

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-11-14

WHEREAS, TAMIAMI KENDALL INVESTMENTS, INC. applied to Community

Zoning Appeals Board 11 for the following:

- (1) DISTRICT BOUNDARY CHANGE from BU-1A, RU-3M to RU-4.
- (2) MODIFICATION of Paragraph #1 and #2 of Declaration of Restrictions recorded in Official Record Book 24909 Pages 1820-1825, reading as follows:

FROM: "(1) Controlling Site Plan. The Twin Lake Shores East and 127th Avenue Project shall be developed substantially in accordance with the site plans entitled "Twin Lake shores East" (SP-1, SP-2, L-1, and A-1 through A-10) as prepared by Bellon Millanes Architects and Planners, dated, signed and sealed March 15, 2006. Said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement (the "Plans")."

TO: "(1) Controlling Site Plan. The Three Lakes Project shall be developed substantially in accordance with the plans entitled "Three Lakes for: The Richman Group of Florida Inc." as prepared by MSA Architects, consisting of 17 sheets. Sheets A-0.1 & A-1.1 dated stamped received 3/26/14 and the remaining 15 sheets dated stamped received 1/29/14 and landscape plans entitled "Three Lakes" as prepared by Bruce Howard & Associates, Inc., consisting of 2 sheets. Sheet LP-1 dated stamped received 3/26/14 and sheet LD-1 dated stamped received 1/29/14, for a total of 19 sheets."

FROM: "(2) Residential Density Restriction. The maximum number of dwelling units on the Twin Lake Shores East Project shall be a total of 104 town home residential units."

TO: "(2) Residential Density Restriction. The maximum number of dwelling units on the Three Lakes Project shall be a total of 240 multi-family residential units."

- (3) DELETION of Declaration of Restrictions, recorded in Official Records Book 21213, Pages 3152-3168, only as it applies to the subject property.

The purpose of Request #2 & #3 is to allow the applicant to submit revised site plans showing a multi-family residential development and to increase the number of residential units in lieu of the previously approved townhouse development and to delete a Declaration of Restrictions on the approved commercial parcel which required, among

other things that the commercial development be approved through the Administrative Site Plan Review Process, limit the commercial uses allowed and required a 25' landscape buffer.

- (4) NON-USE VARIANCE to permit a multi-family development with 370 parking spaces (399 parking spaces required).
- (5) NON-USE VARIANCE to permit spacing between building walls of living units spaced a minimum of 22' (30' required)
- (6) NON-USE VARIANCE to permit two carport buildings to setback 69'-5" (75' required) from the front (south) property line and to be located in front of the principal building (not permitted).
- (7) NON-USE VARIANCE to permit a clubhouse to be located in front of the principal building (not permitted).
- (8) NON-USE VARIANCE to permit one-way drives with a minimum width of 11' (14' required).

The aforementioned plans are on file and may be examined in the Department of Regulatory and Economic Resources. Plans may be modified at public hearing.

SUBJECT PROPERTY: A portion of Southeast $\frac{1}{4}$ of Section 14, Township 55 South, Range 39 East, being more particularly described as follows: Begin at SE corner of the SE $\frac{1}{4}$ of said Section 14; thence S87°47'05"W along the South line of the SE $\frac{1}{4}$ of said Section 14 for 525.83 feet; thence N02°20'51"W 914.91 feet; thence N87°39'09"E along a line 448.00 feet South of and parallel with the North line of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 14 for 530.00 feet to East line of the SE $\frac{1}{4}$ of said Section 14; thence S02°05'10"E along said East line 916.13 feet to the Point of Beginning.

LOCATION: Lying North of SW 136 Street & West of SW 127 Avenue, MIAMI-DADE COUNTY, FLORIDA, and

WHEREAS, a public hearing of Community Zoning Appeals Board 11 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 for the following:

- (1) Controlling Site Plan. The Three Lakes Project shall be developed substantially in accordance with the plans entitled "Three Lakes for: The Richman Group of Florida Inc." as prepared by MSA Architects, consisting of 17 sheets. Sheets A-0.1 & A-1.1 dated stamped received 3/26/14 and the remaining 15 sheets dated stamped received 1/29/14 and landscape plans entitled "Three Lakes" as prepared by Bruce Howard & Associates, Inc., consisting of 2 sheets. Sheet LP-1 dated stamped

received 3/26/14 and sheet LD-1 dated stamped received 1/29/14, for a total of 19 sheets.

- (2) Residential Density Restriction. The maximum number of dwelling units on the Three Lakes Project shall be a total of 240 multi-family residential units.

WHEREAS, upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 11 that the requested district boundary change to RU-4 (Item #1) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and that the requested modification of Paragraph #1 and #2 of Declaration of Restrictions recorded in Official Record Book 24909 Pages 1820-1825 (Item #2) 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 that the requested deletion of Declaration of Restrictions, recorded in Official Records Book 21213, Pages 3152-3168, only as it applies to the subject property (Item #3), the non-use variance to permit a multi-family development with 370 parking spaces (Item #4), the non-use variance to permit spacing between building walls of living units spaced a minimum of 22' (Item #5), the non-use variance to permit two carport buildings to setback 69'-5" from the front (south) property line and to be located in front of the principal building (Item #6), the non-use variance to permit a clubhouse to be located in front of the principal building (Item #7), and the non-use variance to permit one-way drives with a minimum width of 11' (Item #8) would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and said application was denied without prejudice by Resolution No. CZAB11-4-14, and

WHEREAS, TAMAMI KENDALL INVESTMENTS, INC appealed the decision of Community Zoning Appeals Board 11 to the Board of County Commissioners for the

following:

- (1) DISTRICT BOUNDARY CHANGE from BU-1A, RU-3M to RU-4.
- (2) MODIFICATION of Paragraph #1 and #2 of Declaration of Restrictions recorded in Official Record Book 24909 Pages 1820-1825, reading as follows:

FROM: "(1) Controlling Site Plan. The Twin Lake Shores East and 127th Avenue Project shall be developed substantially in accordance with the site plans entitled "Twin Lake shores East" (SP-1, SP-2, L-1, and A-1 through A-10) as prepared by Bellon Millanes Architects and Planners, dated, signed and sealed March 15, 2006. Said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement (the "Plans")."

TO: "(1) Controlling Site Plan. The Three Lakes Project shall be developed substantially in accordance with the plans entitled "Three Lakes for: The Richman Group of Florida Inc." as prepared by MSA Architects, consisting of 17 sheets. Sheets A-0.1 & A-1.1 dated stamped received 3/26/14 and the remaining 15 sheets dated stamped received 1/29/14 and landscape plans entitled "Three Lakes" as prepared by Bruce Howard & Associates, Inc., consisting of 2 sheets. Sheet LP-1 dated stamped received 3/26/14 and sheet LD-1 dated stamped received 1/29/14, for a total of 19 sheets."

FROM: "(2) Residential Density Restriction. The maximum number of dwelling units on the Twin Lake Shores East Project shall be a total of 104 town home residential units."

TO: "(2) Residential Density Restriction. The maximum number of dwelling units on the Three Lakes Project shall be a total of 240 multi-family residential units."

- (3) DELETION of Declaration of Restrictions, recorded in Official Records Book 21213, Pages 3152-3168, only as it applies to the subject property.

The purpose of Request #2 & #3 is to allow the applicant to submit revised site plans showing a multi-family residential development and to increase the number of residential units in lieu of the previously approved townhouse development and to delete a Declaration of Restrictions on the approved commercial parcel which required, among other things that the commercial development be approved through the Administrative Site Plan Review Process, limit the commercial uses allowed and required a 25' landscape buffer.

- (4) NON-USE VARIANCE to permit a multi-family development with 370 parking spaces (399 parking spaces required).
- (5) NON-USE VARIANCE to permit spacing between building walls of living units spaced a minimum of 22' (30' required)

- (6) NON-USE VARIANCE to permit two carport buildings to setback 69'-5" (75' required) from the front (south) property line and to be located in front of the principal building (not permitted).
- (7) NON-USE VARIANCE to permit a clubhouse to be located in front of the principal building (not permitted).
- (8) NON-USE VARIANCE to permit one-way drives with a minimum width of 11' (14' required).

The aforementioned plans are on file and may be examined in the Department of Regulatory and Economic Resources. Plans may be modified at public hearing.

SUBJECT PROPERTY: A portion of Southeast ¼ of Section 14, Township 55 South, Range 39 East, being more particularly described as follows: Begin at SE corner of the SE ¼ of said Section 14; thence S87°47'05"W along the South line of the SE ¼ of said Section 14 for 525.83 feet; thence N02°20'51"W 914.91 feet; thence N87°39'09"E along a line 448.00 feet South of and parallel with the North line of the SE ¼ of the SE ¼ of said Section 14 for 530.00 feet to East line of the SE ¼ of said Section 14; thence S02°05'10"E along said East line 916.13 feet to the Point of Beginning.

LOCATION: Lying North of SW 136 Street & West of SW 127 Avenue, MIAMI-DADE COUNTY, FLORIDA, and

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

- (3) Controlling Site Plan. The Three Lakes Project shall be developed substantially in accordance with the plans entitled "Three Lakes for: The Richman Group of Florida Inc." as prepared by MSA Architects, consisting of 17 sheets. Sheets A-0.1 & A-1.1 dated stamped received 3/26/14 and the remaining 15 sheets dated stamped received 1/29/14 and landscape plans entitled "Three Lakes" as prepared by Bruce Howard & Associates, Inc., consisting of 2 sheets. Sheet LP-1 dated stamped received 3/26/14 and sheet LD-1 dated stamped received 1/29/14, for a total of 19 sheets.
- (4) Residential Density Restriction. The maximum number of dwelling units on the Three Lakes Project shall be a total of 240 multi-family residential units.

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, after reviewing the record and decision of the Miami-Dade County Zoning Appeals Board 11 and after having given an opportunity for interested parties to be heard, it is the opinion of the Board of County Commissioners, Miami-Dade County, Florida, that that the grounds and reasons alleged by the appellants specified in the appeal were sufficient to merit a reversal of the ruling made by the Zoning Appeals Board in Resolution No. CZAB11-4-14 and that the appeal should be approved, and that the decision of Community Zoning Appeals Board 11 should be overruled, and

WHEREAS, it is the opinion of the Board of County Commissioners, Miami-Dade County, Florida that the requested district boundary change to RU-4 (Item #1) would be consistent with the COMPREHENSIVE DEVELOPMENT MASTER PLAN and would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the proffered Declaration of Restrictions should be accepted, and

WHEREAS, the requested modification of Paragraph #1 and #2 of Declaration of Restrictions recorded in Official Record Book 24909 Pages 1820-1825 (Item #2) would be compatible with the area and its development 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 deletion of Declaration of Restrictions, recorded in Official Records Book 21213, Pages 3152-3168, only as it applies to the subject property (Item #3), the non-use variance to permit a multi-family development with 370 parking spaces (Item #4), the non-use variance to permit spacing

between building walls of living units spaced a minimum of 22' (Item #5), the non-use variance to permit two carport buildings to setback 69'-5" from the front (south) property line and to be located in front of the principal building (Item #6), the non-use variance to permit a clubhouse to be located in front of the principal building (Item #7), and the non-use variance to permit one-way drives with a minimum width of 11' (Item #8) 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 conditions for Items #2 through Item #8 should be accepted on a modified basis to reflect the modification of Condition #3 to require the applicant to install and maintain the required landscaping along the property lines prior to obtaining a Certificate of Occupancy, and the addition of Condition #4 to require that the applicant shall construct and maintain a 6-foot wall along the north and west property line, and

WHEREAS, a motion to grant the appeal and overrule the decision of Community Zoning Appeals Board 11, accept the proffered Declaration of Restrictions, approve Item #1, approve Items #2 through Item #8 with conditions, on a modified basis to include the modification of Condition #3 and the addition of Condition #4 as described above, was offered by Commissioner Dennis C. Moss, seconded by Commissioner Audrey M. Edmonson, and upon a poll of the members present the vote was as follows:

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

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal be and the same is hereby approved and the decision of Community Zoning Appeals Board 11 is overruled, and that Resolution No. CZAB11-4-14 is hereby null and void.

BE IT FURTHER RESOLVED that the requested district boundary change to RU-4 be and the same is hereby approved and said property is hereby zoned accordingly.

BE IT FURTHER RESOLVED that the requested modification of Paragraph #1 and #2 of Declaration of Restrictions recorded in Official Record Book 24909 Pages 1820-1825 (Item #2), and the deletion of Declaration of Restrictions, recorded in Official Records Book 21213, Pages 3152-3168, only as it applies to the subject property (Item #3), the non-use variance to permit a multi-family development with 370 parking spaces (Item #4), the non-use variance to permit spacing between building walls of living units spaced a minimum of 22' (Item #5), the non-use variance to permit two carport buildings to setback 69'-5" from the front (south) property line and to be located in front of the principal building (Item #6), the non-use variance to permit a clubhouse to be located in front of the principal building (Item #7), and the non-use variance to permit one-way drives with a minimum width of 11' (Item #8) be and the same are hereby approved, subject to the following conditions, as amended by the Board of County Commissioners at the hearing:

Conditions for Item #2 through Item #8 Only

1. That all other paragraphs of Declaration of Restrictions, recorded in Official Records Book 24909 Pages 1820-1825 remain in full force and effect except as herein modified.
2. That the carports not be enclosed in any manner for habitable space and remain for the parking of vehicles only.
3. That the applicant shall install and maintain all the required landscaping along the property lines prior to obtaining a Certificate of Occupancy (Modified by the Board).

4. That the applicant shall construct and maintain a 6-foot high wall along the north and west property line (Added by the Board).

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 that the requested modification of Paragraph #1 and #2 of Declaration of Restrictions recorded in Official Record Book 24909 Pages 1820-1825 (Item #2), the deletion of Declaration of Restrictions, recorded in Official Records Book 21213, Pages 3152-3168, only as it applies to the subject property (Item #3), shall read as follows:

- "(1) Controlling Site Plan. The Three Lakes Project shall be developed substantially in accordance with the plans entitled "Three Lakes for: The Richman Group of Florida Inc." as prepared by MSA Architects, consisting of 17 sheets. Sheets A-0.1 & A-1.1 dated stamped received 3/26/14 and the remaining 15 sheets dated stamped received 1/29/14 and landscape plans entitled "Three Lakes" as prepared by Bruce Howard & Associates, Inc., consisting of 2 sheets. Sheet LP-1 dated stamped received 3/26/14 and sheet LD-1 dated stamped received 1/29/14, for a total of 19 sheets."
- "(2) Residential Density Restriction. The maximum number of dwelling units on the Three Lakes Project shall be a total of 240 multi-family residential units."

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 17th day of July, 2014, 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. 14-5-CZ11-1
rd

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 29TH DAY OF JULY, 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 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-11-14 adopted by said Board of County Commissioners at its meeting held on the 17th day of July, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 29th day of July, 2014.



Rosa Davis, Deputy Clerk (218345)
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

July 29, 2014

Tamiami Kendall Investments, Inc.
c/o Linda Christian-Cruz
333 SE 2 Avenue
Miami, FL 33131

Re: Hearing No. 14-5-CZ11-1 (13-083)
Location: Lying North of SW 136 Street, & West of SW 127 Avenue, Miami-Dade County, Florida.

Dear Applicant:

Enclosed herewith is Resolution No. **Z-11-14**, adopted by the by the Board of County Commissioners which: **approved the appeal and overruled the decision of Community Zoning Appeals Board 11; accepted the proffered Declaration of Restrictions; approved the request for a district boundary change to RU-4 (Item #1); and approved the balance of your application (Items 2 through Item #8) with conditions, as modified at the hearing.** 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.

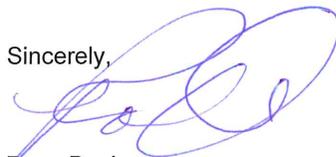
If there are anticipated changes from any plan submitted for the hearing, a plot use plan is to be submitted to this Department in triplicate before any detailed plans are prepared, in as much as building permits will not be issued prior to the approval of said plan.

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 **July 29, 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