Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-3-15

WHEREAS, **HELEN MICHAEL AND PREFERRED ENTERPRISES, INC.** applied to Community Zoning Appeals Board 14 for the following:

(1) DISTRICT BOUNDARY CHANGE from AU to EU-M.

SUBJECT PROPERTY: That portion of the N ½ of the SW ¼ of the SE ¼ in 32-56-39.

LOCATION: Lying north of SW 278 Street, between SW 159 Avenue and SW 162 Avenue, MIAMI-DADE COUNTY, FLORIDA, and

WHEREAS, a public hearing of Community Zoning Appeals Board 14 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

1. Density Restriction. Notwithstanding the approval of the Application, and the applicable Code requirements, the residential density of the Property shall be restricted to a maximum of thirty-six (36) dwelling units.

2. Size Restriction. Notwithstanding the approval of the Application, and the applicable Code requirements, the minimum gross lot size for dwelling units shall be twenty-five thousand (25,000) square feet.

WHEREAS, upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 14 that the requested district boundary change to EU-M 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 said application was denied without prejudice by Resolution No. CZAB14-6-15, and

WHEREAS, HELEN **MICHAEL AND PREFERRED ENTERPRISES, INC.** appealed the decision of Community Zoning Appeals Board 14 to the Board of County Commissioners for the following:

(1) DISTRICT BOUNDARY CHANGE from AU to EU-M.

SUBJECT PROPERTY: That portion of the N ½ of the SW ¼ of the SE ¼ in 32-56-39.

LOCATION: Lying north of SW 278 Street, between SW 159 Avenue and SW 162 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:

1. Density Restriction. Notwithstanding the approval of the Application, and the applicable Code requirements, the residential density of the Property shall be restricted to a maximum of thirty-six (36) dwelling units.

2. Size Restriction. Notwithstanding the approval of the Application, and the applicable Code requirements, the minimum gross lot size for dwelling units shall be twenty-five thousand (25,000) square feet.

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 Metropolitan Dade County Zoning Appeals Board 14 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 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. CZAB14-6-15 and that the appeal should be approved and the decision of Community Zoning Appeals Board 14 should be overruled, and

WHEREAS, upon due and proper consideration having been given to the matter it was the opinion of this Board that the requested district boundary change to EU-M 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,

WHEREAS, a motion to grant the appeal and overrule the decision of Community Zoning Appeals Board 14, and approve the application was offered by Commissioner Daniella Levine Cava, seconded by Commissioner Dennis C. Moss, and upon a poll of the members present the vote was as follows:

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

Jean Monestime 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 14 is overruled.

BE IT FURTHER RESOLVED that the requested district boundary change to EU-M be and the same is 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.

BE IT FURTHER RESOLVED that Resolution No. CZAB14-6-15 is hereby null and void.

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 23rd day of April, 2015, 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. 14-7-CZ14-1
Rd

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida
CHRISTOPHER AGRIPPA
By_____
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 18TH DAY OF MAY, 2015.

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-3-15 adopted by said Board of County Commissioners at its meeting held on the 23rd day of April, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 18th day of May, 2015.

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

May 18, 2015

Helen Michael and Preferred Enterprises, Inc.
c/o Juan Mayol
701 Brickell Avenue, Suite 3000
Miami, FL 33131

Re: Hearing No. 14-7-CZ14-1 (14-003)
Location: Lying North of SW 278 Street, Between SW 159 Avenue & SW 162 Avenue, Miami-Dade County, FL.

Dear Applicant:

Enclosed herewith is Resolution No. Z-3-15, adopted by the by the Board of County Commissioners which granted your appeal and overruled the decision of Community Zoning Appeals Board 14, accepted your Declaration of Restrictions and approved your request for a district boundary change to EU-M 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 **May 18, 2015**. 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