

Approved: \_\_\_\_\_ Mayor

Veto: \_\_\_\_\_

Override: \_\_\_\_\_

**RESOLUTION NO. Z-6-13**

WHEREAS, **JULMAR 147 INVESTMENT, LLC** applied to Community Zoning Appeals Board 10 for the following:

(1) DISTRICT BOUNDARY CHANGE from AU to RU1-MA.

REQUEST #1 ON PARCELS "1" & "2"

(2) SPECIAL EXCEPTION to permit a private school.

(3) UNUSUAL USE to permit a daycare.

(4) NON-USE VARIANCE to permit the school setback 6' (25' required) from the side street (north) property line.

(5) NON-USE VARIANCE to permit parking and within drives 25' of an official right-of-way (not permitted).

(6) NON-USE VARIANCE to permit an outdoor recreation area of 11,350 sq. ft. (21,600 sq. ft. required).

REQUESTS #2 THROUGH #6 ON PARCEL "1"

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Higher Learning Educational Center and 6 Residential Lots" as prepared by Villa & Associates Inc. Sheets A-1, A-3 & L-1 dated stamped received 8/21/12 and the remaining 4 sheets dated stamped received 8/13/12 and consisting of 7 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: PARCEL 1: Proposed Lot for higher Learning Educational Center. The West 305 feet of the North ½ of Tract 6, less the North 25 feet thereof, lying in Section 10, Township 54 South, Range 39 East of J.G. Heads Farms Subdivision, according to Plat Book 46, Page 44. PARCEL 2: Proposed Lot for 6 RU1-MA Lots. The North ½ of Tract 6, less the West 305 feet and less the North 25 feet thereof, lying in Section 10, Township 54 South, Range 39 East of J.G. Heads Farms Subdivision, Plat Book 46, Page 44.

LOCATION: Lying South of SW 15 Street, between SW 145 Avenue & SW 147 Avenue, 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 at which time the applicant proffered a Declaration of Restrictions, and

*WHEREAS*, upon due and proper consideration having been given to the matter, it was the opinion of this Board that the requested district boundary change to RU1-MA on Parcels #1 and #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 special exception to permit a private school on Parcel #1 (Item #2), the requested unusual use to permit a daycare on Parcel #1 (Item #3), the requested non-use variance to permit the school setback 6' from the side street (north) property line on Parcel #1 (Item #4), the requested non-use variance to permit parking and within drives 25' of an official right-of-way on Parcel #1 (Item #5), and the requested non-use variance to permit an outdoor recreation area of 11,350 sq. ft. on Parcel #1 (Item #6) would not be compatible with the area and its development and would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance and that the requested special exception on Parcel #1 (Item #2) unusual use on Parcel #1 (Item #3) would have an adverse impact upon the public interest and should be denied without prejudice, and said application was denied without prejudice by Resolution No. CZAB10-9-13, and

*WHEREAS*, **JULMAR 147 INVESTMENT, LLC** appealed the decision of Community Zoning Appeals Board 10 to the Board of County Commissioners for the following:

(1) DISTRICT BOUNDARY CHANGE from AU to RU1-MA.

REQUEST #1 ON PARCELS "1" & "2"

- (2) SPECIAL EXCEPTION to permit a private school.
- (3) UNUSUAL USE to permit a daycare.
- (4) NON-USE VARIANCE to permit the school setback 6' (25' required) from the side street (north) property line.
- (5) NON-USE VARIANCE to permit parking and within drives 25' of an official right-of-way (not permitted).
- (6) NON-USE VARIANCE to permit an outdoor recreation area of 11,350 sq. ft. (21,600 sq. ft. required).

REQUESTS #2 THROUGH #6 ON PARCEL "1"

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Higher Learning Educational Center and 6 Residential Lots" as prepared by Villa & Associates Inc. Sheets A-1, A-3 & L-1 dated stamped received 8/21/12 and the remaining 4 sheets dated stamped received 8/13/12 and consisting of 7 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: **PARCEL 1**: Proposed Lot for higher Learning Educational Center. The West 305 feet of the North ½ of Tract 6, less the North 25 feet thereof, lying in Section 10, Township 54 South, Range 39 East of J.G. Heads Farms Subdivision, according to Plat Book 46, Page 44. **PARCEL 2**: Proposed Lot for 6 RU1-MA Lots. The North ½ of Tract 6, less the West 305 feet and less the North 25 feet thereof, lying in Section 10, Township 54 South, Range 39 East of J.G. Heads Farms Subdivision, Plat Book 46, Page 44.

LOCATION: Lying South of SW 15 Street, between SW 145 Avenue & SW 147 Avenue, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions, and

*WHEREAS*, after reviewing the record and decision of the Metropolitan Dade County Zoning Appeals Board 10 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 insufficient to merit a reversal of the ruling made by the Zoning Appeals Board in Resolution No. CZAB10-9-13 and that the appeal should be denied and the decision of Community Zoning Appeals Board 10 should be sustained, and

*WHEREAS*, a motion to deny the appeal and to sustain the decision of Community Zoning Appeals Board 10 was offered by Commissioner Juan C. Zapata, seconded by Commissioner Sally A. Heyman, and upon a poll of the members present the vote was as follows:

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

*NOW THEREFORE BE IT RESOLVED* by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal be and the same is hereby denied and the decision of Community Zoning Appeals Board 10 is hereby sustained.

*BE IT FURTHER RESOLVED* that Resolution No. CZAB10-9-13 remains in full force and effect.

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

***THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED*** this 18<sup>th</sup> day of July, 2013, 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. 12-12-CZ10-1

ej

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

By CHRISTOPHER AGRIPPA  
Deputy Clerk

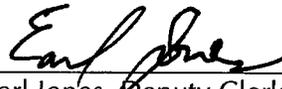
THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 5<sup>TH</sup> DAY OF AUGUST, 2013.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

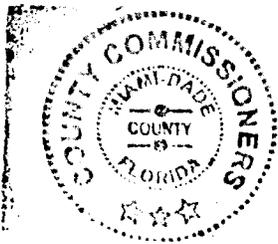
I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Regulatory and Economic Resources as designated by the Director of the Miami-Dade County Department of Regulatory and Economic Resources and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-6-13 adopted by said Board of County Commissioners at its meeting held on the 18<sup>th</sup> day of July, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 5<sup>th</sup> day of August, 2013.



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

SEAL





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](http://www.miamidade.gov/economy)

August 5, 2013

Julmar 147 Investment, LLC  
c/o Melissa Tapanes Llahues  
First Union Financial Center  
200 South Biscayne Blvd, Suite 850  
Miami, Florida 33131

Re: Hearing No. 12-12-CZ10-1  
Location: Lying South of SW 15 Street, between SW 145 Avenue  
& SW 147 Avenue, Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. Z-6-13, adopted by the by the Board of County Commissioners which denied your appeal and sustained the decision of Community Zoning Appeals Board 10.

The Board's decision may be appealed to the Circuit Court within 30 days of the date of transmittal of the resolution to the Clerk of the Count Commission. The transmittal date is **August 5, 2013**. 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. 1<sup>st</sup> 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