

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-15-12

WHEREAS, MIAMI GARDENS COMMONS, LLC applied to Community Zoning

Appeals Board 5 for the following:

- (1) DISTRICT BOUNDARY CHANGE from IU-C to BU-2.
- (2) NON-USE VARIANCE of zoning regulations as applied to private school requirements to permit a classroom space of 17,158 sq. ft. (22,675 sq. ft. required).
- (3) NON-USE VARIANCE of zoning regulations as it applied to private school requirements to permit an outdoor recreation space of 1,711.95 sq. ft. (200,550 sq. ft. required).
- (4) NON-USE VARIANCE of zoning regulations as it applied to private school requirements to permit (0) auto stacking spaces (5autostacking spaces required).
- (5) NON-USE VARIANCE of sign regulations to permit 1 tenant with 2 wall signs (1 wall sign per tenant permitted).
- (6) NON-USE VARIANCE to waive the required 5' high masonry wall where a business lot abuts a residentially zoned property from the rear (north) property line.

Plans are on file and may be examined in the Permitting, Environment and Regulatory Affairs Department or its successor department entitled "Miami Garden Commons," as prepared by Gutierrez & Lozano Architects and dated stamped received 3/21/12 consisting of 6 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: Tract "B", less the West 193.88 feet thereof, Miami Gardens Corporate Park, Plat Book 130, Page 36.

LOCATION: 5901 Miami Gardens Drive, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 5 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 5 that the requested district boundary change to BU-2 (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 requested non-use variance of zoning regulations as applied to private school requirements to permit a classroom space of 17,158 sq. ft (Item #2), the requested non-use variance of zoning regulations as it applied to private school requirements to permit an outdoor recreation space of 1,711.95 sq. ft. (Item #3), the requested non-use variance of zoning regulations as it applied to private school requirements to permit (0) auto stacking spaces (Item #4), the requested non-use variance of sign regulations to permit 1 tenant with 2 wall signs (Item #5), and the requested non-use variance to waive the required 5' high masonry wall where a business lot abuts a residentially zoned property from the rear (north) property line (Item #6) would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and should be denied, and said application was with prejudice by Resolution No. CZAB5-12-12, and

WHEREAS, MIAMI GARDENS COMMONS, LLC appealed the decision of Community Zoning Appeals Board 5 to the Board of County Commissioners for the following:

- (1) DISTRICT BOUNDARY CHANGE from IU-C to BU-2.
- (2) NON-USE VARIANCE of zoning regulations as applied to private school requirements to permit a classroom space of 17,158 sq. ft. (22,675 sq. ft. required).
- (3) NON-USE VARIANCE of zoning regulations as it applied to private school requirements to permit an outdoor recreation space of 1,711.95 sq. ft. (200,550 sq. ft. required).
- (4) NON-USE VARIANCE of zoning regulations as it applied to private school requirements to permit (0) auto stacking spaces (5 auto stacking spaces required).
- (5) NON-USE VARIANCE of sign regulations to permit 1 tenant with 2 wall signs (1 wall sign per tenant permitted).
- (6) NON-USE VARIANCE to waive the required 5' high masonry wall where a business lot abuts a residentially zoned property from the rear (north) property line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Miami Garden Commons," as prepared by Gutierrez & Lozano Architects and dated stamped received 3/21/12 consisting of 6 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: Tract "B", less the West 193.88 feet thereof, Miami Gardens Corporate Park, Plat Book 130, Page 36.

LOCATION: 5901 Miami Gardens Drive, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant requested permission to withdraw the requested non-use variance of sign regulations to permit 1 tenant with 2 wall signs (Item #5), 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, after reviewing the record and decision of the Metropolitan Dade County Zoning Appeals Board 5 and after having given an opportunity for interested parties to be heard, it is the opinion of the Board of County Commissioners, Miami-Dade County, Florida, that that the grounds and reasons alleged by the appellants specified in the appeal were sufficient to merit a reversal of the ruling made by the Zoning Appeals Board in Resolution No. CZAB5-12-12 and that the appeal should be approved and the decision of Community Zoning Appeals Board 5 should be overruled, 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 BU-2 (Item #1) would be consistent with the Comprehensive Development Master Plan and would be compatible with the neighborhood and area concerned and would not be in conflict with the

principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the requested non-use variance of zoning regulations as applied to private school requirements to permit a classroom space of 17,158 sq. ft.

(Item #2), the requested non-use variance of zoning regulations as it applied to private school requirements to permit an outdoor recreation space of 1,711.95 sq. ft. (Item #3), non-use variance of zoning regulations as it applied to private school requirements to permit (0) auto stacking spaces (Item #4), and the requested non-use variance to waive the required 5' high masonry wall where a business lot abuts a residentially zoned property from the rear (north) property line (Item #6) 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 would be consistent with the Comprehensive Development Master Plan, and that the request to withdraw Item #5 should be granted, and

WHEREAS, a motion to grant the appeal, to overrule the decision of Community Zoning Appeals Board 5, to approve Items #1 through 4 and 6, and to grant the withdrawal of Item #5 was offered by Commissioner Barbara J. Jordan, seconded by Commissioner Audrey M. Edmonson, and upon a poll of the members present the vote was as follows:

| | | | |
|--------------------|--------|----------------------|--------|
| Bruno A. Barreiro | aye | Jean Monestime | absent |
| Lynda Bell | aye | Dennis C. Moss | aye |
| Esteban Bovo, Jr. | Aye | Rebecca Sosa | aye |
| Jose "Pepe" Diaz | absent | Sen. Javier D. Souto | absent |
| Sally A. Heyman | absent | Xavier L. Suarez | aye |
| Barbara J. Jordan | aye | Juan C. Zapata | aye |
| Audrey M. Edmonson | | aye | |

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal be and the same is hereby approved and that the decision of Community Zoning Appeals Board 5 is hereby overruled.

BE IT FURTHER RESOLVED by the Miami-Dade County Board of County Commissioners, that the requested district boundary change to BU-2 (Item #1) be and the same is hereby approved and said property is hereby zoned accordingly.

BE IT FURTHER RESOLVED that requested non-use variance of zoning regulations as applied to private school requirements to permit a classroom space of 17,158 sq. ft. (Item #2), the requested non-use variance of zoning regulations as it applied to private school requirements to permit an outdoor recreation space of 1,711.95 sq. ft. (Item #3), non-use variance of zoning regulations as it applied to private school requirements to permit (0) auto stacking spaces (Item #4), and the requested non-use variance to waive the required 5' high masonry wall where a business lot abuts a residentially zoned property from the rear (north) property line (Item #6) 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 of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, signs, etc.
- (2) That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Miami Gardens Commons" as prepared by Gutierrez & Lorenzo Architects, dated stamped received , 03/21/2012 consisting of 6 sheets, except as herein modified to show: i) a vehicular driveway connection to the existing access route across the eastern property line; ii) an increase in the height of the depicted landscape hedge to a minimum of three (3) feet in height at time of planting in lieu of the masonry wall along the north (rear) property line, together with additional plant material if the Director of the Department of Regulatory and Economic Resources determines that such material is necessary to provide sufficient opacity to buffer the adjoining property from illumination from headlights; and iii) removal of depicted additional tenant signs to show one sign per tenant.
- (3) That the use be established and maintained in accordance with the approved plan.
- (4) That at the time of Certificate of Use issuance and each subsequent renewal, the owner shall submit to the Department of Regulatory and Economic Resources a letter from the administrator of the school detailing the number of students that are currently enrolled in said facility.

- (5) That the enrolment of the private school be limited to 907 college students.
- (6) That evening college classes shall not commence before 6pm.

BE IT FURTHER RESOLVED that the request to withdraw Item # 5 be and the same is hereby granted.

BE IT FURTHER RESOLVED that Resolution No. CZAB5-12-12 is hereby null and void.

The Director is hereby authorized to make the necessary notations upon the maps and records of the Miami-Dade County Department of Regulatory and Economic Resources and to issue all permits in accordance with the terms and conditions of this resolution.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 13th day of December 2012, 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. 12-06-CZ05-1
ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By CHRISTOPHER A. GRIPPA
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 30TH DAY OF JANUARY, 2013.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Deputy Clerk's Name, as Deputy Clerk for the Miami-Dade County Department of Regulatory and Economic Resources as designated by the Director of the Miami-Dade County Department of Regulatory and Economic Resources 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-15-12 adopted by said Board of County Commissioners at its meeting held on the 13th day of December, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 30th day of January, 2013.



Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Regulatory and
Economic Resources

SEAL





January 30, 2013

Department of Regulatory and Economic Resources
Development Services Division
111 NW 1st Street • Suite 1110
Miami, Florida 33128-1902
T 305-375-2640
www.miamidade.gov/economy

Miami Gardens Commons, LLC
c/o Joseph Goldstein
701 Brickell Avenue Suite 3000
Miami, Florida, 33131

Re: Hearing No. 12-06-CZ05-1
Location: 5901 Miami Gardens Drive, Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. Z-15-12, adopted by the Board of County Commissioners, **which granted your appeal, reversed the decision of Community Zoning Appeals Board 5, approved your request for a district boundary change to BU-2 (Item #1), approved Items #2 through #4 and #6, and withdrew Item #5** on the above noted location. Please note the conditions under which said approval was granted, since failure to comply with stipulated conditions, if any, will result in the issuance of civil violation notices requiring payment of daily fines.

If stipulated in the resolution that building permits and/or use, occupancy or completion certificates will be required, please note that permits must be obtained and final inspection approvals received for construction work done or required prior to issuance of the applicable certificate(s) pursuant to Section 33-8 of the Zoning Code. Payment of certificates may be subject to annual renewal by this Department. Application for required permits and/or certificates related to use, occupancy or completion should be made with this Department as appropriate. At time of permit application you must provide a copy of this resolution.

The Board's decision may be appealed by an aggrieved party to Circuit Court within 30 days of the date of transmittal of the resolution to the Clerk of the County Commission. The transmittal date is **January 30, 2013**. In the event an appeal is filed, any building permit sought shall be at the risk of the party seeking said permit. Copies of any court filings concerning this matter should be served upon both my office and:

R.A. Cuevas, Jr.,
County Attorney
111 N.W. 1st Street, Suite 2811
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

A handwritten signature in cursive script that reads "Earl Jones".

Earl Jones
Deputy Clerk

Enclosure

Memorandum



Date: January 30, 2013
To: Distribution
From: Earl Jones, Deputy Clerk
Subject: Resolutions

Attached are resolution Z-15-12 and the list from the Board of County Commissioners meeting on December 13, 2012.

Any missing resolutions must be reported to this office (ext. 2129) no later than five (5) days from the date of this memo.

Attachments

Distribution: Agenda Coordinator's Office - MDC - 11th Floor
Clerk of the Board – Nelson Diaz, MDC -17th Floor
Property Appraiser –Angela Hall, MDC - 8th Floor



BOARD OF COUNTY COMMISSIONERS

Hearing Date: DECEMBER 13, 2012

I The Board took the following action on the items listed below

| | | | |
|------------|--|------------------|----------|
| 12-6-CZ5-1 | MIAMI GARDENS COMMONS, LLC Approval Of Appeal, Overrule Zab per staff, and Withdraw Request for Sign, and Evening classes shall not commence before 6:00 pm | 11-77 Z-15-12 | 12-52-40 |
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II Items listed below have been withdrawn or deferred to a later date:

| | | | |
|------------|--|-------|----------|
| 12-12-CC-1 | FLORIDA POWER & LIGHT CO Deferred To Date Certain (01/10/13) due to loss of Quorum | 12-90 | 32-57-40 |
|------------|--|-------|----------|