared by Baldwin, Sackman, Carrington, Architects, dated 7-1-90. Plans may be modified at public hearing.

SUBJECT PROPERTY: A portion of the SW 1/4 of Section 10, Township 54 South, Range 40 East, being more particularly described as follows:

Commence at the Southwest corner of said Section 10 and run N88°3'56"E, along the south line of the SW 1/4 of said Section 10, for 98.12'; thence N1°56'4"W, at right angles to the last described course for 50' to the Point of beginning of the following described parcel (said point being on a curve and bearing S1°56'4"E from the radius Point of the next described curve); thence SW/ly, W/ly and NW/ly along a circular curve to the right, having a radius of 50' and a central angle of 89°10'10" for an arc distance of 77.82' to a Point of reverse curvature; thence NW/ly along a circular curve to the left, having a radius of 1,950.86' and a central angle of 1°58'6" for an arc distance of 67.02' to a Point of tangency; thence N4°44'0"W for 150' to a Point of curvature; thence NW/ly along a circular curve to the right, having a radius of 1,868.86' and a central angle of 3°0'1" for an arc distance of 97.86' to a Point of tangency; thence N1°43'59"W, along a line parallel with and 35' east of as measured at right angles to the west line of the SW 1/4 of said Section 10, for 371.09'; thence N88°3'56"E along a line parallel with and 785' north

# Note

of, as measured at right angles to, the south line of the SW 1/4 of said Section 10, for 1,215'; thence S1°43'59"E, along a line parallel with the west line of the SW 1/4 of said Section 10, for 735'; thence S88°3'56"W, along a line parallel with and 50' north of, as measured at right angles to the south line of the SW 1/4 of said Section 10, for 408.25'; thence N1°43'59"W, along a line parallel with and 841.75' east of, as measured at right angles to the west line of the SW 1/4 of said Section 10, for 200'; thence S88°3'56"W, along a line parallel with and 250' north of, as measured at right angles to the south line of the SW 1/4 of said Section 10, for 160'; thence S1°43'59"E along a line parallel with and 681.75' east of as measured at right angles to the west line of the SW 1/4 of said Section 10, for 200'; thence S88°3'56"W, along a line parallel with and 50' north of, as measured at right angles to the south line of the SW 1/4 of said Section 10, for 583.78' to the Point of beginning.

LESS AND EXCEPT the following described Parcels thereof:

PARCEL "A": The east 160' of the west 841.75' of the north 130' of the south 250' of the SW 1/4 of Section 10, Township 54 South, Range 40 East; and

PARCEL "B": The east 55' of the west 896.75' of the north 130' of the south 250' of the SW 1/4 of Section 10, Township 54 South, Range 40 East; and

PARCEL "C": The east 80' of the west 761.75' of the north 15' of the south 265' of the SW 1/4 of Section 10, Township 54 South, Range 40 East; and

PARCEL "D": The east 160' of the west 841.75' of the north 70' of the south 120' of the SW 1/4 of Section 10, Township 54 South, Range 40 East; and

PARCEL "E": The east 100' of the west 681.75' of the north 130' of the south 250' of the SW 1/4 of Section 10, Township 54 South, Range 40 East; and

PARCEL "F": The east 208' of the west 969.75' of the north 174' of the south 294' of the SW 1/4 of Section 10, Township 54 South, Range 40 East; LESS the south 130' of the west 135' thereof; and

PARCEL "G": The east 128' of the west 969.75' of the north 70' of the south 120' of the SW 1/4 of Section 10, Township 54 South, Range 40 East.

LOCATION: The Northeast corner of S.W. 87 Avenue (Galloway Road) and S.W. 24 Street (Coral Way), Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board 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, 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 modification would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the application be and the same is hereby approved, subject to the following condition:

That the existing detached Wag's sign be removed from the property prior to final inspection for the proposed sign.

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 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 5th day of December, 1990.

Hearing No. 90-11-31  
Typed 12/12/90 bn

RU-1

B.A.  
10-68

RES 1904 8-58

RES 6258 8-52

BU-2

12.52 COND.

BU-2

BU-2

RU-2

RU-1

BU2

90-484

RU-13

RU-1

**METRO DADE**

Sec. 10, Typ. 54, Reg. 40

Applicant: Columbia

BBB Westchester

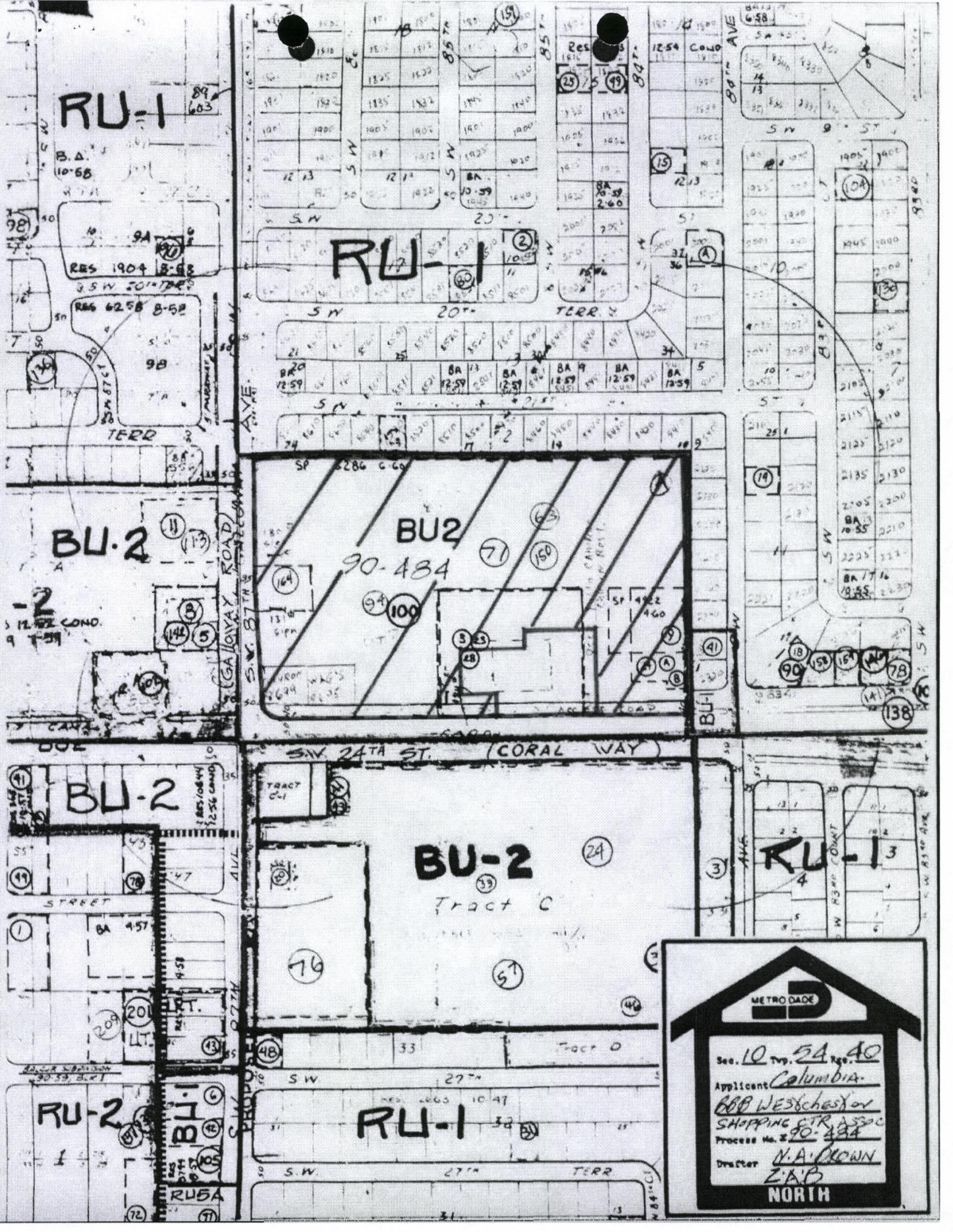
SHOPPING CTR. ASSOC

Process No. 90-484

Director: N.A. DROWN

Z.A.P.

**NORTH**





1989 NOV -2 AM 9:10 89R397711

OFF. REC. 14312PG1435

DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS that the undersigned, being the owner, or having some right, title or interest in the following described property, lying, being and situated in Dade County, Florida, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

in order to assure the Zoning Appeals Board of Dade County, Florida, that representations made to it by the undersigned during consideration of the Salsa Westchester, Inc., Application No. 89-298, will be abided by, voluntarily makes the following Declaration of Restrictions covering and running with the above-described real property:

(1) Contribution to Fire Department. In order to help meet future fire service needs generated by this application, the undersigned shall voluntarily contribute Thirteen Cents (\$.13) per additional square foot of building area constructed pursuant to the site plan previously submitted, prepared by Baldwin, Sackman & Associates, P.A., entitled Westchester Shopping Center, dated April 3, 1989, on sheet A-26, dated June 22, 1989, on sheet LA-1, and dated July 19, 1989, on sheet A-1 (the "Site Plan"), totalling Eight Thousand One Hundred Ninety Seven and No/100 Dollars (\$8,197.00), as adjusted for cost-of-living changes over time, to the Dade County Fire Department for expenditure within the "first-in" fire district serving the subject application. The total fire service contribution, including an adjustment for cost-of-living changes, shall be due and payable upon issuance of the initial building permit for the first improvements constructed pursuant to the Site Plan.

Prepared By:  
David J. Taney, Esq.  
Greenberg, Traurig, Hoffman,  
Lipoff, Rosen & Quental, P.A.  
1221 Brickell Avenue  
Miami, Florida 33131

A/41

37-50

OFF. REC: 14312PG1436

The fire contribution shall be subject to a cost-of-living adjustment over time beginning on the day following approval at a public hearing of the subject application and extending until the contribution is paid to the Dade County Fire Department. The standard for determining the cost-of-living adjustment shall be the Fixed-Weighted Price Index for Gross Private Domestic Fixed Investment, Nonresidential ("Deflator") issued quarterly by the Bureau of Economic Analysis, U.S. Department of Commerce. The Deflator for the quarter of the year in which the subject application is approved shall be taken as the Basic Standard. The cost-of-living adjustment shall be made by multiplying the contribution by a fraction, the numerator of which shall be the New Deflator figure (such figure being the deflator figure for the quarter of the year in which the contribution is due and payable) and the denominator of which shall be the Basic Standard, and the result thus obtained shall be the amount to be paid by the undersigned to the Dade County Fire Department.

(2) Contribution to Public Works Department. In order to help meet future road right-of-way needs, the undersigned shall voluntarily contribute Thirty-Seven Thousand Five Hundred and No/100 Dollars (\$37,500.00) to the Dade County Public Works Department. The total contribution shall be due and payable upon issuance of the building permit for the first improvements constructed pursuant to the Site Plan.

(3) Site Plan. The property shall be developed substantially in accordance with the spirit and intent of the Site Plan referred to in paragraph (1) hereof, said Site Plan being on file with Dade County Building and Zoning Department, and by reference made a part of this Declaration.

(4) Access and Maintenance. The undersigned will provide for permanent and safe access for pedestrian and vehicular traffic within the development and, particularly, for right of access for fire, police, health and sanitation and other public service personnel and vehicles. The streets or accessways shall

REF: 14312PG1437

be installed and maintained by the undersigned and shall include, but be not limited to, sidewalks (if applicable), drainage facilities, water facilities, sewers and fire hydrants, and will meet with the approval of the Directors of the Public Works and Building and Zoning Departments.

As further part of this Declaration, it is hereby understood that any official inspector of the Dade County Building and Zoning Department, or its agents duly authorized, has the privilege at any time during normal working hours of entering and investigating the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein-agreed to are being complied with.

In the event payments are not made as promised, or improvements are not made as promised, in addition to any other remedies available, the Dade County Building and Zoning Department is hereby authorized to withhold any further permits, and refuse any inspections or grant any approvals, until such time as the agreement is complied with.

These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the public welfare.

This Declaration on the part of the owner shall constitute a covenant running with the land and may be recorded in the public records of Dade County, Florida, and shall remain in full force and effect and be binding upon the undersigned, and their heirs, successors and assigns until such time as the same is modified or released.

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 30 years from the date these covenants are recorded, after which time they shall be extended automatically for successive periods of ten (10) years, unless an instrument signed by a majority of the, then, owner(s) of the subject real property has been recorded agreeing to change the covenants in whole, or

REC: 14312PG1438

in part, provided that the covenants have first been modified or released by Dade County.

This Declaration of Restrictive Covenants may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner of the fee simple title of such lands petitioning such modification, amendment or release, provided that the same is also approved by the Board of County Commissioners of Metropolitan Dade County, Florida, after public hearing.

Should this Declaration of Restrictive Covenants be so modified, amended or released, the Director of the Dade County Building & Zoning Department, or the executive officer of the successor of such Department, or in the absence of such director or executive officer, by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges. Enforcement shall be by action at law or in equity against any parties or persons violating, or attempting to violate, any covenants, either to restrain violation or to recover damages. The prevailing party in the action, or suit, shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available under the law.

Invalidation of any one of these covenants, by judgment or Court, in no way shall affect any of the other provisions which shall remain in full force and effect.

OFF. REC. 14312PG1439

Signed, sealed, executed and acknowledged this 2<sup>nd</sup> day of October, 1989.

WITNESSES:

WESTCHESTER ASSOCIATES, a Florida general partnership

Michael Barr

By: Arthur Fastenberg  
Arthur Fastenberg,  
General Partner

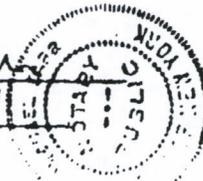
Beatrice Lero

STATE OF New York )  
COUNTY OF New York ) SS:

I, an officer authorized to take acknowledgements, according to the laws of the State of New York duly qualified and acting, do hereby certify that on this date appeared before me ARTHUR FASTENBERG, as General Partner of WESTCHESTER ASSOCIATES, a Florida general partnership, to me personally known, who acknowledged the foregoing instrument for the purposes therein contained, and had acknowledged that he was authorized to execute said instrument as the act and deed of the general partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and seal at \_\_\_\_\_, this 2<sup>nd</sup> day of October, 1989.

Michael Barr  
Notary Public  
State of \_\_\_\_\_



My Commission Expires:

MICHAEL BARR  
Notary Public, State of New York  
No. 244796827  
Qualified in Kings County  
Term Expires March 30, 1990

DJT/SalsaDecRb  
8/21/89

REC: 14312PG1440

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**WESTCHESTER TRACT**

A portion of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida, being more particularly described as follows:

Commence at the Southwest corner of said Section 10 and run North 88°03'56" East, along the South line of the Southwest 1/4 of said Section 10, for 98.12 feet; thence North 1°56'04" West, at right angles to the last described course, for 50.00 feet to the Point of Beginning of the following described parcel (said point being on a curve and bearing South 1°56'04" East from the radius point of the next described curve); thence Southwesterly, Westerly and Northwesterly along a circular curve to the right, having a radius of 50.00 feet and a central angle of 89°10'10" for an arc distance of 77.82 feet to a Point of Reverse Curvature; thence Northwesterly along a circular curve to the left, having a radius of 1950.86 feet and a central angle of 1°58'06" for an arc distance of 67.02 feet to a Point of Tangency; thence North 4°44'00" West for 150.00 feet to a Point of Curvature; thence Northwesterly along a circular curve to the right, having a radius of 1868.86 feet and a central angle of 3°00'01" for an arc distance of 97.86 feet to a Point of Tangency; thence North 1°43'59" West, along a line parallel with and 35.00 feet East of as measured at right angles to the West line of the Southwest 1/4 of said Section 10, for 371.09 feet; thence North 88°03'56" East along a line parallel with and 785.00 feet North of, as measured at right angles to, the South line of the Southwest 1/4 of said Section 10, for 1215.00 feet; thence South 1°43'59" East, along a line parallel with the West line of the Southwest 1/4 of said Section 10, for 735.00 feet; thence South 88°03'56" West, along a line parallel with and 50.00 feet North of, as measured at right angles to the South line of the Southwest 1/4 of said Section 10, for 408.25 feet; thence North 1°43'59" West, along a line parallel with and 841.75 feet East of, as measured at right angles to the West line of the Southwest 1/4 of said Section 10, for 200.00 feet; thence South 88°03'56" West, along a line parallel with and 250.00 feet North of, as measured at right angles to the South line of the Southwest 1/4 of said Section 10, for 160.00 feet; thence South 1°43'59" East along a line parallel with and 681.75 feet East of as measured at right angles to the West line of the Southwest 1/4 of said Section 10, for 200.00 feet; thence South 88°03'56" West, along a line parallel with and 50.00 feet North of, as measured at right angles to the South line of the Southwest 1/4 of said Section 10, for 583.78 feet to the Point of Beginning.

LESS AND EXCEPT the following described Parcels thereof:

**PARCEL A1**

The East 160 feet of the West 841.75 feet of the North 130 feet of the South 250 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida; and

OFF. REC. 14312PG1441

**PARCEL B1**

The East 55 feet of the West 896.75 feet of the North 130 feet of the South 250 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida; and

**PARCEL C1**

The East 80 feet of the West 761.75 feet of the North 15 feet of the South 265 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida; and

**PARCEL D1**

The East 160 feet of the West 841.75 feet of the North 70 feet of the South 120 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida; and

**PARCEL E1**

The East 100 feet of the West 681.75 feet of the North 130 feet of the South 250 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida; and

**PARCEL F1**

The East 208 feet of the West 969.75 feet of the North 174 feet of the South 294 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida; LESS the South 130 feet of the West 135 feet, thereof; and

**PARCEL G1**

The East 128 feet of the West 969.75 feet of the North 70 feet of the South 120 feet of the Southwest 1/4 of Section 10, Township 54 South, Range 40 East, Dade County, Florida.

RECORDED IN OFFICIAL RECORDS BOOK  
OF DADE COUNTY, FLORIDA  
BEFORE VERIFIED  
RICHARD P. BRINKER  
CLERK CIRCUIT COURT

JOINDER BY MORTGAGEE

OFF. REC. 14312PG1442

The undersigned FIRST NATIONWIDE BANK, a Federal Savings Bank f/k/a Florida WASHINGTON FEDERAL SAVINGS AND LOAN ASSOCIATION OF MIAMI BEACH CORPORATION, Mortgagee, under that certain mortgage from WASHINGTON FEDERAL SAVINGS & LOAN ASSOCIATION OF MIAMI BEACH

dated the day 30th of November, 19 78, and recorded in Official Records Book 10255, Page 752\*, of the Public Records of Dade County, Florida, in the original amount of \$ 3,000,000.00

covering all/or a portion of the property described in the foregoing agreement, do hereby acknowledge that the terms of this agreement are and shall be binding upon the undersigned and its successors in title.

IN WITNESS WHEREOF, these presents have been executed this 18th day of October A.D., 19 89.

\*corrected in Official Records Book 10287, Page 1353, supplemented with Financing Statements recorded in Official Records Book 10255, Pages 757, 759, 761 and 763, all of the Public Records of Dade County, Florida.

FIRST NATIONWIDE BANK, a Federal Savings Bank  
Name of Corporation

By Carole Adams  
Vice President

Attest Keith A. Becher (SEAL)  
Assistant Secretary

RECORDED IN OFFICIAL RECORDS BOOK  
IN DADE COUNTY, FLORIDA  
RICHARD P. BRINKER  
CLERK CIRCUIT COURT

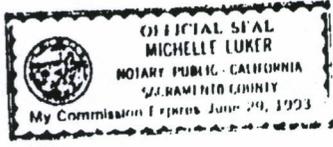
STATE OF CALIFORNIA  
COUNTY OF SACRAMENTO

BEFORE ME, the undersigned authority, this day appeared Carole Adams and Keith Becher, both being to me well known and known by me to be the Vice President and Assistant Secretary of FIRST NATIONWIDE BANK, a

Federal Savings Bank under the laws of the State of California, and which said Corporation is known by me to be the persons described in and which executed the foregoing instrument, the said officers of the said Corporation being likewise known by me to be the officers thereof who, in their official capacities as such officers of said Corporation executed, signed and delivered the said instrument as the act and deed of said Corporation, and the said officers of said Corporation then and there severally acknowledged to and before me that they executed the said instrument, acting in their said official capacities, for and as to the act and deed of said Corporation and in its name, and impressed thereon its Corporate Seal for the uses and purposes therein mentioned, and after being duly authorized and directed.

WITNESS my hand and official Seal at Sacramento, California in the County and State aforesaid, on this, the 18th day of October A.D. 19 89.

My Commission expires: 6/29/91  
Michelle Luker  
Notary Public in and for the State of California



## RESOLUTION NO. 4-ZAB-302-89

The following resolution was offered by Jose A. Losa seconded by Kenneth Welt and upon poll of members present, the vote was as follows:

Thomas A. Conger	aye	Gonzalo (Gry) Sanchez	absent
Jose A. Losa	aye	Kenneth Welt	aye
Levi A. Johnson	absent	Georgia A. Wright	aye
Joyce Masso	aye	Murray Sisselman	aye
Mary Jean Risi	aye		

WHEREAS, SALSA WESTCHESTER, INC. had applied for the following:

- (1) SPECIAL EXCEPTION to permit the expansion of an existing shopping center.
- (2) MODIFICATION of plans approved pursuant to Resolution Z-169-83, passed and adopted by the Board of County Commissioners on the 22nd day of September, 1983, as follows:

FROM: "Westchester Shopping Center Existing Parking Layout; for the Gap Site Plan Only," as prepared by D.L. Brut Associates of Miami, Inc., dated May 6, on Page 1A, and entitled 'Super Gap Westchester Shopping Center,' as prepared by YTL Levikow Associates, Architects, dated last revised 3-29-83 on Pages SK5, SK6, SK7 and SK8."

TO: "Westchester Shopping Center," as prepared by Baldwin, Sackman and Assocites, Architects, dated 7-19-89 on sheet A-1, dated 6-22-89 on sheet LA-1, and dated 4-3-89 on sheet A-26."

The purpose of the above request is to permit the applicant to submit revised plans showing an expansion to the shopping center consisting of a 2nd story addition and development of out parcels.

- (3) NON-USE VARIANCE OF LANDSCAPING REQUIREMENTS to permit 14.8% (15.5% required).

The aforementioned plans are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

SUBJECT PROPERTY: A portion of the SW 1/4 of Section 10, Township 54 South, Range 40 East, being more particularly described as follows:

Commence at the Southwest corner of said Section 10 and run N88°3'56"E, along the south line of the SW 1/4 of said Section 10, for 98.12'; thence N1°56'4"W, at right angles to the last described course, for 50' to the Point of beginning of the following described parcel (said point being on a curve and bearing S1°56'4"E from the radius point of the next described curve); thence SW/ly, W/ly and NW/ly along a circular curve to the right, having a radius of 50' and a central angle of 89°10'10" for an arc distance of 77.82' to a Point of reverse curvature; thence NW/ly along a circular curve to the left, having a radius of 1,950.86' and a central angle of 1°58'6" for an arc distance of 67.02' to a Point of tangency; thence N4°44'0"W for 150' to a Point of curvature; thence NW/ly along a circular curve to the right, having a radius of 1,868.86' and a central angle of 3°0'1" for an arc distance of 97.86' to a Point of tangency; thence N1°43'59"W, along a line parallel with and 35' east of as measured at right angles to the west line of the SW 1/4 of said Section 10, for 371.09'; thence N88°3'56"E along a line parallel with and 785' north of, as measured at right angles to, the south line of the SW 1/4 of said Section 10, for 1,215'; thence S1°43'59"E, along a line parallel with the west line of the SW 1/4 of said Section 10, for 735'; thence S88°3'56"W, along a line parallel with and 50' north of, as measured at right angles to the south line of the SW 1/4 of said Section 10, for 408.25'; thence N1°43'59"W, along a line parallel with and 841.75' east of, as measured at right angles to the west line of the SW 1/4 of said Section 10, for 200'; thence S88°3'56"W, along a line parallel with and 250' north of, as measured at right angles to the south line of the SW 1/4 of said Section 10, for 160'; thence S1°43'59"E along a line parallel with and 681.75' east of as measured at right angles to the west line of the SW 1/4 of said Section 10, for 200'; thence S88°3'56"W, along a line parallel with and 50' north of, as measured at right angles to the south line of the SW 1/4 of said Section 10, for 583.78' to the Point of beginning.

LESS AND EXCEPT the following described parcels thereof:

Parcel A: The east 160' of the west 841.75' of the north 130' of the south 250' of the SW 1/4 of Section 10, Township 54 South, Range 40 East; and

Parcel B: The east 55' of the west 896.75' of the north 130' of the south 250' of the SW 1/4 of Section 10, Township 54 South, Range 40 East; and

Parcel C: The east 80' of the west 761.75' of the north 15' of the south 265' of the SW 1/4 of Section 10, Township 54 South, Range 40 East; and

Parcel D: The east 160' of the west 841.75' of the north 70' of the south 120' of the SW 1/4 of Section 10, Township 54 South, Range 40 East; and

Parcel E: The east 100' of the west 681.75' of the north 130' of the south 250' of the SW 1/4 of Section 10, Township 54 South, Range 40 East; and

Parcel F: The east 208' of the west 969.75' of the north 174' of the south 294' of the SW 1/4 of Section 10, Township 54 South, Range 40 East; LESS the south 130' of the west 135', thereof; and

Parcel G: The east 128' of the west 969.75' of the north 70' of the south 120' of the SW 1/4 of Section 10, Township 54 South, Range 40 East.

LOCATION: The Northeast corner of S.W. 24 Street (Coral Way) and S.W. 87 Avenue (Galloway Road), Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board 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 attorney for the applicant had voluntarily proffered a contribution of 13 cents a square foot amounting to \$8,197 for needed Fire Department improvements and a monetary contribution of \$37,500 to the Public Works Department for the widening of Coral Way and heard the explanation that normally a covenant would be proffered prior to the hearing but, due to problems, the applicant was unable to have the covenant executed in time for the hearing, 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, and

WHEREAS, upon due and proper consideration having been given to the matter and to the recommendation of the Developmental Impact Committee, it is the opinion of this Board that the requested special exception, modification and non-use variance would be compatible with the area and its development and 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;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the application be and the same is hereby approved, subject to the following conditions:

1. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things but not be limited thereto, location of building or buildings, type and location of signs, light standards, 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 "Westchester Shopping Center," as prepared by Baldwin, Sackman and Associates, Architects, dated 7-19-89 on sheet A-1, dated 6-22-89 on sheet 1A-1, and dated 4-3-89 on sheet A-26.
3. That the existing signalized driveway to S.W. 24 Street shall be modified to meet the approval of the Public Works Director prior to the issuance of the first building permit.
4. That the applicants submit to the Planning Department for its review and approval a landscaping plan which indicates the type of plant material and size prior to the issuance of a building permit and to be installed prior to the issuance of a certificate of use and occupancy.
5. That the use be established and maintained in accordance with the approved plan.
6. That the dedication of rights-of-way shall be made in accordance with Sec. 33-133 of the Code of Metropolitan Dade County unless the Director of Public Works deems such are not necessary or requires a lesser amount. Improvements shall be made of such rights-of-way in order to comply with and in accordance with the requirements of the manual of Public Works construction, as may be deemed lacking, desirable and necessary by the Public Works Director. That the dedication and improvement be made at such time as requested by the Public Works Director.
7. That the applicants comply with all conditions and requirements of the Department of Environmental Resources Management.
8. That the trees along the eastern property line be at no more than 40-foot intervals.
9. That the applicants' proffered contributions to the Fire Department and Public Works Department be placed in a properly executed agreement to be delivered to the County within 60 days from the date of this resolution (October 22, 1989) and upon failure to comply with same, the resolution becomes null and void.

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 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 conditions of this resolution.

PASSED AND ADOPTED this 23rd day of AUGUST, 1989.

Hearing No. 89-8-8  
Typed 9/6/89 bn

STATE OF FLORIDA )  
                              :  
COUNTY OF DADE    )

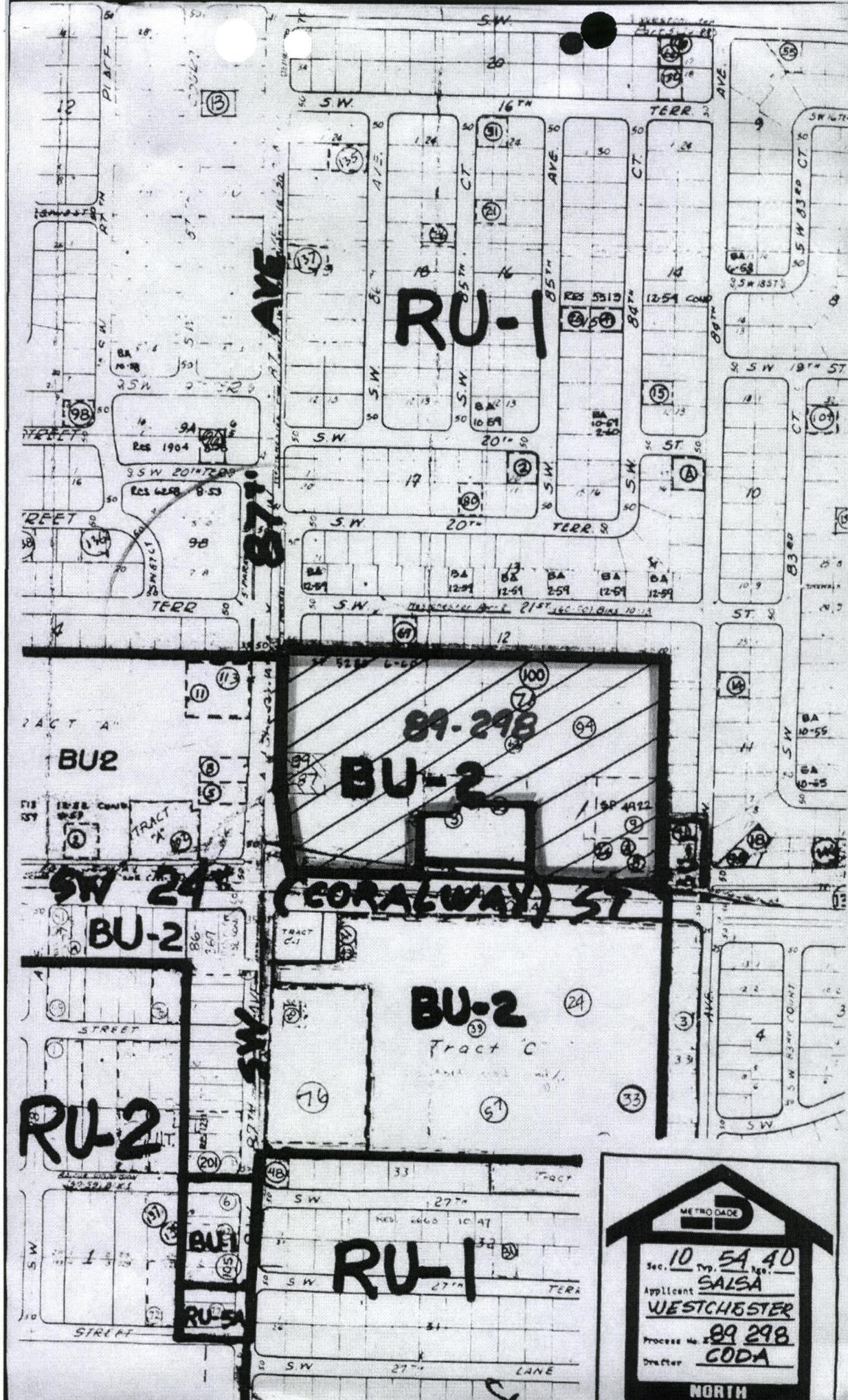
I, Jorge S. Rodriguez, P.E., Director of the Metropolitan Dade County Building and Zoning Department and Ex-Officio Secretary of the Metropolitan Dade County Zoning Appeals Board, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. 4-ZAB-302-89 adopted by said Zoning Appeals Board at its meeting held on August 23, 1989.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this 8th day of September, A.D. 1989.

Jorge S. Rodriguez, P.E., Ex-Officio Secretary  
Metropolitan Dade County  
Zoning Appeals Board

By: Jorge S. Rodriguez

SEAL



**RU-1**

**89-298 BU-2**

**BU-2**

**BU-2**

**BU-2**

**RU-2**

**RU-1**

**METRO DADE**

Sec. 10 of 5A 40

Applicant SALSA

**WESTCHESTER**

Process No. 89 298

Drafter CODA

**NORTH**

RESOLUTION NO. Z-169-83

The following resolution was offered by Commissioner Clara Oesterle, seconded by Commissioner Beverly B. Phillips, and upon poll of members present the vote was as follows:

Barbara M. Carey	absent	Barry D. Schreiber	absent
Clara Oesterle	aye	Ruth Shack	absent
Beverly B. Phillips	aye	Jorge (George) Valdes	aye
James F. Redford, Jr.	aye	Stephen P. Clark	aye
Harvey Ruvlin	aye		

WHEREAS, ARTHUR FASTENBERG, ET AL, had applied for the following:

MODIFICATION of Condition #2 of Resolution 4-ZAB-103-83, passed and adopted by the Zoning Appeals Board on the 13<sup>th</sup> day of April, 1983, as follows:

FROM: "That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Westchester Shopping Center Existing Parking Layout; for Wags Restaurant Site Plan Only', as prepared by D. L. Brut Associates of Miami, Inc., dated 1-3-83 on Page 1A; Pages 2, A-2, A-3, A-5, A-10, and A-10A, as prepared by Walgreens, last dated 1-3-83."

TO: "That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Westchester Shopping Center Existing Parking Layout; for The Gap Site Plan Only', as prepared by D. L. Brut Associates of Miami, Inc., dated May 6, 1983, on Page 1A, and entitled 'Super Gap Westchester Shopping Center', as prepared by YTL Levikow Associates, Architects, dated last revised 3-29-83 on Pages SK5, SK6, SK7, and SK8."

The purpose of the request is to permit the construction of a proposed addition to house The Gap clothing store.

The aforementioned plans are on file and may be examined in the Zoning Department.

SUBJECT PROPERTY: A portion of the SW 1/4 of Section 10, Township 54 South, Range 40 East, being more particularly described as follows:

Commence at the southwest corner of said Section 10 and run N88°3'56"E, along the south line of the SW 1/4 of said Section 10, for 98.12'; thence N1°56'4"W, at right angles to the last described course, for 50' to the Point of beginning of the following described parcel (said point being on a curve and bearing S1°56'4"E from the radius point of the next described curve); thence SW/ly, W/ly, and NW/ly along a circular curve to the right, having a radius of 50' and a central angle of 89°10'10" for an arc distance of 77.82' to a Point of reverse curvature; thence NW/ly along a circular curve to the left, having a radius of 1,950.86' and a central of 1°58'6" for an arc distance of 67.02' to a Point of tangency; thence N4°44'W for 150' to a Point of curvature; thence NW/ly along a circular curve to the right, having a radius of 1,868.86' and a central angle of 3°1" for an arc distance of 97.86' to a Point of tangency; thence N1°43'59"W, along a line parallel with and 35' east of as measured at right angles to the west line of the SW 1/4 of said Section 10, for 371.09'; thence N88°3'56"E along a line parallel with and 785' north of, as measured at right angles to, the south line of the SW 1/4 of said Section 10, for 1,215'; thence S1°43'59"E, along a line parallel with the west line of the SW 1/4 of said Section 10 for 735'; thence S88°3'56"W, along a line parallel with and 50' north of, as measured at right angles to the south line of the SW 1/4 of said Section 10, for 408.25'; thence N1°43'59"W, along a line parallel with and 841.75' east of, as measured at right angles to the west line of the SW 1/4 of said Section 10, for 200'; thence S88°3'56"W, along a line parallel with and 250' north of, as measured at right angles to the south line of the SW 1/4 of said Section 10, for 160'; thence S1°43'59"E along a line parallel with and 681.75' east of as measured at right angles to the west line of the SW 1/4 of said Section 10, for 200'; thence S88°3'56"W, along a line parallel with and 50' north of, as measured at right angles to the south

#100

line of the SW 1/4 of said Section 10, for 583.78' to the Point of beginning; and the east 160' of the west 841.75' of the north 130' of the south 250' of the SW 1/4 of Section 10, Township 54 South, Range 40 East; and the east 160' of the west 841.75' of the north 70' of the south 120' of the SW 1/4 of Section 10, Township 54 South, Range 40 East; and the east 380' of the west 911.75' of the north 350' of the south 400' of the SW 1/4 of Section 10, Township 54 South, Range 40 East; less the east 205' of the west 896.75' of the north 130' of the south 250' and less the east 80' of the west 761.75' of the north 15' of the south 265' thereof.

LOCATION: The northeast corner of Galloway Road (S.W. 87 Avenue) and Coral Way (S.W. 24 Street), Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and upon due and proper consideration having been given to the matter, it was the opinion of the Zoning Appeals Board that the requested modification would not be compatible with the area and its development and would not conform with the requirements and intent of the Zoning Procedure Ordinance and denied the request without prejudice, and

WHEREAS, Arthur Fastenberg, the applicant, appealed the decision of the Zoning Appeals Board to this Board, and after a 15-day notice of the time and place of the meeting of this Board was published as required by the Zoning Procedure Ordinance a hearing was held by this Board, and after reviewing the record and decision of the Zoning Appeals Board 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 for the reversal of the ruling made by the Zoning Appeals Board were sufficient to merit a reversal of the decision;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the decision of the Zoning Appeals Board be and the same is hereby overruled and the requested modification of Condition No. 2 of Resolution 4-ZAB-103-83 be and the same is hereby approved, subject to the following condition:

"That the applicant submit to the Planning 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 any Certificate of Use and Occupancy."

The Zoning Director is hereby directed to make the necessary 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 conditions of this resolution.

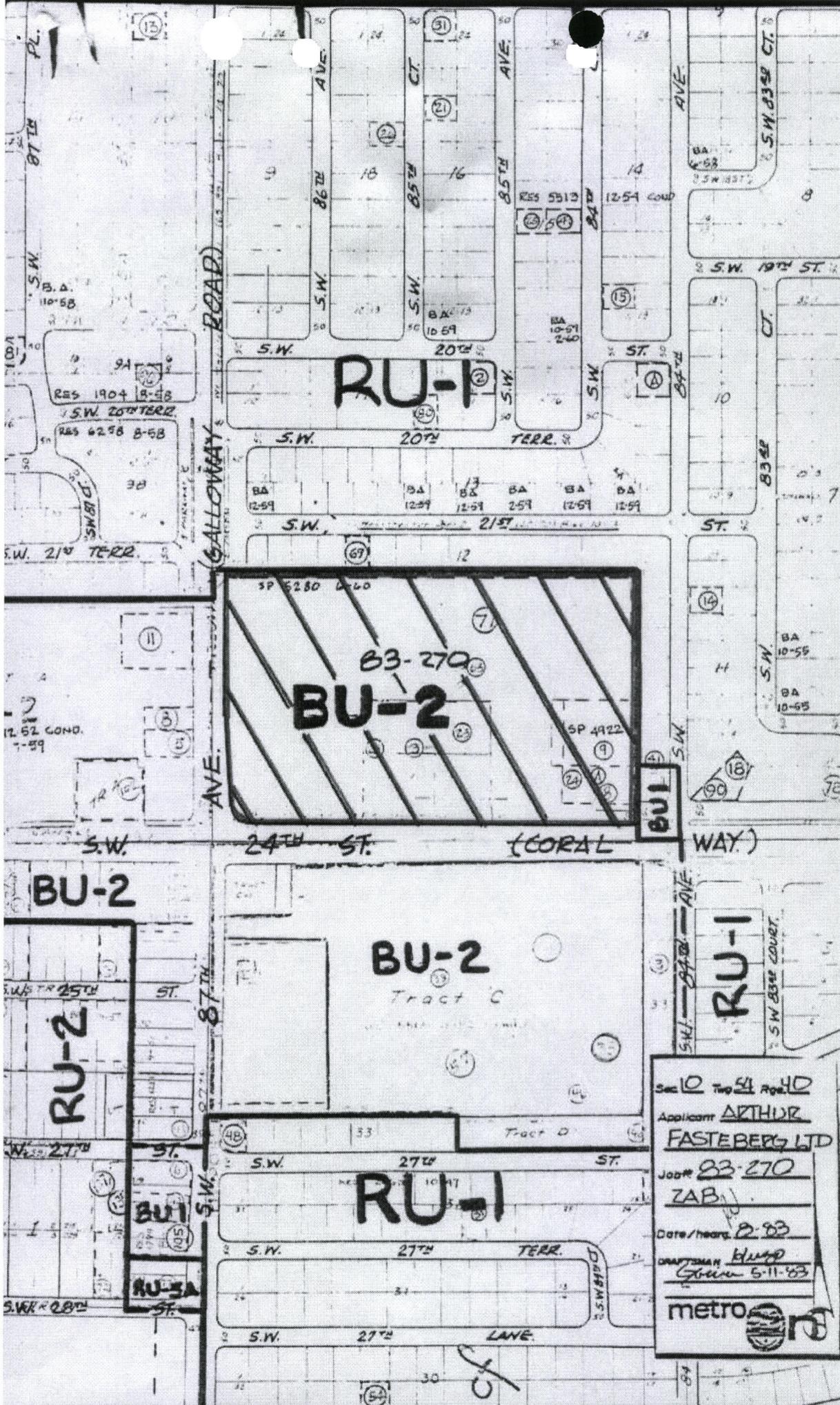
PASSED AND ADOPTED this 22nd day of September, 1983.

August, 1983  
No. 83-8-19  
vp  
9/29/83

DADE COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS  
Richard P. Brinker, Clerk

By \_\_\_\_\_  
Deputy Clerk

This resolution transmitted to the Clerk of the Board of County Commissioners  
on the 29th day of September 1983.



**BU-2**  
 83-270  
 SP 5280 4-60  
 SP 4922

**BU-2**  
 Tract C

**RU-1**  
 10-17

Sec 10 Top 54 Page 40  
 Applicant **ARTHUR**  
**FASTERBERG LTD**  
 Job# **83-270**  
**ZAB**  
 Date/hears **2-83**  
 DRAFTSMAN **BLIND**  
**Guan 5-11-83**  
**metro**

## RESOLUTION NO. 4-ZAB-103-83

The following resolution was offered by Mrs. Margaret C. Nelson seconded by Mr. Levi A. Johnson and upon poll of members present, the vote was as follows:

Francis A. Anania	absent	Margaret Nelson	aye
Thomas A. Conger	absent	Mary Jean Risi	absent
Peter Goldring	absent	Murray Sisselman	aye
Levi A. Johnson	aye	R. Jollivette Frazier	nay
Jose A. Losa	aye		

WHEREAS, ARTHUR FASTENBERG, ET AL have applied for the following:

- (1) MODIFICATION of Condition #2 of Resolution 4-ZAB-308-79, passed and adopted by the Zoning Appeals Board on the 13<sup>th</sup> day of August, 1979, as follows:

FROM: "That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Westchester Shopping Center' prepared by Richard J. Skrip, A.I.A. Architect and dated 6-22-79."

TO: "That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Westchester Shopping Center Existing Parking Layout; for Wags Restaurant Site Plan Only', as prepared by D. L. Brut Associates of Miami, Inc., dated 1-3-83 on Page 1-A; Pages 2, A-2, A-3, A-5, A-10, and A-10-A, as prepared by Walgreens, last dated 1-3-83.

The purpose of the request is to permit the construction of a proposed Wags Restaurant on the subject property.

- (2) SPECIAL EXCEPTION to permit the expansion of an existing shopping center to include a proposed restaurant.
- (3) NON-USE VARIANCE OF ZONING REGULATIONS as applied to signs to permit a fourth detached sign with dimensions of 9' X 11' (one oversized detached sign permitted).
- (4) NON-USE VARIANCE OF LANDSCAPING REQUIREMENTS to permit an existing shopping center with 8.4% of landscaping (15.5% of landscaping required.)

The aforementioned plans are on file and may be examined in the Zoning Department.

SUBJECT PROPERTY: A portion of the SW 1/4 of Section 10, Township 54 South, Range 40 East, being more particularly described as follows:

Commence at the southwest corner of said Section 10 and run N88°3'56"E, along the south line of the SW 1/4 of said Section 10, for 98.12'; thence N1°56'4"W, at right angles to the last described course, for 50' to the Point of beginning of the following described parcel (said point being on a curve and bearing S1°56'4"E from the radius point of the next described curve); thence SW/ly, W/ly, and NW/ly along a circular curve to the right, having a radius of 50' and a central angle of 89°10'10" for an arc distance of 77.82' to a Point of reverse curvature; thence NW/ly along a circular curve to the left, having a radius of 1,950.86' and a central of 1°58'6" for an arc distance of 67.02' to a Point of tangency; thence N4°44'W for 150' to a Point of curvature; thence NW/ly along a circular curve to the right, having a radius of 1,868.86' and a central angle of 3°1" for an arc distance of 97.86' to a Point of tangency; thence N1°43'59"W, along a line parallel with and 35' east of as measured at right angles to the west line of the SW 1/4 of said Section 10, for 371.09'; thence N88°3'56"E along a line parallel with and 785' north of, as measured at right angles to, the south line of the SW 1/4 of said Section 10, for 1,215'; thence S1°43'59"E, along a line parallel with the west line of the SW 1/4 of said Section 10 for 735'; thence S88°3'56"W, along a line

#94

parallel with and 50' north of, as measured at right angles to the south line of the SW 1/4 of said Section 10, for 408.25'; thence N1°43'59"W, along a line parallel with and 841.75' east of, as measured at right angles to the west line of the SW 1/4 of said Section 10, for 200'; thence S88°3'56"W, along a line parallel with and 250' north of, as measured at right angles to the south line of the SW 1/4 of said Section 10, for 160'; thence S1°43'59"E along a line parallel with and 681.75' east of as measured at right angles to the west line of the SW 1/4 of said Section 10, for 200'; thence S88°3'56"W, along a line parallel with and 50' north of, as measured at right angles to the south line of the SW 1/4 of said Section 10, for 583.78' to the Point of beginning; and the east 160' of the west 841.75' of the north 130' of the south 250' of the SW 1/4 of Section 10, Township 54 South, Range 40 East; and the east 160' of the west 841.75' of the north 70' of the south 120' of the SW 1/4 of Section 10, Township 54 South, Range 40 East; and the east 380' of the west 911.75' of the north 350' of the south 400' of the SW 1/4 of Section 10, Township 54 South, Range 40 East; less the east 205' of the west 896.75' of the north 130' of the south 250' and less the east 80' of the west 761.75' of the north 15' of the south 265' thereof.

LOCATION: The northeast corner of Galloway Road (S.W. 87 Avenue) and Coral Way (S.W. 24 Street), Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested modification, special exception and non-use variances would be in harmony with the general purpose and intent of the regulations, would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board, that the requested Modification of Condition #2 of Resolution 4-ZAB-308-79, the Special Exception to permit the expansion of an existing shopping center, the Non-Use Variance of sign regulations and the Non-use Variance of landscape requirements be and the same are hereby approved subject to the following conditions:

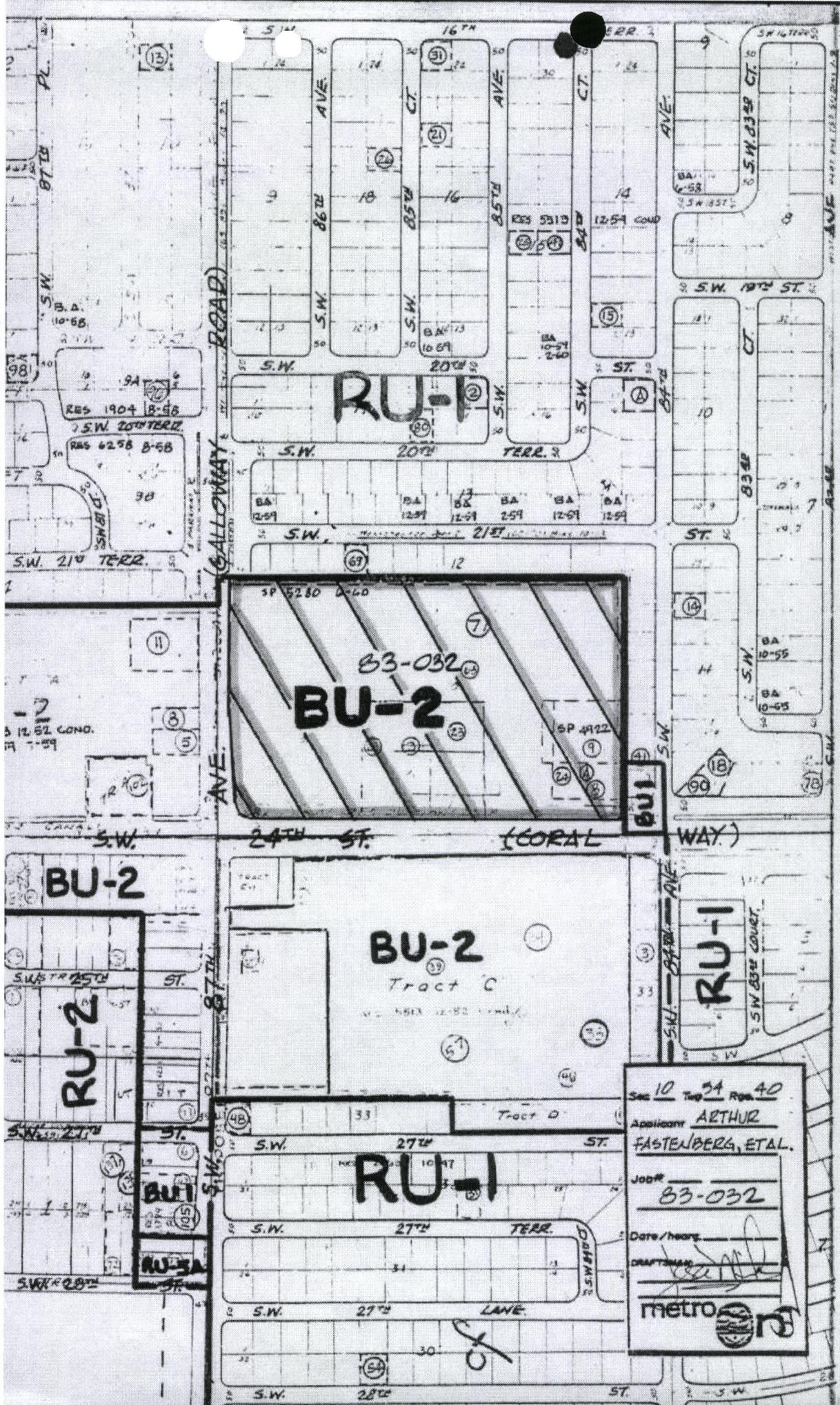
1. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things, but not be limited thereto, location of building or buildings; type and location of signs, light standards, parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Westchester Shopping Center Existing Parking Layout; for Wags Restaurant Site Plan Only", as prepared by D. L. Brut Associates of Miami, Inc., dated 1-3-83 on Page 1-A; Pages 2, A-2, A-3, A-5, A-10, and A-10-A, as prepared by Walgreens, last dated 1-3-83.
3. That the applicant submit to the Planning Department for its review and approval a landscaping plan which indicates the type of plant material and size prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use and Occupancy.

4. That the use be established and maintained in accordance with the approved plan.
5. That the proposed sign be restricted to a low pedestal-type sign no larger than 40 square feet and 5' high.

The Zoning Director is hereby directed to make the necessary 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 conditions of this resolution.

PASSED AND ADOPTED this 13<sup>th</sup> day of April, 1983.

Heard 4/13/83  
Hearing No. 83-4-10  
4/14/83 aa



SP 5280 D-60  
**BU-2**  
 83-032  
 SP 4922

**BU-2**  
 Tract C  
 V.L. NEX 12-82 1/2 mi. x

**RU-1**  
 S.W. 27th ST.  
 S.W. 27th TERR.  
 S.W. 27th LANE  
 S.W. 28th ST.

Sec 10 Twp 34 Rgn 40  
 Applicant **ARTHUR FASTENBERG, ETAL.**  
 Job# **83-032**  
 Date/hears \_\_\_\_\_  
 DRAFTSMAN \_\_\_\_\_  
 metro 

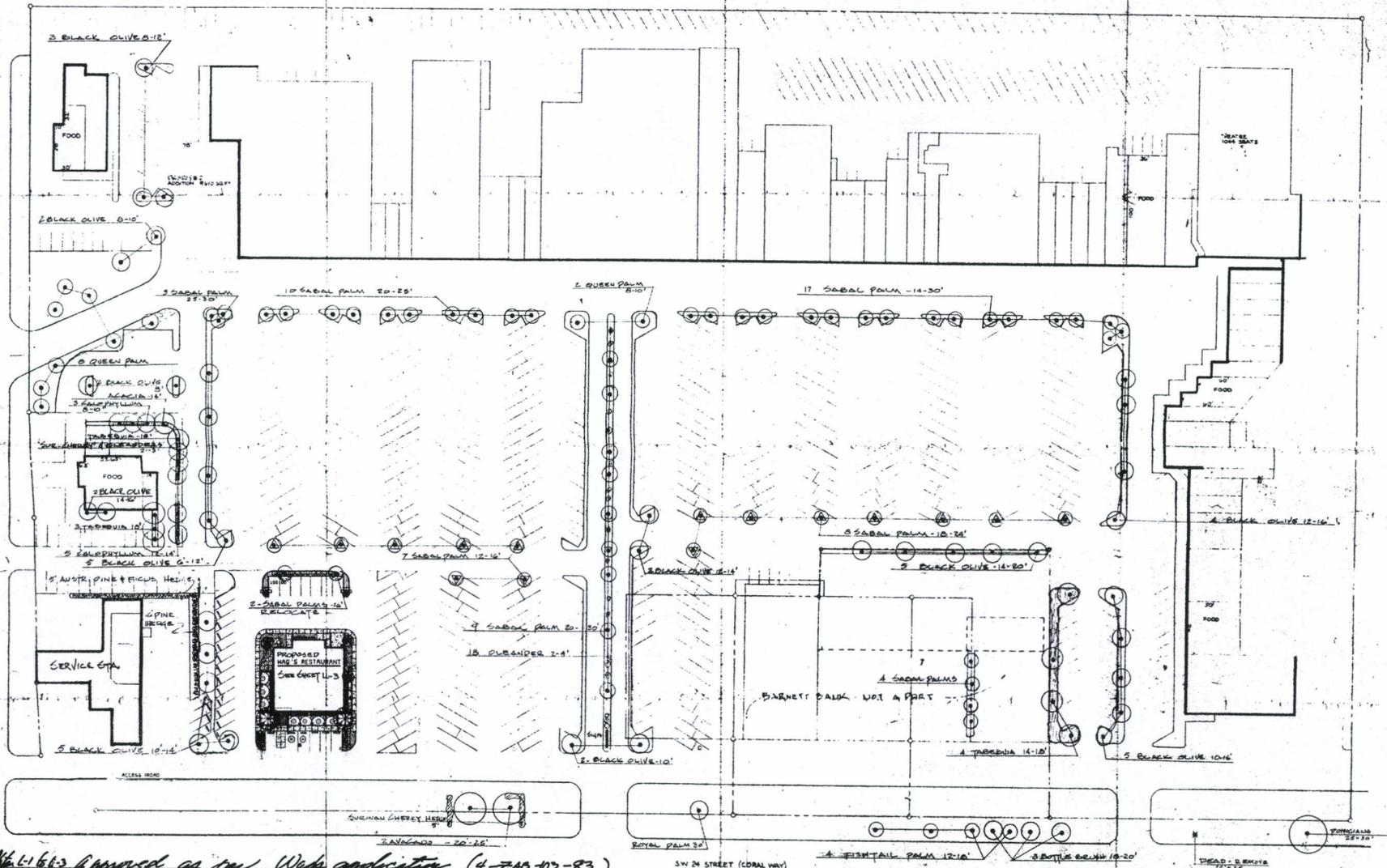
DRAWN BY  
DATE  
16 MAY 83  
REVISION

T. E. BRITZ ASSOCIATES OF FLORIDA INC.  
BUSINESS CENTER  
10000 W. BOULEVARD  
DADE COUNTY FLORIDA

WESTCHESTER SHOPPING CENTER

LANDSCAPE PLAN  
EXISTING PLANTING

SCALE  
1" = 40'-0"  
SHEET NO.  
L-1  
OF  
3



No. 61663 approved as per West application (4-240-103-83)  
in compliance with conditions 3 of the resolution  
City of Dade 8/25/83  
Dade County Planning Dept.

WESTCHESTER SHOPPING CENTER  
SCALE 1" = 40'-0"

	EXISTING	PROPOSED
BUILDING AREA		
LANDSCAPE		
PAVING		
PARKING SPACES		

LEGEND  
 1. ALL PLANTING SHALL BE 100% B & B PLANTING UNLESS OTHERWISE SPECIFIED.  
 2. ALL PLANTING SHALL BE 100% B & B PLANTING UNLESS OTHERWISE SPECIFIED.  
 3. ALL PLANTING SHALL BE 100% B & B PLANTING UNLESS OTHERWISE SPECIFIED.  
 4. ALL PLANTING SHALL BE 100% B & B PLANTING UNLESS OTHERWISE SPECIFIED.  
 5. ALL PLANTING SHALL BE 100% B & B PLANTING UNLESS OTHERWISE SPECIFIED.  
 6. ALL PLANTING SHALL BE 100% B & B PLANTING UNLESS OTHERWISE SPECIFIED.  
 7. ALL PLANTING SHALL BE 100% B & B PLANTING UNLESS OTHERWISE SPECIFIED.  
 8. ALL PLANTING SHALL BE 100% B & B PLANTING UNLESS OTHERWISE SPECIFIED.  
 9. ALL PLANTING SHALL BE 100% B & B PLANTING UNLESS OTHERWISE SPECIFIED.  
 10. ALL PLANTING SHALL BE 100% B & B PLANTING UNLESS OTHERWISE SPECIFIED.

## RESOLUTION NO. 4-7AB-308-79

The following resolution was offered by Mr. Murray Sisselman, seconded by Mr. Jose A. Losa, and upon poll of members present, the vote was as follows:

Thelma Danewood	absent	Margaret C. Nelson	absent
Jose A. Losa	aye	Betty S. Page	aye
Lillian Dickson	aye	Murray Sisselman	aye
R. Jollivette Frazier	aye	Edward G. Coll, Jr.	aye
Peter Goldring	aye		

WHEREAS, LIONEL LEISURE, INC. has applied for the following:

SPECIAL EXCEPTION to permit the expansion of an existing shopping center by the inclusion of a 50.4' x 43.2' addition to the rear of Lionel Playworld as indicated on plans submitted for the hearing.

Plans are on file and may be examined in the Zoning Department entitled "Westchester Shopping Center", prepared by Richard J. Skrip, A.I.A., Architect, and dated 6-22-79.

SUBJECT PROPERTY: The west 1,250' of the south 785' of the SW 1/4 of Section 10, Township 54 South, Range 40 East, less the west 35' and the south 50' thereof; AND LESS: the east 160' of the west 841.75' of the north 130' of the south 250' of the SW 1/4 of Section 10, Township 54 South, Range 40 East, more particularly described as a 144' x 192' store unit identified as 8621 Coral Way.

LOCATION: 8621 Coral Way, Dade County, Florida.

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested special exception would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested special exception to permit the expansion of an existing shopping center be and the same is hereby approved, subject to the following conditions:

1. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things, but not be limited thereto, location of building or buildings, type and location of signs, light standards, 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 "Westchester Shopping Center," prepared by Richard J. Skrip, A.I.A., Architect and dated 6-22-79.
3. That the applicant submit to the Planning Department for its review and approval a landscaping plan which indicates the type of plant material and size prior to the issuance of a building permit and to be installed prior to the issuance of a certificate of use and occupancy.
4. That the use be established and maintained in accordance with the approved plan.

#71

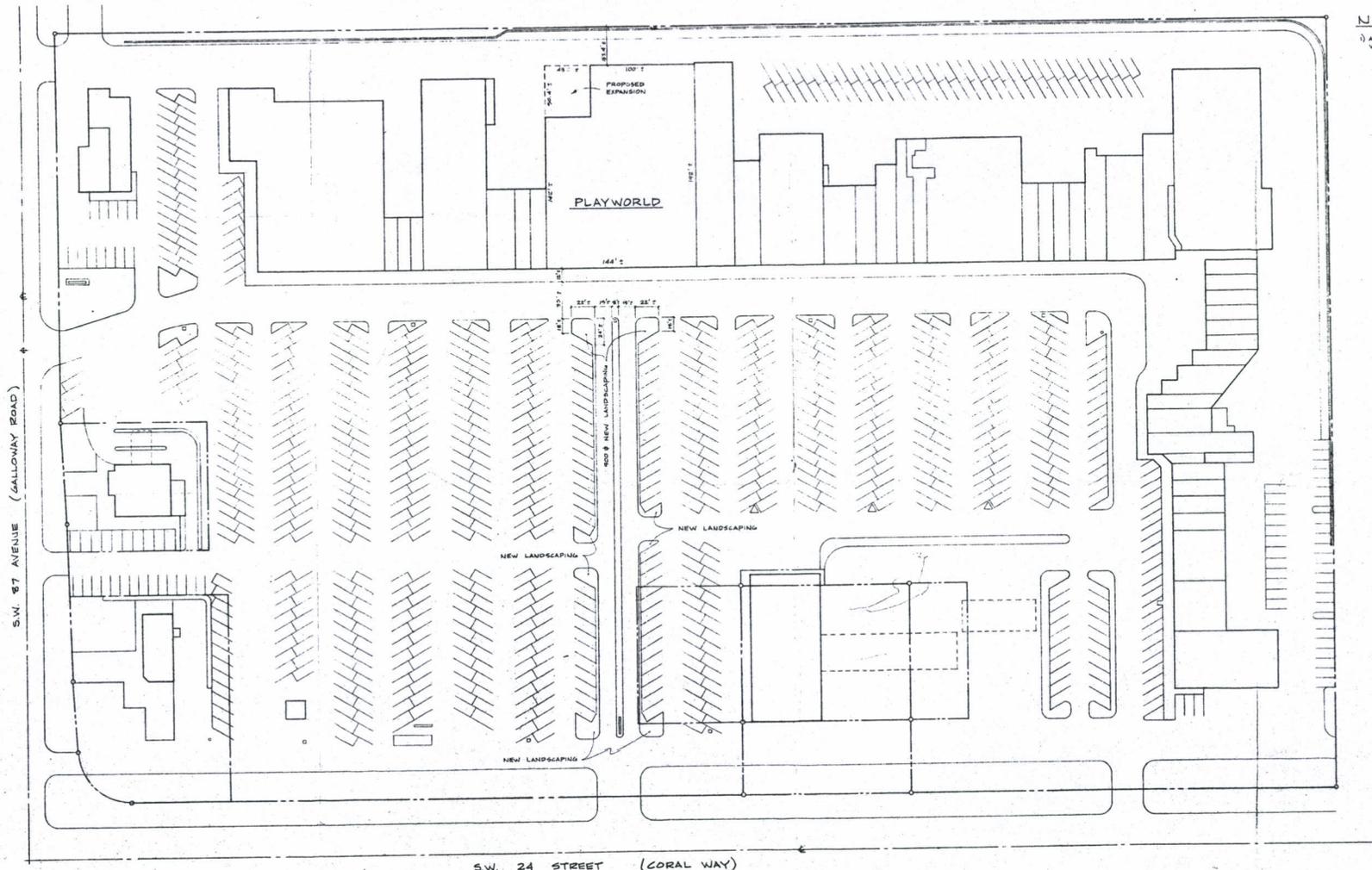
5. That all conditions of previously approved resolutions remain in full force and effect except as herein modified.

The Zoning Director is hereby directed to make the necessary 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 conditions of this Resolution.

PASSED AND ADOPTED this 13th day of August, 1979.

Heard 8/13/79  
No. 79-8-11  
nc  
8/15/79





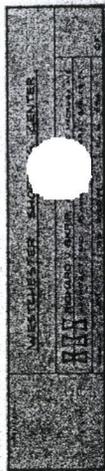
PROPOSED SITE PLAN

1" = 40'-0"

**NOTE**  
 1) ALL LANDSCAPING TO BE COORDINATED WITH SHOPPING CENTER MANAGER.

*Johnnie Campbell*  
 NORTH

**RECEIVED**  
 7-21  
 1978  
 ZONING HEARING OFFICE  
 HALL CO. BLDG. / DENVER, CO.  
 10



RESOLUTION NO. 5280

The following resolution was offered by Commissioner Joseph A. Boyd, Jr., seconded by Commissioner Robert M. Haverfield, and upon call of members present, the vote was as follows:

Joseph A. Boyd, Jr.	aye	A. C. Kittel	absent
Earle W. Covert	absent	John B. McLeod	absent
Ralph A. Fossey	aye	Arthur H. Fatten, Jr.	aye
Alexander S. Gordon	aye	Walter Weiss	aye
Charles F. Hall	aye	Ben C. McShay	aye
Robert M. Haverfield	aye		

WHEREAS, Westchester, Inc. has applied for a special permit for shopping center promotional installation on the W. 1250' of the E. 785' of the SW $\frac{1}{4}$  of Sec. 10, Twp. 53S, Rge. 40E, 100' W. of SW 6th Ave. to 87 Ave. (Galloway Rd.), between 100' S. of SW 21 St., & 24 St. (Coral Way), Dade County, Florida, and

WHEREAS, a public hearing of the Dade County Zoning Commission was advertised and held as required by law, and after hearing all interested parties and considering the adjacent areas, the Zoning Commission recommended that the application be approved, subject to the following conditions:

1. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things, but not be limited thereto, location of building or buildings, type and location of signs, light standards, parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That the use be established and maintained in accordance with the approved plan.
3. That the use be so constructed/installed that it will in no way become offensive to the surrounding neighborhood because of lights, height of rides, vibration or noise.
4. That the use be subject to such conditions as may be deemed necessary to insure public safety, health or welfare.
5. That in the event a permitted use proves to be undesirable, detrimental, hazardous or a nuisance to the surrounding area, the same shall be immediately removed upon the request of the Zoning Director.
6. That the special permit be automatically renewable annually by the Dade County Building and Zoning Department upon compliance with all terms and conditions and be subject to cancellation upon violation of any of the conditions or when, in the opinion of the Board of County Commissioners, Dade County, Florida, after public hearing, it is determined that the use is detrimental and/or incompatible to the surrounding neighborhood, and

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners,  
Dade County, Florida, that the special permit as recommended by the Zoning  
Commission, be and the same is hereby approved.

The Zoning Director is hereby directed to make the necessary notations  
on the records of the Dade County Building and Zoning Department.

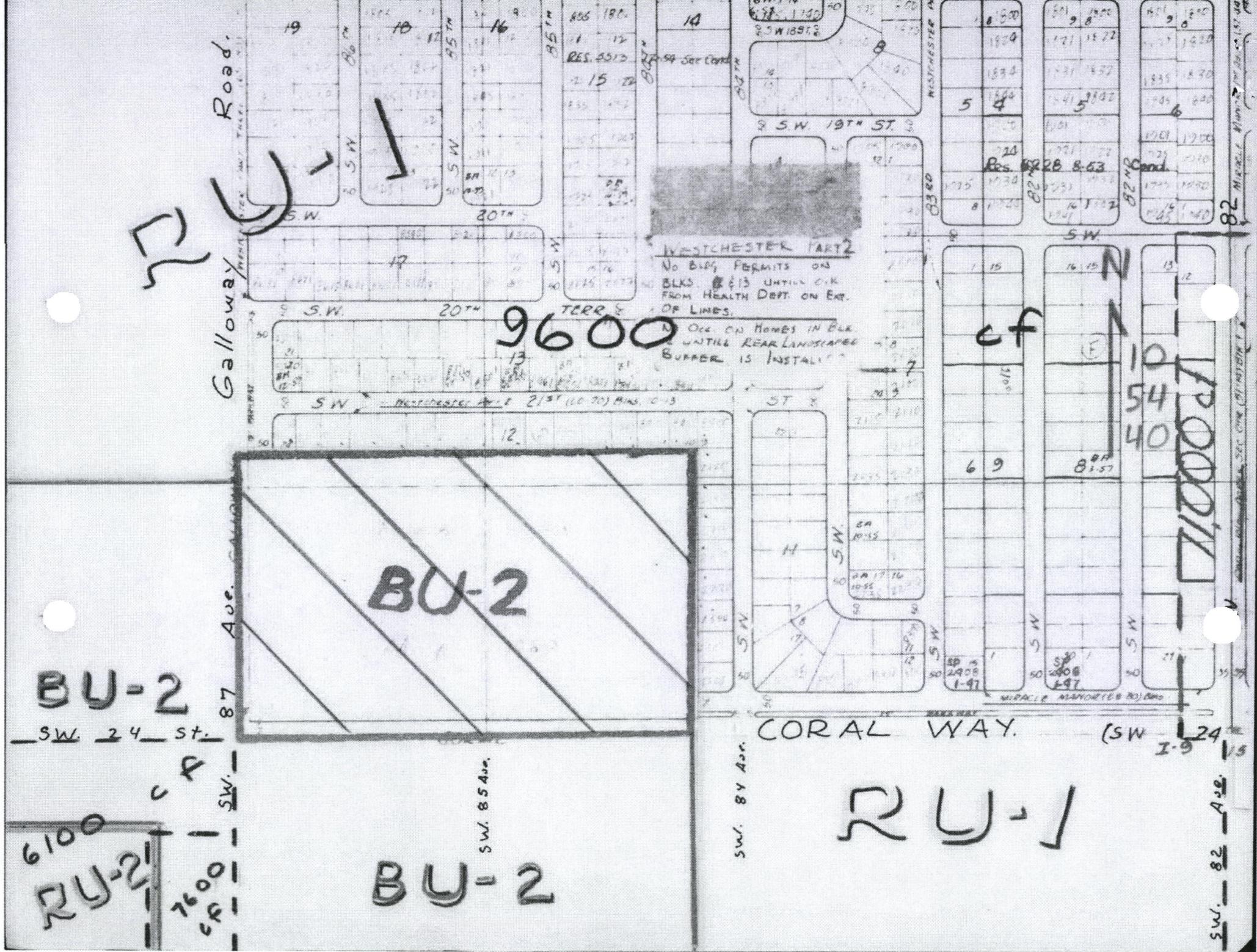
PASSED AND ADOPTED this 9th day of June, 1960.

Board 5-16-60

No. 23

jb

6/14/60



Galloway Road.

87 Ave.

SW.

SW.

BU-2

SW. 24 St.

6100  
RU-2

7600  
CR

BU-2

SW. 85 Ave.

SW. 84 Ave.

CORAL WAY.

RU-1

SW. 82 Ave.

Handwritten symbol resembling a stylized 'U' or '7'.

Handwritten arrow pointing downwards.

9600

cf

54  
40  
71000

BU-2

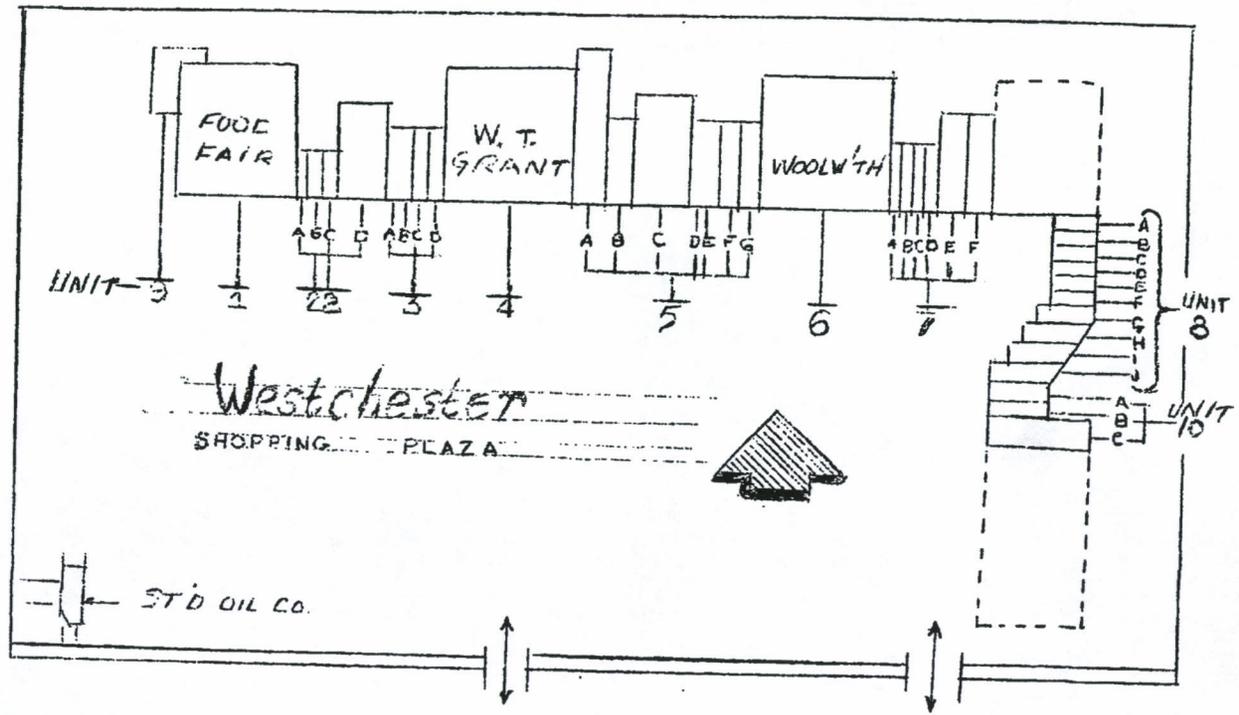
WESTCHESTER PART 2  
NO BLDG PERMITS ON  
BLKS. 13 UNTIL OK  
FROM HEALTH DEPT. ON EXT.  
OF LINES.

Occ on Homes in Blk.  
UNTIL REAR LANDSCAPE  
BARRIER IS INSTALLED

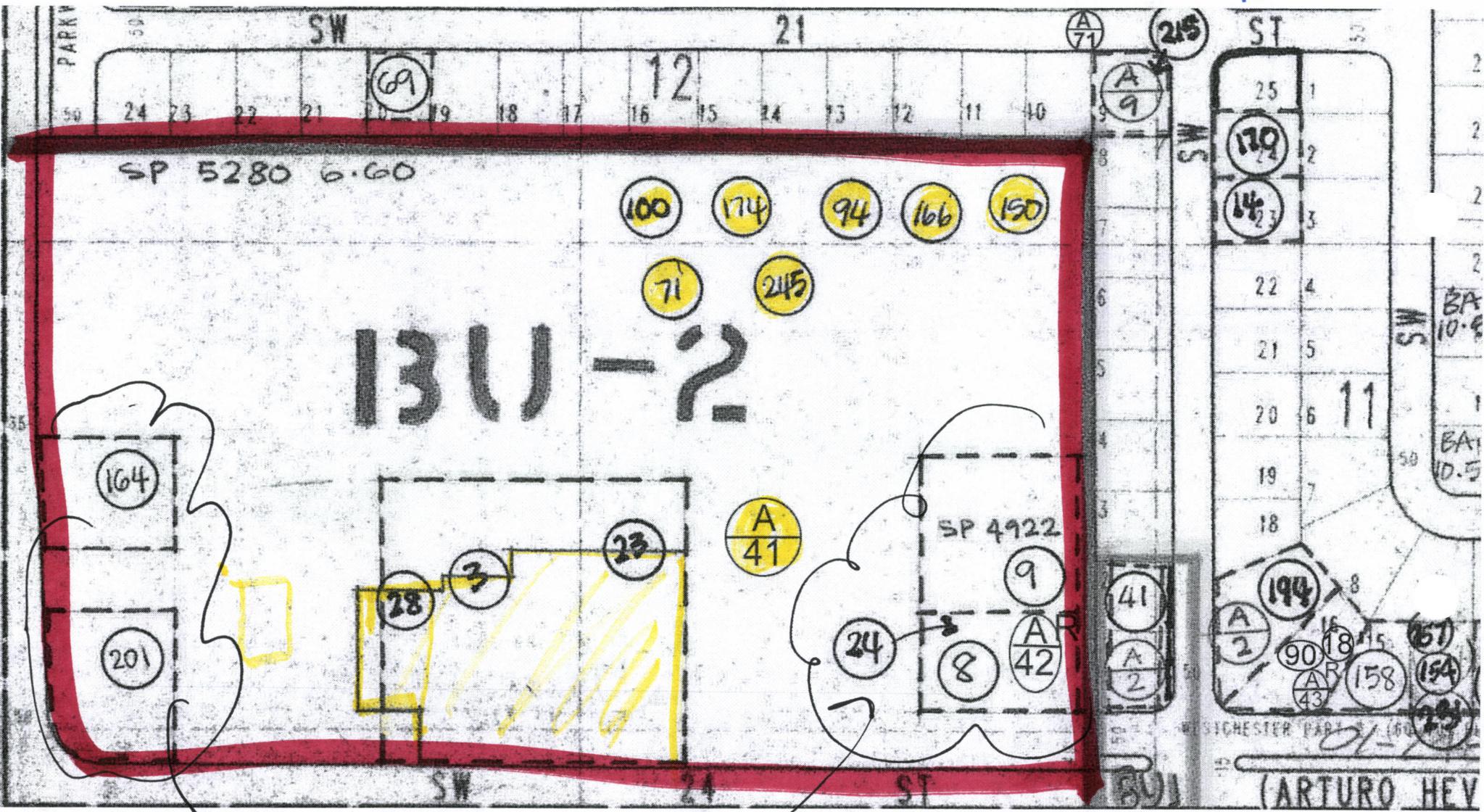
Res. 1828 8-53

Cond.

Handwritten numbers and text: 54, 40, 71000



10  
54  
40



map  
need to  
include as  
part of  
history

waiting for wpa to  
come back  
3/4/10.