

RESOLUTION NO. Z-50-93

WHEREAS, CITY NATIONAL BANK, TRUSTEE had applied for the following:

- (1) A district boundary change from GU (Interim) to RU-3M (Minimum Apt House).

REQUEST #1 ON THE FOLLOWING:

Tract 5 and the north 69.72' of Tract 12, MIAMI EVERGLADES LAND CO., LTD., Plat book 2, Page 3.

- (2) MODIFICATION of Paragraphs #1, #3 and #5 of a Declaration of Restrictions recorded in Official Record Book 13679, Pages 1270-1284, said agreement being accepted pursuant to Resolution Z-103-88, passed and adopted by the Board of County Commissioners on May 5, 1988, reading as follows:

FROM: "1. Dedication of Land for Fire Station Site:

In recognition of the fact that the subject property will create a need for a fire station site, the undersigned agrees to dedicate by plat and donate at no cost to Dade County by fee simple title with no remainder, liens or encumbrances, a one net acre parcel of land, exclusive of all easements and rights-of-way, described in Exhibit "B" attached hereto, to Dade County, prior to platting of any type, or waiver of plat for any of the property contiguous thereto. The undersigned further agrees to provide adequate paved road access, approved by the Public Works Department, along one side of the fire station site and all other utilities including water lines, sewer lines, electric service and telephone service at the perimeter of the fire station site in a sufficient operational state to meet all applicable building and zoning codes and support full development of the fire station. The undersigned also agrees to fill and compact the site to comply with all applicable building and zoning codes and flood insurance regulations. The fill and compaction shall be of sufficient quality to support all building improvements associated with the development of a fire station site planned for the subject site by Dade County. Any roads on the perimeter of the fire station site shall be improved with sidewalks and/or curbs and gutters if such improvements are either in existence or planned for contiguous development. All utilities, improvements and fill/compaction, specified above, for the fire station site shall be completed by the undersigned prior to platting of any type, or waiver of plat for any of the property contiguous thereof. Dade County shall have the option to sell this site in the future if service needs dictate that a site or equipment is needed elsewhere to properly serve this area.

It is noted that the donation of the fire station site satisfies the current fire service capital need generated by the entire subject application (#86-142) which includes the proposed residential tracts addressed by this declaration. To the extent permitted by law, the undersigned shall be credited for the portion of the fair market value (determined at time of donation) of the donated fire station site attributable to the subject proposed residential tracts in the assessment of any impact fees or fees from any other capital funding mechanism that may be charged in the future by Dade County for such capital fire services.

TO: "1. Dedication of Land for Fire Station Site:

In recognition of the fact that the subject property will create a need for a fire station site, the undersigned agrees to dedicate by plat and donate by warranty deed at no cost to Dade County by fee simple title with no remainder, liens or encumbrances, a one net acre parcel of land, exclusive of all easements and rights-of-way, described in Exhibit 'B' attached hereto, to Dade County, prior to final plat or waiver of plat for any of the property contiguous thereto. The undersigned further agrees to provide adequate paved road access, approved by the Public Works Department, along one side of the fire station site and all other utilities including water lines, sewer lines, electric service and telephone service at the perimeter of the fire station site in a sufficient operational state to meet all applicable building and zoning codes and support full development of the fire station. The undersigned also agrees to fill and compact the site to 3,000 p.s.f. and to comply with all applicable building and zoning codes and flood insurance regulations. The fill and compaction shall be of sufficient quality and compaction to support all building improvements associated with the development of a fire station site planned for the subject site by Dade County. The Owner shall provide engineering certification for both quality and compaction of fill and subsoil. Any roads on the perimeter of the fire station site shall be improved with sidewalks and/or curbs and gutters if such improvements are either in existence or planned for contiguous development. All utilities, improvements and fill/compaction, specified above, for the fire station site shall be completed by the undersigned prior to final plat or waiver of plat for any of the property contiguous thereto. The undersigned shall submit a boundary survey including all topographic information relating to the fire station site at time of final plat. Prior to the dedication of the fire station site, the owner shall determine whether hazardous waste exists on the fire station site in amounts in excess of permissible levels in violation of Chapter 24, Code of Metropolitan Dade County, Florida. If such violations exist, remediation activities, as required by Chapter 24, shall be conducted by the owner to bring the site into compliance with law. Dade County shall have the option to sell this site in the future if service needs dictate that a site or equipment is needed elsewhere to properly serve this area.

It is noted that the donation of the fire station site satisfies the current fire service capital need generated by the entire subject application (#92-616) which includes the proposed residential tracts addressed by this Second Amendment to Declaration. To the extent permitted by law, the undersigned shall be credited for the portion of the fair market value (determined at time of donation) of the donated fire station site attributable to the subject proposed residential tracts in the assesment of any impact fees or fees from any other capital funding mechanism that may be charged in the future by Dade County for such capital fire services. The undersigned understands that a credit application must be submitted in accordance with the impact fee ordinance in order to receive this credit.

FROM: "3. Contribution for Parks and Open Space:

In order to reduce the burden on usable open space created by this development, and in order to comply with the open space requirements of the Comprehensive Development Master Plan, the undersigned shall develop private park sites as follows:

<u>TRACT*</u>	<u>PARK SIZE</u>
G	3.23 Acres
H	1.13 Acres
I	.84 Acres
J	.86 Acres
K	<u>1.06 Acres</u>
TOTAL	7.12 Acres

*The references to tracts relate to the designation of tracts on that certain plan described herein as the Conceptual Land Use and Wetland Mitigation Plan as prepared by Post, Buckley, Schuh & Jernigan, Inc., dated January 20, 1988 and last revised February 11, 1988.

Prior to platting of any type, or waiver of plat, for each of the tracts listed above, the undersigned shall submit development plans for the park site proposed in a particular tract to the Dade County Park and Recreation Department for approval of the site location and recreational facilities, parking, and landscaping for the subject site. Additionally, the undersigned shall complete installation and construction, subject to the approval of the Park and Recreation Department, of the previously approved improvements to the subject park site prior to the issuance of building permits for more than 50% of the dwelling units approved in each tract.

TO: "3. Contribution for Parks & Open Space:

In order to meet future park needs generated by the development of the Property, the undersigned shall dedicate by plat and donate at no cost to Dade County by fee simple title with no remainder, liens or encumbrances, a 7.12 acre parcel of land at the location described on Exhibit E or at such other location as shall be designated by joint approval of the owner and the Dade County Parks and Recreation Department; said dedication shall be made to Dade County prior to issuance of building permits for more than 50% of the dwelling units for the property described in Exhibit "F". The undersigned further agrees to provide adequate paved road access, approved by the Public Works Department, along one side of the park and all other utilities including water lines, sewer lines, electric service and telephone service at the perimeter of the park site in a sufficient operational state to meet all applicable building and zoning codes and support full development of the type of park proposed for the site. The undersigned also agrees to fill and compact the site to comply with all applicable building and zoning codes and flood insurance laws and regulations. The fill and compaction shall be of sufficient quality to support the development of a passive park for the subject site in accordance with the standards of the Dade County Park and Recreation Department. All utilities, fill and compaction and improvements specified above for the park site shall be completed or bonded prior to the issuance of building permits for over 50% of the the dwelling units for the property described in Exhibit (F).

FROM: "5. Controlled Densities:

The planned number of units and/or net acreage of each residential tract described and depicted in the Conception Land Use and Wetland Mitigation Plan as prepared by Post, Buckley, Schuh & Jernigan, Inc., dated January 20, 1988 and last revised February 11, 1988 may change by not more than 25% (twenty five percent) at the time of the Dade County site plan approval process. Thus the planned density in parcel yield would change accordingly. However, the aggregate total number of units within the Land Use Plan shall not exceed 1,080 dwelling units. Prior to any sale or transfer of any individual residential parcel or parcels (other than a total sale of all residential parcels) the Director of Building and Zoning shall receive and approve, in recordable form, a designation by the Owner and proposed buyer or transferee of the maximum number of units to be allocated to the subject parcel/parcels under said flexibility factor."

TO: "5. Controlled Densities:

No tract shall be permitted to have a density of more than 12.9 units per net acre. However, the aggregate total number of units within the property shall not exceed 1,140 units. Prior to any sale or transfer of any individual residential parcel or parcels (other than a total sale of all residential parcels) the

Director of Building and Zoning shall receive and approve, in recordable form, a designation by the owner and proposed buyer or transferee, of the maximum number of units to be allocated to the subject parcel or parcels. Failure to provide such notice prior to transfer shall not in any way affect the effectiveness of any deed of conveyance, but the property conveyed shall nonetheless be subject to the density restrictions prescribed by this paragraph. Further, until such notice is provided to the County and prior to the Director's approval of such designation, no building permits may be issued for a parcel until such approval has been obtained for such parcel."

The purpose of these agreement changes are to provide a topographic boundary survey and hazardous waste corrections, if necessary, on the fire station site; a land contribution for one large park in lieu of five smaller parks, and to increase the amount of units permitted based on additional land to be zoned residential.

- (3) MODIFICATION of Paragraph #1 of a Declaration of Restrictions recorded in Official Record Book 13679, Pages 1261-1269, said agreement accepted pursuant to Resolution Z-103-88, passed and adopted by the Board of County Commissioners on May 5, 1988, reading as follows:

FROM: "1. Fire Service Needs: In recognition of the fact that the development of the subject Property would create a need for additional fire services, the undersigned agreed, in a separate covenant associated with the subject application (#86-142), to dedicate by plat and donate at no cost to Dade County by fee simple title with no remainder, liens or encumbrances, a one net acre parcel of land, exclusive of all easements and rights-of-way, described in Exhibit "B" attached hereto, prior to platting of any type, or waiver of plat, for any of the Property contiguous thereto. It is noted that the donation of the fire station site satisfies the current fire service capital need generated by the entire subject application (#86-142) which includes the proposed business parcels addressed by this declaration. To the extent permitted by law, the undersigned shall be credited for the portion of the fair market value (determined at time of donation) of the donated fire station site, attributable to the subject proposed business parcels in the assessment of any impact fees or fees from any other capital funding mechanism that may be charged in the future by Dade County for such capital fire services.

TO: "1. Fire Service Needs: In recognition of the fact that the development of the subject Property would create a need for additional fire services, the undersigned agreed, in a separate covenant associated with the subject application (#92-616), to dedicate by plat and donate at no cost to Dade County by fee simple title with no remainder, liens or encumbrances, a one net acre parcel of land, exclusive of all easements and rights-of-way, described in Exhibit "B" attached hereto, prior to final plat or waiver of plat, for any of the Property contiguous thereto. It is noted that the donation of the fire station site satisfies the current fire service capital need generated by the

entire subject application (#92-616) which includes the proposed business parcels addressed by this Amended Declaration. To the extent permitted by law, the undersigned shall be credited for the portion of the fair market value (determined at time of donation) of the donated fire station site, attributable to the subject proposed business parcels in the assessment of any impact fees or fees from any other capital funding mechanism that may be changed in the future by Dade County for such capital fire services. The undersigned understands that a credit application must be submitted in accordance with the impact fee ordinance in order to receive this credit.

The purpose of this request is to modify the language in this covenant to similar language contained within a companion covenant recorded in Official Record Book 13679, Pages 1270 through 1284.

- (4) MODIFICATION of a portion of Paragraph #2 of a Declaration of Restrictions recorded in Official Record Book 13679, Pages 1270-1284, said agreement accepted pursuant to Resolution Z-103-88, passed and adopted by the Board of County Commissioners on May 5, 1988, and modification of an unrecorded Declaration of Restrictions required pursuant to Resolution Z-4-92, passed and adopted by the Board of County Commissioners on the 9th day of January, 1992 as follows:

FROM: "2. Monetary School Donation Based On Value In Lieu Of Land:

In order to help meet future public schools needs generated by this application, the undersigned shall voluntarily contribute funds to the Dade County School Board equal to the fair market value of a hypothetical 6.76 net acres of land with the same zoning and other development approvals as would permit 6.5 residential units per net acre of land on the subject Property. The fair market value of the entire hypothetical 6.76 net acres shall be determined by the Dade County Property Appraiser by applying the assumptions contained in Exhibit "C" attached hereto, prior to platting of any type or waiver of plat of the subject Property or any portion thereof.

The total school contribution as adjusted for cost-of-living changes shall be made in the following manner:

- a) Ten installments, composed of an initial installment representing 50% of the fair market value of that portion of the school site requirement allocated to each tract pursuant to paragraph B below, upon the issuance of the first residential building permit for the individual tract or upon the sale of the entire tract. And the remaining 50% of the contribution corresponding to each tract upon issuance of the building permit representing over 50% of the unit contained in each tract.

b) The school contribution obligation to each tract shall be the fair market value of the acreage reflected below:

<u>TRACT *</u>	<u>SCHOOL ACREAGE ALLOCATED</u>
G	3.05
H	1.08
I	.80
J	.83
K	1.00
	<u>TOTAL</u> 6.76 ACRES

*The reference to tracts relates to the designation of tracts on that certain plan described herein as the Conceptual Land Use and Wetland Mitigation Plan as prepared by Post, Buckley, Schuh & Jernigan, Inc., dated January 20, 1988 and last revised February 11, 1988."

TO: "2. Monetary School Donation Based On Value In Lieu Of Land:

In order to help meet future public schools needs generated by this application, the undersigned shall voluntarily contribute funds to the Dade County School Board equal to the fair market value of a hypothetical 6.76 net acres of land with the same zoning and other development approvals as would permit 6.5 residential units per net acre of land on the subject Property. The fair market value of the entire hypothetical 6.76 net acres shall be determined by the Dade County Property Appraiser by applying the assumptions contained in Exhibit "C" attached hereto, prior to platting of any type or waiver of plat of the subject Property or any portion thereof.

The total school contribution as adjusted for cost-of-living changes shall be made in the following manner:

a) 18 installments, composed of an initial installment representing 50% of the fair market value of that portion of the school site requirement allocated to each tract pursuant to paragraph B below, upon the issuance of the first residential building permit for the individual tract or upon the sale of the entire tract and the remaining 50% of the contribution corresponding to each tract upon the issuance of the building permit representing over 50% of the units contained in each tract.

b) The school contribution obligation to each tract shall be the fair market value of the acreage reflected below:

TRACT *

SCHOOL ACREAGE ALLOCATED

C	.891
D	1.427
H	.375
I	.671
K	.722
M	1.079
P	.723
Q	.403
R	<u>.469</u>
TOTAL	6.760 ACRES

*The reference to tracts relates to the designation of tracts on that certain plan as prepared by Ford, Armenteros and Manucy, Inc., dated March 6, 1993, revised March 26, 1993."

The purpose of the request is to redistribute school contributions in accordance with the new plan.

SUBJECT PROPERTY: All of Tracts 5, 7, 8, 9, 10, 11, 12, 21, 22, 23, 24, 27, 28, 37, 38, 43, 44, 53, 54, and Tract 60 less the south 55' thereof according to the Plat of MIAMI EVERGLADES LAND CO. LTD., lying in Section 32, Township 54 South, Range 39 East, Plat book 2, Page 3.

LOCATION: The west side of S.W. 162 Avenue between S.W. 72 Street and S.W. 88 Street, Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners, Dade County, Florida, was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, at which time the applicant, by his attorney requested permission to withdraw the request for modification of Paragraph #2 of a Declaration of Restrictions recorded in Official Record Book 13679, Pages 1270-1284 (Item #4) and proffered a Second Amendment to a Declaration of Restrictions and an Amended Declaration of Restrictions, which among other things included dedication of a one net acre parcel of land to Dade County for a fire station site, provided for paved road access, provided a monetary school donation based on value in lieu of land as adjusted for cost-of-living, provided for dedication of a 7.12 net acre parcel of land as contribution for parks and

open space, provided for the donation of 47.89 acres of land for the purpose of meeting the County's drainage and mitigation requirements, limited the residential density to no more than 12.9 units per net acre, limited the aggregate total number of units within the Property not to exceed 1,140 dwelling units, limited the tracts designated for residential use to a density of not less than 4 units per net acre, provided authorization to the Building and Zoning Department to withhold permits and inspections in the event payments or improvements are not made, provided for permits or Certificates of Use and Occupancy issuance to be issued only until Water/Sewer are contracted for and installed, 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 RU-3M (Item #1) would be compatible with the neighborhood and area concerned and would not be in conflict with the principles and intent of the plan for the development of Dade County, Florida, and should be approved, that Item #2 pertaining to the modification of paragraphs 1, 3 and 5 of a recorded covenant, on a modified basis as it pertains to paragraph 5, to require all tracts to be developed with a minimum density of 4 units per net acre, and Item #3 pertaining to paragraph 1 of a Declaration of Restrictions would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance, and that the request to withdraw Item #4 should be granted and the proffered covenants should be accepted;

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, the following resolution was offered by Commissioner James Burke, seconded by Commissioner Pedro Reboredo, and upon poll of members present the vote was as follows:

James Burke	aye	Alex Penelas	absent
Betty T. Ferguson	aye	Miguel Diaz de la Portilla	aye
Maurice Ferre	aye	Pedro Reboredo	aye
Larry Hawkins	absent	Javier Souto	aye
Bruce Kaplan	absent	Arthur Teele	aye
Natacha S. Millan	aye	Sherman Winn	absent
Dennis Moss	aye		

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the requested district boundary change to RU-3M be and the same is hereby approved and said property is hereby zoned accordingly;

BE IT FURTHER RESOLVED that Item #2 pertaining to the modification of paragraphs 1, 3 and 5 (on a modified basis to require all residential tracts to be developed with a minimum density of 4 units per net acre) of a recorded covenant, and Item #3 pertaining to paragraph 1 of a Declaration of Restrictions be and the same are hereby approved, subject to the following conditions:

1. That the applicant donate a one net acre parcel to be used as a Fire Station site to Dade County prior to final plat or waiver of plat.
2. That a 7.12 acre parcel of land be dedicated to Dade County prior to issuance of building permits for more than 50% of the dwelling units for the property described in Exhibit "F" of the proffered Declaration of Restrictive covenants.

BE IT FURTHER RESOLVED that the request to withdraw Item #4 be and the same is hereby approved and said Item is hereby withdrawn without prejudice;

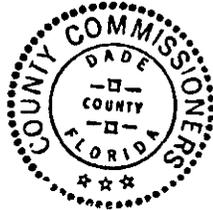
BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Metropolitan Dade County, Florida, the County hereby accepts the proffered Declaration of Restrictions and does exercise its option to enforce the roffered restrictions wherein the same are more restrictive than applicable zoning regulations.

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 Zoning Director is hereby directed to make the necessary changes and 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 29th day of April, 1993.

April, 1993
No. 93-4-CC-10
5/13/93
bn



DADE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS
WILLIAM G. OLIVER

By Harvey Ruvlin, Clerk
Deputy Clerk

This resolution transmitted to the Clerk of the Board of County Commissioners on the 18th day of May, 1993.

RESOLUTION NO. 4-ZAB-412-92

The following resolution was offered by Dean Oddy seconded by Colleen Griffin and upon poll of members present, the vote was as follows:

Humberto Amaro	nay	William Losner	absent
Mavel Cruz	nay	Scott Notowitz	aye
Shelly Gassner	nay	Johnny Williams	aye
Colleen Griffin	aye	Dean Oddy	aye
Angela P. Lannes	absent		

WHEREAS, CITY NATIONAL BANK, TRUSTEE had applied for the following:

MODIFICATION of Condition #3 of Resolution 4-ZAB-233-90, passed and adopted by the Zoning Appeals Board on the 25th day of July, 1990, as follows:

FROM: "3. That all excavated material shall remain with the subject property."

TO: "3. That all excess excavated material shall be permitted to be removed from the subject property."

The purpose of this request is to allow the applicant to remove and sell the excess excavated material from the remaining three lakes located in Phase II of the project.

SUBJECT PROPERTY: All of Tracts 5, 7, 8, 9, 10, 11, 12, 21, 22, 23, 24, 27, 28, 37, 38, 43, 44, 53, 54 and Tract 60 less the south 55' thereof, MIAMI EVERGLADES LAND CO. LTD., lying in Section 32, Township 54 South, Range 39 East, Plat book 2, Page 3.

LOCATION: Between theoretical S.W. 72 Street and S.W. 88 Street and between theoretical S.W. 162 Avenue and theoretical S.W. 167 Avenue, 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, upon due and proper consideration having been given to the matter, it is the opinion of this 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;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the application be and the same is hereby denied without prejudice.

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

PASSED AND ADOPTED this 18th day of November, 1992.

Hearing No. 92-11-35
Typed 11/25/92 bn

RESOLUTION NO. Z-18-93

WHEREAS, CITY NATIONAL BANK, TRUSTEE had applied for the following:

MODIFICATION of Condition #3 of Resolution 4-ZAB-233-90, passed and adopted by the Zoning Appeals Board on the 25th day of July, 1990, as follows:

FROM: "3. That all excavated material shall remain with the subject property."

TO: "3. That all excess excavated material shall be permitted to be removed from the subject property."

The purpose of this request is to allow the applicant to remove and sell the excess excavated material from the remaining three lakes located in Phase II of the project.

SUBJECT PROPERTY: All of Tracts 5, 7, 8, 9, 10, 11, 12, 21, 22, 23, 24, 27, 28, 37, 38, 43, 44, 53, 54 and Tract 60 less the south 55' thereof, MIAMI EVERGLADES LAND CO. LTD., lying in Section 32, Township 54 South, Range 39 East, Plat book 2, Page 3.

LOCATION: Between theoretical S.W. 72 Street and S.W. 88 Street and between theoretical S.W. 162 Avenue and theoretical S.W. 167 Avenue, 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 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 said application was denied without prejudice;

WHEREAS, CITY NATIONAL BANK, TRUSTEE, the applicants, appealed the decision of the Zoning Appeals Board to this Board as follows:

MODIFICATION of Condition #3 of Resolution 4-ZAB-233-90, passed and adopted by the Zoning Appeals Board on the 25th day of July, 1990, as follows:

FROM: "3. That all excavated material shall remain with the subject property."

TO: "3. That all excess excavated material shall be permitted to be removed from the subject property."

The purpose of this request is to allow the applicant to remove and sell the excess excavated material from the remaining three lakes located in Phase II of the project.

SUBJECT PROPERTY: All of Tracts 5, 7, 8, 9, 10, 11, 12, 21, 22, 23, 24, 27, 28, 37, 38, 43, 44, 53, 54 and Tract 60 less the south 55' thereof, MIAMI EVERGLADES LAND CO. LTD., lying in Section 32, Township 54 South, Range 39 East, Plat book 2, Page 3.

LOCATION: Between theoretical S.W. 72 Street and S.W. 88 Street and between theoretical S.W. 162 Avenue and theoretical S.W. 167 Avenue, Dade County, Florida, and

WHEREAS, after notice of the time and place of the meeting to 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, 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, the following resolution was offered by Commissioner Sherman S. Winn, seconded by Commissioner Mary Collins, and upon poll of members present the vote was as follows:

Mary Collins	aye	Alexander Penelas	aye
Charles Dusseau	absent	Arthur E. Teele, Jr.	absent
Joseph M. Gersten	absent	Sherman S. Winn	aye
Larry Hawkins	aye	Stephen P. Clark	aye

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 said application be and the same is hereby approved, subject to the following conditions:

1. That hauling operations from Monday through Friday will be restricted to avoid rush hour traffic and will be limited in those days from 9:30 a.m. to 3:00 p.m. and Saturday's hours from 7:00 a.m. to 6:00 p.m.
2. That sixty percent (60%) of the excess fill shall be used on the site and/or nearby developments.
3. That there shall be no truck traffic from this site East of S.W. 162nd Avenue on Kendall Drive.
4. That truck traffic is restricted to main thoroughfares.
5. That the removal of the excess fill from the site shall take no longer than eighteen (18) months from date of approval by the Board of County Commissioners.

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 changes and 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 18th day of February, 1993.

November, 1993
No. 92-11-35
2/25/93
bn



DADE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

WILLIAM G. OLIVER

By Harvey Ruvlin, Clerk
Deputy Clerk

This resolution transmitted to the Clerk of the Board of County Commissioners on the 1st day of March, 1993.

RESOLUTION NO. Z-4-92

The following resolution was offered by Commissioner Mary Collins, seconded by Commissioner Sherman S. Winn, and upon poll of members present the vote was as follows:

Mary Collins	aye	Alexander Penelas	absent
Charles Dusseau	aye	Harvey Ruvin	aye
Joseph M. Gersten	absent	Arthur E. Teele, Jr.	aye
Larry Hawkins	aye	Sherman S. Winn	aye
		Stephen P. Clark	aye

WHEREAS, CITY NATIONAL BANK, TRUSTEE, had applied for the following:

MODIFICATION of Paragraph 2(a) of a Declaration of Restrictions recorded in Official Record Book 13679, Pages 1270 - 1284, said agreement being required as a condition of Resolution Z-103-88, passed and adopted by the Board of County Commissioners dated May 5, 1988, reading as follows:

FROM: "2. Monetary School Donation Based On Value In Lieu Of Land:

In order to help meet future public schools needs generated by this application the undersigned shall voluntarily contribute funds to the Dade County School Board equal to the fair market value of a hypothetical 6.76 net acres of land with the same zoning and other development approvals as would permit 6.5 residential units per net acre of land on the subject Property. The fair market value of the entire hypothetical 6.76 net acres shall be determined by the Dade County Property Appraiser by applying the assumptions contained in Exhibit "C" attached hereto, prior to platting of any type or waiver of plat of the subject Property or any portion thereof.

The total school contribution as adjusted for cost-of-living changes shall be made in the following manner:

a) Ten installments, composed of an initial installment representing 50% of the fair market value of that portion of the school site requirement allocated to each tract pursuant to paragraph B below, at the time of the plat approval of any type or waiver of plat for each tract, and the remaining 50% of the contribution corresponding to each tract upon the issuance of the building permit representing 50% of the units contained in each tract."

TO: "2. Monetary School Donation Based On Value In Lieu Of Land:

In order to help meet future public schools needs generated by this application the undersigned shall voluntarily contribute

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91-709/32-54-39

funds to the Dade County School Board equal to the fair market value of a hypothetical 6.76 net acres of land with the same zoning and other development approvals as would permit 6.5 residential units per net acre of land on the subject Property. The fair market value of the entire hypothetical 6.76 net acres shall be determined by the Dade County Property Appraiser by applying the assumptions contained in Exhibit "C" attached hereto, prior to platting of any type or waiver of plat of the subject Property or any portion thereof.

The total school contribution as adjusted for cost-of-living changes shall be made in the following manner:

a) Ten installments, composed of an initial installment representing 50% of the fair market value of that portion of the school site requirement allocated to each tract pursuant to paragraph B below, upon the issuance of the first residential building permit for the individual tract or upon the sale of the entire tract. And the remaining 50% of the contribution corresponding to each tract upon issuance of the building permit representing over 50% of the unit contained in each tract."

The purpose of this request is to allow the applicant to proceed to obtain a final plat for this property, and starting monetary contributions towards the school board upon the issuance of the first residential building permit.

SUBJECT PROPERTY: All of Tracts 5, 7, 8, 9, 10, 11, 12, 21, 22, 23, 24, 27, 28, 37, 38, 43, 44, 53, 54, and Tract 60 less the south 55' thereof according to the Plat of MIAMI EVERGLADES LAND CO. LTD., lying in Section 32, Township 54 South, Range 39 East, Plat book 2, Page 3, subject to any reservations, dedications or easements of record,

less the south 55' of Tract 60, according to the Plat of MIAMI EVERGLADES LAND CO. LTD., lying in Section 32, Township 54 South, Range 39 East, Plat book 2, Page 3, and less the west 208.71' of the north 258.71' of Tract 5, according to the Plat of MIAMI EVERGLADES LAND CO. LTD., lying in Section 32, Township 54 South, Range 39 East, Plat book 2, Page 3, and less the north 69.72' of Tract 12, according to the plat of MIAMI EVERGLADES LAND CO. LTD, lying in Section 32, Township 54 South, Range 39 East, Plat book 2, Page 3.

Note: Also referred to as Tracts "F" and "L", respectively, of the CONCEPTUAL LAND USE AND WETLAND MITIGATION PLAN as prepared by Post, Buckley, Schuh & Jernigan, Inc., dated January 20, 1988 and last revised February 11, 1988.

LOCATION: Between theoretical S.W. 72 Street and theoretical S.W. 88 Street, between S.W. 162 Avenue and theoretical S.W. 167 Avenue, Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners, Dade County, Florida, 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 is the opinion of this Board that the requested Modification of Paragraph 2(a) of a Declaration of Restrictions recorded in Official Record Book 13679, Pages 1270 - 1284, said agreement being required as a condition of Resolution Z-103-88 would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance, and should be approved, 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;

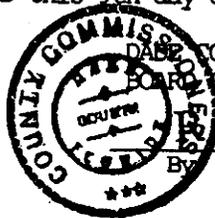
NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the requested Modification of Paragraph 2(a) of a Declaration of Restrictions recorded in Official Record Book 13679, Pages 1270 - 1284, be and the same is hereby approved;

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.

PASSED AND ADOPTED this 9th day of JANUARY, 1992

January, 1992
No. 92-1-CC-3
1/13/92
mr



DADE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS
RAYMOND REED
By Marshall Ader, Clerk
Deputy Clerk

This resolution transmitted to the Clerk of the Board of County Commissioners on the 21st day of JANUARY, 1992.

STATE OF FLORIDA)
) SS:
COUNTY OF DADE)

I, MARSHALL ADER, Clerk of the Circuit Court in and for Dade County, Florida, and Ex-Officio Clerk 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-4-92, adopted by the said Board of County Commissioners at its meeting held on January 9, 19 92.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 21st day of January, A.D. 19 92.

MARSHALL ADER, Clerk
Board of County Commissioners
Dade County, Florida

By Linda L. Case
Deputy Clerk



Board of County Commissioners
Dade County, Florida

RESOLUTION NO. 4-ZAB-233-90

The following resolution was offered by Mavel Cruz seconded by Scott Notowitz and upon poll of members present, the vote was as follows:

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

WHEREAS, CITY NATIONAL BANK, TRUSTEE had applied for the following:

(1) MODIFICATION of plans approved pursuant to Resolution Z-103-88, passed and adopted by the County Commission on the 5th day of May, 1988, reading as follows:

FROM: "Plans entitled 'City National Bank Trust No. 5006355,' as prepared by Post, Buckley, Schuh and Jernigan, dated as follows: Title Sheet undated; Boundary & Topographic Survey dated 8/87; Aerial Photograph & COE Jurisdictional Wetlands, dated 8/5/87; Alternative Zoning Map & Legal Description dated 1/25/88; Conceptual Land Use & Wetland Mitigation Plan dated 2/11/88; Master Utility Plan dated 2/11/88; details dated 8/87."

TO: "Plans entitled 'Residential Development Plan,' as prepared by Post, Buckley, Schuh & Jernigan, Inc., consisting of 16 sheets dated stamped 6-18-90."

The purpose of this request is to allow the applicant to submit new plans to show expansion of previously approved lakes and site plan.

Lake A: Sec. A-A: Begin at top of slope at elevation 9.0'; thence a downward slope of 6' horizontal to 1' vertical to an elevation varying from 7' to 7.5'; thence on a downward slope to elevation -1.0' into 5' of water below mean sea level; thence a deep cut to lake bottom to a maximum depth of 60'.

Sec. B-B: Begin at top of slope at elevation 9.0'; thence a downward slope of 7' horizontal to 1' vertical for a horizontal distance of 63' into 5' of water below mean sea level to an elevation -1.0'; thence a deep cut to lake bottom to a maximum depth of 60'.

Sec. C-C: Begin at top of slope at elevation 9.0'; thence a downward slope of 3' horizontal to 1' vertical for a horizontal distance of 18' into 1' of water below mean sea level to an elevation of 3.0'; thence a 5' wide horizontal safety shelf; thence a deep cut to lake bottom to a maximum depth of 60'.

Lake B: Sec. A-A: Begin at top of slope at elevation 9.0'; thence a downward slope of 3' horizontal to 1' vertical for a horizontal distance of 18' into 1' of water below mean sea level to an elevation of 3.0'; thence a 5' wide horizontal safety shelf; thence a downward slope of 1' horizontal to 1' vertical to an elevation of -1.0'; thence a deep cut to lake bottom to a maximum depth of 60'.

Sec. B-B: Begin at top of slope at elevation 9.0'; thence a downward slope of 3' horizontal to 1' vertical for a horizontal distance of 18' into 1' of water below mean sea level to an elevation of 3.0'; thence a 5' wide horizontal safety shelf; thence a downward slope of 1' horizontal to 1' vertical to an elevation of -1.0'; thence a deep cut to lake bottom to a maximum depth of 60'; thence along lake bottom to tree island; thence vertically upwards to an elevation of -1.0'; thence upward slope of 1' horizontal to 1' vertical to an elevation of 3.0'; thence an upward slope of 3' horizontal to 1' vertical for a horizontal distance of 12' to top of slope at elevation 7.0'.

Sec. C-C: Begin at top of slope at elevation 9.0'; thence downward slope of 7' horizontal to 1' vertical for a horizontal distance of 70' minimum into 5' of water below mean sea level to elevation -1.0'; thence a deep cut to lake bottom to a maximum depth of 60'.

Lake C: Sec. A-A: Begin at top of slope at elevation 9.0'; thence downward slope of 6' horizontal to 1' vertical for a horizontal distance of 10' to an elevation varying from 7.0' to 7.5' along tree island; thence downward slope of 3' horizontal to 1' vertical for a horizontal distance of 12' into 1' of water below mean sea level to an elevation 3.0'; thence downward slope of 1' horizontal to 1' vertical for a horizontal distance of 4' to elevation -1.0'; thence a deep cut to lake bottom to a maximum depth of 60'; thence along lake bottom to other side of lake; thence vertically upwards to an elevation -1.0'; thence an upward slope of 7' horizontal to 1' vertical for a horizontal distance of 70' minimum to top of slope at elevation 9.0'.

Sec. B-B: Begin at top of slope at elevation 9.0'; thence downward of 7' horizontal to 1' vertical for a horizontal distance of 70' minimum into 5' of water below mean sea level at elevation -1.0'; thence a deep cut to lake bottom to a maximum depth of 60'.

Lake D: Sec. A-A same as Sec. B-B for Lake B. Sec. B-B same as Sec. B-B for Lake C.

Lake E: Sec. A-A: Same as Sec. B-B for Lake C; thence along lake bottom to tree island; thence vertically upwards to an elevation of -1.0; thence upward slope of 1' horizontal to 1' vertical for a horizontal distance of 4' to top of temporary berm at elevation 5.0; thence horizontally 5' along top of temporary berm; thence downward slope of 1' horizontal to 1' vertical for a horizontal distance of 2' into 1' of water below mean sea level.

Sec. B-B: Begin at bottom of lake; thence vertically upwards to elevation -1.0; thence upward slope of 1' horizontal to 1' vertical for a horizontal distance of 4' to an elevation of 3.0; thence upward slope of 3' horizontal to 1' vertical for a horizontal distance of 12' to existing ground elevation 7.0'; thence horizontally along transitional zone; thence downward slope 3' horizontal to 1' vertical a distance of 12' into 1' of water below mean sea level to an elevation of 3.0'; thence downward slope of 1' horizontal to 1' vertical a horizontal distance of 4' to elevation -1.0; thence a deep cut to lake bottom to a maximum depth of 60'.

Sec. C-C: Same as Sec. B-B of Lake A.

Sec. D-D: Begin at top of slope at elevation 9.0'; thence a downward slope of 2' horizontal to 1' vertical to an elevation of 7.0'; thence a varying distance along existing ground elevation; thence downward slope of 3' horizontal to 1' vertical for a horizontal distance of 12' into 1' of water below mean sea level to an elevation of 3.0'; thence a downward slope of 1' horizontal to 1' vertical for a horizontal distance of 4' to an elevation of -1.0'; thence a deep cut to lake bottom to a maximum depth of 60'.

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

SUBJECT PROPERTY: All of Tracts 5, 7, 8, 9, 10, 11, 12, 21, 22, 23, 24, 27, 28, 37, 38, 43, 44, 53, 54 and Tract 60 less the south 55' thereof, MIAMI EVERGLADES LAND CO. LTD., lying in Section 32, Township 54 South, Range 39 East, Plat book 2, Page 3, subject to any reservations, dedications or easements of record, less the south 55' of Tract 60, MIAMI EVERGLADES LAND CO. LTD., Plat book 2, Page 3, and less the west 208.71' of the north 258.71' of Tract 5, MIAMI EVERGLADES LAND CO. LTD., lying in Section 32, Township 54 South, Range 39 East, Plat book 2, Page 3, and less the north 69.72' of Tract 12, MIAMI EVERGLADES LAND CO. LTD., lying in Section 32, Township 54 South, Range 39 East, Plat book 2, Page 3.

LOCATION: Between theoretical S.W. 72 Street and S.W. 88 Street and between theoretical S.W. 162 Avenue and theoretical S.W. 167 Avenue, 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 conditions:

1. That the plan entitled "Residential Development Plan," as prepared by Post, Buckley, Schuh & Jernigan and dated August 9, 1988 is applicable to the lake location only and is not to be considered for future lot layout.
2. That the proposed lake excavations conform to all the requirements and conditions of the Department of Environmental Resources Management.
3. That all excavated material shall remain within the subject property.
4. That the applicants may maintain temporary structures for construction personnel and storage of materials on the property until the excavation is completed upon obtaining required building permits from the Building and Zoning Department and posting of bonds. The temporary structures must be removed before the bond is released.
5. That the applicants may maintain no more than two mobile homes on the property until the excavation is completed. Said trailers to setback a minimum of 100' from all property lines. The applicants must post the required bonds, obtain tie-down permits, connect the mobile homes to approved sanitary facilities and obtain Certificates of Use and Occupancy from the Building and Zoning Department.
6. That the applicants comply with all conditions and requirements of the Department of Environmental Resources Management.

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 25th day of July, 1990.

Hearing No. 90-7-41
Typed 7/27/90 bn

RESOLUTION NO. Z-103-88

The following resolution was offered by Commissioner Clara Oesterle, seconded by Commissioner Barbara M. Carey, and upon poll of members present the vote was as follows:

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

WHEREAS, CITY NATIONAL BANK OF MIAMI, TRUSTEE, had applied for the following:

- (1) A district boundary change from GU (Interim) to RU-3M (Minimum Apartment House)
- (2) UNUSUAL USE to permit 5 lake excavations.

The applicant is proposing the lake slopes to be no steeper than the following:

Section D-D: Beginning with a mitigation area as shown on plans, thence a deep cut as material permits to lake bottom at a maximum of 60 feet of water.

Section E-E: Beginning with a 1 foot vertical to 3 foot horizontal slope from flood criteria elevation of +9.0 into 3 feet of water, thence a 5 foot wide horizontal shelf, thence a deep cut as material permits to lake bottom at a maximum depth of 60 feet of water.

REQUESTS #1 AND #2 ON THE FOLLOWING:

Tracts 37, 38, 43, 44, 53 and 54, MIAMI EVERGLADES LAND CO. LTD., lying in Section 32, Township 54 South, Range 39 East, Plat book 2, Page 3; LESS the following described parcel of land; begin at the Northeast corner of said Tract 37; thence run $S85^{\circ}15'33''W$ for a distance of 1,324.13' to a Point of intersection with the west line of said Tract 38; thence run $N2^{\circ}15'15''W$, along the west line of said Tract 38 for a distance of 105' to the Northwest corner of said Tract 38; thence run $N87^{\circ}48'26''E$, along the north line of said Tracts 37 and 38, for a distance of 1,319.85' to the Point of beginning.

AND:

A portion of Tracts 37 and 38, MIAMI EVERGLADES LAND CO. LTD., lying in Section 32, Township 54 South, Range 39 East, Plat book 2, Page 3, being more particularly described as follows: begin at the Northeast corner of said Tract 37; thence run $S85^{\circ}15'33''W$ for a distance of 1,324.13' to a Point of intersection with the west line of said Tract 38 thence run $N02^{\circ}15'15''W$ along the west line of said Tract 38 for a distance of 105' to the Northwest corner of said Tract 38; thence run $N87^{\circ}48'26''E$, along the north line of said Tracts 37 and 38, for a distance of 1,319.85' to the Point of beginning.

Tracts 7, 8, 9, 10, 11, 21, 22, 23, 24, 27 and 28, MIAMI EVERGLADES LAND CO. LTD., lying in Section 32, Township 54 South, Range 39 East, Plat book 2, Page 3.

AND:

Tract 12, less the north 69.72' thereof, MIAMI EVERGLADES LAND CO. LTD., lying in Section 32, Township 54 South, Range 39 East, Plat book 2, Page 3.

- (3) A district boundary change from GU (Interim) to BU-1A (Limited Business)

REQUEST #3 ON THE FOLLOWING:

Tract 60, less the south 55' thereof, MIAMI EVERGLADES LAND CO. LTD., lying in Section 32, Township 54 South, Range 39 East, Plat book 2, Page 3.

AND:

Tract 5, less the west 208.71' of the north 258.71' thereof, MIAMI EVERGLADES LAND CO. LTD., lying in Section 32, Township 54 South, Range 39 East, Plat book 2, Page 3.

AND:

The north 69.72' of Tract 12, MIAMI EVERGLADES LAND CO. LTD., lying in Section 32, Township 54 South, Range 39 East, Plat book 2, Page 3.

- (4) NON-USE VARIANCE OF LOT AREA REQUIREMENTS to permit a parcel of land in a GU district with 1.23 Acres (5 Acres required) as a proposed fire station site.

REQUEST #4 ON THE FOLLOWING:

The west 208.71' of the north 258.71' of Tract 5, MIAMI EVERGLADES LAND CO. LTD., lying in Section 32, Township 54 South, Range 39 East, Plat book 2, Page 3.

A parcel plan and lake excavation plan are on file and may be examined in the Zoning Department entitled "City National Bank Trust No.-5006355" as prepared by Post, Buckley, Schuh and Jernigan dated as follows: Title Sheet undated; Boundary & Topographic Survey dated 8/87; Aerial Photograph & COE Jurisdictional Wetlands dated 8/5/87; Alternative Zoning Map & Legal Descriptions dated 1/25/88; Conceptual Land Use & Wetland Mitigation Plan dated 2/11/88; Master Utility Plan dated 2/11/88; Details dated 8/87. Plans may be modified at public hearing.

LOCATION: The west side of theoretical S.W. 162 Avenue, between S.W. 88 Street (N. Kendall Drive) and S.W. 72 Street (Sunset Drive), Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners, Dade County, Florida, was advertised and held, as required by law, and all interested parties concerned in the matter were heard, at which time this Board finds that the application of the Master Plan to the subject property is totally unreasonable, and at which time the applicant proffered two Declarations of Restrictions, one referring to the business portion of the property and the other pertaining to the residential portion of the property, which among other things made provision for a fire service site, park and open space contributions and monetary school donation and limiting the densities on the subject property, and at which time the applicant requested permission

to withdraw without prejudice part of Item #3, a district boundary change from GU to BU-1A for 9.2 acres of business site for that portion of the property located on Sunset Drive, and 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 district boundary change to RU-3M would be compatible with the neighborhood and area concerned and would not be in conflict with the principles and intent of the plan for the development of Dade County, Florida, that the requested district boundary change to BU-1A for that portion of the property (9.8 acres) fronting on Kendall Drive) would be compatible with the neighborhood and area concerned and would not be in conflict with the principles and intent of the plan for the development of Dade County, Florida, and should be approved, subject to conditions, that the requested unusual use to permit 5 lake excavations would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance and should be approved subject to conditions, that the requested non-use variance of lot area requirements 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 should be approved and that portion of request #3 (9.2 acres of the subject property on Sunset Drive) should be permitted to be withdrawn without prejudice, and that the two proffered Declarations of Restrictions should be accepted;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the requested district boundary change to RU-3M be and the same is hereby approved and said property is hereby zoned accordingly;

BE IT FURTHER RESOLVED that the requested district boundary change to BU-1A for that portion of the property fronting on Kendall Drive (9.8 acres) 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 be not 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.

BE IT FURTHER RESOLVED that the requested unusual use to permit 5 lakes be and the same is hereby approved, subject to the following conditions:

1. That final "as built" plans shall be submitted to and meet with the approval of the Directors of the Departments of Environmental Resources Management and Building and Zoning; said plans shall be substantially in compliance with those submitted for the zoning hearing held for the proposed lake excavation.
2. That the grading, leveling, sloping of shoreline littoral zones and all mitigation areas shall be conducted in accordance with the approved Dade County Class IV Permit.
3. That the property shall be staked to meet with the approval of the Building and Zoning Director and the Director of Environmental Resources Management; said stakes shall be maintained in proper position so that the limits of excavation, slopes and grade levels may be easily determined.
4. That the property shall be suitably posted to meet with the approval of the Directors of Building and Zoning and Environmental Resources Management denoting the operation and warning the public concerning possible hazards.
5. That if in the opinion of the Metropolitan Dade County Board of County Commissioners or Zoning Appeals Board the excavation is hazardous to the surrounding area, the property will be fenced in by the applicant.
6. That upon completion of the project, the property shall be restored and left in an acceptable condition meeting the approval of the Directors of Environmental Resources Management and Building and Zoning.
7. That during the entire operation explosives shall not be used unless the same is in accordance with the recommendations and requirements of the Dade County Public Works Director; necessary permit must be secured from the Dade County Public Works Department.
8. That the hours of operation shall be controlled by the Dade County Building and Zoning Director, except that the applicant shall be permitted to operate between the hours of 7:00 a.m. and 5:00 p.m. on weekdays; Saturday and Sunday operation and/or other hours of operation than 7:00 a.m. to 5:00 p.m., may be permitted by the Zoning Director only if the same does not become objectionable, in his opinion, to the surrounding area.
9. That if the operation is discontinued, abandoned, falls behind schedule, or time expires, the existing excavation shall immediately be sloped to conform to the approved slope.
10. That the time for the completion of the project, including excavation, grading, etc., shall be determined by the Directors of Building and Zoning and Environmental Resources Management and the work shall be carried on continuously and expeditiously so that the excavation will be completed within the allocated time.
11. That the title of the property in question shall not be transferred without the approval of the Directors of Building and Zoning and Environmental Resources Management unless the excavation of the subject property has been completed and/or unless the bond has been released.
12. That in order to insure compliance with all terms and conditions imposed, a cash or surety bond shall be posted with the Dade County Building and Zoning Department, payable to Dade County, in an amount as may be determined and established by the Directors of the Building and Zoning Department and Department of Environmental Resources Management; that said joint bond shall be in such form that the same may be recorded in the public records of Dade County; that said bond shall be executed by the property owner and any and all parties who may have an interest in the land, such as mortgagees, etc. The release of said joint bond shall require the approval of both the Directors of Building and Zoning and D.E.R.M.

to withdraw without prejudice part of Item #3, a district boundary change from GU to BU-1A for 9.2 acres of business site for that portion of the property located on Sunset Drive, and 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 district boundary change to RU-3M would be compatible with the neighborhood and area concerned and would not be in conflict with the principles and intent of the plan for the development of Dade County, Florida, that the requested district boundary change to BU-1A for that portion of the property (9.8 acres) fronting on Kendall Drive) would be compatible with the neighborhood and area concerned and would not be in conflict with the principles and intent of the plan for the development of Dade County, Florida, and should be approved, subject to conditions, that the requested unusual use to permit 5 lake excavations would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance and should be approved subject to conditions, that the requested non-use variance of lot area requirements 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 should be approved and that portion of request #3 (9.2 acres of the subject property on Sunset Drive) should be permitted to be withdrawn without prejudice, and that the two proffered Declarations of Restrictions should be accepted;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the requested district boundary change to RU-3M be and the same is hereby approved and said property is hereby zoned accordingly;

BE IT FURTHER RESOLVED that the requested district boundary change to BU-1A for that portion of the property fronting on Kendall Drive (9.8 acres) 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 be not 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.

BE IT FURTHER RESOLVED that the requested unusual use to permit 5 lakes be and the same is hereby approved, subject to the following conditions:

13. That the use permit shall be renewable annually by the Dade County Building and Zoning Department and upon review of the Department of Environmental Resources Management. Permit conditions may be modified by the County at each renewal. Permits shall be subject to cancellation upon violation of any of the conditions or when, in the opinion of the Dade County Zoning Appeals Board, after public hearing, it is determined that the use is detrimental and/or incompatible with the surrounding neighborhood.
14. That the applicant is advised that permits may be required from other local, state, and federal regulatory agencies (including Dade County Departments of Public Works and Environmental Resources Management, State Department of Environmental Regulation, South Florida Water Management District, US Army Corps of Engineers, etc.) prior to commencing the excavations.
15. That prior to excavation a report on soil borings taken on-site shall be submitted for preliminary review to the Department of Environmental Resources Management to determine if excavation to the requested depth may result in the displacement of layers of soft material (e.g. sand) and cause sinking of nearby properties. In addition, if hard rock is not encountered during excavation, the vertical cut shall be modified in such a manner that a stable side slope will be sustained.

BE IT FURTHER RESOLVED that the requested non-use variance of lot area requirements be and the same is hereby approved;

BE IT FURTHER RESOLVED that the requested district boundary change to BU-1A for that portion of the property on Sunset Drive (9.2 acres) be and the same is hereby withdrawn without prejudice;

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

The Zoning Director is hereby directed to make the necessary changes and 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 5th day of May, 1988.

May, 1988
No. 88-3-CC-12
5/16/88
mr

DADE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By Richard P. Brinker, Clerk
Deputy Clerk

This resolution transmitted to the Clerk of the Board of County Commissioners
on the 23rd day of MAY, 1988.