Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-11-13

WHEREAS, L F R LAND FAMILY LP & TUSCANY PLACE ASSOCIATES applied for the following:

(1) DELETION of the Declaration of Restrictions Recorded in Official Record Book 20749, pages 3683 – 3687.

The purpose of the above request is to allow the applicant to delete a Declaration of Restriction that was proffered in conjunction with a previously approved zone change in order to develop the property under the current Community Urban Center Regulations.

REQUEST #2 ON PARCELS B & C

(2) NON-USE VARIANCE to permit an aluminum fence with a height of 6' (3.5' maximum permitted) in front of the build-to-line.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "San Marino" as prepared by Burgos Lanza Architects & Planners, with sheet A0.03B dated stamped received 7/1/13 and sheet A0.05 dated stamped received 9/9/13 for a total of 2 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: PARCEL A: Tract A of TUSCANY PLACE, PB 159-95, less beginning 976.67 feet West & 35 feet North of E ¼ corner of Section continued N00° W67.57 feet, S 89° W 27.30 feet S 00° E 267.50 feet N 89° E27.34' to Point of Beginning. PARCEL B: Tract D of TUSCANY PLACE, PB159-95. PARCEL C: S ½ of the NE ¼ of the NE ¼ of the SE ¼ of Section 27, Township 56, Range 39.

LOCATION: Lying West of SW 137 Avenue, between SW 252 Street and theoretical SW 258 street, 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

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 deletion of the Declaration of Restrictions Recorded in Official Record Book 20749, pages 3683 – 3687 (Item #1), and the requested NON-USE VARIANCE to permit an aluminium fence with a height of 6' in front of the build-to-line on parcels B & C (Item #2) 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

WHEREAS, a motion to approve Items #1 and #2 was offered by Commissioner Sally A. Heyman, seconded by Commissioner Juan C. Zapata, and upon a poll of the members present the vote was as follows:

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

Rebecca Sosa absent

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the requested deletion of the Declaration of Restrictions Recorded in Official Record Book 20749, pages 3683 – 3687 (Item #1), and the requested NON-USE VARIANCE to permit an aluminium fence with a height of 6' in front of the build-to-line on parcels B & C (Item #2) 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 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, only as it applies to the fence, the same be substantially in accordance with that submitted for the hearing entitled ""San Marino" as prepared by Burgos Lanza Architects & Planners, with sheet A0.03B dated stamped received 07/01/13 and sheet A0.05 dated stamped received 09/09/13 for a total of 2 sheets

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

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.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 21st day of November, 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. 13-11-CC-1 (13-61)
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 6TH DAY OF DECEMBER, 2013.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

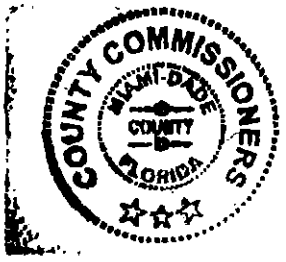
I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Regulatory and Economic Resources as designated by the Director of the Miami-Dade County Department of Regulatory and Economic Resources and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-11-13 adopted by said Board of County Commissioners at its meeting held on the 21st day of November, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 6th day of December, 2013.

Earl Jones

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

December 6, 2013

L F R Land Family LP & Tuscany Place Associates
c/o Graham Penn
200 South Biscayne Blvd, Suite 850
Miami, Florida 33131

Re: Hearing No. 13-11-CC-1
Location: Lying West of SW 137 Avenue, between SW 252 Street and theoretical SW 258 street, Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. Z-11-13, adopted by the by the Board of County Commissioners which approved Items #1 and 2 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 certifies 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 certifies(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 may be subject to annual renewal by this Department. Application for required permits and/of 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 Count Commission. The transmittal date is (DATE). 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,

Earl Jones
Deputy Clerk

Enclosure