

**RESOLUTION NO. CZAB11-30-06**

WHEREAS, TAMIAMI KENDALL INVESTMENT, INC. applied for the following:

- (1) BU-1A to RU-3M
- (2) DELETION of a Declaration of Restrictions recorded in Official Records Book 21213, Pages 3152 – 3168, only as it applies to the subject property.

The purpose of this request is to permit the applicant to delete a covenant for a previously approved commercial parcel which required, among other things, that the commercial development be approved through the Administrative Site Review Process, limited the commercial uses allowed and required a 25' landscape buffer.

Upon demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(7) (Generalized Modification Standards or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

SUBJECT PROPERTY: A portion of the SE ¼ of the SE ¼ of Section 14, Township 55 South, Range 39 East, being more particularly described as follows:

Begin at the southeast corner of Tract "A," of COURTS AT TUSCANY, Plat book 162, Page 87, said point lying on the north Right-of-Way line of S.W. 136<sup>th</sup> Street; thence run the following courses and distances along the boundary line of said COURTS AT TUSCANY: N02°20'50"W for 874.91'; thence N87°39'09"E for 490', said point lying 40' west of, as measured at right angles to, the east line of the said SE ¼ of Section 14; thence departing the said boundary line of COURTS AT TUSCANY run S02°05'11"E along a line that is 40' west of, and parallel with, the said east line of the SE ¼ of Section 14 for 620.45'; thence S87°39'09"W for 257.17'; thence S02°20'50"E for 255' to a point on the aforesaid north Right-of-Way line of S.W. 136<sup>th</sup> Street; thence S87°47'05"W along the said north Right-of-Way line of S.W. 136<sup>th</sup> Street for 230' to the Point of beginning.

LOCATION: Lying west of theoretical S.W. 127 Avenue and north of S.W. 136 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County 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

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

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*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 principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the requested deletion of a Declaration of Restrictions recorded in Official Records Book 21213, Pages 3152 – 3168, only as it applies to the subject property (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

*WHEREAS*, a motion to approve Items #1 & 2 was offered by Thomas J. Schramm, seconded by Domingo Castillo, and upon a poll of the members present the vote was as follows:

Roy Bustillo	nay	Frank Irizarry	aye
Domingo Castillo	aye	Thomas J. Schramm	aye
Miguel Cervera	aye		
	Patrick M. Fiore	aye	

*NOW THEREFORE BE IT RESOLVED* by the Miami-Dade County Community Zoning Appeals Board 11, that the requested district boundary change to RU-3M (Item #1) be and the same is hereby approved and said property is hereby zoned accordingly.

*BE IT FURTHER RESOLVED* that the requested deletion of a Declaration of Restrictions recorded in Official Records Book 21213, Pages 3152 – 3168, only as it applies to the subject property (Item #2) be and the same is hereby approved, subject to the following condition:

1. That the applicant submit a fully executed Declaration of Restrictions within thirty (30) days of final approval of this application, unless a time extension is granted for good cause shown.

*BE IT FURTHER RESOLVED*, notice is hereby given to the applicant that the approval 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 changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

*PASSED AND ADOPTED* this 6<sup>th</sup> day of July, 2006.

Hearing No. 06-6-CZ11-7  
ls

STATE OF FLORIDA

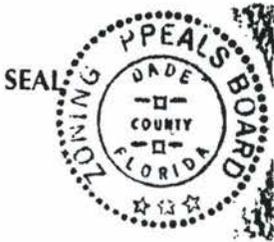
COUNTY OF MIAMI-DADE

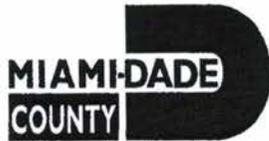
I, Luis Salvat, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 11, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB11-30-06 adopted by said Community Zoning Appeals Board at its meeting held on the 6<sup>th</sup> day of July 2006.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 18<sup>th</sup> day of July, 2006.



Luis Salvat, Deputy Clerk (2678)  
Miami-Dade County Department of Planning and Zoning





Department of Planning and Zoning  
 Stephen P. Clark Center  
 111 NW 1st Street • Suite 1210  
 Miami, Florida 33128-1902  
 T 305-375-2800

June 18, 2006

miamidade.gov

- ADA Coordination
- Agenda Coordination
- Animal Services
- Art in Public Places
- Audit and Management Services
- Aviation
- Building
- Building Code Compliance
- Business Development
- Capital Improvements
- Citizens' Independent Transportation Trust
- Commission on Ethics and Public Trust
- Communications
- Community Action Agency
- Community & Economic Development
- Community Relations
- Consumer Services
- Corrections & Rehabilitation
- Cultural Affairs
- Elections
- Emergency Management
- Employee Relations
- Empowerment Trust
- Enterprise Technology Services
- Environmental Resources Management
- Fair Employment Practices
- Finance
- Fire Rescue
- General Services Administration
- Historic Preservation
- Homeless Trust
- Housing Agency
- Housing Finance Authority
- Human Services
- Independent Review Panel
- International Trade Consortium
- Juvenile Services
- Medical Examiner
- Metro-Miami Action Plan
- Metropolitan Planning Organization
- Park and Recreation
- Planning and Zoning**
- Police
- Procurement Management
- Property Appraisal
- Public Library System
- Public Works
- Safe Neighborhood Parks
- Seaport
- Solid Waste Management
- Strategic Business Management
- Team Metro
- Transit
- Task Force on Urban Economic Revitalization
- Vizcaya Museum And Gardens
- Water & Sewer

Tamiami Kendall Investment, Inc.  
 c/o Miguel Diaz de la Portilla, Esq.  
 Adorno & Yoss  
 2525 Ponce de Leon Blvd., Suite 400  
 Miami, FL 33134

Re: Hearing No. 06-6-CZ11-7 (05-378)  
 Location: West of theoretical SW 127 Avenue and north of  
 SW 136 Street, Miami-Dade County, Florida

Dear Mr. De la Portilla:

Enclosed is Resolution No. CZAB11-30-06, adopted by Miami-Dade County's Community Zoning Appeals Board #11, which granted your client's request for a district boundary change to RU-3M, and deletion of a declaration of restrictions only as applied to the subject property, on the above-noted location.

Please note that any aggrieved party may appeal the Board's decision to the Board of County Commissioners, within 14 days from the date of posting on the 11<sup>th</sup> floor of the Stephen P. Clark Building, 111 N.W. 1<sup>st</sup> Street, Miami, FL 33128. The date of posting was July 10, 2006.

To find out whether an appeal has been filed contact the Zoning Hearings office at the address noted above or call (305) 375-2640. If an appeal has been received, any action undertaken during the appeal period is at the applicant's risk.

Cordially,

Lou Salvat  
 Deputy Clerk

Enclosure

*Delivering Excellence Every Day*

**RESOLUTION NO. CZAB11-14-03**

WHEREAS, TAMIAMI KENDALL INV., INC., ET AL had applied to Community Zoning Appeals Board 11 for the following:

- (1) GU & IU-C to RU-4L
- (2) SPECIAL EXCEPTION to permit site plan approval for a residential development.

REQUESTS #1 & #2 ON EXHIBIT " A "

- (3) GU & IU-C to RU-4L
- (4) SPECIAL EXCEPTION to permit site plan approval for a residential development.
- (5) NON-USE VARIANCE OF SETBACK REQUIREMENTS to permit one building to setback 5' (15' required) from the interior side (north) property line.

REQUESTS #3 THROUGH #5 ON EXHIBIT " B "

- (6) IU-C to BU-1A
- (7) SPECIAL EXCEPTION to permit site plan approval for a commercial development.
- (8) NON-USE VARIANCE OF ZONING REGULATIONS requiring a solid wall between a residential and commercial zoned property; to waive same to allow a proposed wall with multiple openings for ingress and egress.

REQUESTS #6 THROUGH #8 ON EXHIBIT " C "

- (9) NON-USE VARIANCE OF ZONING REGULATIONS to permit a back out space of 11' (22' required).

REQUEST #9 ON OUT PARCELS 1 & 2 (EXHIBIT " C ")

- (10) UNUSUAL USE to permit a lift station with a generator building.
- (11) NON-USE VARIANCE OF SETBACK REQUIREMENTS to permit the generator building to setback 15' (25' required) from the front (east) and rear (west) property lines.
- (12) NON-USE VARIANCE OF LOT AREA REQUIREMENTS to permit the lift station site with an area of 3,850 sq. ft. (10,000 sq. ft. minimum required).
- (13) NON-USE VARIANCE OF ZONING AND SUBDIVISION REGULATIONS requiring lots to have frontage on a public street; to waive same to permit 0' frontage (100' required) and to have access to a public street by means of a private drive.

(60)

parcel C

A plan is on file and may be examined in the Zoning Department entitled "Trail Park," as prepared by BGA Design Group, consisting of 21 sheets and dated 9/29/99. Plans may be modified at public hearing.

SUBJECT PROPERTY: EXHIBIT "A": The north 448' of the SE ¼ of the SE ¼ of Section 14, Township 55 South, Range 39 East. AND: EXHIBIT "B": That portion of the SE ¼ of the SE ¼ of Section 14, Township 55 South, Range 39 East, more particularly described as follows:

Commence at the Southeast corner of the SE ¼ of the SE ¼ of said Section 14; thence run S87°47' 4"W along the south line of the SE ¼ of said Section 14, for a distance of 525.83' to the Point of beginning of the parcel of land hereinafter described; thence continue S87°47' 4' W along the south line of the SE ¼ of said Section 14, for a distance of 791.82' to a point; thence run N2°39' 59"W along the west line of the SE ¼ of the SE ¼ of said Section 14 for a distance of 913.1' to a point; thence run N87°39' 9"E along a line 448' south of and parallel with the north line of the SE ¼ of the SE ¼ of said of Section 14, for a distance of 796.9' to a point; thence run S2°20' 51"E for a distance of 914.91' to the Point of beginning. AND: EXHIBIT "C": That portion of the SE ¼ of the SE ¼ of Section 14, Township 55 South, Range 39 East, more particularly described as follows:

Begin at the Southeast corner of the SE ¼ of the SE ¼ of said Section 14; thence run S87°47' 4"W along the south line of the SE ¼ of said Section 14, for a distance of 525.83' to a point; thence run N2°20' 51' W for a distance of 914.91' to a point; thence run N87°39' 9"E along a line 448' south of and parallel with the north line of the SE ¼ of the SE ¼ of said Section 14, for a distance of 530' to a point; thence run S2°5' 11"E along the east line of the SE ¼ of said Section 14 for a distance of 916.13' to the Point of beginning. AND: EXHIBIT "D" - PARCEL B-2 (Lift State Site): That portion of the SE ¼ of the SE ¼ of Section 14, Township 55 South, Range 39 East, more particularly described as follows:

Commence at the Southeast corner of the SE ¼ of the SE ¼ of said Section 14; thence run S87°47' 4' W along the south line of the SE ¼ of said Section 14; for a distance of 525.83' to a point; thence run N2°20' 51"W for a distance of 774.91' to the Point of beginning of the parcel of land hereinafter described; thence continue N2°20' 51"W for a distance of 70' to a point; thence run S87°39' 9"W for a distance of 55' to a point; thence run S2°20' 51"E for a distance of 70' to a point; thence run N87°39' 9"E for a distance of 55' to the Point of beginning.

LOCATION: From S.W. 132 Street to S.W. 136 Street and from S.W. 127 Avenue to S.W. 129 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, at which time the applicant proffered a Declaration of Restrictions which among other things provided:

1. **Site Plan:** The Property shall be developed substantially in accordance with that plan submitted with the application entitled, " Trail Walk," as prepared by BGA Design Group, consisting of 33 sheets and stamped received 9-12-2000.

2. **Use restrictions:** Notwithstanding the approval of the Application, and subject to all applicable Code requirements, the Owner agrees to limit the use of the Property to those uses listed below which are intended to serve the firms and workers in the surrounding industrial and office areas:

- Antique Shops.
- Apparel stores.
- Art good stores, artist studios and photograph shops and galleries.
- Bakeries, retail only.
- Banks.
- Beauty parlors.
- Barber shops.
- Cellular phones and accessories sales.
- Computers and accessories sales.
- Confectionery, ice-cream and dairy stores.
- Dairy stores.
- Drugstores.
- Florist shops.
- Grocery stores, fruit stores, health food stores, delicatessen, meat and fish markets and other similar food stores.
- Leather goods and luggage shops.
- Mail order offices, without storage of products sold.
- Newsstand.
- Offices.
- Office supplies and equipment sales.

- Optical stores.
- Restaurants and coffee houses dining room where kitchen is screened or located altogether within an enclosed building or room and with ample provision for carrying away or dissipating fumes, odors, smoke or noise and where the premises are so arranged and the business is so conducted as not to be offensive or obnoxious to occupants of adjoining premises or to passersby. Restaurants and outdoor (where approved by public hearing) cafe' s may service alcoholic beverages where such service is strictly incidental to the service of food and from a service bar only provided no entertainment of any kind is furnished. No sign of any type or character shall be exhibited or displayed to the outside denoting that alcoholic beverages are obtained within.
- Fast food restaurants.
- Self-service post office, which contains mechanical or computer equipment designed to provide limited service post office for walk up trade.
- Shoe store repair shops.
- Sporting good stores.
- Tailor shops.
- Tile Showroom, including retail sales.
- Tobacco Shops.
- Variety stores.
- Outside walk-up window service (no outside stools, chairs or tables), in connection with establishments where the principal use is selling food and drink products, and where a sidewalk of at least seven (7) feet in width abuts the store unit concerned.
- Automobile tires, batteries and accessories (new) retail only, installation permitted.
- Gasoline Station.
- Automobile washing.
- Billiard rooms and pool rooms.
- Dry cleaning establishments, using non-flammable solvents in self-contained dry cleaning units of the Prosperity type of Dedrick type or an equal

approved by the Director, provided such establishments contain not more than four thousand (4,000) square feet of floor area.

- Electrical appliance and fixtures stores including related repair shops.
- Employment agencies.
- Post office stations and branches operated by postal service employees or agents, which directly serve the public.
- Printing Shops.
- Tailor Shops.
- Any other use acceptable to the Planning and Zoning Director.

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 changes to RU-4L (Items #1 & 3) and BU-1A (Item #6) 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 special exceptions (Items #2, 4 & 7), non-use variances of setback requirements (Items #5 & 11), non-use variances of zoning regulations (Items #8 & 9), unusual use (Item #10), non-use variance of lot area requirements (Item #12), and non-use variance of zoning and subdivision regulations (Item #13) would be compatible with the area and its development and 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 that the requested special exceptions (Items #2, 4 & 7) and unusual use (Item #10) would not have an adverse impact upon the public interest and should be approved, and that the proffered Declaration of Restrictions should be accepted, and said application was approved by Resolution No. CZAB11-29-00, and

WHEREAS, SCOT CARTER had appealed the decision of Community Zoning

Appeals Board 11 to the Board of County Commissioners for the following:

- (1) GU & IU-C to RU-4L
- (2) SPECIAL EXCEPTION to permit site plan approval for a residential development.  
REQUESTS #1 & #2 ON EXHIBIT " A"
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LOCATION: From S.W. 132 Street to S.W. 136 Street and from S.W. 127 Avenue to S.W. 129 Avenue, Miami-Dade County, Florida, and

*WHEREAS*, after reviewing the record and decision of Community Zoning Appeals Board 11 and after having given an opportunity for interested parties to be heard, it was the opinion of the Board that the ruling made by Community Zoning Appeals Board 11 in Resolution No. CZAB11-29-00 should be vacated and that the matter be remanded back to Community Zoning Appeals Board 11, and said application was remanded by Resolution Z-3-01, and

WHEREAS, TAMIAMI KENDALL INV. INC. ET AL applied to Community Zoning

Appeals Board 11 for the following:

- (1) GU & IU-C to RU-3M

REQUEST #1 ON EXHIBITS " A " & " B "

- (2) IU-C to BU-1A

REQUEST #2 ON EXHIBIT " C "

SUBJECT PROPERTY: EXHIBIT " A ": The north 448' of the SE ¼ of the SE ¼ of Section 14, Township 55 South, Range 39 East. AND: EXHIBIT " B ": That portion of the SE ¼ of the SE ¼ of Section 14, Township 55 South, Range 39 East, more particularly described as follows: Commence at the Southeast corner of the SE ¼ of the SE ¼ of said Section 14; thence run S87°47' 4"W along the south line of the SE ¼ of said Section 14, for a distance of 525.83' to the Point of beginning of the parcel of land hereinafter described; thence continue S87°47' 4' W along the south line of the SE ¼ of said Section 14, for a distance of 791.82' to a point; thence run N2°39' 59"W along the west line of the SE ¼ of the SE ¼ of said Section 14 for a distance of 913.1' to a point; thence run N87°39' 9"E along a line 448' south of and parallel with the north line of the SE ¼ of the SE ¼ of said of Section 14, for a distance of 796.9' to a point; thence run S2°20' 51"E for a distance of 914.91' to the Point of beginning. AND: EXHIBIT " C ": That portion of the SE ¼ of the SE ¼ of Section 14, Township 55 South, Range 39 East, more particularly described as follows:

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LOCATION: From S.W. 132 Street to S.W. 136 Street and from S.W. 127 Avenue to S.W. 129 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County 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, at which time the applicant proffered a Declaration of Restrictions which among other things provided:

1. **Site Plan.** (a) The Property shall be developed in substantial accordance with the plans entitled "The Courts at Tuscany," as prepared by Oliva-Meoz Architects Planners, Inc., dated stamped received November 20, 2002, and consisting of six (6) sheets, as may be modified at the public hearing on the Application (the "Plan").

(b) Prior to the final zoning inspection for any dwelling unit on the Property that backs up to SW 136<sup>th</sup> Street, the Owner shall install and, thereafter, maintain a twenty-five foot (25') wide, continuous (except for points of ingress and egress) landscape buffer along SW 136<sup>th</sup> Street. Said landscape buffer shall consist, at a minimum, of the following: a three feet (3') high earthen berm; a six feet (6') high green or black vinyl clad chain link fence to be installed at the top of the berm; a hedge (either ficus, orange jasmine or any such other species as may be acceptable to the Department of Planning and Zoning) to be planted on the street side of the fence at a height of three (3) to four (4) feet at the time of planting; and trees (either green buttonwood, mahogany or such other species as may be acceptable to the Department of Planning and Zoning) to be planted at a minimum height of twelve (12) to fourteen (14) feet and no farther than twenty-five (25) feet on center.

2. **Density Restriction.** The density on the Property shall be limited to three hundred twenty-four (324) townhomes.
3. **Noise Level Reduction.** All of the residential dwelling units within the Property shall incorporate at least a 25 decibel (db) Noise Level Reduction (NLR) into the design and construction of said structures.
4. **Airport and County Protection From New Residential Development Within the 65 NL Noise Contour or Greater, OLZ and OSZ Areas.** The Owner reserves unto itself, its successors, and assigns, for the use and benefit of the public, a right of flight passage of aircraft in the airspace above the surface of the Property, together with the right to cause in said airspace such noise as may be inherent in the operation of aircraft, now known or hereafter used, for navigation of or flight in said airspace, and for use of said airspace for landing on, taking off from, or operating on the Kendall Tamiami Executive Airport ("KTEA").

The Owner expressly agrees for itself, its successors, and assigns to restrict the height of structures, objects of natural growth, and other obstructions on the Property to such a height so as to comply with Federal Aviation Regulations, Part 77.

The Owner expressly agrees for itself, its successors, and assigns, to prevent any use of the Property described herein that would interfere with or adversely affect the operation or maintenance of KTEA, or otherwise constitute an airport hazard.

5. **Notice Requirements.**

- A. The Owner shall include the following notice (the "Notice") in every contract for the sale of any dwelling unit within the Property:

THIS PROPERTY IS LOCATED IN CLOSE PROXIMITY TO THE KENDALL TAMiami EXECUTIVE AIRPORT ("KTEA"). AS SUCH, THE PROPERTY AND THE FUTURE RESIDENTS MAY EXPERIENCE DIRECT OVERFLIGHTS AT LOW ALTITUDES CREATING NOISE DURING DAYTIME AND NIGHTTIME HOURS.

- B. The Owner shall cause every prospective purchaser to acknowledge in writing receipt of the Notice, which acknowledgement may be included in the contract for sale and purchase for each dwelling unit or may be provided by separate instrument prior to or simultaneously with the execution of any such contract. The Notice shall also be prominently displayed in the sales office for the subdivision.
- C. Prior to the approval of a final plat for the Property, the Owner shall record an instrument in the Public Records of Miami-Dade County, which instrument shall run with title to the Property and be binding on the Owner's successors and assigns and shall provide the following restrictions:

THE PROPERTY IS LOCATED IN CLOSE PROXIMITY TO THE KENDALL TAMiami EXECUTIVE AIRPORT ("KTEA"). AS SUCH, THE PROPERTY AND THE FUTURE RESIDENTS MAY EXPERIENCE DIRECT OVERFLIGHTS AT LOW ALTITUDES CREATING NOISE DURING DAYTIME AND NIGHTTIME HOURS. FURTHER, THE OWNER, ON BEHALF OF ITSELF AND ITS SUCCESSORS AND ASSIGNS, HEREBY WAIVES ANY OBJECTIONS TO ANY FUTURE EXPANSION OF KTEA'S 9L/27R AND 9R/27L RUNWAYS.

6. **Restrictions and ASPR Approval for Commercial Parcel.** Notwithstanding the approval of the Application, and subject to all applicable Code requirements, the Owner agrees to limit the use of that certain parcel of land which is depicted on the Plan as "Parcel C" (the "Commercial Parcel") as follows:
- A. **ASPR Approval of Development Plans.** Notwithstanding the BU-1A zoning classification of the Commercial Parcel, prior to the issuance of a building permit for any improvements within the Commercial Parcel, the Owner shall submit to the Miami-Dade County Planning and Zoning Department a separate application for ASPR approval of the site development plans for the Commercial Parcel. Said plans shall include, at a minimum, the installation of a landscape buffer along the entire frontage of the Commercial Parcel with SW 136<sup>th</sup> Street, at least twenty-five feet (25') in width (the "Landscaped Buffer"). Prior to the issuance of a certificate of use and occupancy, the Landscaped Buffer shall be improved, and thereafter maintained, in the same manner as the landscaping shown on the Plan along SW 136<sup>th</sup> Street for the residentially zoned portions of the Property.

**B. Use Restrictions for Commercial Parcel.** Notwithstanding the approval of the Application, and subject to all applicable Code requirements, the Owner agrees to limit the use of the Commercial Parcel to those uses listed below:

- Apparel stores
- Automobile tires, batteries, and accessories (new) retail only, installation permitted.
- Automobile washing
- Bakeries, retail only
- Banks, including drive-in teller service
- Barber shops
- Beauty parlors
- Cellular phones and accessories sales
- Computers and accessories sales
- Confectionery, ice cream, and dairy stores
- Dairy stores
- Drugstores with photo and retail sales
- Dry cleaning establishments, using nonflammable solvents in self-contained dry cleaning units of the Prosperity type or Dedrick type or an equal approved by the Director, provided such establishments contain not more than four thousand (4,000) square feet of floor area.
- Employment agencies
- Fast food restaurants
- Florist shops
- Gasoline station with mini-mart & car wash
- Grocery stores, fruit stores, health food stores, delicatessen, meat and fish markets, and other similar food stores
- Hardware stores
- Health and exercise club
- Interior design shops
- Jewelry stores, including incidental sales and purchases of used jewelry
- Mail order offices, without storage or products sold

- Newsstands
- Offices
- Office supplies and equipment sales
- Optical stores
- Outdoor sitting area for restaurants
- Outside walk-up window service in connection with establishments where the principal use is selling food and drink products, and where a sidewalk of at least seven (7) feet in width abuts the store unit concerned.
- Post office stations and branches operated by postal service employees or agents that directly serve the public
- Printing and copy services and supplies
- Restaurants and coffee housing dining rooms with outdoor seating where kitchen is screened or located altogether within an enclosed building or room and with ample provision for carrying away or dissipating fumes, odors, smoke, or noise and where premises are so arranged and the business is so conducted as not to be offensive or obnoxious to occupants of adjoining premises or to passerby. Restaurants and outdoor (where approved by public hearing) cafes may serve alcoholic beverages where such service is strictly incidental to the service of food and from service bar only provided no entertainment of any kind is furnished. No sign of any type or character shall be exhibited or displayed to the outside denoting that alcoholic beverages are obtainable within.
- Self-service post office, which contains mechanical or computer equipment designed to provide limited service post office for walk up trade.
- Shoe stores and shoe repair shops
- Tailor shops
- Variety stores

C. **Hours of Operation and Loading Hours.** No retail or office establishment on the Property may be open to the public earlier than 7:00 AM or later than 11:00 PM. Further, no loading area may be operated other than during the hours of 6:00 AM - 9:00 PM on weekdays, and 9:00 AM - 9:00 PM, on Saturdays.

D. **Sign Restrictions.** To the extent that the Owner desires to install a free standing, point of sale sign on the Property, any such sign shall be of a monument type and shall be limited to a height of six feet (6'). In addition,

no sign may be placed on the second story of any structure facing the southern property line.

- E. **Lighting Restrictions.** The Owner agrees that the light standards that will be utilized on the Property shall be designed and operated in accordance with the Miami-Dade County Code.
  - F. **Minimum Setbacks.** Any building that may be developed on the Property shall be setback at least fifty feet (50') from the southern property line. In addition, no trash enclosure may be placed within fifty feet (50') of the southern property line.
  - G. **Maintenance Standards.** The Owner shall be responsible for the maintenance of the Property free of refuse or debris so as to prevent any adverse impact in the adjacent residential areas and for the maintenance of all landscaping within the Property.
  - H. **Loudspeakers.** The use of outdoor loudspeakers anywhere within the Property shall be prohibited.
  - I. **Height Restrictions.** No structure within the Commercial Parcel may exceed two stories in height.
  - J. **Trash Containers.** All trash containers at the Property shall be fully enclosed on all sides by structural elements.
  - K. **Architectural Design of Premises.** In consideration of the proximity of the Property to a residential neighborhood, any building that may be developed on the Property shall be designed and maintained in a manner that is compatible with the surrounding residential community. At a minimum, any such building shall have a barrel tile roof and shall be painted in a color or colors that are in harmony with the prevailing colors in the area at the time of the construction of the building.
  - L. **Curb Cut and Truck Traffic Restrictions.** Only two curb cuts shall be allowed on SW 136 Street within the Commercial Parcel. Further, delivery trucks shall be prohibited from entering or exiting the Commercial Parcel through SW 136 Street.
7. **Final Zoning Inspections Withheld.** No final zoning inspection shall be granted for any dwelling unit within the Property, except for sales trailers and model units, until August 1, 2004.
8. **Improvement of SW 136<sup>th</sup> Street and SW 127<sup>th</sup> Avenue.** Prior to the final zoning inspection for any dwelling unit on the Property, the Owner shall improve those portions of SW 136<sup>th</sup> Street and SW 127<sup>th</sup> Avenue along the entire frontage of the Property. Said roadway improvements shall be approved and constructed in accordance with the requirements of the Public Works Department.

9. **Improvement of SW 127<sup>th</sup> Avenue.** The Owner shall use its best efforts to secure the right-of-way necessary for the construction of two lanes of a future four lane roadway on SW 127<sup>th</sup> Avenue, from SW 124<sup>th</sup> Street to SW 128<sup>th</sup> Street. Prior to the final zoning inspection for the 100<sup>th</sup> dwelling unit, the Owner shall design and then construct or cause the construction of said roadway improvement. The obligation to construct said roadway improvement shall be subject to (1) the availability of right-of-way and (2) the Director's approval of an application for a contribution in lieu of impact fees, as provided in Chapter 33E of the Code of Miami-Dade County for the cost of the design and construction of the improvements. The foregoing obligation shall be in addition to the improvement of that portion of SW 127<sup>th</sup> Avenue abutting the Property, as required by the Miami-Dade County Code. All of the roadway improvements shall be constructed in accordance with plans and specifications approved by the Director of the Public Works Department. In the event that said improvements are not constructed in accordance with this Paragraph, the Owner shall pay the full amount of road impact fees required in connection with the development of the Property.
10. **In-Kind Contribution-in-Lieu of Park Improvement Fee.** The Miami-Dade Parks and Recreation Department owns that certain public park facility known as the "Three Lakes" park, which, when completed, will consist of three soccer fields and accessory uses and structures, and is generally located east of SW 137<sup>th</sup> Avenue, north of SW 136<sup>th</sup> Street (the "Three Lakes Park"). The Parks and Recreation Department is currently in the process of making improvements to the Three Lakes Park. The Department has identified certain improvements (the "Improvements") to the Three Lakes Park that the Owner shall to carry out in lieu of the payment of the local park improvement fee component of the Park Impact Fee assessment that will be assessed and collected by the County in connection with the future development of the Property, all in accordance with the provisions of Section 33H-7(c) of the Code of Miami-Dade County. As identified by the Parks and Recreation Department, the Improvements will consist of the completion of the last soccer field, including excavation, filling, lighting (if necessary and subject to the Parks and Recreation Department approval), grading, and the installation of sod and irrigation, all in accordance with the plans and specifications to be provided by the Parks and Recreation Department. As such, prior to the issuance of a building permit for any dwelling unit (other than model home units) within the Property, the Owner shall complete the Improvements to the Three Lakes Park. The obligation to construct the Improvements shall be subject to the Parks and Recreation Director's approval of a credit for the Improvements pursuant to Section 33H-7(c) and 33H-15(c) of the Code of Miami-Dade County and a reimbursement, to the extent that the cost of the Improvements exceeds the amount of the local public park improvement fee that would be assessed by the County against the future development of the Property under Chapter 33H of the Code. In the event that the Improvements to the Three Lakes Park are not constructed by the Owner as provided in this Paragraph, the Owner shall pay the full amount of park impact fees required in connection with the development of the Property.

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

WHEREAS, upon due and proper consideration having been given to the matter and to the recommendation of the Developmental Impact Committee, it is the opinion of this Board that the requested district boundary changes to RU-3M (Item #1) and BU-1A (Item #2) 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, a motion to accept the proffered Declaration of Restrictions and to approve Items #1 & 2 was offered by Charlene Burks, seconded by Don Abbott, and upon a poll of the members present the vote was as follows:

Don Abbott	aye	Miguel Cervera	aye
Charlene Burks	aye	John Feinberg	absent
Roy Bustillo	aye	Steve Francken	absent
	Patrick M. Fiore	aye	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 11, that the requested district boundary changes to RU-3M (Item #1) and BU-1A (Item #2) be and the same are hereby approved and said property is hereby zoned accordingly.

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.

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*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 changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

*PASSED AND ADOPTED* this 1<sup>st</sup> day of April, 2003.

Hearing No. 00-6-CZ11-3

ej

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

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

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

**RESOLUTION NO. Z-3-01**

WHEREAS, TAMIAMI KENDALL INV., INC., ET AL had applied to Community Zoning Appeals Board 11 for the following:

- (1) GU & IU-C to RU-4L
- (2) SPECIAL EXCEPTION to permit site plan approval for a residential development.

**REQUESTS #1 & #2 ON EXHIBIT "A"**

- (3) GU & IU-C to RU-4L
- (4) SPECIAL EXCEPTION to permit site plan approval for a residential development.
- (5) NON-USE VARIANCE OF SETBACK REQUIREMENTS to permit one building to setback 5' (15' required) from the interior side (north) property line.

**REQUESTS #3 THROUGH #5 ON EXHIBIT "B"**

- (6) IU-C to BU-1A
- (7) SPECIAL EXCEPTION to permit site plan approval for a commercial development.
- (8) NON-USE VARIANCE OF ZONING REGULATIONS requiring a solid wall between a residential and commercial zoned property; to waive same to allow a proposed wall with multiple openings for ingress and egress.

**REQUESTS #6 THROUGH #8 ON EXHIBIT "C"**

- (9) NON-USE VARIANCE OF ZONING REGULATIONS to permit a back out space of 11' (22' required).

**REQUEST #9 ON OUT PARCELS 1 & 2 (EXHIBIT "C")**

- (10) UNUSUAL USE to permit a lift station with a generator building.
- (11) NON-USE VARIANCE OF SETBACK REQUIREMENTS to permit the generator building to setback 15' (25' required) from the front (east) and rear (west) property lines.
- (12) NON-USE VARIANCE OF LOT AREA REQUIREMENTS to permit the lift station site with an area of 3,850 sq. ft. (10,000 sq. ft. minimum required).

(13) NON-USE VARIANCE OF ZONING AND SUBDIVISION REGULATIONS requiring lots to have frontage on a public street; to waive same to permit 0' frontage (100' required) and to have access to a public street by means of a private drive.

A plan is on file and may be examined in the Zoning Department entitled "Trail Park," as prepared by BGA Design Group, consisting of 21 sheets and dated 9/29/99. Plans may be modified at public hearing.

SUBJECT PROPERTY: EXHIBIT "A": The north 448' of the SE ¼ of the SE ¼ of Section 14, Township 55 South, Range 39 East. AND: EXHIBIT "B": That portion of the SE ¼ of the SE ¼ of Section 14, Township 55 South, Range 39 East, more particularly described as follows:

Commence at the Southeast corner of the SE ¼ of the SE ¼ of said Section 14; thence run S87°47'4"W along the south line of the SE ¼ of said Section 14, for a distance of 525.83' to the Point of beginning of the parcel of land hereinafter described; thence continue S87°47'4"W along the south line of the SE ¼ of said Section 14, for a distance of 791.82' to a point; thence run N2°39'59"W along the west line of the SE ¼ of the SE ¼ of said Section 14 for a distance of 913.1' to a point; thence run N87°39'9"E along a line 448' south of and parallel with the north line of the SE ¼ of the SE ¼ of said Section 14, for a distance of 796.9' to a point; thence run S2°20'51"E for a distance of 914.91' to the Point of beginning. AND: EXHIBIT "C": That portion of the SE ¼ of the SE ¼ of Section 14, Township 55 South, Range 39 East, more particularly described as follows:

Begin at the Southeast corner of the SE ¼ of the SE ¼ of said Section 14; thence run S87°47'4"W along the south line of the SE ¼ of said Section 14, for a distance of 525.83' to a point; thence run N2°20'51"W for a distance of 914.91' to a point; thence run N87°39'9"E along a line 448' south of and parallel with the north line of the SE ¼ of the SE ¼ of said Section 14, for a distance of 530' to a point; thence run S2°5'11"E along the east line of the SE ¼ of said Section 14 for a distance of 916.13' to the Point of beginning. AND: EXHIBIT "D" - PARCEL B-2 (Lift State Site): That portion of the SE ¼ of the SE ¼ of Section 14, Township 55 South, Range 39 East, more particularly described as follows:

Commence at the Southeast corner of the SE ¼ of the SE ¼ of said Section 14; thence run S87°47'4"W along the south line of the SE ¼ of said Section 14; for a distance of 525.83' to a point; thence run N2°20'51"W for a distance of 774.91' to the Point of beginning of the parcel of land hereinafter described; thence continue N2°20'51"W for a distance of 70' to a point; thence run S87°39'9"W for a distance of 55' to a point; thence run S2°20'51"E for a distance of 70' to a point; thence run N87°39'9"E for a distance of 55' to the Point of beginning.

LOCATION: From S.W. 132 Street to S.W. 136 Street and from S.W. 127 Avenue to S.W. 129 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, at which time the applicant proffered a Declaration of Restrictions which among other things provided

1. **Site Plan:** The Property shall be developed substantially in accordance with that plan submitted with the application entitled, "Trail Walk," as prepared by BGA Design Group, consisting of 33 sheets and stamped received 9-12-2000.
  
2. **Use restrictions:** Notwithstanding the approval of the Application, and subject to all applicable Code requirements, the Owner agrees to limit the use of the Property to those uses listed below which are intended to serve the firms and workers in the surrounding *industrial and office areas*:
  - Antique Shops.
  - Apparel stores.
  - Art good stores, artist studios and photograph shops and galleries.
  - Bakeries, retail only.
  - Banks.
  - Beauty parlors.
  - Barber shops.
  - Cellular phones and accessories sales.
  - Computers and accessories sales.
  - Confectionery, ice-cream and dairy stores.
  - Dairy stores.
  - Drugstores.
  - Florist shops.
  - Grocery stores, fruit stores, health food stores, delicatessen, meat and fish markets and other similar food stores.
  - Leather goods and luggage shops.
  - Mail order offices, without storage of products sold.
  - Newsstand.
  - Offices.

- Office supplies and equipment sales.
- Optical stores.
- Restaurants and coffee houses dining room where kitchen is screened or located altogether within an enclosed building or room and with ample provision for carrying away or dissipating fumes, odors, smoke or noise and where the premises are so arranged and the business is so conducted as not to be offensive or obnoxious to occupants of adjoining premises or to passersby. Restaurants and outdoor (where approved by public hearing) cafe's may service alcoholic beverages where such service is strictly incidental to the service of food and from a service bar only provided no entertainment of any kind is furnished. No sign of any type or character shall be exhibited or displayed to the outside denoting that alcoholic beverages are obtained within.
- Fast food restaurants.
- Self-service post office, which contains mechanical or computer equipment designed to provide limited service post office for walk up trade.
- Shoe store repair shops.
- Sporting good stores.
- Tailor shops.
- Tile Showroom, including retail sales.
- Tobacco Shops.
- Variety stores.
- Outside walk-up window service (no outside stools, chairs or tables), in connection with establishments where the principal use is selling food and drink products, and where a sidewalk of at least seven (7) feet in width abuts the store unit concerned.
- Automobile tires, batteries and accessories (new) retail only, installation permitted.
- Gasoline Station.
- Automobile washing.
- Billiard rooms and pool rooms.

- Dry cleaning establishments, using non-flammable solvents in self-contained dry cleaning units of the Prosperity type of Dedrick type or an equal approved by the Director, provided such establishments contain not more than four thousand (4,000) square feet of floor area.
- Electrical appliance and fixtures stores including related repair shops.
- Employment agencies.
- Post office stations and branches operated by postal service employees or agents, which directly serve the public.
- Printing Shops.
- Tailor Shops.
- Any other use acceptable to the Planning and Zoning Director.

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 changes to RU-4L (Items #1 & 3) and BU-1A (Item #6) 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 special exceptions (Items #2, 4 & 7), non-use variances of setback requirements (Items #5 & 11), non-use variances of zoning regulations (Items #8 & 9), unusual use (Item #10), non-use variance of lot area requirements (Item #12), and non-use variance of zoning and subdivision regulations (Item #13) would be compatible with the area and its development and 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 that the requested special exceptions (Items #2, 4 & 7) and unusual use (Item #10) would not have an adverse impact upon the public interest and should be approved, and that the proffered Declaration of Restrictions should be accepted, and said application was approved by Resolution No. CZAB11-29-00, and

WHEREAS, SCOT CARTER appealed the decision of Community Zoning Appeals Board 11 to the Board of County Commissioners, and a public hearing of the Board of County Commissioners, Miami-Dade County, Florida was advertised and held, upon notice, as required by the Zoning Procedure Ordinance, and

WHEREAS, after reviewing the record and decision of Community Zoning Appeals Board 11 and after having given an opportunity for interested parties to be heard, it is the opinion of this Board that the ruling made by Community Zoning Appeals Board 11 in Resolution No. CZAB11-29-00 should be vacated and that the matter be remanded back to Community Zoning Appeals Board 11, and

WHEREAS, a motion to and vacate the decision of Community Zoning Appeals Board 11 and remand the matter back to Community Zoning Appeals Board 11 was offered by Commissioner Dennis C. Moss, seconded by Commissioner Joe A. Martinez, and upon a poll of the members present the vote was as follows:

Miriam A. Alonso	absent	Dennis C. Moss	aye
Bruno A. Barreiro	absent	Pedro Reboredo	absent
Barbara M. Carey-Shuler	aye	Dorrrin D. Rolle	absent
Betty T. Ferguson	absent	Natacha Seijas	absent
Joe A. Martinez	aye	Katy Sorenson	aye
Jimmy L. Morales	aye	Javier D. Souto	aye

Chairperson Gwen Margolis                      aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the decision of Community Zoning Appeals Board 11 is vacated and the matter is hereby remanded back to Community Zoning Appeals Board 11, and

*BE IT FURTHER RESOLVED* that Resolution No. CZAB11-29-00 is hereby null and void.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning.

***THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED*** this 22nd day of February, 2001, 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. 00-6-CZ11-3  
mc

MIAMI-DADE COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

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by Harvey Ruvin, Clerk  
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY  
COMMISSIONERS ON THE 12TH DAY OF MARCH, 2001.

**RESOLUTION NO. CZAB11-29-00**

WHEREAS, TAMIAMI KENDALL INV., INC., ET AL applied for the following:

- (1) GU & IU-C to RU-4L
- (2) SPECIAL EXCEPTION to permit site plan approval for a residential development.

REQUESTS #1 & #2 ON EXHIBIT "A"

- (3) GU & IU-C to RU-4L
- (4) SPECIAL EXCEPTION to permit site plan approval for a residential development.
- (5) NON-USE VARIANCE OF SETBACK REQUIREMENTS to permit one building to setback 5' (15' required) from the interior side (north) property line.

REQUESTS #3 THROUGH #5 ON EXHIBIT "B"

- (6) IU-C to BU-1A
- (7) SPECIAL EXCEPTION to permit site plan approval for a commercial development.
- (8) NON-USE VARIANCE OF ZONING REGULATIONS requiring a solid wall between a residential and commercial zoned property; to waive same to allow a proposed wall with multiple openings for ingress and egress.

REQUESTS #6 THROUGH #8 ON EXHIBIT "C"

- (9) NON-USE VARIANCE OF ZONING REGULATIONS to permit a backout space of 11' (22' required).

REQUEST #9 ON OUT PARCELS 1 & 2 (EXHIBIT "C")

- (10) UNUSUAL USE to permit a lift station with a generator building.
- (11) NON-USE VARIANCE OF SETBACK REQUIREMENTS to permit the generator building to setback 15' (25' required) from the front (east) and rear (west) property lines.
- (12) NON-USE VARIANCE OF LOT AREA REQUIREMENTS to permit the lift station site with an area of 3,850 sq. ft. (10,000 sq. ft. minimum required).
- (13) NON-USE VARIANCE OF ZONING AND SUBDIVISION REGULATIONS requiring lots to have frontage on a public street; to waive same to permit 0' frontage (100' required) and to have access to a public street by means of a private drive.

REQUESTS #10 THROUGH #13 ON EXHIBIT "D"

A plan is on file and may be examined in the Zoning Department entitled "Trail Park," as prepared by BGA Design Group, consisting of 21 sheets and dated 9/29/99. Plans may be modified at public hearing.

SUBJECT PROPERTY: EXHIBIT "A": The north 448' of the SE ¼ of the SE ¼ of Section 14, Township 55 South, Range 39 East. AND: EXHIBIT "B": That portion of the SE ¼ of the SE ¼ of Section 14, Township 55 South, Range 39 East, more particularly described as follows:

Commence at the Southeast corner of the SE ¼ of the SE ¼ of said Section 14; thence run S87°47'4"W along the south line of the SE ¼ of said Section 14, for a distance of 525.83' to the Point of beginning of the parcel of land hereinafter described; thence continue S87°47'4"W along the south line of the SE ¼ of said Section 14, for a distance of 791.82' to a point; thence run N2°39'59"W along the west line of the SE ¼ of the SE ¼ of said Section 14 for a distance of 913.1' to a point; thence run N87°39'9"E along a line 448' south of and parallel with the north line of the SE ¼ of the SE ¼ of said of Section 14, for a distance of 796.9' to a point; thence run S2°20'51"E for a distance of 914.91' to the Point of beginning. AND: EXHIBIT "C": That portion of the SE ¼ of the SE ¼ of Section 14, Township 55 South, Range 39 East, more particularly described as follows:

Begin at the Southeast corner of the SE ¼ of the SE ¼ of said Section 14; thence run S87°47'4"W along the south line of the SE ¼ of said Section 14, for a distance of 525.83' to a point; thence run N2°20'51"W for a distance of 914.91' to a point; thence run N87°39'9"E along a line 448' south of and parallel with the north line of the SE ¼ of the SE ¼ of said Section 14, for a distance of 530' to a point; thence run S2°5'11"E along the east line of the SE ¼ of said Section 14 for a distance of 916.13' to the Point of beginning. AND: EXHIBIT "D" - PARCEL B-2 (Lift State Site): That portion of the SE ¼ of the SE ¼ of Section 14, Township 55 South, Range 39 East, more particularly described as follows:

Commence at the Southeast corner of the SE ¼ of the SE ¼ of said Section 14; thence run S87°47'4"W along the south line of the SE ¼ of said Section 14; for a distance of 525.83' to a point; thence run N2°20'51"W for a distance of 774.91' to the Point of beginning of the parcel of land hereinafter described; thence continue N2°20'51"W for a distance of 70' to a point; thence run S87°39'9"W for a distance of 55' to a point; thence run S2°20'51"E for a distance of 70' to a point; thence run N87°39'9"E for a distance of 55' to the Point of beginning.

LOCATION: From S.W. 132 Street to S.W. 136 Street and from S.W. 127 Avenue to S.W. 129 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County 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 it was noted that the applicant had previously submitted revised plans within the scope of the ad entitled, "Trail Walk," as prepared by BGA Design Group, consisting of 33 sheets and stamped received 9-12-200, and at which time the applicant proffered a Declaration of Restrictions which among other things provided

1. **Site Plan:** The Property shall be developed substantially in accordance with that plan submitted with the application entitled, "Trail Walk," as prepared by BGA Design Group, consisting of 33 sheets and stamped received 9-12-2000.

2. **Use restrictions:** Notwithstanding the approval of the Application, and subject to all applicable Code requirements, the Owner agrees to limit the use of the Property to those uses listed below which are intended to serve the firms and workers in the surrounding industrial and office areas:

- Antique Shops.
- Apparel stores.
- Art good stores, artist studios and photograph shops and galleries.
- Bakeries, retail only.
- Banks.
- Beauty parlors.
- Barber shops.
- Cellular phones and accessories sales.
- Computers and accessories sales.
- Confectionery, ice-cream and dairy stores.
- Dairy stores.
- Drugstores.
- Florist shops.
- Grocery stores, fruit stores, health food stores, delicatessen, meat and fish markets and other similar food stores.
- Leather goods and luggage shops.
- Mail order offices, without storage of products sold.
- Newsstand.
- Offices.
- Office supplies and equipment sales.
- Optical stores.

- Restaurants and coffee houses dining room where kitchen is screened or located altogether within an enclosed building or room and with ample provision for carrying away or dissipating fumes, odors, smoke or noise and where the premises are so arranged and the business is so conducted as not to be offensive or obnoxious to occupants of adjoining premises or to passersby. Restaurants and outdoor (where approved by public hearing) cafe's may service alcoholic beverages where such service is strictly incidental to the service of food and from a service bar only provided no entertainment of any kind is furnished. No sign of any type or character shall be exhibited or displayed to the outside denoting that alcoholic beverages are obtained within.
- Fast food restaurants.
- Self-service post office, which contains mechanical or computer equipment designed to provide limited service post office for walk up trade.
- Shoe store repair shops.
- Sporting good stores.
- Tailor shops.
- Tile Showroom, including retail sales.
- Tobacco Shops.
- Variety stores.
- Outside walk-up window service (no outside stools, chairs or tables), in connection with establishments where the principal use is selling food and drink products, and where a sidewalk of at least seven (7) feet in width abuts the store unit concerned.
- Automobile tires, batteries and accessories (new) retail only, installation permitted.
- Gasoline Station.
- Automobile washing.
- Billiard rooms and pool rooms.
- Dry cleaning establishments, using non-flammable solvents in self-contained dry cleaning units of the Prosperity type of Dedrick type or an equal approved by the Director, provided such establishments contain not more than four thousand (4,000) square feet of floor area.
- Electrical appliance and fixtures stores including related repair shops.

- Employment agencies.
- Post office stations and branches operated by postal service employees or agents, which directly serve the public.
- Printing Shops.
- Tailor Shops.
- Any other use acceptable to the Planning and Zoning Director.

*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 district boundary changes to RU-4L (Items #1 & 3) and BU-1A (Item #6) 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 special exceptions (Items #2, 4 & 7), non-use variances of setback requirements (Items #5 & 11), non-use variances of zoning regulations (Items #8 & 9), unusual use (Item #10), non-use variance of lot area requirements (Item #12), and non-use variance of zoning and subdivision regulations (Item #13) would be compatible with the area and its development and 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 that the requested special exceptions (Items #2, 4 & 7) and unusual use (Item #10) would not have an adverse impact upon the public interest and should be approved, and that the proffered Declaration of Restrictions should be accepted, and

*WHEREAS*, a motion to accept the proffered covenant, approve Items #1 - 13 was offered by Gwen E. Calloway, seconded by Will Garcia, and upon a poll of the members present the vote was as follows:

Gwen E. Calloway  
Will Garcia

aye  
aye

Rey Martinez  
Jackie Nunes

absent  
aye

Manuel G. Vera, Jr.                      aye

*NOW THEREFORE BE IT RESOLVED* by the Miami-Dade County Community Zoning Appeals Board 11, that the requested district boundary changes to RU-4L (Items #1 & 3) and BU-1A (Item #6) be and the same are hereby approved and said property is hereby zoned accordingly.

*BE IT FURTHER RESOLVED* that the special exceptions (Items #2, 4 & 7), non-use variances of setback requirements (Items #5 & 11), non-use variances of zoning regulations (Items #8 & 9), unusual use (Item #10), non-use variance of lot area requirements (Item #12), and non-use variance of zoning and subdivision regulations (Item #13) be and the same are hereby approved, subject to the following conditions:

**CONDITIONS #1 - 7 ON ALL EXHIBITS**

1. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit and/or Certificate of Use and Occupancy; said plan to include among other things but not be limited thereto, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Trail Walk," as prepared by BGA Design Group, consisting of 33 sheets and stamped received 9/12/00.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use and Occupancy.
5. That the applicant comply with all the conditions and requirements of the Public Works Department.
6. That the applicant comply with all applicable conditions and requirements of the Department of Environmental Resources Management (DERM).

7. That a Cross-Access Agreement be submitted to and meet the approval of the Director of the Department of Planning and Zoning prior to the issuance of any type of plat approval, building permit or Certificate of use and Occupancy, whichever occurs first.

**CONDITION #8 ON EXHIBITS A and B ONLY**

8. That a homeowners' association be established in accordance with the applicable regulations to assure that all common areas and facilities for use of all residents shall be maintained in a continuous and satisfactory manner, and without expense to the general taxpayer of Miami-Dade County. The instrument incorporating such provisions shall be approved by the County Attorney as to form and legal sufficiency and shall be recorded in the public records of Miami-Dade County at the time of the recording of the subdivision plat.

**CONDITION #9 ON EXHIBITS C and D ONLY**

9. That the applicant obtain a Certificate of Use and Occupancy from the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

**CONDITION #10 ON EXHIBIT D ONLY**

10. That the lift station be residential in character, and be painted to match and blend with the proposed surrounding development.

*BE IT FURTHER RESOLVED*, that the approval of the non-use variance of subdivision regulations (Item # 13) is predicated on the following:

- A. That there are special circumstances affecting the property and that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land.
- B. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.
- C. That the granting of the variance will not be detrimental to the public welfare or injurious to the other property in the territory in which the property is situated.

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

*BE IT FURTHER RESOLVED*, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

*PASSED AND ADOPTED* this 12th day of September, 2000.

Hearing No. 00-6-CZ11-3  
mc

RESOLUTION NO. Z-224-81

The following resolution was offered by Commissioner Clara Oesterle, seconded by Commissioner Beverly B. Phillips, and upon poll of members present the vote was as follows:

Barbara M. Carey	aye	Barry D. Schreiber	aye
Clara Oesterle	aye	Ruth Shack	aye
Beverly B. Phillips	aye	Jorge (George) Valdes	aye
James F. Redford, Jr.	aye	Stephen P. Clark	aye
Harvey Ruvin	absent		

WHEREAS, JACK K. THOMAS, JR., ET AL, had applied for the following:

A district boundary change from GU (Interim) to IU-C (Industry-Controlled);

SUBJECT PROPERTY: The east 1/2 of the SE 1/4 of the SE 1/4 of Section 14, Township 55 South, Range 39 East.

LOCATION: The northwest corner of SW 136 Street and SW 127 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 heard, and upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change 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;

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

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.

PASSED AND ADOPTED this 17th day of September, 1981.

10

September, 1981  
No. 81-9-CC-22  
vp  
9/18/81

DADE COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS  
Richard P. Brinker, Clerk

By \_\_\_\_\_  
Deputy Clerk

This resolution transmitted to the Clerk of the Board of County Commissioners on  
the 23rd day of September, 1981.