

RESOLUTION NO. CZAB11-8-15

*WHEREAS*, MORE PANAS LLC applied for the following:

- (1) UNUSUAL USE to permit a nursing home.
- (2) NON-USE VARIANCE to permit a wall with a height of 6' within the front & side street setbacks (4' high maximum permitted).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "SW 157<sup>th</sup> Avenue and 52<sup>nd</sup> Street" as prepared by Robayna and Associates, Inc., consisting of 10 sheets and plans entitled "The Club at Kendall" as prepared by Architectural Concepts, Inc., consisting of 4 sheets, all sheets dated stamped received 5/1/15 for a total of 14 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: A portion of Tract 49, of MIAMI EVERGLADES LAND COMPANY SUBDIVISION, Section 20, Township 54 South, Range 39 East, PB 2-3, more particularly described as: Commence at the Northeast corner of the NE 1/4 of the SE 1/4 of the SE 1/4 of said Section 20, thence run S87°44'35"W along the center line of SW 52nd Street, for a distance of 95.00 feet; thence run S02°15'34"E for a distance of 25.00 feet to the Point of Beginning also being a point on the South right-of-way line of said SW 52nd Street; thence continue N87°44'35"E a distance of 30.00 feet to a point of curvature of a curve to the right; thence along the arc of said curve having a radius of 25.00 feet, a central angle of 89°59'51" and an arc distance of 39.27 feet; thence run S02°15'34"E for a distance of 610.61 feet; thence runs N87°44'44"E for a distance of 659.74 feet; thence run S02°15'26"E for a distance of 100.00 feet; thence run S87°44'44"W for a distance of 20.00 feet; thence run S02°15'26"E for a distance of 510.58 to a point of curvature of a curve to the right; thence along the arc of said curve having a radius of 25.00 feet, a central angle of 90°00'01" and an arc distance of 39.27 feet; thence S87°44'35"W for a distance of 519.71 feet to the Point of Beginning.

LOCATION: The SW corner of SW 52 Street & SW 157 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

*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 UNUSUAL USE to permit a nursing home

(Item #1) 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 UNUSUAL USE (Item #1) would not have an adverse impact upon the public interest and should be approved, and

*WHEREAS*, the NON-USE VARIANCE to permit a wall with a height of 6' within the front & side street setbacks (Item #2) would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance and would be consistent with the Comprehensive Development Master Plan, and

*WHEREAS*, a motion to approve the application (Items #1 and #2) was offered by Carolina Blanco, seconded by Socrates De Jesus, and upon a poll of the members present, the vote was as follows:

Adres F. Alvarez	aye	Miguel A. Diaz	nay
Carolina Blanco	aye	Jose Miguel Soto	aye
Socrates De Jesus	aye		
	Beatrice Suarez	aye	

*NOW THEREFORE BE IT RESOLVED* by the Miami-Dade County Community Zoning Appeals Board 11 that the requested UNUSUAL USE to permit a nursing home (Item #1) and the NON-USE VARIANCE to permit a wall with a height of 6' within the front & side street setbacks (Item #2) be and the same are hereby approved, subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "SW 157TH Avenue and 52nd Street," as prepared by Robayna and Associates Inc., consisting of 10 sheets and plans entitled "The Club at Kendall," as prepared by Architectural Concepts Inc., consisting of 4 sheets, all sheets dated stamped received 05/01/15 for a total of 14 sheets, except as herein modified to substitute Clusia (Clusiaceae) hedge for the Coco Plum hedge adjacent to SW 52 Street. (Amended at hearing)
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicants submit to the Department of Regulatory and Economic Resources 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.
5. That the applicants obtain a Certificate of Use for the proposed nursing home facility from and promptly renew same annually with the Miami-Dade County Department of Regulatory and Economic Resources, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
6. That the occupancy of the proposed home for the aged facility be restricted to a maximum of one hundred fifty (150) residents at all times.
7. That the applicant comply with all applicable conditions and requirements from the Division of Environmental Resources Management (DERM) of the Department of Regulatory and Economic Resources as indicated in the memorandum dated May 14, 2015.
8. That the applicant comply with all applicable conditions and requirements, if any, from the Platting and Traffic Review Section of RER as indicated in the memorandum dated May 7, 2014.

**CONDITIONS #9 through #22: THE ARCHAEOLOGICAL SITE ON THE PROPERTY**

9. That an archaeologist shall be present during all ground disturbing activities.
10. That a 20' buffer abutting the west and south boundaries of the archaeological preserve shall be established and staked out.
11. That prior to any ground disturbing activities, a temporary plastic construction fence shall be placed along the 20' buffer line abutting the west and south boundaries of the archaeological preserve and along the north (SW 52 St) and east (SW 157 Ave) boundaries of the archaeological preserve.
12. That initially, all efforts shall be made to remove surface trash and debris from both the project area and designated archaeological preserve. Mechanical removal with an excavator shall be allowed for heavy trash and debris without disturbing the subsurface. The excavator or heavy machinery shall not enter the archaeological preserve or project area. Please see attached "Project Area Aerial."

13. That the proposed drainage excavation area within the 20' buffer zone shall be staked out and excavated down to bedrock using standard archaeological methodology. Please see attached plans. If human remains are encountered, the provisions of State Statute 875.02 will apply. All work in the immediate area shall cease and the State Archaeologist notified. All human remains and burial items shall be reburied in the designated archaeological preserve.
14. That all vegetation within the project area archaeological site shall be cleared by hand and removed.
15. That re-deposited midden and soils within the project area archaeological site shall be mechanically scraped down to bedrock using a bulldozer blade while simultaneously removing visible trash and debris. Only re-deposited midden from areas known to contain human remains (based on archaeological evidence) shall be used to cap the archaeological preserve.
16. That re-deposited midden and soils shall immediately be moved to the archaeological preserve with a loader. The removed re-deposited midden and soils shall not be raked, sorted, or gone through for the purpose of recovering human remains.
17. That once bedrock is exposed, each solution hole shall be probed and excavated to determine if human remains or significant cultural deposits exist. If human remains are encountered, the provisions of State Statute 875.02 will apply. All work in the immediate area shall cease and the State Archaeologist notified. All human remains and burial items shall be reburied in the designated archaeological preserve.
18. That a Class IV Permit is obtained prior to the use of any of the heavy machinery on the property.
19. That heavy machinery shall only work from outside the boundaries of the archaeological preserve and 20' buffer zone.
20. That heavy equipment, machinery, or supplies may not be stored within the archaeological preserve or 20' buffer zone.
21. That after the archaeological preserve and buffer zone are capped with re-deposited midden, both areas shall be capped with clean fill or topsoil as soon as is practical to avoid erosion and sodded to create a green space.
22. That a revised legal description for the archaeological preserve, including the 20 ft buffer zone, shall be provided for the purpose of amending the designated archaeological preserve boundaries.
23. Subject to the receipt of the approval of all applicable agencies, prior to the issuance of a certificate of occupancy for the skilled nursing facility, the applicant shall cause the installation of four (4) benches within the archeological site upon approval of the Miami-Dade Office of Historic Preservation. (Proffered at hearing by applicant)

24. In connection with the approval by Miami-Dade County of a median opening on SW 157<sup>th</sup> Avenue at the entrance to the project, and subject to the approval of any planting by Miami-Dade County Department of Public Works and Waste Management, the applicant shall cause the installation of trees (of such species and size as may be approved by the Department) within the median of SW 157<sup>th</sup> Avenue along the frontage of the subject property. (Proffered at hearing by applicant)

*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.

*PASSED AND ADOPTED* this 21<sup>st</sup> day of July, 2015.

Hearing No. 15-7-CZ11-1  
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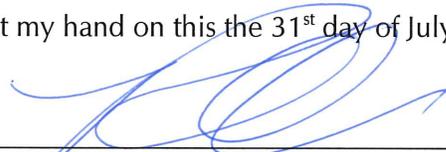
THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 31<sup>ST</sup> DAY OF JULY, 2015.

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 Department of Regulatory and Economic Resources 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. CZAB11-8-15 adopted by said Community Zoning Appeals Board at its meeting held on the 21<sup>st</sup> day of July, 2015.

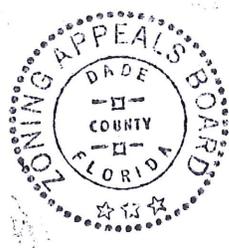
IN WITNESS WHEREOF, I have hereunto set my hand on this the 31<sup>st</sup> day of July, 2015.



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Rosa Davis, Deputy Clerk (218345)  
Miami-Dade Department of Department of Regulatory  
and Economic Resources

SEAL





Department of Regulatory and Economic Resources

Development Services Divisor  
111 NW 1st Street • Suite 111C  
Miami, Florida 33128-1902  
T 305-375-264C  
www.miamidade.gov/economy

July 31, 2015

More Panas LLC  
c/o Juan Mayol  
701 Brickell Avenue, Suite 3000  
Miami, FL 33131

Re: Hearing No. 15-7-CZ11-1 (14-085)  
Location: The Southwest Corner of SW 52 Street & SW 157 Avenue, Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is **Resolution No. CZAB11-8-15**, adopted by the by the Community Zoning Appeals Board 11, **which approved your application (Items #1 and #2) on the above described property**. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required. Failure to comply with stipulated conditions, if any, will result in the immediate issuance of a civil violation notice for each condition violated. Each notice issued may require payment of a daily monetary fine.

If stipulated in the resolution that building permits and/or use, occupancy or completion certificates 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 certificates(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 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.

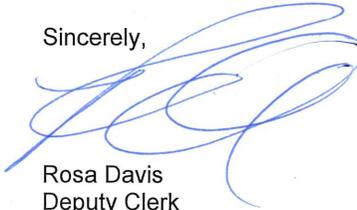
If there are anticipated changes from any plan submitted for the hearing, a plot use plan is to be submitted to this Department in triplicate before any detailed plans are prepared, in as much as building permits will not be issued prior to the approval of said plan.

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 County Commission. The transmittal date is **July 31, 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. 1<sup>st</sup> 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