RESOLUTION NO. CZAB7-1-14

WHEREAS, 11200 BISCAYNE LLC applied for the following:

(1) SPECIAL EXCEPTION to permit residential uses in the BU-1A zoning district.

(2) VACATION of Resolution 4-ZAB-9-87, last modified by Resolution 4-ZAB-429-87, both passed and adopted by the Zoning Appeals Board.

The purpose of Request #2 is to delete the previous approval for a home for the aged.

(3) NON-USE VARIANCE to permit parking within 25′ of an official right-of-way.

(4) NON-USE VARIANCE to waive the required 5′ high decorative masonry wall interior to the site, where a BU zoned property abuts an RU, EU or GU zoned property.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled " Proposed Multi-Family Rental Development 11200 Biscayne, LLC" as prepared by Behar Font Partners, P.A., dated stamped received 12/18/13, consisting of 16 sheets and landscape plans entitled "Biscayne Village" as prepared by Font Designs, dated stamped received 1/7/14, with sheet LA2 last handwritten revision dated 1/14/14, consisting of 3 sheets for a total of 19 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: PARCEL A: The North 45.40 feet of the South ½ of Tract "A", less the West 35 feet for right-of-way, of the revised plat of Searento, PB 34-21. PARCEL B: Parcel 1: The part of the South ½ of Tract "A" of revised plat of Searento, PB 34-21 follows: beginning at a point on the West line of Biscayne Boulevard which point is 55.07 feet west of the center line of Biscayne Boulevard and 50 feet South of the Northeast corner of said South ½ of Tract "A" of Searento. thence run West parallel with and 45.40 feet South of the North line of the said South ½ of Tract "A" a distance of 794.41 feet to the West line of the said South ½ of Tract "A"; thence run South and along the West line of said South ½ of Tract "A" of Searento a distance of 119.65 feet to the Southwest corner of said South ½ of Tract "A" of Searento; thence run East and along the South line of said South ½ of Tract "A" to the West line of Biscayne Boulevard; thence run Northeasterly and along the West line of Biscayne Boulevard a distance of 131.73 feet more or less to the Point of Beginning. Parcel 2: Beginning at a point 825 feet South of the Northwest corner of the South ½ of the Northeast ¼ of Section 32, Township 52 South, Range 42 East, said point also being the Southwest corner of the South ½ of Tract "A" of Searento, PB 34-21; thence run South along the West line of the South ½ of the Northeast ¼ of Section 32, Township 52 South, Range 42 East a distance of 47.4 feet; thence run East a distance of 717.90 feet more or less to the West line of Biscayne Boulevard which said point on the West line of Biscayne Boulevard is 55.05 feet West of the center line of Biscayne Boulevard; thence run Northeasterly and along the West line of Biscayne Boulevard 53.09 feet to the Southeast corner of the South ½ of Tract "A" of Searento; thence run West and along the South line of said South ½ of Tract "A" of Searento to the Southwest corner of said South ½ of Tract "A" of Searento, being the Point of Beginning; said tract of land being in the South ½ of the Northeast ¼ of Section 32, Township 52 South, Range 42 East. less that portion of the property conveyed to Miami-Dade County by Deed Recorded in Official Records Book 9031, Page 1929. PARCEL C: West 3 acres of South 2.5 chains of North 5 chains of South

quarter (S ¼) of Northeast quarter (NE ¼) of Section 32, Township 52 South, Range 42 East, more particularly described as follows: Beginning at the Southwest corner of the Northeast quarter (NE ¼) of Section 32, Township 52 South, Range 42 East; thence North 330 feet for the Point of Beginning; thence East 708.8 feet to the center of the road known as East Dixie Highway; thence Northeasterly along the center of said highway to a point 165 feet North of the South line of this property, if produced Easterly; thence West 781.45 feet to the West boundary line of the Northeast quarter (NE ¼) of Section 32, Township 52 South, Range 42 East; thence South 165 feet to the Point of Beginning. Less and except: the Southeasterly 35 feet reserved for right-of-way for Biscayne Boulevard, and also being less portions conveyed to Miami-Dade County, by Deeds Recorded in Official Records Book 9031, Page 1927 and in Official Records Book 9031, Page 1931. further less and except a portion contained in that certain order of taking Recorded in Official Records Book 20432, Page 3886, described as follows: the Southeasterly 4.572 meters (15.00 feet) of the South one-half (S ½) of the North one-half (N ½) of the South one-quarter (S ¼) of the Northeast one-quarter (NE ¼) of Section 32, Township 52 South, Range 42 East, lying Northwesterly of and adjoining the Northwesterly right-of-way line of Biscayne Boulevard/State Road 5, according with a 10.668 meter (35.00 feet) right-of-way dedication by the City of Miami Reserved in Deed Book 1631, Page 178.

LOCATION: 11150 & 11190 BISCAYNE BLVD, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 7 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 which among other things provided:

(1) Site Plan. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Proposed Multi-family Development 11200 Biscayne, LLC" as prepared by Behar Font Partners, P.A. dated stamped received 12/18/13, consisting of 16 sheets and landscape plans entitled "Biscayne Village" as prepared by Font Designs, dated stamped received 1/7/14, with sheet LA2 last handwritten revision 1/14/14, consisting of 3 sheets for a total of 19 sheets.

(2) Workforce Housing. In accordance with the Workforce Housing Development Program, Chapter 33, Article XIIA of the Code of Miami-Dade County (the "Code"), the development of the Property shall include 351 market rate units and 51 workforce housing units for a total of 402 units in one 9-story building. Additionally, the Property shall be developed in accordance with the following specifications:

(a) A workforce housing unit ("WHU" or "restricted WHU") shall mean a dwelling unit, the sale, rental or pricing of which, is restricted to households whose income range is established at between 65% and 140% of the most recent median family income for the County as reported by the U.S. Department of Housing and Urban Development (HUD) and as maintained

by the Department of Regulatory and Economic Resources at the time of sale or rental of each WHU;

(b) The development of the Property shall include 51 WHUs, which will be restricted by a Declaration of Restrictions in accordance with Chapter 33, Article XIIA of the Code;

(c) All 51 WHUs will be rental dwelling units with a minimum lease period of twelve months, provided that the Owner may convert one or more rental units to owner-occupied units as long as 51 dwelling units remain subject to Chapter 33, Article XIIA of the Code;

(d) Each lessee of the restricted WHUs will use the WHU as the lessee's primary residence and subleasing shall be prohibited;

(e) The Property will be developed generally in accordance with the Estimated Construction Schedule, attached hereto as Exhibit "B", which indicates the approximate dates when construction of the new residential dwelling units (including the restricted WHUs) will be initiated and completed;

(f) The restricted WHUs on the Property will consist of one-bedroom, two-bedroom and three-bedroom apartment type units;

(3) Individual Workforce Housing Agreements. Prior to the earlier of final plat approval or application for building permit for the first new residential unit on the Property, the Owner shall submit a Workforce Housing Agreement (the "Agreement") for the restricted WHUs on the Property to the Director of the Department of Regulatory and Economic Resources. The Agreement will encumber each restricted WHU in the entire development, and specify the restrictions of each of the restricted WHUs and such further arrangements, restrictive covenants, resale restrictions, and rental restrictions as are necessary to carry out the purposes of Chapter 17, Article IX, Sections 17-142 through 17-144 inclusive, of the Code, and shall include the following:

(a) A binding commitment that the restrictions of Chapter 33, Article XIIA and Chapter 17, Article IX of the Code shall run with the land for the entire 20-year control period of each of the WHUs;

(b) A binding commitment that the covenants will bind the Owner, any assignee, mortgagee, or buyer, and all other parties that receive title to or an interest in each of the WHUs;

(c) A statement that the covenants shall be senior to all other liens or encumbrances on the Property, including all instruments securing permanent financing, except that tax and assessment liens shall be superior to the covenants; and

(d) A binding commitment that incorporates all terms and conditions regarding WHUs, including without limitation, the required shared equity agreement,

eligibility standards, appropriate sale and rental price standards and affordability controls required of purchasers of WHUs pursuant to Chapter 17, Article IX of the Code.

(4) Miscellaneous.

(d) Modification, Amendment, Release. This Declaration of Restrictions may be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing, provided that, in accordance with Section 33-193.13(E) of the Code, the provisions relating to the WHUs may be modified by mutual consent of the Owner and the Directors of the Miami-Dade County Department of Regulatory and Economic Resources and Miami-Dade Public Housing and Community Development, or their successor agencies, as long as the modified agreement remains in conformity with Chapter 33, Article XIIA of the Code and substantially conforms to this Declaration's provisions relating to number, location, distribution and timing of construction of WHUs. It is provided, however, in the event that the Property is annexed to an existing municipality or the Property is incorporated into a new municipality, any modification, amendment, or release shall not become effective until it is approved by such municipality and is thereafter approved by the Board of County Commissioners, in accordance with applicable procedures.

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 to permit residential uses in the BU-1A zoning district (Item #1), the requested vacation of Resolution 4-ZAB-9-87, last modified by Resolution 4-ZAB-429-87, both passed and adopted by the Zoning Appeals Board (Item #2), the requested non-use variance to permit parking within 25′ of an official right-of-way (Item #3), and the requested non-use variance to waive the required 5′ high decorative masonry wall interior to the site, where a BU zoned property abuts an RU, EU or GU zoned

property (Item #4) 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 requested special exception (Item #1) would not have an adverse impact upon the public interest and should be approved, and that the proffered Declaration of Restrictions should be approved, and

WHEREAS, a motion to approve Items #1 through #4 was offered by Timothy Keegan, seconded by Mike Brescher, and upon a poll of the members present the vote was as follows:

Mike Brescher	aye	Louis Imburgia	aye
Timothy Keegan	aye	Walter Lebowitz	absent
Jake Miller	aye		

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 7 that the requested special exception to permit residential uses in the BU-1A zoning district (Item #1), the requested vacation of Resolution 4-ZAB-9-87, last modified by Resolution 4-ZAB-429-87, both passed and adopted by the Zoning Appeals Board (Item #2), the requested non-use variance to permit parking within 25′ of an official right-of-way (Item #3), and the requested non-use variance to waive the required 5′ high decorative masonry wall interior to the site, where a BU zoned property abuts an RU, EU or GU zoned property (Item #4) 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, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Proposed Multi-Family Rental Development

11200 Biscayne, LLC" as prepared by Behar Font Partners, P.A. dated stamped received 12/18/13, consisting of 16 sheets and landscape plans entitled "Biscayne Village" as prepared by Font Designs, dated stamped received 01/07/14, with sheet LA2 last handwritten revision dated 01/14/14, consisting of 3 sheets, for a total of 19 sheets.

3. That the use be established and maintained in accordance with the approved plan.

4. That the applicant submits to the Department of Regulatory and Economic Resources 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 a Certificate of Use.

5. That prior to the applicant obtaining final plat approval, if necessary, and if not, prior to obtaining permit approval, the applicant shall provide the required written authorization from the Florida Power and Light Corporation, approving the development of the property within the existing utility easement areas.

6. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Division of Environmental Resource Management of the Department of Regulatory and Economic Resources as contained in their memorandum dated February 20, 2014, that is part of the record of the April 9, 2014, DIC recommendation and is incorporated herein by reference.

7. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Public Works and Waste Management Department as contained in their memorandum dated March 10, 2014, that is a part of the record of the April 9, 2014, DIC recommendation and is incorporated herein by reference.

8. That the applicant apply for a gated entrance feature that will meet with approval of the Department of Regulatory and Economic Resources, and Public Works and Waste Management Department.

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

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 Regulatory and Economic Resources and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 11th day of June, 2014.

Hearing No. 14-6-CZ7-1
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THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 20TH DAY OF JUNE, 2014.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Rosa Davis, 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 Department of Regulatory and Economic Resources and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 7, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB7-1-14 adopted by said Community Zoning Appeals Board at its meeting held on the 11th day of June, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 20th day of June, 2014.

Rosa Davis, Deputy Clerk (218345)
Miami-Dade Department of Department of Regulatory and Economic Resources

SEAL

ZONING APPEALS BOARD
DADE COUNTY FLORIDA

MIAMI-DADE COUNTY

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

June 20, 2014

11200 Biscayne LLC
c/o Matt Amster
9551 East Bay Harbor Drive, #850
Miami, FL 33131

Re: Hearing No. 14-6-CZ71 (13-029)
Location: 11150 & 11190 Biscayne Blvd, Miami-Dade County, Florida.

Dear Applicant:

Enclosed herewith is **Resolution No. CZAB7-1-14**, adopted by the by the Community Zoning Appeals Board 7, **which approved your application on the above described property**. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required. Failure to comply with stipulated conditions, if any, will result in the immediate issuance of a civil violation notice for each condition violated. Each notice issued may require payment of a daily monetary fine.

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 certificates(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.

If there are anticipated changes from any plan submitted for the hearing, a plot use plan is to be submitted to this Department in triplicate before any detailed plans are prepared, in as much as building permits will not be issued prior to the approval of said plan.

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 **June 20, 2014**. 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,

Rosa Davis
Deputy Clerk

Enclosure