Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-5-10

WHEREAS, **THE DEPARTMENT OF PLANNING AND ZONING** applied for the following:

(1) MODIFICATION of Conditions #30, #31 and #34 of Resolution No. Z-15-96, last modified by Resolution #Z-04-02, both resolutions passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "30. December 29, 2009 is hereby established as the buildout date for this project and is the date until which the County agrees that the Dadeland Mall Development of Regional Impact shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the County can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the development order have occurred, or that the DRI development order was based on substantially inaccurate information provided by the applicant, or that the change is clearly essential to the public health, safety or welfare."

TO: "30. December 28, 2014 is hereby established as the buildout date for this project and is the date until which the County agrees that the Dadeland Mall Development of Regional Impact shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the County can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the development order have occurred, or that the DRI development order was based on substantially inaccurate information provided by the applicant, or that the change is clearly essential to the public health, safety or welfare."

FROM: "31. The commencement of physical development shall be one year from the effective date of the development order. For purposes of this paragraph, physical development means development as defined in F. S. 380.04. The termination dated for completing development shall be December 29, 2009. The termination dated may only be modified in accordance with F.S. 380.06(19)(c)."

TO: "31. The commencement of physical development shall be one year from the effective date of the development order. For purposes of this paragraph, physical development means development as defined in F. S. 380.04. The termination dated for completing development shall be December 28, 2014. The termination dated may only be modified in accordance with F.S. 380.06(19)(c)."

FROM: "34. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that throughout the buildout period (December 29, 2009) sufficient infrastructure capacities will be available to service this project. All subsequent development orders or permits pursuant to the development order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Chapter 33G of the Miami-Dade County Code and A.O. 4-85 (concurrency regulations) as amended from time to time and to be consistent with local development regulations so long as the application is developing in compliance with terms and conditions of this Development Order. Furthermore, Miami-Dade County shall not issue any subsequent development orders as defined in Section 33G-3(2) Miami-Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) The actual impacts of this project and other committed development are greater than those projected in the ADA; and (b) the issuance of further local development orders (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction or development pursuant to this DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not issue unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County. The issuance of development orders which have been found to be vested pursuant to Chapter 2-114, 33-315 or 33-316 of the Code of Miami-Dade County as adopted pursuant to Section 163.3167(8) Florida Statues, shall not be considered for purposes of determining concurrency as to this project. However modifications or changes to this Development Order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time such modification or change occurs."

TO: "34. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that throughout the buildout period (December 28, 2014) sufficient infrastructure capacities will be available to service this project. All subsequent development orders or permits pursuant to the development order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Chapter 33G of the Miami-Dade County Code and A.O. 4-85 (concurrency regulations) as amended from time to time and to be consistent with local development regulations so long as the application is developing in compliance with terms and conditions of this Development Order. Furthermore, Miami-Dade County shall not

issue any subsequent development orders as defined in Section 33G-3(2) Miami-Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) The actual impacts of this project and other committed development are greater than those projected in the ADA; and (b) the issuance of further local development orders (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction or development pursuant to this DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not issue unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County. The issuance of development orders which have been found to be vested pursuant to chapter 2-114, 33-315 or 33-316 of the Code of Miami-Dade County as adopted pursuant to Section 163.3167(8) Florida Statues, shall not be considered for purposes of determining concurrency as to this project. However modifications or changes to this Development Order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time such modification or change occurs."

(2) MODIFICATION of Condition #32 of Resolution Z-15-96, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "32. December 31, 2009 is hereby established as the expiration date for the development order."

TO: "32. December 30, 2014 is hereby established as the expiration date for the development order."

The purpose of the above requests is to allow the applicant to extend the buildout date and other dates for The Dadeland Mall Development of Regional Impact.

SUBJECT PROPERTY: PARCEL 1: Portions of Tracts "B" and "D", "PALMETTO-KENDAL HEIGHTS", Plat Book 70, Page 47, and a portion of the SE ¼ of the SE ¼ of the SW ¼ of Section 35, Township 54 South, Range 40 East, and a portion of the vacated road right-of-way for S.W. 72 Avenue as described in Official Records Book 16838, Page 3458. The entire parcel being described as follows:

Commence at the Southwest corner of the SW ¼ of said Section 35; thence N04°05'28"W, along the west line of the SW ¼ of the said Section 35, for 1,228.46' to the intersection thereof with the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal); thence N85°36'42"E, along the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal), for 257.63', to a point on the E/ly right-of-way line of Limited Access Highway, Florida State Road No. 826, the northwest corner of Tract "B" of said PALMETTO-KENDAL HEIGHTS, and the Point of beginning of the tract of land herein described; thence continue

N85°36'42"E along the S/ly right of way line of Canal C-2 (Snapper Creek Canal) and along the north boundary of the said Tract "B" for 1,373.98'; thence S04°32'13"E for 649.19'; thence N85°27'47"E for 121.85'; thence S04°32'13"E for 40'; thence N85°27'47"E for 262'; thence N04°32'13"W for 154'; thence N85°27'47"E for 172'; thence N04°32'13"W for 504.66' to a point on the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) and a point on the N/ly boundary of said Tract "B"; thence S86°03'14"E, along the S/ly right-of-way line of Canal C-2 and along the N/ly boundary of the said Tract "B" for 495.15' to a point which is located 35' west of, as measured at right angles to, the east line of the SW ¼ of the said Section 35; thence S04°05'53"E, parallel to the east line of SW ¼ of the said Section 35 for 75.61'; thence S82°13'14"E for 35.79'; thence S04°05'53"E, along the east line of the SW ¼ of said Section 35 for 2.66'; thence S86°03'14"E for 259.45'; thence S83°59'28"E for 69.45'; thence S86°03'14"E for 142.85' to a Point of curvature of a circular curve to the right; thence SE/y, along the arc of said curve, having a radius of 32' and a central angle of 79°59'43" for 44.68' to a Point of tangency; thence S06°03'30"E for 86.36' to a Point of curvature of a circular curve to the right; thence S/ly along the arc of said curve, having a radius of 275' and a central angle of 12°21' 50", for an arc distance of 59.34' to a point on the arc of a circular curve to the right, concave NW/ly, said point bearing S70°12'40"E, from the center of said curve; thence SW/ly along the arc of said curve, having a radius of 262.72' and a central angle of 10°04'12", for an arc distance of 46.17' to a point on the arc of a circular curve to the right, concave NW/ly, said point bearing S74°09'38"E from the center of said curve; thence SW/ly along the arc of said curve, having a radius of 264' and a central angle of 10°29'56", for an arc distance of 48.38' to a Point of compound curvature; thence SW/ly along a line 61' W/ly of and parallel with the SE/ly (E/ly) line of said Tract "D", along the arc of a curve, having a radius of 2,753.93' and a central angle of 2°03'46", for an arc distance of 99.14'; thence S61°35'57"E, radial to the previous and the next described curve, for 11' to a point on the arc of a circular curve to the right; thence SW/ly, along a line 50' W/ly of and parallel with the SE/ly (E/ly) line of said Tract "D", along the arc of said curve, having a radius of 2,764.93' and a central angle of 1°22'35", for an arc distance of 66.42' to a point on the arc of a circular curve to the right, concave NW/y, said point bearing S47°42'17"E, from the center of said curve; thence SW/ly along the arc of said curve, having a radius of 2,693.53' and a central angle of 1°04'38", for an arc distance of 50.65' to a point on the arc of a circular curve to the right, concave NW/ly, said point bearing S59°11'46"E from the center of said curve; thence SW/ly, along a line 61' W/ly of and parallel with the SE/ly (E/ly) line of said Tract "D", along the arc of said curve, having a radius of 2,753.93' and a central angle of 2°24'56" for an arc distance of 116.11'; thence S56°46'50"E, radial to the previous and the next described curve, for 11' to a point on the arc of a circular curve to the right; thence SW/ly, along a line 50' W/ly of and parallel with the SE/ly (E/ly) line of said Tract "D", along the arc of said curve, having a radius of 2,764.93' and a central angle of 3°33'03", for an arc distance of 171.35' to a Point of compound curvature; thence SW/ly and W/ly along the arc of a curve, having a radius of 155' and a central angle of 48°41'34", for an arc distance of 131.73' to a Point of tangency; thence S85°27'47"W for 29.94'; thence North 82°07'40"W for 51.19' to a point (said point being 30' west of as measured at right angles to the east line of the SW ¼ of said Section 35); thence S85°27'47"W for 157.93'; thence S04°32'13"E for 11'; thence S85°27'47"W for 177.55'; thence South 04°05'53"E for 158.25' to a Point of curvature of a circular curve to the right; thence SE/ly, S/ly and SW/y, along the arc of said curve having a radius of 27' and a central angle of 89°33'40" for 42.2' to a Point of tangency, (the last 21 courses being coincident in part with right-of-way lines, Official Record Book 17240, Page 4137); thence South 85°27'47"W

along the north Right-of-Way line of North Kendall Drive, said line being 53' north of as measured at right angles to the south line of the SW ¼ of said Section 35, for 457.53'; thence N81°03'24"W for 62.2'; thence S85°27'47"W, along a line 67.5' north of as measured at right angles to the south line of the SW ¼ of said Section 35, for 927.15' to the Point of curvature of a circular curve to the right, (the last two described courses being coincident in part with right-of-way lines of the Right-of-Way, Official Record Book 16714, Page 0517, and Official Record Book 17375, Page 0819,); thence SW/ly, W/ly and NW/ly, along the arc of said curve, having a radius of 32' and a central angle of 90°00'00", for an arc distance of 50.27' to a Point of tangency; thence N04°32'13"W for 162.63'; thence S85°27'47"W for 122.1'; thence N88°32'13"W for 175.74' to a Point of curvature of a circular curve to the right, concave NE/ly; thence W/ly and NW/ly, along the arc of said curve, having a radius of 155' and a central angle of 74°22'51", for 201.22' to a Point of tangency; thence N14°09'22"W along a line 50.00 feet east of and parallel with the E/ly right-of-way line of the PALMETTO EXPRESSWAY (as shown on said plat of PALMETTO-KENDAL HEIGHTS) for 320.33' to the Point of curvature of a circular curve to the right; thence N/ly along the arc of said curve, having a radius of 2,375.32' and a central angle of 3°31'41", for an arc distance of 146.26'; thence South 79°22'19"W, radial to last described curve, for 54.61' to a break-point on the E/ly right-of- way line of the said PALMETTO EXPRESSWAY (being also the W/ly Boundary Line of said Tract "B"), (the last eight described courses being coincident in part with rights-of-way of the Right-of-Way dedication, Official Record Book 17240, Page 3929; thence North 07°06'00"W along the E/ly Limited Access Right-of-Way Line of said PALMETTO EXPRESSWAY (State Road No. 826) and the W/ly line of said Tract "B" for 364.47' feet to the Point of beginning. ALSO the following described parcel conveyed by Federated Department Stores, Inc. to The Equitable Life Assurance Society of the United States by Deed recorded March 10, 1981, in Official Records Book 11037, at Page 1918, a portion of Tract "B" of PALMETTO-KENDAL HEIGHTS, Plat Book 70, at Page 47, more particularly described as follows:

Commence at the southeast corner of SW ¼ of Section 35, Township 54 South, Range 40 East; thence run S85°27'47"W along the south line of the SW ¼ of the said Section 35, the same being the centerline of North Kendall Drive (SW 88th Street), for a distance of 760' to a point; thence run N04°32'13"W at right angles to the south line of the SW ¼ of the said Section 35 for a distance of 535' to a point; thence run S85°27'47"W for a distance of 190.15' to a point; thence N04°32'13"W for a distance of 40' to a point; thence S85°27'47"W for a distance of 112.05' to the Point of beginning of the parcel of land herein described; thence continue S85°27'47"W for a distance of 9.8' to a point; thence N04°32'13"W for a distance of 75.' to a point; thence N85°27'47"E for a distance of 9.8' to a point; thence S04°32'13"E for a distance of 75' to the Point of Beginning. LESS: the following described parcel conveyed by The Equitable Life Assurance Society of The United States, to Federated Department Stores, Inc., by Deed recorded March 10, 1981, in Official Records Book 11037, at Page 1928, a portion of Tract "B" of PALMETTO-KENDAL HEIGHTS, Plat Book 70, at Page 47, more particularly described as follows:

COMMENCE at the southeast corner of the SW ¼ of Section 35, Township 54 South, Range 40 East; thence S85°27'47"W along the south line of the SW ¼ of the said Section 35, the same being the centerline of North Kendall Drive (SW 88th Street), for a distance of 760' to a point; thence run N04°32'13"W at right angles to the south line of the SW ¼ of the said Section 35 for a distance of 535' to a point; thence S85°27'47"W for a distance of 190.15' feet to a point; thence run N04°32'13"W for a distance of 27.5' to the Point of beginning of

the parcel of land herein described; thence S85°27'47"W for a distance of 99.05' to a point; thence N04°32'13"W for a distance of 12.5' to a point; thence N85°27'47"E for a distance of 99.05' to a point; thence S04°32'13"E for a distance of 12.5' to the Point of Beginning. LESS a right-of-way to be dedicated being described as follows:

Commence at the southwest corner of the SW ¼ of Section 35, Township 54 South, Range 40 East; thence N85°27'47"E, along the south line of said Section 35, for 392.47'; thence N04°32'13"W for 219.83'; thence N14°09'22"W, along the E/ly right-of-way line of the Palmetto Expressway, for 399.89'; thence N75°50'38"E for 50' to the Point of beginning of the hereinafter described parcel of land; thence N14°09'22"W for 103.58' to a Point of curvature of a circular curve to the right; thence Northwesterly along the arc of said curve, having a radius of 2,375.32', a central angle of 02°33'02" and a chord bearing of N12°52'51"W, for 105.74'; thence N78°23'40"E along a radial bearing to the next circular curve to the left, for 11'; thence SE/ly along the arc of said curve, having a radius of 2,364.32', a central angle of 02°33'02" and a chord bearing of S12°52'51"E, for 105.25' to a Point of tangency; thence S14°09'22"E for 53.57'; thence S01°45'07"E for 51.21' feet to the Point of beginning. TOGETHER WITH PARCEL 2: A portion of Tract "D", "PALMETTO-KENDAL HEIGHTS", Plat Book 70, Page 47, being more particularly described as follows:

Begin at the northeast corner of said Tract "D", said point on the arc of a circular curve to the left, concave NW/ly, said point bearing S71°30'47"E from the center of said curve; thence S/ly along the SE/ly (E/ly) line of said Tract "D", along the arc of said curve, having a radius of 2,814.93' and a central angle of 0°00'38", for an arc distance of .52'; thence North 86°03'14"W, along a line of.5' south of and parallel with the south right-of-way line of Canal C-2 (Snapper Creek Canal), for 108.1' to a point on the arc of a circular curve to the left, concave S/ly (the last described course being coincident with a right-of-way line which is a portion of the Right-of-Way, Official Record Book 17240, Page 4137,); thence W/ly along the right-of-way line of that certain Right-of-Way line described in Official Record Book 12089, Page 2270, and Official Record Book 12188, Page 2198, and along the arc of said curve, having a chord bearing of N86°03'14"W, a radius of 761.4' and a central angle of 03°17'35", for an arc distance of 43.76'; thence N86°03'14"W, along a line .5' south of and parallel with the south right-of-way line of Canal C-2 (Snapper Creek Canal), for 493.89', (the last described course being coincident with a right-of-way line which is a portion of the Right-of-Way, Official Record Book 17240, Page 4137); thence N04°05'53"W, along a line 35' east of and parallel with the east line of the SW ¼ of Section 35, Township 54 South, Range 40 East, for .51'; thence S86°03'14"E, along the south right-of-way line of Canal C-2 (Snapper Creek Canal) for 645.95' to the Point of beginning. TOGETHER WITH PARCEL 3: A portion of Tract "D", PALMETTO-KENDAL HEIGHTS, Plat Book 70, Page 47, being more particularly described as follows:

Commence at the northeast corner of said Tract "D", said point being on a circular curve, concave NW/ly and bearing S71°30'47"E from the center point of said curve; thence SW/ly along the E/ly line of said Tract "D" and along the arc of said curve having a radius of 2,814.93' and a central angle of 2°07'29" for 104.93' to the Point of beginning of the following described parcel; thence continue SW/ly along said E/ly line of Tract "D" and along the arc of said curve having a radius of 2,814.93' and a central angle of 5°43'36" for

281.35' to a point which is tangent to a curve concave NW/ly, said point bearing S63°39'42"E from the center point of the last and next described curves; thence NW/ly, along the arc of a circular curve to the left, having a radius of 325' and a central angle of 32°23'47" for 183.76' to a Point of tangency; thence N06°03'30"W for 62.9' to a Point of curvature of a circular curve to the right; thence N/ly, NE/ly and SE/ly along the arc of said curve, having a radius of 25' and a central angle of 103°40'51", for 45.24' feet to a Point of compound curvature; thence SE/ly along a circular curve to the right, having a radius of 668.9' and a central angle of 05°05'54", for 59.52' to the Point of beginning. The last four courses being coincident with rights-of-way lines which are a portion of the Right-of-Way dedication to Dade County, Official Record Book 17240, Page 4137. TOGETHER WITH PARCEL 4: A portion of the east 330' of the SE ¼ of the SW ¼ of Section 35, Township 54 South, Range 40 East, and a portion of Tract "D", PALMETTO-KENDAL HEIGHTS, Plat Book 70, Page 47, and a portion of the vacated right of way of former S.W. 72nd Avenue, Official Record Book 16838, Page 3458, and being more particularly described as follows:

Commence at the southeast corner of the SW ¼ of said Section 35; thence N04°05'53"W along the east line of the SW ¼ of said Section 35 for 65.5' to the Point of beginning of the following described parcel: thence S85°27'47"W, along a line parallel with and 65.5' north of as measured perpendicular to the south line of the SW ¼ of Section 35 for 267.81' to a Point of curvature; thence W/ly and NW/ly, along the arc of said curve having a radius of 27' and a central angle of 90°26'20" for 42.62' to a Point of tangency; thence N04°05'53"W for 68.55' to the Point of curvature of a circular curve to the right; thence N/ly and NE/ly, along the arc of a circular curve having a radius 27' and a central angle of 89°33'40" for 42.2' to a Point of tangency; thence N85°27'47"E for 319.01' to the Point of curvature of a circular curve to the left; thence NE/ly, along the arc of said curve having a radius of 205' and a central angle of 48°41'34" for 174.22' to a Point of tangency with a circular curve concave NW/ly, said point bearing S53°13'48"E from the center points of the last and next described curves, (the last five described courses being coincident in part with the rights-of-way which are a portion of the Right-of-Way dedicated to Dade County as described in Official Record Book 17240, Page 4137); thence run SW/ly along the arc of a circular curve to the right, being concave NW/ly, and having a radius of 2,814.93' and a central angle of 03°24'10" for 167.18' to a Point of tangency; thence S40°10'22"W for 79.7'; thence S44°13'23"E, for 14.59'; thence S45°46'37"W for 13', (the last four courses being coincident with the SE/ly boundary line of said Tract "D"); thence N04°05'52"W, along a line parallel with and 35' east of as measured perpendicular to the west line of the SE ¼ of said Section 35, for 6.17'; thence S85°27'47"W, parallel with the south line of the SW ¼ of said Section 35 for 35' to the Point of beginning. TOGETHER WITH PARCEL 5: A portion of Tract "B", PALMETTO-KENDAL HEIGHTS, Plat Book 70, Page 47, being more particularly described as follows:

Commence at the SW/ly corner of the SW ¼ of Section 35, Township 54 South, Range 40 East; thence N04°05'28"W, along the west line of the SW ¼ of said Section 35, for 1,228.46' to the intersection with the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal); thence N85°36'42"E, along the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) for 257.63' to a point on the E/y right-of-way of Limited Access Highway, Florida State Road No. 826 and the northwest corner of said Tract "B"; thence S07°06'00"E for 364.47'; thence S14°09'22"E for 500.95' to the Point of beginning of the following described parcel (the last two courses being along the E/ly Limited Access Right-of-Way Line of said State Road No. 826 and being also the W/ly line of said Tract "B"); thence

S30°33'51'E for 66.8' to a Point of curvature of a circular curve to the left; thence SE/ly along the arc of said curve, having a radius of 213' and a central angle of 26°58'11", for 100.26' to a point on a circular curve concave NE/ly, with the center point of this next described curve bearing N22°50'50"E from this last described point; thence SE/ly along the arc of a circular curve to the left having a radius of 227' and a central angle of 21°23'03", for 84.72' to a Point of tangency; thence S88°32'13"E for 151.83' to the Point of curvature of a circular curve to the right; thence SE/ly, S/ly and SW/ly, along the arc of said curve, having a radius of 50.15' and a central angle of 174°00'00", for 152.3' to a Point of tangency; (the last four described courses being coincident with the rights-of-way which are a portion of the Right-of-Way dedication to Dade County as described in Official Record Book 17240, Page 3929); thence S85°27'47"W for 114.36' to the Point of curvature of a circular curve to the right; thence NW/ly along the arc of said curve having a radius of 190' and a central angle of 70°34'48" for 234.05' (the last two courses being coincident with rights-of-way which are a portion of the Right-of-Way dedication to the State of Florida as described in Official Record Book 16713, Page 2181); thence N14°09'22"West (along said E/ly Limited Access Right of Way Line of State Road No. 826 and the E/ly line of said Tract "B") for 152.06' to the Point of beginning. TOGETHER WITH PARCEL 6: Together with those rights and easements constituting rights in real property created defined and limited by that certain Operating Agreement dated 1/11/66, a Memorandum of which is recorded in Official Record Book 4979, Page 521, which was partially superseded by the Operating Agreement dated 8/7/70 by and between Federated Department Stores, Inc. and Dadeland Shopping Center, Inc., as disclosed by Memorandum of Operating Agreement recorded 4/28/71 in Official Record Book 7202, Page 58, Amendment to Operating Agreement dated 12/1/80 between Federated Department Stores, Inc. and The Equitable Life Assurance Society of the United States, a New York corporation, as disclosed by Memorandum of Amendment to Operating Agreement dated 12/1/80 and recorded 3/10/81 in Official Record Book 11037, Page 1931, Second Amendment to Operating Agreement dated 6/1/84 and recorded 3/12/85 in Official Record Book 12442, Page 238, and Assignment and Assumption of Operating Agreement dated 1/12/89 and recorded 2/16/89 in Official Record Book 13999, Page 1913, as affected by the Supplement to Operating Agreement and Development Expansion Agreement dated 2/28/97 recorded 7/23/97 in Official Record Book 17722, Page 4948, and the Assignment of Operating Agreement dated 8/8/97 and recorded 8/11/97 in Official Record Book 17749, Page 38. TOGETHER WITH PARCEL 7 (Federated Tract): All that certain parcel of land being a part of Section 35, Township 54 South, Range 40 East, bounded and described as follows:

Commence at the southeast corner of the SW ¼ of Section 35, Township 54 South, Range 40 East; thence S85°27'47"W along the south line of the SW ¼ of said Section 35 for a distance of 760' to a point; thence N4°32'13"W at right angles to the south line of the SW ¼ of said Section 35 for a distance of 575' to the Point of beginning of the tract of land herein described; thence S85°27'47"W along a line parallel with the south line of the SW ¼ of said Section 35 for a distance of 302.2' to a point; thence N4°32'13"W for a distance of 75' to a point; thence S85°27'47"W for a distance of 9.8' to a point; thence N4°32'13"W for a distance of 245'; thence N85°27'47"E along a line parallel with the south line of the SW ¼ of said Section 35 for a distance of 312' to a point; thence S4°32'13"E for a distance of 320' to the Point of Beginning.

AND:

Commence at the southeast corner of the SW ¼ of Section 35, Township 54 South, Range 40 East; thence run S85°27'47"W along the south line of the SW ¼ of said Section 35 and also being along the centerline of North Kendall Drive (S.W. 88th Street) for a distance of 760' to a point; thence run N4°32'13"W along a line for a distance of 535' to the Point of beginning of the parcel of land herein described; thence run N85°27'47"E along a line for a distance of 71.85' to a point; thence run N4°32'13"W along a line for a distance of 154' to a point; thence run N85°27'47"E along a line for a distance of 172' to a point; thence run N4°32'13"W along a line for a distance of 504.66' to a point on the N/ly line of Tract "B" of PALMETTO-KENDALL HEIGHTS, Plat book 70, Page 47, the same being a point on the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) as shown on the said plat of PALMETTO-KENDALL HEIGHTS; thence run N86°03'14"W along the N/ly line of said Tract "B" and also being along the S/ly right-of-way line of the said Canal C-2 for a distance of 155.15' to a point; thence run N4°05'42"W along the N/ly line of said Tract "B" and also being along the S/ly right-of-way line of the said Canal C-2 for a distance of 6.6' to a point; thence run S85°36'42"W along the N/ly line of said Tract "B" and also being along the S/ly right-of-way line of the said Canal C-2 for a distance of 402.19' to a point; thence run S4°32'13"E along a line for a distance of 329.19' to the northwest corner of the Federated Department Stores, Inc. tract as the same is described in that certain deed dated 5/24/60, filed for record 5/25/60, in the Office of the Clerk of the Circuit Court for Miami-Dade County, Florida, under Clerk's File No. 60R94108; thence run N85°27'47"E along the north line of the said Federated Department Stores, Inc. Tract for a distance of 312' to the northeast corner thereof; thence run S4°32'13"E along the east line of the said Federated Department Stores, Inc. Tract for a distance of 320' to the southeast corner thereof; thence run S85°27'47"W along the south line of the said Federated Department Stores, Inc. Tract for a distance of 289.2' feet to a point; thence run S4°32'13"E along a line for a distance of 12.5' to a point; thence run N85°27'47"E along a line for a distance of 99.05'; thence S4°32'13"E for a distance of 27.5'; thence N85°27'47"E for a distance of 190.15 feet to the Point of beginning.

LOCATION: 7535 S.W. 88 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant requested a waiver of the re-filing period, 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 modifications of Conditions #30, #31 and #34 of Resolution No. Z-15-96, last modified by Resolution #Z-04-02, both resolutions passed and adopted by the Board of County Commissioners (Item# 1) and of Condition #32 of Resolution Z-15-96, passed and adopted by the Board of County Commissioners (Item #2) would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance and would be consistent with the Comprehensive Development Master Plan, and that the requested waiver of the re-filing period should be granted, and

WHEREAS, a motion to approve Items #1 and 2 and to waive the re-filing period was offered by Commissioner Carlos A. Gimmenez, seconded by Commissioner Joe A. Martinez, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	absent	Joe A. Martinez	aye
Jose "Pepe" Diaz	absent	Dorrin D. Rolle	aye
Audrey M. Edmonson	aye	Natacha Seijas	absent
Carlos A. Gimmenez	aye	Katy Sorenson	aye
Sally A. Heyman	absent	Rebecca Sosa	absent
Barbara J. Jordan	aye	Sen. Javier D. Souto	absent

Dennis C. Moss aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the requested modifications of Conditions #30, #31 and #34 of Resolution No. Z-15-96, last modified by Resolution #Z-04-02, both resolutions passed and adopted by the Board of County Commissioners (Item# 1) and Condition #32 of Resolution Z-15-96, passed and adopted by the Board of County Commissioners (Item #2) be and the same are hereby approved, subject to the following conditions:

1. That all conditions of Resolutions No. Z-45-96 and Z-4-02 remain in full force and effect except as herein modified.

2. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained in the Departmental memoranda which are part of the record of this recommendation incorporated herein by reference.

BE IT FURTHER RESOLVED that the requested modification of Conditions #30, #31 and #34 of Resolution No. Z-15-96, last modified by Resolution #Z-04-02, both resolutions passed and adopted by the Board of County Commissioners (Item# 1), shall read as follows:

30. December 28, 2014 is hereby established as the buildout date for this project and is the date until which the County agrees that the Dadeland Mall Development of Regional Impact shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the County can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the development order have occurred, or that the DRI development order was based on substantially inaccurate information provided by the applicant, or that the change is clearly essential to the public health, safety or welfare.

31. The commencement of physical development shall be one year from the effective date of the development order. For purposes of this paragraph, physical development means development as defined in F. S. 380.04. The termination dated for completing development shall be December 28, 2014. The termination dated may only be modified in accordance with F.S. 380.06(19)(c).

34. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that throughout the buildout period (December 28, 2014) sufficient infrastructure capacities will be available to service this project. All subsequent development orders or permits pursuant to the development order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Chapter 33G of the Miami-Dade County Code and A.O. 4-85 (concurrency regulations) as amended from time to time and to be consistent with local development regulations so long as the application is developing in compliance with terms and conditions of this Development Order. Furthermore, Miami-Dade County shall not issue any subsequent development orders as defined in Section 33G-3(2) Miami-Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) The actual impacts of this project and other committed development are greater than those projected in the ADA; and (b) the issuance of further local development orders (as defined in Chapter 33G,

Miami-Dade County Code) authorizing further construction or development pursuant to this DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not issue unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County. The issuance of development orders which have been found to be vested pursuant to chapter 2-114, 33-315 or 33-316 of the Code of Miami-Dade County as adopted pursuant to Section 163.3167(8) Florida Statues, shall not be considered for purposes of determining concurrency as to this project. However modifications or changes to this Development Order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time such modification or change occurs.

BE IT FURTHER RESOLVED that the requested modification of Condition #32 of Resolution Z-15-96, passed and adopted by the Board of County Commissioners (Item #2), shall read as follows:

32. December 30, 2014 is hereby established as the expiration date for the development order.

BE IT FURTHER RESOLVED, that the request to waive the re-filing period be and the same is hereby approved and that the re-filing period is hereby waived.

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.

RESOLUTION NO. CZAB12-6-02

WHEREAS, **SDG DADELAND** applied for the following:

(1) TO MAKE A SUBSTANTIAL DEVIATION DETERMINATION pursuant to §380.06(19) of the Florida Statutes with respect to the following amendments and requests:

(2) MODIFICATION of Conditions #15, #25, #30, #31 and #34 of Resolution Z-15-96, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "15. Notwithstanding conditions 13 and 14 above, refrain from requesting any building permits subsequent to December 31, 1999, until improvements A, B, C and D as identified in Exhibit 3 herein have been completed as determined by the Public Works Department."

TO: "15. Notwithstanding conditions 13 and 14 above, refrain from requesting any building permits subsequent to December 29, 2004, until improvements A, B, C and D as identified in Exhibit 3 herein have been completed as determined by the Public Works Department."

FROM: "25. Notwithstanding conditions 23 and 24 above, withhold the issuance of building permits subsequent to December 31, 1999, until improvements A, B, C and D as identified in Exhibit 3 herein have been completed as determined by the Public Works Department."

TO: "25. Notwithstanding conditions 23 and 24 above, withhold the issuance of building permits subsequent to December 29, 2004, until improvements A, B, C and D as identified in Exhibit 3 herein have been completed as determined by the Public Works Department."

FROM: "30. December 31, 2004, is hereby established as the buildout date for this project and is the date until which the County agrees that the Dadeland Mall Development of Regional Impact shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the County can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the development order have occurred, or that the DRI development order was based on substantially inaccurate information provided by the applicant, or that the change is clearly essential to the public health, safety, or welfare."

TO: "30. December 29, 2009, is hereby established as the buildout date for this project and is the date until which the County agrees that the Dadeland Mall Development of Regional Impact shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the County can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the development order have occurred, or that the DRI development order was based on substantially inaccurate information provided by the applicant, or that the change is clearly essential to the public health, safety, or welfare."

FROM: "31. The commencement of physical development shall be one year from the effective date of the development order. For purposes of this paragraph, physical development means development as defined in F.S. 380.04. The termination date for completing development shall be December 31, 2004. The termination date may only be modified in accordance with F.S. 380.06(19)(c)."

TO: "31. The commencement of physical development shall be one year from the effective date of the development order. For purposes of this paragraph, physical development means development as defined in F.S. 380.04. The termination date for completing development shall be December 29, 2009. The termination date may only be modified in accordance with F.S. 380.06(19)(c)."

FROM: "34. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Dade County, it is hereby found that throughout the buildout period (December 31, 2004) sufficient infrastructure capacities will be available to service this Project. All subsequent development orders or permits pursuant to this Development Order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Chapter 33G of the Dade County Code and A.O. 4-85 (concurrency regulations) as amended from time to time and to be consistent with local development regulations so long as the Applicant is developing in compliance with the terms and conditions of this Development Order. Furthermore, Dade County shall not issue any subsequent development orders as defined in Section 33G-3(2) Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the

Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) The actual impacts of this project and other committed development are greater than those projected in the ADA; and (b) the issuance of further local development orders (as defined in Chapter 33G, Dade County Code) authorizing further construction or development pursuant to this DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not issue unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County. The issuance of development orders which have been found to be vested pursuant to Chapter 2-114, 33-315 or 33-316 of the Code of Metropolitan Dade County as adopted pursuant to Section 163.3167(8) Florida Statutes, shall not be considered for purposes of determining concurrency as to this project. However, modifications or changes to this Development Order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time such modification or change occurs."

TO: "34. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that throughout the buildout period (December 29, 2009) sufficient infrastructure capacities will be available to service this Project. All subsequent development orders or permits pursuant to this Development Order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Chapter 33G of the Miami-Dade County Code and A.O. 4-85 (concurrency regulations) as amended from time to time and to be consistent with local development regulations so long as the Applicant is developing in compliance with the terms and conditions of this Development Order. Furthermore, Miami-Dade County shall not issue any subsequent development orders as defined in Section 33G-3(2) Miami-Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) The actual impacts of this project

and other committed development are greater than those projected in the ADA; and (b) the issuance of further local development orders (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction or development pursuant to this DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not issue unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County. The issuance of development orders which have been found to be vested pursuant to Chapter 2-114, 33-315 or 33-316 of the Code Miami-Dade County as adopted pursuant to Section 163.3167(8) Florida Statutes, shall not be considered for purposes of determining concurrency as to this project. However, modifications or changes to this Development Order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time such modification or change occurs."

The purpose of the request is to extend the buildout and termination date for a Development of Regional Impact (the Dadeland Mall), to extend the date after which building permits may not be requested or issued unless certain improvements have been made, and after which the project may be subject to down-zoning, and to extend the time in which sufficient infrastructure capacities will be available to serve this project.

SUBJECT PROPERTY: Commence at the Southwest corner of the SW ¼ of Section 35, Township 54 South, Range 40 East; thence N4°5'28"W, along the west line of the SW ¼ of the said Section 35, for a distance of 1,228.46' to the intersection thereof with the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal); thence N85°36'42"E, along the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal), for a distance of 257.63', to a point on the E/ly right-of-way line of Limited Access Highway, Florida State Road 826, the Northwest corner of Tract "8" of PALMETTO-KENDALL HEIGHTS, Plat book 70, Page 47 and the Point of beginning of the tract of land herein described; thence continue N85°36'42"E, along the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) and along the north boundary of the said Tract "8", for a distance of 1,373.98'; thence S4°32'13"E for a distance of 574.19'; thence N85°27'47"E for a distance of 9.8'; thence S4°32'13"E for a distance of 75'; thence N85°27'47"E for a distance of 13'; thence S4°32'13"E for a distance of 12.5'; thence N85°27'47"E for a distance of 99.05'; thence S4°32'13"E for a distance of 27.5'; thence N85°27'47"E for a distance of 262'; thence N4°32'13"W for a distance of 154'; thence N85°27'47"E for a distance of 172'; thence N4°32'13'W for a distance of 504.66' to a point on the

S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) and a point on the N/ly boundary of the said Tract "B"; thence S86°3'14"E, along the S/ly right-of-way line of Canal C-2 and along the N/ly boundary of the said Tract "B" for a distance of 495.15' to a point which is located 35' west of, as measured at right angles to, the east line of the SW ¼ of the said Section 35 and a point on the west right-of-way line of S.W. 72nd Avenue; thence S4°5'53"E parallel to the east line of the SW ¼ of the said Section 35 and along the west right-of-way line of S.W. 72nd Avenue, for a distance of 1,042.83' to the beginning of a tangential circular curve; thence SW/ly along the said circular curve to the right having a radius of 25' through a central angle of 89°33'40" for an arc distance of 39.08' to a point which is located 53' north of, as measured at right angles to the south line of the SW ¼ of the said Section 35 and a point on the north right-of-way line of North Kendall Drive (S.W. 88th Street); thence S85°27'47"W, parallel to the south line of the SW ¼ of the said Section 35 and along the north right-of-way line of S.W. 88th Street for a distance of 2,017.21' to its intersection with the NE/ly right-of-way line of Limited Access Highway, Florida State Road No. 826 and a point on the SW/ly boundary of the said Tract "B"; thence N87°15'14"W, along the NE/ly right-of-way line of the said State Road 826 and along the SW/ly boundary of the said Tract "B"; for a distance of 161.56'; thence N41°41'11"W, along the E/ly right-of-way line of the said State Road No. 826 and along the W/ly boundary of the said Tract "B", for a distance of 125.48': thence N14°9'22"W, along the E/ly right-of-way line of the said State Road No. 826 and along the Westerly boundary of the said Tract "B", for a distance of 700'; thence N7°6'0"W, along the E/ly right-of-way of the said State Road No. 826 and along the W/ly boundary of the said Tract "B" for a distance of 364.47' to the Point of beginning.

LOCATION: 7535 N. Kendall Drive (S.W. 88 Street), Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 12 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 and to the recommendation of the Developmental Impact Committee, it is the opinion of this Board that the amendment to the existing Development Orders (i.e. Resolution Z-15-96) noted herein as requested Item #1, does not, when considered individually, or in any combination or cumulatively pursuant to Section 380.06(19) Florida Statutes, constitute a substantial deviation requiring further development of regional impact review, and that the requested modification of Conditions #15 on a modified basis, #25 on a modified basis, and #30, #31 & #34 of Resolution Z-15-96 (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 recommend to the Board of County Commissioners, a finding of no substantial deviation and approval of the modification of Conditions #15 on a modified basis, #25 on a modified basis and #30, #31 & #34 of Resolution Z-15-96 was offered by Lorraine Grigsby, seconded by Maytee D. Armesto, and upon a poll of the members present, the vote was as follows:

Maytee D. Armesto	aye	Lorraine Grigsby	aye
Fran M. Bohnsack	nay	Robert W. Wilcosky	nay
Peggy Brodeur	nay	Sanford A. Youkilis	aye
	Patrick Vilar	aye	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 12, that the Board recommends to the Board of County

Commissioners to find that the amendment to the existing Development Orders (i.e. Resolution Z-15-96) be approved, and that said amendment, does not, when considered individually, or in any combination or cumulatively pursuant to Section 380.06(19) Florida Statutes, constitute a substantial deviation requiring further development of regional impact review.

BE IT FURTHER RESOLVED this Board recommends to the Board of County Commissioners that the requested modification of Conditions #15 on a modified basis, #25 on a modified basis, and #30, #31, & #34 of Resolution Z-15-96 (Item #2) be approved.

BE IT FURTHER RESOLVED, the requested modification of Condition #15 of Resolution Z-15-96, which this Board recommends for approval, reads as follows:

> Notwithstanding conditions 13 and 14 above, refrain from requesting any building permits subsequent to December 16, 2004, until improvements A, B, C and D as identified in Exhibit 3 herein have been completed as determined by the Public Works Department.

BE IT FURTHER RESOLVED, the requested modification of Condition #25 of Resolution Z-15-96, which this Board recommends for approval, reads as follows:

> Notwithstanding conditions 23 and 24 above, withhold the issuance of any building permits subsequent to December 16, 2004, until improvements A, B, C and D as identified in Exhibit 3 herein have been completed as determined by the Public Works Department.

BE IT FURTHER RESOLVED, the requested modification of Condition #30 of Resolution Z-15-96, which this Board recommends for approval, reads as follows:

> December 29, 2009 is hereby established as the buildout date for this project and is the date until which the County agrees that the Dadeland Mall Development of Regional Impact shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the County can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the development order

have occurred, or that the DRI development order was based on substantially inaccurate information provided by the applicant, or that the change is clearly essential to the public health, safety, or welfare.

BE IT FURTHER RESOLVED, the requested modification of Condition #31 of Resolution Z-15-96, which this Board recommends for approval, reads as follows:

> The commencement of physical development shall be one year from the effective date of the development order. For purposes of this paragraph, physical development means development as defined in F.S. 380.04. The termination date for completing development shall be December 29, 2009. The termination date may only be modified in accordance with F.S. 380.06(19)(c).

BE IT FURTHER RESOLVED, the requested modification of Condition #34 of Resolution Z-15-96, which this Board recommends for approval, reads as follows:

> For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that throughout the buildout period (December 29, 2009) sufficient infrastructure capacities will be available to service this project. All subsequent development orders or permits pursuant to the development order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Chapter 33G of the Miami-Dade County Code and A.O. 4-85 (concurrency regulations) as amended from time to time and to be consistent with local development regulations so long as the application is developing in compliance with terms and conditions of this Development Order. Furthermore, Miami-Dade County shall not issue any subsequent development orders as defined in Section 33G-3(2) Miami-Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) The actual impacts of this project and other committed development are greater than those projected in the ADA; and (b) the issuance of further local development orders (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction or development pursuant to this DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not issue unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County. The issuance of development orders which have been found to be vested pursuant to Chapter 2-114, 33-315 or 33-

316 of the Code of Miami-Dade County as adopted pursuant to Section 163.3167(8) Florida Statutes, shall not be considered for purposes of determining concurrency as to this project. However modifications or changes to this Development Order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time such modification or change occurs.

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

PASSED AND ADOPTED this 5th day of February, 2002.

Hearing No. 00-1CZ12-1
eo

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 8TH DAY OF FEBRUARY, 2002.

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-4-02

WHEREAS, **SDG DADELAND ASSOCIATES, INC.** had applied to Community

Zoning Appeals Board 12 for the following:

(1) TO MAKE A SUBSTANTIAL DEVIATION DETERMINATION pursuant to §380.06(19) of the Florida Statutes with respect to the following amendments and requests:

(2) MODIFICATION of Conditions #15, #25, #30, #31 and #34 of Resolution Z-15-96, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "15. Notwithstanding conditions 13 and 14 above, refrain from requesting any building permits subsequent to December 31, 1999, until improvements A, B, C and D as identified in Exhibit 3 herein have been completed as determined by the Public Works Department."

TO: "15. Notwithstanding conditions 13 and 14 above, refrain from requesting any building permits subsequent to December 29, 2004, until improvements A, B, C and D as identified in Exhibit 3 herein have been completed as determined by the Public Works Department."

FROM: "25. Notwithstanding conditions 23 and 24 above, withhold the issuance of building permits subsequent to December 31, 1999, until improvements A, B, C and D as identified in Exhibit 3 herein have been completed as determined by the Public Works Department."

TO: "25. Notwithstanding conditions 23 and 24 above, withhold the issuance of building permits subsequent to December 29, 2004, until improvements A, B, C and D as identified in Exhibit 3 herein have been completed as determined by the Public Works Department."

FROM: "30. December 31, 2004, is hereby established as the buildout date for this project and is the date until which the County agrees that the Dadeland Mall Development of Regional Impact shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the County can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the development order have occurred, or that the DRI development order was based on substantially inaccurate information provided by the applicant, or that the change is clearly essential to the public health, safety, or welfare."

TO: "30. December 29, 2009, is hereby established as the buildout date for this project and is the date until which the County agrees that the

Dadeland Mall Development of Regional Impact shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the County can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the development order have occurred, or that the DRI development order was based on substantially inaccurate information provided by the applicant, or that the change is clearly essential to the public health, safety, or welfare."

FROM: "31. The commencement of physical development shall be one year from the effective date of the development order. For purposes of this paragraph, physical development means development as defined in F.S. 380.04. The termination date for completing development shall be December 31, 2004. The termination date may only be modified in accordance with F.S. 380.06(19)(c)."

TO: "31. The commencement of physical development shall be one year from the effective date of the development order. For purposes of this paragraph, physical development means development as defined in F.S. 380.04. The termination date for completing development shall be December 29, 2009. The termination date may only be modified in accordance with F.S. 380.06(19)(c)."

FROM: "34. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Dade County, it is hereby found that throughout the buildout period (December 31, 2004) sufficient infrastructure capacities will be available to service this Project. All subsequent development orders or permits pursuant to this Development Order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Chapter 33G of the Dade County Code and A.O. 4-85 (concurrency regulations) as amended from time to time and to be consistent with local development regulations so long as the Applicant is developing in compliance with the terms and conditions of this Development Order. Furthermore, Dade County shall not issue any subsequent development orders as defined in Section 33G-3(2) Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) The actual impacts of this project and other committed development are greater than those projected in the ADA; and (b) the issuance of further local development orders (as defined in Chapter 33G, Dade County Code) authorizing further construction or development pursuant to this DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not issue unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County. The

issuance of development orders which have been found to be vested pursuant to Chapter 2-114, 33-315 or 33-316 of the Code of Metropolitan Dade County as adopted pursuant to Section 163.3167(8) Florida Statutes, shall not be considered for purposes of determining concurrency as to this project. However, modifications or changes to this Development Order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time such modification or change occurs."

TO: "34. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that throughout the buildout period (December 29, 2009) sufficient infrastructure capacities will be available to service this Project. All subsequent development orders or permits pursuant to this Development Order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Chapter 33G of the Miami-Dade County Code and A.O. 4-85 (concurrency regulations) as amended from time to time and to be consistent with local development regulations so long as the Applicant is developing in compliance with the terms and conditions of this Development Order. Furthermore, Miami-Dade County shall not issue any subsequent development orders as defined in Section 33G-3(2) Miami-Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) The actual impacts of this project and other committed development are greater than those projected in the ADA; and (b) the issuance of further local development orders (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction or development pursuant to this DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not issue unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County. The issuance of development orders which have been found to be vested pursuant to Chapter 2-114, 33-315 or 33-316 of the Code Miami-Dade County as adopted pursuant to Section 163.3167(8) Florida Statutes, shall not be considered for purposes of determining concurrency as to this project. However, modifications or changes to this Development Order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time such modification or change occurs."

The purpose of the request is to extend the buildout and termination date for a Development of Regional Impact (the Dadeland Mall), to extend the date after which building permits may not be requested or issued unless certain improvements have been made, and after which the project may be subject to down-zoning, and to extend the time in which sufficient infrastructure capacities will be available to serve this project.

SUBJECT PROPERTY: Commence at the Southwest corner of the SW ¼ of Section 35, Township 54 South, Range 40 East; thence N4°5'28"W, along the west line of the SW ¼ of the said Section 35, for a distance of 1,228.46' to the intersection thereof with the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal); thence N85°36'42"E, along the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal), for a distance of 257.63', to a point on the E/ly right-of-way line of Limited Access Highway, Florida State Road 826, the Northwest corner of Tract "8" of PALMETTO-KENDALL HEIGHTS, Plat book 70, Page 47 and the Point of beginning of the tract of land herein described; thence continue N85°36'42"E, along the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) and along the north boundary of the said Tract "8", for a distance of 1,373.98'; thence S4°32'13"E for a distance of 574.19'; thence N85°27'47"E for a distance of 9.8'; thence S4°32'13"E for a distance of 75'; thence N85°27'47"E for a distance of 13'; thence S4°32'13"E for a distance of 12.5'; thence N85°27'47"E for a distance of 99.05'; thence S4°32'13"E for a distance of 27.5'; thence N85°27'47"E for a distance of 262'; thence N4°32'13"W for a distance of 154'; thence N85°27'47"E for a distance of 172'; thence N4°32'13'W for a distance of 504.66' to a point on the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) and a point on the N/ly boundary of the said Tract "B"; thence S86°3'14"E, along the S/ly right-of-way line of Canal C-2 and along the N/ly boundary of the said Tract "B" for a distance of 495.15' to a point which is located 35' west of, as measured at right angles to, the east line of the SW ¼ of the said Section 35 and a point on the west right-of-way line of S.W. 72nd Avenue; thence S4°5'53"E parallel to the east line of the SW ¼ of the said Section 35 and along the west right-of-way line of S.W. 72nd Avenue, for a distance of 1,042.83' to the beginning of a tangential circular curve; thence SW/ly along the said circular curve to the right having a radius of 25' through a central angle of 89°33'40" for an arc distance of 39.08' to a point which is located 53' north of, as measured at right angles to the south line of the SW ¼ of the said Section 35 and a point on the north right-of-way line of North Kendall Drive (S.W. 88th Street); thence S85°27'47"W, parallel to the south line of the SW ¼ of the said Section 35 and along the north right-of-way line of S.W. 88th Street for a distance of 2,017.21' to its intersection with the NE/ly right-of-way line of Limited Access Highway, Florida State Road No. 826 and a point on the SW/ly boundary of the said Tract "B"; thence N87°15'14"W, along the NE/ly right-of-way line of the said State Road 826 and along the SW/ly boundary of the said Tract "B"; for a distance of 161.56'; thence N41°41'11"W, along the E/ly right-of-way line of the said State Road No. 826 and along the W/ly boundary of the said Tract "B", for a distance of 125.48': thence N14°9'22"W, along the E/ly right-of-way line of the said State Road No. 826 and along the Westerly boundary of the said Tract "B", for a distance of 700'; thence N7°6'0"W, along the E/ly right-of-way of the said State Road No. 826 and along the W/ly boundary of the said Tract "B" for a distance of 364.47' to the Point of beginning.

LOCATION: 7535 N. Kendall Drive (S.W. 88 Street), Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 12 was advertised and held, as required by law, on February 5, 2002, and all interested parties

concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter and to the recommendations of the Developmental Impact Committee, it was the recommendation of Community Zoning Appeals Board 12 to the Board of County Commissioners that the amendment to the existing Development Orders (i.e. Resolution No. Z-15-96) noted herein as requested Item #1, would not, when considered individually, or in any combination or cumulatively pursuant to Section 380.06(19) Florida Statutes, constitute a substantial deviation requiring further development of regional impact review, and that the requested modification of Conditions #15 on a modified basis, #25 on a modified basis, and #30, #31 & #34 of Resolution Z-15-96 (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 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 all interested parties concerned in the matter were given an opportunity to be heard, and **SDG DADELAND ASSOCIATES, INC.** applied to the Board of County Commissioners for the following:

(1) TO MAKE A SUBSTANTIAL DEVIATION DETERMINATION pursuant to §380.06(19) of the Florida Statutes with respect to the following amendments and requests:

(2) MODIFICATION of Conditions #15, #25, #30, #31 and #34 of Resolution Z-15-96, passed and adopted by the Board of County Commissioners, reading as follows:

FROM: "15. Notwithstanding conditions 13 and 14 above, refrain from requesting any building permits subsequent to December 31, 1999, until improvements A, B, C and D as identified in Exhibit 3 herein have been completed as determined by the Public Works Department."

TO: "15. Notwithstanding conditions 13 and 14 above, refrain from requesting any building permits subsequent to December 29, 2004, until improvements A, B, C and D as identified in Exhibit 3 herein have been completed as determined by the Public Works Department."

FROM: "25. Notwithstanding conditions 23 and 24 above, withhold the issuance of building permits subsequent to December 31, 1999, until

improvements A, B, C and D as identified in Exhibit 3 herein have been completed as determined by the Public Works Department."

TO: "25. Notwithstanding conditions 23 and 24 above, withhold the issuance of building permits subsequent to December 29, 2004, until improvements A, B, C and D as identified in Exhibit 3 herein have been completed as determined by the Public Works Department."

FROM: "30. December 31, 2004, is hereby established as the buildout date for this project and is the date until which the County agrees that the Dadeland Mall Development of Regional Impact shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the County can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the development order have occurred, or that the DRI development order was based on substantially inaccurate information provided by the applicant, or that the change is clearly essential to the public health, safety, or welfare."

TO: "30. December 29, 2009, is hereby established as the buildout date for this project and is the date until which the County agrees that the Dadeland Mall Development of Regional Impact shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the County can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the development order have occurred, or that the DRI development order was based on substantially inaccurate information provided by the applicant, or that the change is clearly essential to the public health, safety, or welfare."

FROM: "31. The commencement of physical development shall be one year from the effective date of the development order. For purposes of this paragraph, physical development means development as defined in F.S. 380.04. The termination date for completing development shall be December 31, 2004. The termination date may only be modified in accordance with F.S. 380.06(19)(c)."

TO: "31. The commencement of physical development shall be one year from the effective date of the development order. For purposes of this paragraph, physical development means development as defined in F.S. 380.04. The termination date for completing development shall be December 29, 2009. The termination date may only be modified in accordance with F.S. 380.06(19)(c)."

FROM: "34. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Dade County, it is hereby found that throughout the buildout period (December 31, 2004) sufficient infrastructure capacities will be available to service this Project. All subsequent development orders or permits pursuant to this Development Order, are hereby found to meet concurrency standards set forth in Comprehensive

Development Master Plan Ordinance No. 89-66 and Chapter 33G of the Dade County Code and A.O. 4-85 (concurrency regulations) as amended from time to time and to be consistent with local development regulations so long as the Applicant is developing in compliance with the terms and conditions of this Development Order. Furthermore, Dade County shall not issue any subsequent development orders as defined in Section 33G-3(2) Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) The actual impacts of this project and other committed development are greater than those projected in the ADA; and (b) the issuance of further local development orders (as defined in Chapter 33G, Dade County Code) authorizing further construction or development pursuant to this DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not issue unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County. The issuance of development orders which have been found to be vested pursuant to Chapter 2-114, 33-315 or 33-316 of the Code of Metropolitan Dade County as adopted pursuant to Section 163.3167(8) Florida Statutes, shall not be considered for purposes of determining concurrency as to this project. However, modifications or changes to this Development Order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time such modification or change occurs."

TO: "34. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that throughout the buildout period (December 29, 2009) sufficient infrastructure capacities will be available to service this Project. All subsequent development orders or permits pursuant to this Development Order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Chapter 33G of the Miami-Dade County Code and A.O. 4-85 (concurrency regulations) as amended from time to time and to be consistent with local development regulations so long as the Applicant is developing in compliance with the terms and conditions of this Development Order. Furthermore, Miami-Dade County shall not issue any subsequent development orders as defined in Section 33G-3(2) Miami-Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) The actual impacts of this project and other committed

development are greater than those projected in the ADA; and (b) the issuance of further local development orders (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction or development pursuant to this DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not issue unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County. The issuance of development orders which have been found to be vested pursuant to Chapter 2-114, 33-315 or 33-316 of the Code Miami-Dade County as adopted pursuant to Section 163.3167(8) Florida Statutes, shall not be considered for purposes of determining concurrency as to this project. However, modifications or changes to this Development Order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time such modification or change occurs."

The purpose of the request is to extend the buildout and termination date for a Development of Regional Impact (the Dadeland Mall), to extend the date after which building permits may not be requested or issued unless certain improvements have been made, and after which the project may be subject to down-zoning, and to extend the time in which sufficient infrastructure capacities will be available to serve this project.

SUBJECT PROPERTY: Commence at the Southwest corner of the SW ¼ of Section 35, Township 54 South, Range 40 East; thence N4°5'28"W, along the west line of the SW ¼ of the said Section 35, for a distance of 1,228.46' to the intersection thereof with the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal); thence N85°36'42"E, along the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal), for a distance of 257.63', to a point on the E/ly right-of-way line of Limited Access Highway, Florida State Road 826, the Northwest corner of Tract "8" of PALMETTO-KENDALL HEIGHTS, Plat book 70, Page 47 and the Point of beginning of the tract of land herein described; thence continue N85°36'42"E, along the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) and along the north boundary of the said Tract "8", for a distance of 1,373.98'; thence S4°32'13"E for a distance of 574.19'; thence N85°27'47"E for a distance of 9.8'; thence S4°32'13"E for a distance of 75'; thence N85°27'47"E for a distance of 13'; thence S4°32'13"E for a distance of 12.5'; thence N85°27'47"E for a distance of 99.05'; thence S4°32'13"E for a distance of 27.5'; thence N85°27'47"E for a distance of 262'; thence N4°32'13"W for a distance of 154'; thence N85°27'47"E for a distance of 172'; thence N4°32'13'W for a distance of 504.66' to a point on the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) and a point on the N/ly boundary of the said Tract "B"; thence S86°3'14"E, along the S/ly right-of-way line of Canal C-2 and along the N/ly boundary of the said Tract "B" for a distance of 495.15' to a point which is located 35' west of, as measured at right angles to, the east line of the SW ¼ of the said Section 35 and a point on the west right-of-way line of S.W. 72nd Avenue; thence S4°5'53"E parallel to the east line of the SW ¼ of the said Section 35 and along the west right-of-way line of S.W. 72nd Avenue, for a distance of 1,042.83' to the beginning of a tangential circular curve; thence SW/ly along the said circular curve to the right having a radius of 25' through a central angle of 89°33'40" for an arc distance of 39.08' to a point which is located 53' north of, as measured at right angles to the south line of the SW ¼ of

the said Section 35 and a point on the north right-of-way line of North Kendall Drive (S.W. 88th Street); thence S85°27'47"W, parallel to the south line of the SW ¼ of the said Section 35 and along the north right-of-way line of S.W. 88th Street for a distance of 2,017.21' to its intersection with the NE/ly right-of-way line of Limited Access Highway, Florida State Road No. 826 and a point on the SW/ly boundary of the said Tract "B"; thence N87°15'14"W, along the NE/ly right-of-way line of the said State Road 826 and along the SW/ly boundary of the said Tract "B"; for a distance of 161.56'; thence N41°41'11"W, along the E/ly right-of-way line of the said State Road No. 826 and along the W/ly boundary of the said Tract "B", for a distance of 125.48': thence N14°9'22"W, along the E/ly right-of-way line of the said State Road No. 826 and along the Westerly boundary of the said Tract "B", for a distance of 700'; thence N7°6'0"W, along the E/ly right-of-way of the said State Road No. 826 and along the W/ly boundary of the said Tract "B" for a distance of 364.47' to the Point of beginning.

LOCATION: 7535 N. Kendall Drive (S.W. 88 Street), Miami-Dade County, Florida, 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 and to the recommendations of the Developmental Impact Committee and Community Zoning Appeals Board 12, it is the opinion of this Board that the amendment to the existing Development Orders (i.e. Resolution No. Z-15-96), does not, when considered individually, or in any combination or cumulatively pursuant to Section 380.06(19) Florida Statutes, constitute a substantial deviation requiring further development of regional impact review (Item #1), and that the requested modification of Conditions #15 on a modified basis, #25 on a modified basis, and #30, #31 & #34 of Resolution Z-15-96 (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 Item #1 and Item #2 on a modified basis was offered by Commissioner Jimmy L. Morales, seconded by Commissioner Katy Sorenson, and upon a poll of the members present the vote was as follows:

Miriam A. Alonso	absent	Dennis C. Moss	absent
Bruno A. Barreiro	absent	Dorrin D. Rolle	aye
Barbara M. Carey-Shuler	aye	Natacha Seijas	absent
Betty T. Ferguson	absent	Katy Sorenson	aye
Joe A. Martinez	aye	Rebeca Sosa	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 Miami-Dade County Commission finds that the amendment to the existing Development Orders (i.e. Resolution No. Z-15-96), approved hereby, does not, when considered individually, or in any combination or cumulatively pursuant to Section 380.06(19) Florida Statutes, constitute a substantial deviation requiring further development of regional impact review (Item #1).

BE IT FURTHER RESOLVED that the requested modification of Conditions #15 on a modified basis, #25 on a modified basis, and #30, #31, & #34 of Resolution Z-15-96 (Item #2) be and the same is hereby approved.

BE IT FURTHER RESOLVED, the requested modification of Condition #15 of Resolution Z-15-96 as modified shall read as follows:

> Notwithstanding conditions 13 and 14 above, refrain from requesting any building permits subsequent to December 16, 2004, until improvements A, B, C and D as identified in Exhibit 3 herein have been completed as determined by the Public Works Department.

BE IT FURTHER RESOLVED, the requested modification of Condition #25 of Resolution Z-15-96 as modified shall read as follows:

> Notwithstanding conditions 23 and 24 above, withhold the issuance of any building permits subsequent to December 16, 2004, until improvements A, B, C and D as identified in Exhibit 3 herein have been completed as determined by the Public Works Department.

BE IT FURTHER RESOLVED, the requested modification of Condition #30 of Resolution Z-15-96 shall read as follows:

December 29, 2009 is hereby established as the buildout date for this project and is the date until which the County agrees that the Dadeland Mall Development of Regional Impact shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the County can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the development order have occurred, or that the DRI development order was based on substantially inaccurate information provided by the applicant, or that the change is clearly essential to the public health, safety, or welfare.

BE IT FURTHER RESOLVED, the requested modification of Condition #31 of Resolution Z-15-96 shall read as follows:

The commencement of physical development shall be one year from the effective date of the development order. For purposes of this paragraph, physical development means development as defined in F.S. 380.04. The termination date for completing development shall be December 29, 2009. The termination date may only be modified in accordance with F.S. 380.06(19)(c).

BE IT FURTHER RESOLVED, the requested modification of Condition #34 of Resolution Z-15-96, shall read as follows:

For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that throughout the buildout period (December 29, 2009) sufficient infrastructure capacities will be available to service this project. All subsequent development orders or permits pursuant to the development order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Chapter 33G of the Miami-Dade County Code and A.O. 4-85 (concurrency regulations) as amended from time to time and to be consistent with local development regulations so long as the application is developing in compliance with terms and conditions of this Development Order. Furthermore, Miami-Dade County shall not issue any subsequent development orders as defined in Section 33G-3(2) Miami-Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) The actual impacts of this project and other committed development are greater than those projected in the ADA; and (b) the issuance of further local development orders (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction or development pursuant to this DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not issue unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County. The issuance of development orders which have been found to be vested pursuant to Chapter 2-114, 33-315 or 33-316 of the Code of Miami-Dade County as adopted pursuant to Section 163.3167(8) Florida Statutes, shall not be considered for purposes of determining concurrency as to this project. However modifications or changes to this Development Order, regardless

of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time such modification or change occurs.

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.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED **this 14th day of February, 2002 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. 00-1-CZ12-1
eo

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

KAY SULLAWAY

by Harvey Ruvin, Clerk
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 19TH DAY OF MARCH, 2002.

RESOLUTION NO. CZAB12-8-00

WHEREAS, **SDG DADELAND ASSOCIATES, INC., TR.** applied for the following:

(1) TO MAKE A SUBSTANTIAL DEVIATION DETERMINATION pursuant to §380.06(19) of the Florida Statutes with respect to the following amendments and requests:

(2) MODIFICATION of Conditions #15, #25, #30, #31 and #34 of Resolution Z-15-96, passed and adopted by the Board of County Commissioners on the 4th day of January, 1996, reading as follows:

FROM: "15. Notwithstanding conditions 13 and 14 above, refrain from requesting any building permits subsequent to December 31, 1999, until improvements A, B, C and D as identified in Exhibit 3 herein have been completed as determined by the Public Works Department."

TO: "15. Notwithstanding conditions 13 and 14 above, refrain from requesting any building permits subsequent to December 29, 2004, until improvements A, B, C and D as identified in Exhibit 3 herein have been completed as determined by the Public Works Department."

FROM: "25. Notwithstanding conditions 23 and 24 above, withhold the issuance of building permits subsequent to December 31, 1999, until improvements A, B, C and D as identified in Exhibit 3 herein have been completed as determined by the Public Works Department."

TO: "25. Notwithstanding conditions 23 and 24 above, withhold the issuance of building permits subsequent to December 29, 2004, until improvements A, B, C and D as identified in Exhibit 3 herein have been completed as determined by the Public Works Department."

FROM: "30. December 31, 2004, is hereby established as the buildout date for this project and is the date until which the County agrees that the Dadeland Mall Development of Regional Impact shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the County can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the development order have occurred, or that the DRI development order was based on substantially inaccurate information provided by the applicant, or that the change is clearly essential to the public health, safety, or welfare."

TO: "30. December 29, 2009, is hereby established as the buildout date for this project and is the date until which the County agrees that the Dadeland Mall Development of Regional Impact shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the County can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the development order have occurred, or that the DRI development order was based on substantially

inaccurate information provided by the applicant, or that the change is clearly essential to the public health, safety, or welfare."

FROM: "31. The commencement of physical development shall be one year from the effective date of the development order. For purposes of this paragraph, physical development means development as defined in F.S. 380.04. The termination date for completing development shall be December 31, 2004. The termination date may only be modified in accordance with F.S. 380.06(19)(c)."

TO: "31. The commencement of physical development shall be one year from the effective date of the development order. For purposes of this paragraph, physical development means development as defined in F.S. 380.04. The termination date for completing development shall be December 29, 2009. The termination date may only be modified in accordance with F.S. 380.06(19)(c)."

FROM: "34. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Dade County, it is hereby found that throughout the buildout period (December 31, 2004) sufficient infrastructure capacities will be available to service this Project. All subsequent development orders or permits pursuant to this Development Order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Chapter 33G of the Dade County Code and A.O. 4-85 (concurrency regulations) as amended from time to time and to be consistent with local development regulations so long as the Applicant is developing in compliance with the terms and conditions of this Development Order. Furthermore, Dade County shall not issue any subsequent development orders as defined in Section 33G-3(2) Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) The actual impacts of this project and other committed development are greater than those projected in the ADA; and (b) the issuance of further local development orders (as defined in Chapter 33G, Dade County Code) authorizing further construction or development pursuant to this DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not issue unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County. The issuance of development orders which have been found to be vested pursuant to Chapter 2-114, 33-315 or 33-316 of the Code of Metropolitan Dade County as adopted pursuant to Section 163.3167(8) Florida Statutes, shall not be considered for purposes of determining concurrency as to this project. However, modifications or changes to this Development Order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to

comply with those concurrency requirements or local development regulations in effect at the time such modification or change occurs."

TO: "34. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that throughout the buildout period (December 29, 2009) sufficient infrastructure capacities will be available to service this Project. All subsequent development orders or permits pursuant to this Development Order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Chapter 33G of the Miami-Dade County Code and A.O. 4-85 (concurrency regulations) as amended from time to time and to be consistent with local development regulations so long as the Applicant is developing in compliance with the terms and conditions of this Development Order. Furthermore, Miami-Dade County shall not issue any subsequent development orders as defined in Section 33G-3(2) Miami-Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) The actual impacts of this project and other committed development are greater than those projected in the ADA; and (b) the issuance of further local development orders (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction or development pursuant to this DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not issue unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County. The issuance of development orders which have been found to be vested pursuant to Chapter 2-114, 33-315 or 33-316 of the Code Miami-Dade County as adopted pursuant to Section 163.3167(8) Florida Statutes, shall not be considered for purposes of determining concurrency as to this project. However, modifications or changes to this Development Order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time such modification or change occurs."

The purpose of the request is to extend the buildout and termination date for a Development of Regional Impact (the Dadeland Mall), to extend the date after which building permits may not be requested or issued unless certain improvements have been made, and after which the project may be subject to down-zoning, and to extend the time in which sufficient infrastructure capacities will be available to serve this project.

SUBJECT PROPERTY: Commence at the Southwest corner of the SW ¼ of Section 35, Township 54 South, Range 40 East; thence N4°5'28"W, along the west line of the SW ¼ of the said Section 35, for a distance of 1,228.46' to the intersection thereof with the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal); thence N85°36'42"E, along the S/ly right-of-way line of Canal C-2 (Snapper

Creek Canal), for a distance of 257.63', to a point on the E/ly right-of-way line of Limited Access Highway, Florida State Road 826, the Northwest corner of Tract "8" of PALMETTO-KENDALL HEIGHTS, Plat book 70, Page 47 and the Point of beginning of the tract of land hereindescribed; thence continue N85°36'42"E, along the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) and along the north boundary of the said Tract "8", for a distance of 1,373.98'; thence S4°32'13"E for a distance of 574.19'; thence N85°27'47"E for a distance of 9.8'; thence S4°32'13"E for a distance of 75'; thence N85°27'47"E for a distance of 13'; thence S4°32'13"E for a distance of 12.5'; thence N85°27'47"E for a distance of 99.05'; thence S4°32'13"E for a distance of 27.5'; thence N85°27'47"E for a distance of 262'; thence N4°32'13"W for a distance of 154'; thence N85°27'47"E for a distance of 172'; thence N4°32'13'W for a distance of 504.66' to a point on the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) and a point on the N/ly boundary of the said Tract "B"; thence S86°3'14"E, along the S/ly right-of-way line of Canal C-2 and along the N/ly boundary of the said Tract "B" for a distance of 495.15' to a point which is located 35' west of, as measured at right angles to, the east line of the SW ¼ of the said Section 35 and a point on the west right-of-way line of S.W. 72nd Avenue; thence S4°5'53"E parallel to the east line of the SW ¼ of the said Section 35 and along the west right-of-way line of S.W. 72nd Avenue, for a distance of 1,042.83' to the beginning of a tangential circular curve; thence SW/ly along the said circular curve to the right having a radius of 25' through a central angle of 89°33'40" for an arc distance of 39.08' to a point which is located 53' north of, as measured at right angles to the south line of the SW ¼ of the said Section 35 and a point on the north right-of-way line of North Kendall Drive (S.W. 88th Street); thence S85°27'47"W, parallel to the south line of the SW ¼ of the said Section 35 and along the north right-of-way line of S.W. 88th Street for a distance of 2,017.21' to its intersection with the NE/ly right-of-way line of Limited Access Highway, Florida State Road No. 826 and a point on the SW/ly boundary of the said Tract "B"; thence N87°15'14"W, along the NE/ly right-of-way line of the said State Road 826 and along the SW/ly boundary of the said Tract "B"; for a distance of 161.56'; thence N41°41'11"W, along the E/ly right-of-way line of the said State Road No. 826 and along the W/ly boundary of the said Tract "B", for a distance of 125.48': thence N14°9'22"W, along the E/ly right-of-way line of the said State Road No. 826 and along the Westerly boundary of the said Tract "B", for a distance of 700'; thence N7°6'0"W, along the E/ly right-of-way of the said State Road No. 826 and along the W/ly boundary of the said Tract "B" for a distance of 364.47' to the Point of beginning.

LOCATION: 7535 N. Kendall Drive (S.W. 88 Street), Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 12 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 and to the recommendation of the Developmental Impact Committee, it is the opinion of this Board that the amendment to the existing Development Order (i.e. Miami-Dade County Resolution No. Z-15-96) and the proposed amendment noted herein as requested Item #2, does not when considered individually, or in any combination or cumulatively pursuant to Section 380.06 (19) Florida Statutes, constitute a substantial deviation requiring further development of regional impact review, and that the requested modification (Item #2) would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure, and

WHEREAS, a motion to recommend a finding of no substantial deviation and approval of the application to the Board of County Commissioners was offered by Lorraine Grigsby, seconded by Peggy Brodeur, and upon a poll of the members present, the vote was as follows:

Maytee D. Armesto	aye	Lorraine Grigsby	aye
Peggy Brodeur	aye	Larry Harris	nay
Gregory W. Bush	absent	Patrick Vilar	aye

Sanford A. Youkilis aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 12 that this Board finds that the amendment to the existing Development Order (i.e. Miami-Dade County Resolution No. Z-15-96) recommended for approval hereby, does not, when considered individually, or in any combination or cumulatively pursuant to Section 380.06 (19) Florida Statutes, constitute a substantial deviation requiring further development of regional impact review.

BE IT FURTHER RESOLVED, that the application as recommended for approval is subject to the following conditions:

1. That all the conditions of Resolution Z-15-96 remain in full force and effect, except as herein modified.

2. That the applicant comply with all the conditions and requirements of the Public Works Department as contained in their Memorandum pertaining to this application.

3. That a declaration of restrictions running with the land, in proper recordable form, be submitted, to and meet with the approval of the County Attorney's Office, prior to the day the Board of County Commissioners reviews this matter; said declaration of restrictions shall be to the effect that the property have a 3,000 square foot community room, such community room shall operate free of charge and in a manner responsive to the needs of the community in all regards, including but not limited to parking, hours, method for community groups to schedule use of the room, etc.; and that the applicant build a plaza in a form approved by the zoning director.

BE IT FURTHER RESOLVED, that the action taken today does not relate to or exempt this project's compliance with the effective date provisions of ordinance 99-166.

BE IT FURTHER RESOLVED, that in the event that the applicant fails to file a covenant in a form approved by the County Attorney's Office prior to the day the Board of County Commissioners reviews this matter, the Zoning Appeals Board recommends the application be denied.

BE IT FURTHER RESOLVED, that all such construction shall be subject to applicable building, zoning and other approvals as provided by law.

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 Planning and Zoning.

PASSED AND ADOPTED this 30th day of March, 2000.

Hearing No. 00-1-CZ12-1
mc

RESOLUTION NO. CZAB12-3-97

WHEREAS, **CHEESECAKE CORP. OF AMERICA, INC.** had applied for the following:

(1) SPECIAL EXCEPTION of spacing requirements as applied to alcoholic beverage establishments to permit a proposed restaurant with cocktail lounge to be spaced less than the required 1,500' from other existing alcoholic beverage establishments.

(2) NON-USE VARIANCE OF ZONING REGULATIONS limiting the sale of alcoholic beverages for consumption on the premises on Sundays in restaurants beginning at 1:00 p.m. and in cocktail lounges beginning at 5:00 p.m.; to vary same to permit consumption on the premises on Sundays beginning at 11:00 a.m. in both the restaurant and cocktail lounge.

A plan is on file and may be examined in the Zoning Department entitled "Dadeland Mall," as prepared by Johnson Assoc., Inc., dated Feb. 28, 1997, consisting of 3 sheets; a plan entitled "Liquor Survey," as prepared by James Beadman & Assoc., Inc., dated 3-3-97, consisting of 1 sheet; and a plan entitled "Cheesecake Factory - Dadeland Mall Floor Plan," preparer unknown, dated received April 21, 1997, consisting of 1 sheet. Plans may be modified at public hearing.

SUBJECT PROPERTY: Commence at the Southwest corner of the SW ¼ of Section 35, Township 54 South, Range 40 East; thence N4°5'28"W, along the west line of the SW ¼ of the said Section 35, for a distance of 1,228.46' to the intersection thereof with the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal); thence N85°36'42"E, along the s/ly right-of-way line of Canal C-2 (Snapper Creek Canal), for a distance of 257.63'; to a point on the E/ly right-of-way line of Limited Access highway, Florida State Road 826, the Northwest corner of Tract "8" of PALMETTO-KENDALL HEIGHTS, Plat book 70, Page 47 and the Point of beginning of the tract of land hereindescribed; thence continue N85°36'42"E, along the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) and along the north boundary of the said Tract "8", for a distance of 1,373.98'; thence S4°32'13"E for a distance of 574.19'; thence N85°27'47"E for a distance of 9.8'; thence S4°32'13"E for a distance of 75'; thence N85°27'47"E for a distance of 13'; thence S4°32'13"E for a distance of 12.5'; thence N85°27'47"E for a distance of 99.05'; thence S4°32'13"E for a distance of 27.5'; thence N85°27'47"E for a distance of 262'; thence N4°32'13"W for a distance of 154'; thence N85°27'47"E for a distance of 172'; thence N4°32'13"W for a distance of 504.66' to a point on the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) and a point on the N/ly boundary of the said Tract "B"; thence S86°3'14"E, along the S/ly right-of-way line of Canal C-2 and along the N/ly boundary of the said Tract "B" for a distance of 495.15' to a point which is located 35' west of, as measured at right angles to, the east line of the SW ¼ of the said Section 35 and a point on the west right-of-way line of S.W. 72nd Avenue; thence S4°5'53"E parallel to the east line of the SW ¼ of the said Section 35 and along the west right-of-way line of S.W. 72nd Avenue, for a distance of 1,042.83' to the beginning of a tangential circular curve; thence SW/ly along the said circular curve to the right having a radius of 25' through a central angle of 89°33'40" for an arc distance of 39.08' to a point which is located 53' north of, as measured at right angles to the south line of the SW ¼ of the said Section 35 and a point on the north right-of-way line of North Kendall Drive (S.W. 88th Street); thence S85°27'47"W, parallel to the south line of the SW ¼ of the said

Section 35 and along the north right-of-way line of S.W. 88th Street for a distance of 2,017.21' to its intersection with the NE/ly right-of-way line of Limited Access Highway, Florida State Road No. 826 and a point on the SW/ly boundary of the said Tract "B"; thence N87°15'14"W, along the NE/ly right-of-way line of the said State Road 826 and along the SW/ly boundary of the said Tract "B"; for a distance of 161.56'; thence N41°41'11"W, along the E/ly right-of-way line of the said State Road No. 826 and along the W/ly boundary of the said Tract "B", for a distance of 125.48'; thence N14°9'22"W, along the E/ly right-of-way line of the said State Road No. 826 and along the W/ly boundary of the said Tract "B", for a distance of 700'; thence N7°6'0"W, along the E/ly right-of-way of the said State Road No. 826 and along the W/ly boundary of the said Tract "B" for a distance of 364.47' to the Point of beginning.

AND:

Commence at the Southwest corner of the SE ¼ of Section 35, Township 54 South, Range 40 East; thence N4°5'53"W, along the west line of the SE ¼ of the said Section 35 for a distance of 1,115.43' to the intersection thereof with the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal); thence S86°3'14"E, along the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal), for a distance of 35.35' to a point which is located 35' east of as measured at right angles to, the west line of the SE ¼ of the said Section 35, a point on the N/ly line of Tract "D" of PALMETTO-KENDALL HEIGHTS, Plat book 70, Page 47 and the Point of beginning of the tract of land herein described; thence continue S86°3'14"E, along the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) and along the N/ly boundary of the said Tract "D", for a distance of 645.93' to its intersection thereof with the N/ly right-of-way line of the Florida East Coast Railway, a point on a circular curve whose center bears N71°30'47"W from said point and the most E/ly corner of the said Tract "D"; thence SW/ly along the NE/ly right-of-way line of the Florida East Coast Railway; along the SE/ly boundary of the said Tract "D" and along a circular curve having a radius of 2,814.93' through a central angle of 21°41'9" for an arc distance of 1,065.42' to a Point of tangency; thence S40°10'22"W, along the NW/ly right-of-way line of Florida East Coast Railway, tangent to the last described curve and along the SE/ly boundary of the said Tract "D" for a distance of 79.7'; thence S44°13'23"E. along the boundary of the said Tract "D", for a distance of 14.59'; thence S45°46'37"W, along the NW/ly right-of-way line of the Florida East Coast Railway and along the SE/ly boundary of the said Tract "D", for a distance of 13.05' to the point on the east right-of-way line of S.W. 72nd Avenue and a point which is located 35' east of, as measured at right angles to, the west line of the SE ¼ of the said Section 35; thence N4°5'53"W, along the east right-of-way line of S.W. 72nd Avenue, for a distance of 1,050.89' to the Point of beginning.

All that certain parcel of land being a part of Section 35, Township 54 South, Range 40 East, bounded and described as follows:

PARCEL 1: Commence at the Southeast corner of the SW ¼ of Section 35, Township 54 South, Range 40 East; thence S85°27'47"W along the south line of the SW ¼ of said Section 35 for a distance of 760' to a point; thence N4°32'13"W at right angles to the south line of the SW ¼ of said Section 35 for a distance of 575' to the Point of beginning of the tract of land herein described; thence S85°27'47"W along a line parallel with the south line of the SW ¼ of said Section 35 for a distance of 302.2' to a point; thence N4°32'13"W for a distance of 75' to a point; thence S85°27'47"W for a distance of 9.8' to a point; thence N4°32'13"W for a distance of

245'; thence N85°27'47"E along a line parallel with the south line of the SW ¼ of said Section 35 for a distance of 312' to a point; thence S4°32'13"E for a distance of 320' to the Point of beginning.

AND:

Commence at the Southeast corner of the SW ¼ of Section 35, Township 54 South, Range 40 East; thence run S85°27'47"W along the south line of the SW ¼ of said Section 35 and also being along the centerline of North Kendall Drive (S.W. 88th Street) for a distance of 760' to a point; thence run N4°32'13"W along a line for a distance of 535' to the Point of beginning of the parcel of land herein described; thence run N85°27'47"E along a line for a distance of 71.85' to a point; thence run N4°32'13"W along a line for a distance of 154' to a point; thence run N85°27'47"E along a line for a distance of 172' to a point; thence run N4°32'13"W along a line for a distance of 504.66' to a point on the N/ly line of Tract "B" of PALMETTO-KENDALL HEIGHTS, Plat book 70, Page 47, the same being a point on the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) as shown on the said plat of PALMETTO-KENDALL HEIGHTS; thence run N86°3'14'W along the N/ly line of said Tract "B" and also being along the S/ly right-of-way line of the said Canal C-2 for a distance of 155.15' to a point; thence run N4°5'42"W along the N/ly line of said Tract "B" and also being along the S/ly right-of-way line of the said Canal C-2 for a distance of 6.6' to a point; thence run S85°36'42"W along the N/ly line of said Tract "B" and also being along the S/ly right-of-way line of the said Canal C-2 for a distance of 402.45' to a point; thence run S4°32'13"E along a line for a distance of 329.19' to the Northwest corner of the Federated Department Stores, Inc. Tract as the same is described in that certain deed dated May 24, 1960, filed for record May 25, 1960, in the office of the Clerk of the Circuit Court for Dade County, Florida, under Clerk's File No. 60R94108; thence run N85°27'47"E along the north line of the said Federated Department Stores, Inc. Tract for a distance of 312' to the Northeast corner thereof; thence run S4°32'13"E along the east line of the said Federated Department Stores, Inc. Tract for a distance of 320' to the Southeast corner thereof; thence run S85°27'47"W along the south line of the said Federated Department Stores, Inc. Tract for a distance of 289.2' to a point; thence run S4°32'13"E along a line for a distance of 12.5' to a point; thence run N85°27'47"E along a line for a distance of 99.05'; thence S4°32'13"E for a distance of 27.5'; thence N85°27'47"E for a distance of 190.15' to the Point of beginning.

LOCATION: 7535 S.W. 88 Street (North Kendall Drive), Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Community Zoning Appeals Board 12 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 special exception (Item #1) and the non-use variance of zoning regulations (Item #2) 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

WHEREAS, a motion to approve the entire application was offered by Lorraine Grigsby, seconded by Larry Harris, and upon a poll of the members present, the vote was as follows:

Maytee D. Armesto	aye	Larry Harris	aye
Nancy Greene	aye	Maria R. De La Portilla	aye
Lorraine Grigsby	aye	Ana-Maria Schwartz	absent
	Maureen O'Donnell	aye	

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Community Zoning Appeals Board 12 that the requested special exception (Item #1) and the non-use variance of zoning regulations (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 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 "Dadeland Mall," as prepared by Johnson Assoc., Inc., dated Feb. 28, 1997, consisting of 3 sheets; a plan entitled "Liquor Survey," as prepared by James Beadman & Assoc., Inc., dated 3-3-97, consisting of 1 sheet; and a plan entitled "Cheesecake Factory - Dadeland Mall Floor Plan," preparer unknown, dated received April 21, 1997, consisting of 1 sheet.

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

4. That the cocktail lounge use be operated solely as an accessory use to the restaurant, and if the restaurant use is terminated, the cocktail lounge use will automatically expire.

5. That the operating hours for the cocktail lounge not extend beyond those for the restaurant.

6. 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.

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 Dade County Department of Planning, Development and Regulation and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 16th day of July, 1997.

Hearing No. 97-7-CZ-12-2
xg

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 22nd DAY OF July, 1997.

RESOLUTION NO. Z-15A-96

WHEREAS, **EQUITABLE LIFE ASSURANCE SOCIETY OF U.S.** had applied for the following:

(1) MODIFICATION of plans approved pursuant to Resolution 4-ZAB-84-83, passed and adopted by the Zoning Appeals Board on the 23rd day of March, 1983, and last modified by Resolution 5-ZAB-455-94, passed and adopted by the Zoning Appeals Board on the 9th day of November, 1994 as follows:

FROM: "Plans are on file and may be examined in the Zoning Department entitled 'Dadeland Mall,' as prepared by Johnson Associates, Architects, Inc., consisting of 3 sheets dated last revised 10-3-94."

TO: "Plans are on file and may be examined in the Zoning Department entitled 'Dadeland Mall Expansion Renovation,' as prepared by Johnson Associates Architects, Inc., dated last revised 10/3/95 and consisting of 14 sheets."

The purpose of this request is to allow the applicant to submit plans showing expansions to an existing shopping center.

(2) MODIFICATION of Paragraph #4 of a Declaration of Restrictive Covenants recorded in Official Record Book 11828, Pages 1866 on the 24th day of June, 1983 reading as follows:

FROM: "4. Equitable has prepared plans entitled 'Dadeland Mall,' prepared by Johnson Associates Architects, Inc., dated 7/1/82 and revised as of 1/19/83, consisting of 12 pages which is attached hereto and made a part hereof of Exhibit 'B' and hereinafter referred to as 'Site Plan'."

TO: "4. Equitable has prepared plans entitled 'Dadeland Mall Expansion/Renovation,' prepared by Johnson Associates Architects, Inc., dated last revised 10/3/95 and consisting of 14 sheets."

The purpose of this request is to allow the applicant to modify the covenant to submit new plans showing an expansion to the existing mall.

(3) SPECIAL EXCEPTION for a site plan approval to permit the expansion of an existing shopping center.

(4) NON-USE VARIANCE OF LOT COVERAGE REQUIREMENTS to permit 51% lot coverage (40% permitted).

(5) NON-USE VARIANCE OF SETBACK REQUIREMENTS to permit a building setback 9" (15' required) from the side street property line (proposed Dadeland Circle).

(6) NON-USE VARIANCE OF FLOOR AREA RATIO (F.A.R.) to permit an F.A.R. of .78 (.77 permitted).

(7) NON-USE VARIANCE OF LANDSCAPING REQUIREMENTS to permit 8.69% landscaping (16.07% required) (8.67% previously approved for 15% required landscaping).

The aforementioned plans are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

SUBJECT PROPERTY: Commence at the Southwest corner of the SW ¼ of Section 35, Township 54 South, Range 40 East; thence N4°5'28"W, along the west line of the SW ¼ of the said Section 35, for a distance of 1,228.46' to the intersection thereof with the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal); thence N85°36'42"E, along the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal), for a distance of 257.63', to a point on the E/ly right-of-way line of Limited Access highway, Flroida State Road 826, the Northwest corner of Tract "8" of PALMETTO-KENDALL HEIGHTS, Plat book 70, Page 47 and the Point of beginning of the tract of land hereindescribed; thence continue N85°36'42"E, along the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) and along the north boundary of the said Tract "8", for a distance of 1,373.98'; thence S4°32'13"E for a distance of 574.19'; thence N85°27'47"E for a distance of 9.8'; thence S4°32'13"E for a distance of 75'; thence N85°27'47"E for a distance of 13'; thence S4°32'13"E for a distance of 12.5'; thence N85°27'47"E for a distance of 99.05'; thence S4°32'13"E for a distance of 27.5'; thence N85°27'47"E for a distance of 262'; thence N4°32'13"W for a distance of 154'; thence N85°27'47"E for a distance of 172'; thence N4°32'13"W for a distance of 504.66' to a point on the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) and a point on the N/ly boundary of the said Tract "B"; thence S86°3'14"E, along the S/ly right-of-way line of Canal C-2 and along the N/ly boundary of the said Tract "B" for a distance of 495.15' to a point which is located 35' west of, as measured at right angles to, the east line of the SW ¼ of the said Section 35 and a point on the west right-of-way line of S.W. 72nd Avenue; thence S4°5'53"E parallel to the east line of the SW ¼ of the said Section 35 and along the west right-of-way line of S.W. 72nd Avenue, for a distance of 1,042.83' to the beginning of a tangential circular curve; thence SW/ly along the said circular curve to the right having a radius of 25' through a central angle of 89°33'40" for an arc distance of 39.08' to a point which is located 53' north of, as measured at right angles to the south line of the SW ¼ of the said Section 35 and a point on the north right-of-way line of North Kendall Drive (S.W. 88th Street); thence S85°27'47"W, parallel to the south line of the SW ¼ of the said Section 35 and along the north right-of-way line of S.W. 88th Street for a distance of 2,017.21' to its intersection with the NE/ly right-of-way line of Limited Access Highway, Florida State Road No. 826 and a point on the SW/ly boundary of the said Tract "B"; thence N87°15'14"W, along the NE/ly right-of-way line of the said State Road 826 and along the SW/ly boundary of the said Tract "B"; for a distance of 161.56'; thence N41°41'11"W, along the E/ly right-of-way line of the said State Road No. 826 and along the W/ly boundary of the said Tract "B", for a distance of 125.48'; thence N14°9'22"W, along the E/ly right-of-way line of the said State Road No. 826 and along the W/ly boundary of the said Tract "B", for a distance of 700'; thence N7°6'0"W, along the E/ly right-of-way of the said State Road No. 826 and along the W/ly boundary of the said Tract "B" for a distance of 364.47' to the Point of beginning.

AND:

Commence at the Southwest corner of the SE ¼ of Section 35, Township 54 South, Range 40 East; thence N4°5'53"W, along the west line of the SE ¼ of the said Section 35 for a dsitance of 1,115.43' to the intersection thereof with the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal); thence S86°3'14"E, along the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal), for a distance of 35.35' to a point which is located 35' east of as measured at right angles to, the west line of the SE ¼ of the said Section35, a point on the N/ly line of Tract "D" of PALMETTO-KENDALL HEIGHTS, Plat book 70, Page 47 and the Point of beginning of the tract of land herein described; thence continue S86°3'14"E, along the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) and along the N/ly boundary of the said Tract "D", for a distance of 645.93' to its intersection thereof with the N/ly right-of-way line of the Florida East Coast Railway, a point on a circular curve whose center bears N71°30'47"W from said point and the most E/ly corner of the said Tract "D"; thence SW/ly along the NE/ly right-of-way line of the Florida East Coast Railway; along the SE/ly boundary of the said Tract "D" and along a circular curve having a radius of 2,814.93' through a central angle of 21°41'9" for an arc distance of 1,065.42' to a Point of tangency; thence S40°10'22"W, along the NW/ly right-of-way line of Florida East Coast Railway, tangent to the last described curve and along the SE/ly boundary of the said Tract "D" for a distance of 79.7'; thence S44°13'23"E, along the boundary of the said Tract "D", for a distance of 14.59'; thence S45°46'37"W, along the NW/ly right-of-way line of the Florida East Coast Railway and along the SE/ly boundary of the said Tract "D", for a distance of 13.05' to the a point on the east right-of-way line of S.W. 72nd Avenue and a point which is located 35' east of, as measured at right angles to, the west line of the SE ¼ of the said Section 35; thence N4°5'53"W, along the east right-of-way line of S.W. 72nd Avenue, for a distance of 1,050.89' to the Point of beginning.

AND:

All that certain parcel of land being a part of Section 35, Township 54 South, Range 40 East, bounded and described as follows:

PARCEL 1: Commence at the Southeast corner of the SW ¼ of Section 35, Township 54 South, Range 40 East; thence S85°27'47"W along the south line of the SW ¼ of said Section 35 for a distance of 760' to a point; thence N4°32'13"W at right angles to the south line of the SW ¼ of said Section 35 for a distance of 575' to the Point of beginning of the tract of land herein described; thence S85°27'47"W along a line parallel with the south line of the SW ¼ of said Section 35 for a distance of 302.2' to a point; thence N4°32'13"W for a distance of 75' to a point; thence S85°27'47"W for a distance of 9.8' to a point; thence N4°32'13"W for a distance of 245'; thence N85°27'47"E along a line parallel with the south line of the SW ¼ of said Section 35 for a distance of 312' to a point; thence S4°32'13"E for a distance of 320' to the Point of beginning.

AND:

Commence at the Southeast corner of the SW ¼ of Section 35, Township 54 South, Range 40 East; thence run S85°27'47"W along the south line of the SW ¼ of said Section 35 and also being along the centerline of North Kendall Drive (S.W. 88th Street) for a distance of 760' to a point; thence run N4°32'13"W along a line for a distance of 535' to the Point of beginning of the parcel of land herein

described; thence run N85°27'47"E along a line for a distance of 71.85' to a point; thence run N4°32'13"W along a line for a distance of 154' to a point; thence run N85°27'47"E along a line for a distance of 172' to a point; thence run N4°32'13"W along a line for a distance of 504.66' to a point on the N/ly line of Tract "B" of PALMETTO-KENDALL HEIGHTS, Plat book 70, Page 47, the same being a point on the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) as shown on the said plat of PALMETTO-KENDALL HEIGHTS; thence run N86°3'14"W along the N/ly line of said Tract "B" and also being along the S/ly right-of-way line of the said Canal C-2 for a distance of 155.15' to a point; thence run N4°5'42"W along the N/ly line of said Tract "B" and also being along the S/ly right-of-way line of the said Canal C-2 for a distance of 6.6' to a point; thence run S85°36'42"W along the N/ly line of said Tract "B" and also being along the S/ly right-of-way line of the said Canal C-2 for a distance of 402.45' to a point; thence run S4°32'13"E along a line for a distance of 329.19' to the Northwest corner of the Federated Department Stores, Inc. Tract as the same is described in that certain deed dated May 24, 1960, filed for record May 25, 1960, in the office of the Clerk of the Circuit Court for Dade County, Florida, under Clerk's File No. 60R94108; thence run N85°27'47"E along the north line of the said Federated Department Stores, Inc. Tract for a distance of 312' to the Northeast corner thereof; thence run S4°32'13"E along the east line of the said Federated Department Stores, Inc. Tract for a distance of 320' to the Southeast corner thereof; thence run S85°27'47"W along the south line of the said Federated Department Stores, Inc. Tract for a distance of 289.2' to a point; thence run S4°32'13"E along a line for a distance of 12.5' to a point; thence run N85°27'47"E along a line for a distance of 99.05'; thence S4°32'13"E for a distance of 27.5'; thence N85°27'47"E for a distance of 190.15' to the Point of beginning.

LOCATION: 7535 N. Kendall Drive, 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, at which time the applicant submitted a revised site plan within the scope of the advertisement entitled, "Dadeland Mall Expansion/Renovation", as prepared by Johnson Associates Architects, Inc., dated December 5, 1995 and consisting of fourteen (14) sheets, 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 modifications (Items #1 and #2), on a modified basis, special exception (Item #3) and non-use variances (Items #4-#7) 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 revised site plan should be accepted, 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, a motion to accept the revised plan and to approve the application was offered by Commissioner Javier Souto, seconded by Commissioner Arthur Teele, and

WHEREAS, upon a poll of the members present the vote was as follows:

James Burke	absent	Natacha S. Millan	aye
Miguel Diaz de la Portilla	aye	Dennis Moss	absent
Betty T. Ferguson	aye	Alex Penelas	absent
Maurice Ferre	absent	Pedro Reboredo	aye
Bruce Kaplan	aye	Katy Sorenson	aye
Gwen Margolis	absent	Javier Souto	aye

Chairman Arthur Teele aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the requested modifications (Items #1 and #2) be and the same are hereby approved on a modified basis to read as follows:

Item #1: "Plans are on file and may be examined in the Zoning Department entitled 'Dadeland Mall "Dadeland Mall Expansion/Renovation", as prepared by Johnson Associates Architects, Inc., dated December 5, 1995 and consisting of fourteen (14) sheets.

Item #2: Equitable has prepared plans entitled "Dadeland Mall Expansion/Renovation", as prepared by Johnson Associates Architects, Inc., dated December 5, 1995 and consisting of fourteen (14) sheets.

BE IT FURTHER RESOLVED that the requested special exception (Item #3) and non-use variances (Items #4-#7) be and the same are hereby approved, and

BE IT FURTHER RESOLVED that the application, as approved, is subject to the following conditions:

1. That the amount of landscaping shall not be reduced below 8.67% of the application site.

2. That the applicant submit to the Planning Division for review and approval a landscape plan providing trees 12' - 16' high on 30' centers along Kendall Drive and all new trees within the site be provided at 12' - 14' high at time of installation. That the value of the landscaping installed in accordance with this condition will equal the or exceed the value of the landscaping that would have been required if no variance was approved.

3. That new parking decks, temporary or permanent, with exposure to U.S. 1, Kendall Drive or S.W. 72 Avenue, be provided with a screened metal lattice-work for visual buffering for parked vehicles or other approved appropriate methods of screening.

4. That the 9" setback variance for the Firestone Building be limited to the Build-Out-Period of December 31, 2004.

5. That a revised agreement in recordable form be submitted to, and meet the approval of, the Director of the Department of Planning, Development and Regulation prior to issuance of any building permits for the proposed expansion or any type of platting of the subject property, whichever occurs first.

BE IT FURTHER RESOLVED that all conditions of previous resolutions shall remain in full force and effect, except as herein modified.

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.

RESOLUTION NO. Z-15-96

WHEREAS, **EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES** had filed an application for Development Approval of Regional Impact to permit an 800,000 sq. ft. expansion to an existing shopping center. The expansion will consist of retail stores, food courts, movie theaters and parking structures. The expansion will consist of two phases; the first phase will consist of 464,255 sq. ft. and the second phase will be 335,745 sq. ft.

SUBJECT PROPERTY: Commence at the Southwest corner of the SW ¼ of Section 35, Township 54 South, Range 40 East; thence N4°5'28"W, along the west line of the SW ¼ of the said Section 35, for a distance of 1,228.46' to the intersection thereof with the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal); thence N85°36'42"E, along the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal), for a distance of 257.63', to a point on the E/ly right-of-way line of Limited Access highway, Flroida State Road 826, the Northwest corner of Tract "8" of PALMETTO-KENDALL HEIGHTS, Plat book 70, Page 47 and the Point of beginning of the tract of land hereindescribed; thence continue N85°36'42"E, along the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) and along the north boundary of the said Tract "8", for a distance of 1,373.98'; thence S4°32'13"E for a distance of 574.19'; thence N85°27'47"E for a distance of 9.8'; thence S4°32'13"E for a distance of 75'; thence N85°27'47"E for a distance of 13'; thence S4°32'13"E for a distance of 12.5'; thence N85°27'47"E for a distance of 99.05'; thence S4°32'13"E for a distance of 27.5'; thence N85°27'47"E for a distance of 262'; thence N4°32'13"W for a distance of 154'; thence N85°27'47"E for a distance of 172'; thence N4°32'13"W for a distance of 504.66' to a point on the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) and a point on the N/ly boundary of the said Tract "B"; thence S86°3'14"E, along the S/ly right-of-way line of Canal C-2 and along the N/ly boundary of the said Tract "B" for a distance of 495.15' to a point which is located 35' west of, as measured at right angles to, the east line of the SW ¼ of the said Section 35 and a point on the west right-of-way line of S.W. 72nd Avenue; thence S4°5'53"E parallel to the east line of the SW ¼ of the said Section 35 and along the west right-of-way line of S.W. 72nd Avenue, for a distance of 1,042.83' to the beginning of a tangential circular curve; thence SW/ly along the said circular curve to the right having a radius of 25' through a central angle of 89°33'40" for an arc distance of 39.08' to a point which is located 53' north of, as measured at right angles to the south line of the SW ¼ of the said Section 35 and a point on the north right-of-way line of North Kendall Drive (S.W. 88th Street); thence S85°27'47"W, parallel to the south line of the SW ¼ of the said Section 35 and along the north right-of-way line of S.W. 88th Street for a distance of 2,017.21' to its intersection with the NE/ly right-of-way line of Limited Access Highway, Florida State Road No. 826 and a point on the SW/ly boundary of the said Tract "B"; thence N87°15'14"W, along the NE/ly right-of-way line of the said State Road 826 and along the SW/ly boundary of the said Tract "B"; for a distance of 161.56'; thence N41°41'11"W, along the E/ly right-of-way line of the said State Road No. 826 and along the W/ly boundary of the said Tract "B", for a distance of 125.48'; thence N14°9'22"W, along the E/ly right-of-way line of the said State Road No. 826 and along the W/ly boundary of the said Tract "B", for a distance of 700'; thence N7°6'0"W, along the E/ly right-of-way of the said State Road No. 826 and along the W/ly boundary of the said Tract "B" for a distance of 364.47' to the Point of beginning.

AND:

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AND:

All that certain parcel of land being a part of Section 35, Township 54 South, Range 40 East, bounded and described as follows:

PARCEL 1: Commence at the Southeast corner of the SW ¼ of Section 35, Township 54 South, Range 40 East; thence S85°27'47"W along the south line of the SW ¼ of said Section 35 for a distance of 760' to a point; thence N4°32'13"W at right angles to the south line of the SW ¼ of said Section 35 for a distance of 575' to the Point of beginning of the tract of land herein described; thence S85°27'47"W along a line parallel with the south line of the SW ¼ of said Section 35 for a distance of 302.2' to a point; thence N4°32'13"W for a distance of 75' to a point; thence S85°27'47"W for a distance of 9.8' to a point; thence N4°32'13"W for a distance of 245'; thence N85°27'47"E along a line parallel with the south line of the SW ¼ of said Section 35 for a distance of 312' to a point; thence S4°32'13"E for a distance of 320' to the Point of beginning.

AND:

Commence at the Southeast corner of the SW ¼ of Section 35, Township 54 South, Range 40 East; thence run S85°27'47"W along the south line of the SW ¼ of said Section 35 and also being along the centerline of North Kendall Drive (S.W. 88th Street) for a distance of 760' to a point; thence run N4°32'13"W along a line for a distance of 535' to the Point of beginning of the parcel of land herein described; thence run N85°27'47"E along a line for a distance of 71.85' to a point; thence run N4°32'13"W along a line for a distance of 154' to a point; thence run N85°27'47"E along a line for a distance of 172' to a point; thence run N4°32'13"W along a line for a distance of 504.66' to a point on the N/ly line of Tract "B" of PALMETTO-KENDALL HEIGHTS, Plat book 70, Page 47, the same being a

point on the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) as shown on the said plat of PALMETTO-KENDALL HEIGHTS; thence run N86°3'14"W along the N/ly line of said Tract "B" and also being along the S/ly right-of-way line of the said Canal C-2 for a distance of 155.15' to a point; thence run N4°5'42"W along the N/ly line of said Tract "B" and also being along the S/ly right-of-way line of the said Canal C-2 for a distance of 6.6' to a point; thence run S85°36'42"W along the N/ly line of said Tract "B" and also being along the S/ly right-of-way line of the said Canal C-2 for a distance of 402.45' to a point; thence run S4°32'13"E along a line for a distance of 329.19' to the Northwest corner of the Federated Department Stores, Inc. Tract as the same is described in that certain deed dated May 24, 1960, filed for record May 25, 1960, in the office of the Clerk of the Circuit Court for Dade County, Florida, under Clerk's File No. 60R94108; thence run N85°27'47"E along the north line of the said Federated Department Stores, Inc. Tract for a distance of 312' to the Northeast corner thereof; thence run S4°32'13"E along the east line of the said Federated Department Stores, Inc. Tract for a distance of 320' to the Southeast corner thereof; thence run S85°27'47"W along the south line of the said Federated Department Stores, Inc. Tract for a distance of 289.2' to a point; thence run S4°32'13"E along a line for a distance of 12.5' to a point; thence run N85°27'47"E along a line for a distance of 99.05'; thence S4°32'13"E for a distance of 27.5'; thence N85°27'47"E for a distance of 190.15' to the Point of beginning.

LOCATION: 7535 N. Kendall Drive, Dade County, Florida, and

FINDINGS OF FACT

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, at which time the applicant submitted a revised site plan entitled, "Dadeland Mall Expansion/Renovation", as prepared by Johnson Associates Architects, Inc. dated December 5, 1995, and consisting of fourteen (14) sheets, 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, the recommendations of the South Florida Regional Planning Council and the Developmental Impact Committee were reviewed and considered, and it is the finding of this Board that:

A. The development does not unreasonably interfere with the achievement of the objectives of an adopted state land development plan applicable to the area;

B. The development is consistent with the local land development regulations and the adopted local comprehensive plan;

C. The development will be consistent with the recommendations of the Council DRI assessment pursuant to F.S. 380.06(14); and

D. The development makes "adequate provisions for the public facilities needed to accommodate the impacts of the proposed development."

CONCLUSION OF LAW

WHEREAS, it is the opinion of this Board that this project is in conformance with all applicable State and local land use regulations and the Comprehensive Development Master Plan; does not unreasonably interfere with any of the considerations and objectives set forth in Chapter 380, Florida Statutes, and is in conformance with all other applicable State and local laws.

WHEREAS, a motion to accept the revised plans and approve the application was offered by Commissioner Javier Souto, seconded by Commissioner Arthur Teele, and

WHEREAS, upon a poll of the members present the vote was as follows:

James Burke	absent	Natacha S. Millan	aye
Miguel Diaz de la Portilla	aye	Dennis Moss	absent
Betty T. Ferguson	aye	Alex Penelas	absent
Maurice Ferre	absent	Pedro Reboredo	aye
Bruce Kaplan	aye	Katy Sorenson	aye
Gwen Margolis	absent	Javier Souto	aye

Chairman Arthur Teele aye

ACTION TAKEN

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the requested development approval is hereby granted, and approved, subject to the following conditions:

THE APPLICANT, ITS SUCCESSORS, AND/OR ASSIGNS JOINTLY OR SEVERABLY SHALL:

1. Incorporate the following into the project design and operation:

   a. Actively encourage and promote ridesharing by establishing a car and van pool information program;

   b. Designate three percent of employee parking spaces, located as close as possible to employee building entrances, for exclusive high occupancy vehicle use;

   c. Provide Metrobus and Metrorail route and schedule information in convenient locations throughout the project;

   d. Cooperate with Dade County in provisions for future transit amenities such as pedestrian/wheelchair ramps, bus pullout bays, and a possible encroachment on the developer's property to accommodate concrete pad(s) for bus shelters.

   e. Provide on-site bicycle storage facilities to encourage use of alternative modes of transportation; and,

   f. Mulch, spray or grass exposed areas to prevent soil erosion and minimize air pollution.

2. Design, construct and maintain any additions, expansions, or replacements to the stormwater management system to meet the following standards:

   a. Retain the first flush (at least the first inch) of runoff from modified/new project roadways, parking lots, and loading docks.

   b. Prevent direct discharge of stormwater from modified/new project areas that has not been treated pursuant to Condition 2a to surface waters.

   c. Install pollutant retardant structures to treat all stormwater runoff at each of the new project outfall structures in accordance with the master drainage plan, and periodically remove pollutant accumulations.

d. Use silt screens and aprons during any phase of project construction that will increase turbidity in adjacent surface waters.

e. Vacuum sweep all parking lots of eleven or more parking spaces and private roadways serving the parking lots at least once per week.

3. New structures in the floodplain shall be designed so as not to impede the flow of water through the floodplain.

4. Design, construct, and maintain any additions, expansions, or replacements to the on-site irrigation system to minimize salt water intrusion and in accordance with South Florida Water Management District (SFWMD) guidelines.

5. Incorporate the use of water sensors and other low water volume landscape irrigation techniques to reduce the demand on the region's potable water supply. When practicable use recycled water for landscape irrigation.

6. Remove any exotic vegetation on site and place barriers around the trees or tree clusters to remain on site, prior to removal of exotic vegetation with heavy equipment.

7. Use only those plant species identified in Exhibit 1 herein for project landscaping. The applicant should follow xeriscape principles in the selection of species for planting. Additional species may be used in project landscaping only if written approval is provided by DERM in consultation with Council staff. Such approval will be based on the following criteria for plant materials:

   a. does not require excessive irrigation or fertilizer,

   b. is not prone to insect infestation or disease,

   c. does not have invasive root systems, and,

   d. other criteria as may be appropriate.

8. In any additions, expansions, or replacements use ultra-low volume plumbing fixtures, self-closing and/or metered water faucets, and other water conserving devices/methods consistent with the criteria outlined in the water conservation element of the Miami-Dade Water and Sewer Department's South Florida Water Management District Water Use Permit.

9. Within 120 days of the effective date of the development order, submit a Hazardous Materials Management Plan for review and approval by the Dade County Department of Environmental Resources Management (DERM) and the South Florida Regional Planning Council (SFRPC). The plan shall incorporate into the development by lease as long as the property is owned by the applicant, and incorporate into the development by sales agreements and restrictive covenant when any of the property is conveyed, as applicable, the following provisions:

   a. require disclosure by all owners or lessees of non-residential property of all hazardous materials and biohazardous waste proposed to be stored, used, or generated on the premises;

   b. allow inspection by appropriate agency personnel of all business premises storing, using, or generating hazardous materials or biohazardous waste prior to the commencement of operation, and periodically thereafter to assure that adequate facilities and procedures are in place to properly manage hazardous materials and biohazardous waste projected to be on-site;

   c. provide minimum standards and procedures for storage, prevention of spills, containment of spills, and transfer and disposal of such materials;

   d. provide for proper maintenance, operation, and monitoring of hazardous materials management systems including spill and hazardous materials and biohazardous waste containment systems;

   e. describe design features and response actions and procedures to be followed in case of spills or other accidents involving hazardous materials or biohazardous waste; and

   f. financial (e.g., an insurance policy) and physical responsibility for spill clean up.

   Provide a copy of the approved plan to the Metro-Dade Fire Department.

10. Notify state archeological officials at the Division of Historical Resources of the Florida Department of State of construction schedules. Delay construction up to three months in any area where potentially significant historical or archeological artifacts are uncovered, and permit state and local historical preservation officials to survey and excavate the site.

11. Incorporate energy conservation measures into the design and operation of the project. At a minimum, construct all development in conformance with the specifications of the State of Florida Energy Efficiency Code for Building Construction (State Energy Code). Use natural gas and/or renewable energy sources (e.g. solar heating) for water heating, space heating, and cooling, where feasible.

12. The Developer is encouraged to work with Dade County and other appropriate entity(ies) (the parties), to encourage the utilization of economic development strategies designed to involve private businesses in the development and expansion of permanent job opportunities. a list of possible options is attached as Exhibit 2. The options outlined in Exhibit 2 are not intended to represent an exhaustive listing. Additional options may be considered in order to fulfill this condition. Upon request and within available resources, Council staff will be available to assist the parties in achieving the intent of this condition.

13. Refrain from requesting the issuance of building permits for more than 600,000 square feet of gross leasable area, until improvements A and B as identified in Exhibit 3 herein have been completed as determined by the Public Works Department.

14. Refrain from requesting the issuance of building permits for more than 700,000 square feet of gross leasable area, until improvements C and D as identified in Exhibit 3 herein have been completed as determined by the Public Works Department.

15. Notwithstanding conditions 13 and 14 above, refrain from requesting any building permits subsequent to December 31, 1999, until improvements A, B, C and D as identified in Exhibit 3 herein have been completed as determined by the Public Works Department.

16. Integrate all original and supplemental ADA information into a Consolidated Application for Development Approval (CADA) and submit two copies of the CADA to the Council, one copy to Dade County, and one copy to the Department of Community Affairs within 30 days of the effective date of the development order. The CADA shall be prepared as follows:

    a. Where new, clarified, or revised information was prepared subsequent to submittal of the ADA but prior to issuance of the development order, whether in response to a formal statement of information needed or otherwise, the original pages of the ADA will be replaced with revised pages.

b. Revised pages will have a "Page Number (R) - Date" notation, with "Page Number" being the number of the original page, "(R)" indicating that the page was revised, and "Date" stating the date of the revision.

17. Submit an annual report to Dade County, the Council, the Florida Department of Transportation and the Department of Community Affairs on each anniversary date of the effective date of the development. The annual report shall include, at a minimum, a complete response to each question in Exhibit 4, together with an affidavit stating that conditions 1, 2, 3, 4, 5, 6, 8, 11 and 12 of this development order have been complied with as required by this development order.

18. Within 30 days of the effective date of the development order, record notice of the adoption of the development order with the Clerk of the Dade County Circuit Court pursuant to F.S. 380.06(15), specifying that the development order runs with the land and is binding on the applicant, its successors, and assigns, jointly or severally.

THE COUNTY SHALL:

19. Review project landscape plans to ensure that only those plant species identified in Exhibit 1 herein, are used for project landscaping and that xeriscape principles are utilized in such landscape plans as feasible.

20. Monitor site development to ensure that exotic plant species are removed.

21. Withhold the issuance of any building permits until the Hazardous Materials Management Plan required in Condition 9, herein, is approved by DERM and SFRPC.

22. Limit primary project vehicle access points to the off-site roadway network to the number and locations shown in Exhibit 5 herein.

23. Withhold the issuance of any building permits for more than 600,000 square feet of gross leasable area, until improvements A and B as identified in Exhibit 3 herein have been completed as determined by the Public Works Department.

24. Withhold the issuance of any building permits for more than 700,000 square feet of gross leasable area, until improvements C and D as

identified in Exhibit 3 herein have been completed as determined by the Public Works Department.

25. Notwithstanding conditions 23 and 24 above, withhold the issuance of any building permits subsequent to December 31, 1999, until improvements A, B, C and D as identified in Exhibit 3 herein have been completed as determined by the Public Works Department.

26. Ensure that adequate service provisions are made available to the Dadeland Mall development to meet the requirements established in the Dade County Comprehensive Plan.

27. Limit development of those land uses authorized by the Dade County Code provided, however, that the overall expansion to the development shall have a maximum of 800,000 gross square feet of commercial retail space. A total of 20.65 acres shall be designated for gross building area, and 46.35 acres for open space including 6.38 acres for landscape, 7.44 acres for sidewalks, mall circulation and amenities and 32.53 acres for parking.

28. In the event the applicant, its successors, or assigns violates any of the conditions of the development order or otherwise fails to act in substantial compliance with the development order (hereinafter "violator"), stay the effectiveness of the development order as to the tract, or portion of the tract, in which the violative activity or conduct has occurred and withhold further permits, approvals, and services for development in said tract, or portion of the tract, upon passage of any appropriate resolution by the County, adopted in accordance with this section, finding that such violation has occurred. The violator will be given written notice by the County that states: 1) the nature of the purported violation, and 2) that unless the violation is cured within 15 days of said notice, the County will hold a public hearing to consider the matter within 30 days of the date of said notice. If the violation is not curable in 15 days, the violator's diligent good faith efforts to cure the violation within that period will obviate the need to hold a public hearing and the development order will remain in effect unless the violator does not diligently pursue the curative action to completion within a reasonable time, in which event the County will give 15 days notice to the violator of its intention to stay the effectiveness of the development order and withhold further permits, approvals, and services as to the tract, or portion of the tract, in which the violation has occurred and until the violation is cured. For purposes of this paragraph, the

word "tract" shall be defined to mean any area of development identified on the Dadeland Mall Master Development Plan (Exhibit 6). In addition, the phrase "portion of a tract" means a division of a tract into more than one ownership as created by deed or plat. Notwithstanding the foregoing, the Director shall have the right to stay the effectiveness of a development order, in whole or in part, at any time to prevent an immediate danger to the public health, safety or welfare.

29. Designate an official to monitor compliance with all conditions of the development order and specify monitoring procedures that, at a minimum, require development order conditions to be reviewed by Dade County prior to issuance of any local development permit.

GENERAL:

30. December 31, 2004, is hereby established as the buildout date for this project and is the date until which the County agrees that the Dadeland Mall Development of Regional Impact shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the County can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the development order have occurred, or that the DRI development order was based on substantially inaccurate information provided by the applicant, or that the change is clearly essential to the public health, safety, or welfare.

31. The commencement of physical development shall be one year from the effective date of the development order. For purposes of this paragraph, physical development means development as defined in F.S. 380.04, The termination date for completing development shall be December 31, 2004. The termination date may only be modified in accordance with F.S.380.06(19)(c).

32. December 31, 2009 is hereby established as the expiration date for the development order.

33. The effective date of the development order shall be 45 days from transmittal of the development order to the Department of Community Affairs, the South Florida Regional Planning Council, and applicant; provided however that if the development order is appealed, the development order will take effect on the day after all appeals have been withdrawn or finally resolved pursuant to F.S. 380.07(2).

34. For the purposes of Concurrency Review, and based upon the analysis contained in the ADA together with review and further study by Dade County, it is hereby found that throughout the buildout period (December 31, 2004) sufficient infrastructure capacities will be available to service this Project. All subsequent development orders or permits pursuant to this Development Order, are hereby found to meet concurrency standards set forth in Comprehensive Development Master Plan Ordinance No. 89-66 and Chapter 33G of the Dade County Code and A.O. 4-85 (concurrency regulations) as amended from time to time and to be consistent with local development regulations so long as the Applicant is developing in compliance with the terms and conditions of this Development Order. Furthermore, Dade County shall not issue any subsequent development orders as defined in Section 33G-3(2) Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) The actual impacts of this project and other committed development are greater than those projected in the ADA; and (b) the issuance of further local development orders (as defined in Chapter 33G, Dade County Code) authorizing further construction or development pursuant to this DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not issue unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency standards as determined by the County. The issuance of development orders which have been found to be vested pursuant to Chapter 2-114, 33-315 or 33-316 of the Code of Metropolitan Dade County as adopted pursuant to Section 163.3167(8) Florida Statutes, shall not be considered for purposes of determining concurrency as to this project. However, modifications or changes to this Development Order, regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time such modification or change occurs.

35. "The Consolidated Application for Development Approval is incorporated herein by reference and relied upon by the parties in discharging their statutory duties under Chapter 380,F.S., and local ordinances. Substantial compliance with the representations contained in the Application for Development Approval is a condition for approval unless waived or modified by agreement among the County, the South Florida Regional Planning Council, and the applicant, its successors, or assigns."

36. The South Florida Regional Planning Council DRI Assessment is by reference incorporated into the development order.

Copies of this Order are to be sent to the South Florida Regional Planning Council; the State of Florida Department of Community Affairs and Equitable Life Assurance Society of the United States.

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

PASSED AND ADOPTED **this 4th day of Janaury, 1995.**

No. 96-1-CC-2
bn

DADE COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

by Guillermo E. Olmedillo, Director
Department of Planning, Development and Regulation

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 26TH DAY OF JANUARY, 1996.

NAME OF DEVELOPMENT: Dadeland Mall

NAME OF DEVELOPER: Equitable Life Assurance Society of the United States

AUTHORIZED AGENTS OF DEVELOPERS:

Equitable Real Estate Investment Management, Inc.
Suite 160
6600 North Andrews Avenue
Ft. Lauderdale, FL 33309
Contact: Beverly A. Ricks

Mastriana & Christiansen, P.A.
2750 North Federal Highway
Ft. Lauderdlae, FL 33306
Contact: F. Ronald Mastriana

RESOLUTION NO. 5-ZAB-455-94

WHEREAS, THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES had applied for the following:

(1) MODIFICATION of plans approved pursuant to Resolution 4-ZAB-84-83, passed and adopted by the Zoning Appeals Board on the 23rd day of March, 1983 and which was further modified by Resolution 4-ZAB-449-89, passed and adopted by the Zoning Appeals Board on the 13th day of December, 1989, and last modified by Resolution 4-ZAB-74-91, passed and adopted by the Zoning Appeals Board on the 27th day of March, 1991, as follows:

FROM: "Plans are on file and may be examined in the Zoning Department entitled 'Dadeland Mall,' as prepared by Johnson Associates, Architects, Inc., consisting of 3 sheets dated revised 11-28-90."

TO: "Plans are on file and may be examined in the Zoning Department entitled 'Dadeland Mall,' as prepared by Johnson Associates, Architects, Inc., consisting of 3 sheets dated last revised 10-3-94."

The purpose of the request is to submit a new site plan which indicates the closing of S.W. 72 Avenue from approximately 82' south of the Snapper Creek Canal bridge to North Kendall Drive, and the rerouting of traffic to the east along the south side of the Snapper Creek Canal; thence south along the west of the Florida East Coast Railway to North Kendall Drive. The closed S.W. 72 Avenue right-of-way becomes a part of the Dadeland parking area. In addition, a dedicated easement routes traffic along the north perimeter property line and joins newly proposed dedicated rights of way midway of the west property line. This proposed right-of-way at its north terminus has an exit drive from the Palmetto Expressway and continues south along the west shopping center property line, then turns easterly and then southerly joining into North Kendall Drive.

(2) NON-USE VARIANCE OF ZONING REGULATIONS requiring half section lines to be 70' wide rights-of-way; to waive same to permit 0' of dedication for S.W. 72 Avenue from approximately 82' south of the Snapper Creek Canal to North Kendall Drive.

(3) NON-USE VARIANCE OF SETBACK REQUIREMENTS to permit an existing building setback 9" (15' required) from a side street property line (proposed Dadeland Mall Circle).

(4) NON-USE VARIANCE OF SETBACK REQUIREMENTS to permit an existing building (Lord & Taylor) setback 18.81' (20' required) from a proposed right-of-way; and a second building (Saks Fifth Avenue) setback 8.85' (20' required) from a proposed right-of-way (Dadeland Mall Circle).

(5) NON-USE VARIANCE OF LANDSCAPE REQUIREMENTS to permit an open space of 8.67% (15.78% required).

The aforementioned plans are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

SUBJECT PROPERTY: Commence at the Southwest corner of the SW 1/4 of Section 35, Township 54 South, Range 40 East; thence N4°5'28"W, along the west line of the SW 1/4 of the said Section 35, for a distance of 1,228.46' to the intersection thereof with the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal); thence N85°36'42"E, along the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal), for a distance of 257.63', to a point on the E/ly right-of-way line of Limited Access Highway, Florida State Road 826, the Northwest corner of Tract "8" of PALMETTO-KENDALL HEIGHTS, Plat book 70, Page 47 and the Point of beginning of the tract of land hereindescribed; thence continue N85°36'42"E, along the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) and along the north boundary of the said Tract "8", for a distance of 1,373.98'; thence S4°32'13"E for a distance of 574.19'; thence N85°27'47"E for a distance of 9.8'; thence S4°32'13"E for a distance of 75'; thence N85°27'47"E for a distance of 13'; thence S4°32'13"E for a distance of 12.5'; thence N85°27'47"E for a distance of 99.05'; thence S4°32'13"E for a distance of 27.5'; thence N85°27'47"E for a distance of 262'; thence N4°32'13"W for a distance of 154'; thence N85°27'47"E for a distance of 172'; thence N4°32'13"W for a distance of 504.66' to a point on the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) and a point on the N/ly boundary of the said Tract "B"; thence S86°3'14"E, along the S/ly right-of-way line of Canal C-2 and along the N/ly boundary of the said Tract "B" for a distance of 495.15' to a point which is located 35' west of, as measured at right angles to, the east line of the SW 1/4 of the said Section 35 and a point on the west right-of-way line of S.W. 72nd Avenue; thence S4°5'53"E parallel to the east line of the SW 1/4 of the said Section 35 and along the west right-of-way line of S.W. 72nd Avenue, for a distance of 1,042.83' to the beginning of a tangential circular curve; thence SW/ly along the said circular curve to the right having a radius of 25' through a central angle of 89°33'40" for an arc distance of 39.08' to a point which is located 53' north of, as measured at right angles to the south line of the SW 1/4 of the said Section 35 and a point on the north right-of-way line of North Kendall Drive (S.W. 88th Street); thence S85°27'47"W, parallel to the south line of the SW 1/4 of the said Section 35 and along the north right-of-way line of S.W. 88th Street for a distance of 2,017.21' to its intersection with the NE/ly right-of-way line of Limited Access Highway, Florida State Road No. 826 and a point on the SW/ly boundary of the said Tract "B"; thence N87°15'14"W, along the NE/ly right-of-way line of the said State Road 826 and along the SW/ly boundary of the said Tract "B"; for a distance of 161.56'; thence N41°41'11"W, along the E/ly right-of-way line of the said State Road No. 826 and along the W/ly boundary of the said Tract "B", for a distance of 125.48'; thence N14°9'22"W, along the E/ly right-of-way line of the said State Road No. 826 and along the W/ly boundary of the said Tract "B", for a distance of 700'; thence N7°6'0"W, along the E/ly right-of-way line of the said State Road No. 826 and along the W/ly boundary of the said Tract "B" for a distance of 364.47' to the Point of beginning.

AND:

Commence at the Southwest corner of the SE 1/4 of Section 35, Township 54 South, Range 40 East; thence N4°5'53"W, along the west line fo the SE 1/4 of the said Section 35 for a distance of 1,115.43' to the intersection thereof

with the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal); thence S86°3'14"E, along the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal), for a distance of 35.35' to a point which is located 35' east of as measured at right angles to, the west line of the SE 1/4 of the said Section 35, a point on the N/ly line of Tract "D" of PALMETTO-KENDALL HEIGHTS, Plat book 70, Page 47 and the Point of beginning of the tract of land herein described; thence continue S86°3'14"E, along the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) and along the N/ly boundary of the said Tract "D", for a distance of 645.93' to its intersection thereof with the N/ly right-of-way line of the Florida East Coast Railway, a point on a circular curve whose center bears N71°30'47"W from said point and the most E/ly corner of the said Tract "D", thence SW/ly along the NE/ly right-of-way line of the Florida East Coast Railway; along the SE/ly boundary of the said Tract "D" and along a circular curve having a radius of 2,814.93' through a central angle of 21°41'9" for an arc distance of 1,065.42' to a Point of tangency; thence S40°10'22"W, along the NW/ly right-of-way line of Florida East Coast Railway, tangent to the last described curve and along the SE/ly boundary of the said Tract "D" for a distance of 79.7'; thence S44°13'23"E, along the boundary of the said Tract "D", for a distance of 14.59'; thence S45°46'37"W, along the NW/ly right-of-way line of the Florida East Coast Railway and along the SE/ly boundary of the said Tract "D", for a distance of 13.05' to a point on the east right-of-way line of S.W. 72nd Avenue and a point which is located 35' east of, as measured at right angles to, the west line of the SE 1/4 of the said Section 35; thence N4°5'53"W, along the east right-of-way line of S.W. 72nd Avenue, for a distance of 1,050.89' to the Point of beginning.

AND:

All that certain parcel of land being a part of Section 35, Township 54 South, Range 40 East, bounded and described as follows:

PARCEL 1: Commence at the Southeast corner of the SW 1/4 of Section 35, Township 54 South, Range 40 East; thence S85°27'47"W along the south line of the SW 1/4 of said Section 35 for a distance of 760' to a point; thence N4°32'13"W at right angles to the south line of the SW 1/4 of said Section 35 for a distance of 575' to the Point of beginning of the tract of land herein described; thence S85°27'47"W along a line parallel with the south line of the SW 1/4 of said Section 35 for a distance of 302.2' to a point; thence N4°32'13"W for a distance of 75' to a point; thence S85°27'47"W for a distance of 9.8' to a point; thence N4°32'13"W for a distance of 245'; thence N85°27'47"E along a line parallel with the south line of the SW 1/4 of said Section 35 for a distance of 312' to a point; thence S4°32'13"E for a distance of 320' to the Point of beginning.

AND:

Commence at the Southeast corner of the SW 1/4 of Section 35, Township 54 South, Range 40 East; thence run S85°27'47"W along the south line of the SW 1/4 of said Section 35 and also being along the centerline of North Kendall Drive (S.W. 88th Street) for a distance of 760' to a point; thence run N4°32'13"W along a line for a distance of 535' to the Point of beginning of the parcel of land herein described; thence run N85°27'47"E along a line for a

distance of 71.85' to a point; thence run N4°32'13"W along a line for a distance of 154' to a point; thence run N85°27'47"E along a line for a distance of 172' to a point; thence run N4°32'13"W along a line for a distance of 504.66' to a point on the N/ly line of Tract "B" of PALMETTO-KENDALL HEIGHTS, Plat book 70, Page 47, the same being a point on the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) as shown on the said plat of PALMETTO-KENDALL HEIGHTS; thence run N86°3'14"W along the N/ly line of said Tract "B" and also being along the S/ly right-of-way line of the said Canal C-2 for a distance of 155.15' to a point; thence run N4°5'42"W along the N/ly line of said Tract "B" and also being along the S/ly right-of-way line of the said Canal C-2 for a distance of 6.6' to a point; thence run S85°36'42"W along the N/ly line of said Tract "B" and also being along the S/ly right-of-way line of the said Canal C-2 for a distance of 402.45' to a point; thence run S4°32'13"E along a line for a distance of 329.19' to the Northwest corner of the Federated Department Stores, Inc. Tract as the same is described in that certain deed dated May 24, 1960, filed for record May 25, 1960, in the office of the Clerk of the Circuit Court for Dade County, Florida, under Clerk's File No. 6OR94108; thence run N85°27'47"E along the north line of the said Federated Department Stores, Inc. Tract for a distance of 312' to the Northeast corner thereof; thence run S4°32'13"E along the east line of the said Federated Department Stores, Inc. Tract for a distance of 320' to the Southeast corner thereof; thence run S85°27'47"W along the south line of the said Federated Department Stores, Inc. Tract for a distance of 289.2' to a point; thence run S4°32'13"E along a line for a distance of 12.5' to a point; thence run N85°27'47"E along a line for a distance of 99.05'; thence S4°32'13"E for a distance of 27.5'; thence N85°27'47"E for a distance of 190.15' to the Point of beginning.

LOCATION: 7535 North Kendall Drive, Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board 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 requested permission to withdraw the non-use variance of setback requirements (Item #3), 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 modification (Item

#1) and non-use variances of zoning regulations (Item #2), setback requirements (Item #4) and landscape requirements (Item #5) 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 request to withdraw the non-use variance of setback requirements (Item #3) should be granted, and

WHEREAS, the following motion was offered by Frank Colunga seconded by Herminia Herrera and upon a poll of the members present, the vote was as follows:

Humberto Amaro	absent	Herminia Herrera	aye
Willie Barnett	aye	Eric Jacobs	aye
Wilfredo Calvino, Jr.	absent	Charlie McGarey	aye
Frank Colunga	aye	Jonathan Rubin	absent
Mavel Cruz	aye	June Stevens	aye
Raul Del Portillo	aye	Colleen Griffin	aye
Barbara Hardemon	absent		

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested modification (Item #1) and non-use variances of zoning regulations (Item #2), setback requirements (Item #4) and landscape requirements (Item #5) be and the same are hereby approved, subject to the following conditions:

1. That a Unity of Title, or a Covenant, in lieu of a Unity of Title in recordable form, be submitted to, and meet with the approval of the Zoning Director, incorporating all portions of Dadeland Mall, including the land on both sides of Dadeland Mall Circle which are part of Dadeland Mall, prior to the issuance of any building permit.

2. That all portions of Dadeland Mall Circle which are to serve as public roads be dedicated prior to the closure of S.W. 72 Avenue.

3. That the applicant comply with all conditions and requirements of the Public Works Department.

4. That the applicant submit to the Planning Department for its review and approval a landscaping plan which indicates the type of plant material and size 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 a 5' sidewalk be constructed along S.W. 72 Avenue and S.W. 85 Street.

BE IT FURTHER RESOLVED that the request to defer the non-use variance of setback requirements (Item #3) be and the same is hereby approved and said Item is hereby withdrawn without prejudice.

BE IT FURTHER RESOLVED that all condition of previous resolutions shall remain in full force and effect, except as herein modified.

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 Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 9th day of November, 1994.

Hearing No. 94-11-18
Typed 11/17/94 bn

RESOLUTION NO. 4-ZAB-74-91

The following resolution was offered by Gussie Davis seconded by Mavel Cruz and upon poll of members present, the vote was as follows:

Humberto Amaro	aye	Scott Notowitz	aye
Mavel Cruz	aye	Dean Oddy	aye
Gussie Davis	aye	Georgia A. Wright	absent
Colleen Griffin	aye	Kenneth Welt	aye
Jose A. Losa	aye		

WHEREAS, THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES had applied for the following:

MODIFICATION of plans approved pursuant to Resolution 4-ZAB-84-83, passed and adopted by the Zoning Appeals Board on the 23rd day of March, 1983 and which was further modified by Resolution 4-ZAB-449-89, passed and adopted by the Zoning Appeals Board on the 13th day of December, 1989 as follows:

FROM: "Plans are on file and may be examined in the Zoning Department entitled 'Dadeland Mall,' as prepared by Johnson Associates, Architects, Inc., consisting of 3 sheets dated revised 9-28-89."

TO: "Plans are on file and may be examined in the Zoning Department entitled 'Dadeland Mall,' as prepared by Johnson Associates, Architects, Inc., consisting of 3 sheets dated revised 11-28-90."

The purpose of the request is to submit a new site plan which indicates the increase of the number of stories from 2 stories to 3 stories in a "New Speciality Store Building," and decreases the square footage of a previously approved expansion of "Burdines Store," and preserves the same overall square footage approval of the entire shopping center.

The aforementioned plans are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

SUBJECT PROPERTY: All those certain parcels of land situated in the State of Fla, County of Dade, being a part of Section 35, Township 54 South, Range 40 East, bounded and described as follows:

Parcel 1: Commence at the Southwest corner of the SW 1/4 of Section 35, Township 54 South, Range 40 East; thence N4°05'28"W along the west line of the SW 1/4 of the said Section 35 for a distance of 1,228.46' to the intersection thereof with the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal); thence N85°36'42"E along the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal), for a distance of 257.63' to a point on the E/ly right-of-way line of Limited Access Highway, S.R.D. Road No. 826 and the Point of beginning of the tract of land herein descirbed, thence continue N85°36'42"E along the

S/ly right-of-way-line of Canal C-2 (Snapper Creek Canal) for a distance of 1,776.43' to a point; thence 4°05'42"E along the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) for a distance of 6.6' to a point; thence S86°03'14"E along the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) for a distance of 655.35' to the intersection thereof with a line of 30' west of and parallel to the east line of the SW 1/4 of the said Section 35, thence S4°05'53"E along a line 30' west of and parallel to the east line of the SW 1/4 of said Section 35 for a distance of 459.89' to a point on the North line of the SE 1/4 of the SE 1/4 of the SW 1/4 of said Section 35; thence S85°19'59"W along the north line of the SE 1/4 of the SE 1/4 of the SW 1/4 of said Section 35 for a distance of 280.00 feet to a point; thence S4°05'53"E along a line parallel with the east line of the SE 1/4 of the SE 1/4 of the SW 1/4 of the said Section 35 for a distance of 609.4' to a point 50' north of the south line of the SW 1/4 of the said Section 35 and a point on the north right-of-way line of North Kendall Drive; thence S85°27'47"W along a line 50' north of and parallel with the south line of the SW 1/4 of said Section 35 and along the North right-of-way-line of North Kendall Drive for a distance of 1,743.55' to the intersection of the E/ly right-of-way line of Limited Access Highway, S.R.D. Road No. 826; thence North 87 degrees 15 minutes 14 seconds West along the E/ly right-of-way line of Limited Access Highway, S.R.D. Road No. 826 for a distance of 185.22' to a point thence N41°41'11"W along the E/ly right-of-way line of Limited Access Highway, S.R.D. Road No. 826 for a distance of 125.48' to a point, thence N14°09'22"W along the E/ly right-of-way line of Limited Access Highway, S.R.D. Road No. 826 for a distance of 700' to a point; thence N7°06'00"W along the E/ly right-of-way line of Limited Access Highway, S.R. D. Road No. 826 for a distance of 367.47' to the intersection thereof with the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) and the point of beginning of the tract of land herein described.

Parcel 2: Commence at the Southwest corner of the SE 1/4 of Section 35, Township 54 South, Range 40 East; thence N4°5'53"W along the west line of the SE 1/4 of the said Section 35 for a distance of 50' to a point on the north right-of-way line of North Kendal Drive and the Point of beginning of the tract of land herein described; thence continue N4°5'53"W along the west line of the SE 1/4 of the said Section 35 for a distance of 1,065.43' to the

intersection thereof with the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal); thence S85°3'14"E along the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) for a distance of 681.28' to the intersection thereof with the N/ly right-of-way line of the Florida East Coast Railway; thence SW/ly along the NW/ly right-of-way of the Florida East Coast Railway and along a circular curve having a radius of 2,814.93' through a central angle 21°41'9" for an arc distance of 1,065.42' to the Point of tangency of said curve; thence S40°10'22"W along the NW/ly right-of-way line of the Florida East Coast Railway and along a line tangent to the aforesaid curve for a distance of 79.7' to a point; thence S44°13'23"E for a distance of 14.59' to a point; thence S45°46'37"W along the NW/ly right-of-way line of Florida East Coast

Railway for a distance of 27.66' to the intersection thereof with the north right-of-way line of North Kendal Drive; thence S85°32'37"W along the north right-of-way line of North Kendal Drive for a distance of 23.79' to the Point of beginning of the tract of land herein described; EXCEPTING the west 30' thereof;

Parcel 3: The east 313.5' of the SE 1/4 of the SE 1/4 of the SW 1/4 of Section 35, Township 54 South, Range 40 East, LESS the south 53' thereof and LESS the east 35' thereof AND ALSO LESS the external area of a 25' radius circular being concave to the Northwest and being tangent to a line 53' north of and parallel to the south of the SW 1/4 of the said Section 35 and being tangent to a line 35' west of and parallel to the east line of the SW 1/4 of the said Section 35 (ALSO EXCEPTING the west 3 1/2' of the east 313 1/2' of the SE 1/4 of the SE 1/4 of the SW 1/4 of said Section 35.)

LESS AND EXCEPTING (i) the south 3' of Parcel 1 dedicated for street purposes by deed of Kendall Center, Inc. dated May 4, 1960, filed for record on June 6, 1960 in the Office of the Clerk of the Circuit Court for Dade County, Florida under Clerk's No. 60R 106786.

LESS AND EXCEPTING (ii) the west 5' of Parcel 2 and the east 5' of Parcel 1 dedicated for street purposes by deed of Kendall Center, Inc., dated May 4, 1960, filed for record on June 6, 1960 in said Clerk's office under Clerk's file No. 60R 106785.

LOCATION: 7535 N. Kendall Drive, Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board 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 modification would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the application be and the same is hereby approved subject to compliance with all other conditions and requirements of Resolution #4-ZAB-84-83 and Resolution #4-ZAB-449-89;

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 Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department and to issue all permits in accordance with the terms and condition of this resolution.

PASSED AND ADOPTED this 27th day of March, 1991.

Hearing No. 91-3-21
Typed 4/1/91 bn

RESOLUTION NO. 4-ZAB-449-89

The following resolution was offered by Joyce Masso seconded by Jose A. Losa and upon poll of members present, the vote was as follows:

Thomas A. Conger	aye	Gonzalo (Guy) Sanchez	aye
Victor Curry	aye	Kenneth Welt	aye
Jose A. Losa	aye	Georgia A. Wright	aye
Joyce Masso	aye	Murray Sisselman	absent
Scott Notowitz	aye		

WHEREAS, THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES had applied for the following:

(1) MODIFICATION of plans approved pursuant to Resolution 4ZAB-84-83 passed and adopted by the Zoning Appeals Board on the 23rd day of March, 1983, as follows:

FROM: "Plans of the shopping center expansion are on file and may be examined in the Zoning Department entitled 'Dadeland Mall' as prepared by Johnson Associates, Architects, Inc., consisting of 12 pagess dated 1-19-83."

TO: "Plans are on file and may be examined in the Zoning Department entitled 'Dadeland Mall' as prepared by Johnson Associates Architects, Inc., consisting of 3 sheets dated revised 9-28-89."

The purpose of this request is to allow the applicant to substitute plans showing an expansion to an existing shopping center.

(2) SPECIAL EXCEPTION to expand a shopping center.

The aforementioned plans are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

SUBJECT PROPERTY: All those certain parcels of land situated in the State of Fla, County of Dade, being a part of Section 35, Township 54 South, Range 40 East, bounded and described as follows: Commence at the Southwest corner of the SW 1/4 of Section 35, Township 54 South, Range 40 East; thence N4°05'28'W along the west line of the SW 1/4 of the said Section 35 for a distance of 1,228.46' to the intersection thereof with the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal); thence N85°36'42"E along the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal), for a distance of 257.63' to a point on the E/ly right-of-way line of Limited Access Highway, S.R.D. Road No. 826 and the Point of beginning of the tract of land herein described, thence continue N85°36'42"E along the S/ly right-of-way-line of Canal C-2 (Snapper Creek Canal) for a distance of 1,776.43' to a point; thence 4°05'42"E along the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) for a distance of 6.6' to a point; thence S86°03'14"E along the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) for a distance of 655.35' to the intersection thereof with a line of 30' west of and parallel to the east line of the SW 1/4 of the said Section 35, thence S4°05'53"E along a line 30' west of and parallel to the east line of the SW 1/4 of said Section 35 for a distance of 459.89' to a point on the North line of the SE 1/4 of the SE 1/4 of the SW 1/4 of said Section 35; thence S85°19'59"W along the north line of the SE 1/4 of the SE 1/4 of the SW 1/4 of said Section 35 for a distance of 280.00 feet to a point; thence S4°05'53"E along a line parallel with the east line of the SE 1/4 of the SE 1/4 of the SW 1/4 of the said Section 35 for a distance of 609.4' to a point 50' north of the south line of the SW 1/4 of the said Section 35 and a point on the north right-of-way line of North Kendall Drive; thence S85°27'47"W along a line 50' north of and parallel with the south line of the SW 1/4 of said Section 35 and along the North right-of-way-line of North Kendall Drive for a distance of 1,743.55' to the intersection of the E/ly right-of-way line of Limited Access Highway, S.R.D. Road No. 826; thence North 87 degrees 15 minutes 14 seconds West along the E/ly right-of-way line of Limited Access Highway, S.R.D. Road No. 826 for a distance of 185.22' to a point thence N41°41'11"W along the E/ly right-of-way line of Limited Access Highway, S.R.D. Road No. 826 for a distance of 125.48' to a point, thence

N14°09'22"W along the E/ly right-of-way line of Limited Access Highway, S.R.D. Road No. 826 for a distance of 700' to a point; thence N7°06'00"W along the E/ly right-of-way line of Limited Access Highway, S.R. D. Road No. 826 for a distance of 367.47' to the intersection thereof with the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) and the point of beginning of the tract of land herein described.

Parcel 2: Commence at the Southwest corner of the SE 1/4 of Section 35, Township 54 South, Range 40 East; thence N4°5'53"W along the west line of the SE 1/4 of the said Section 35 for a distance of 50' to a point on the north right-of-way line of North Kendal Drive and the Point of beginning of the tract of land herein described; thence continue N4°5'53"W along the west line of the SE 1/4 of the said Section 35 for a distance of 1,065.43' to the intersection thereof with the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal); thence S85°3'14"E along the S/ly right-of-way line of Canal C-2 (Snapper Creek Canal) for a distance of 681.28' to the intersection thereof with the N/ly right-of-way line of the Florida East Coast Railway; thence SW/ly along the NW/ly right-of-way of the Florida East Coast Railway and along a circular curve having a radius of 2,814.93' through a central angle 21°41'9" for an arc distance of 1,065.42' to the Point of tangency of said curve; thence S40°10'22"W along the NW/ly right-of-way line of the Florida East Coast Railway and along a line tangent to the aforesaid curve for a distance of 79.7' to a point; thence S44°13'23"E for a distance of 14.59' to a point; thence S45°46'37"W along the NW/ly right-of-way line of Florida East Coast Railway for a distance of 27.66' to the intersection thereof with the north right-of-way line of North Kendal Drive; thence S85°32'37"W along the north right-of-way line of North Kendal Drive for a distance of 23.79' to the Point of beginning of the tract of land herein described; EXCEPTING the west 30' thereof;

Parcel 3: The east 313.5' of the SE 1/4 of the SE 1/4 of the SW 1/4 of Section 35, Township 54 South, Range 40 East, LESS the south 53' thereof and LESS the east 35' thereof AND ALSO LESS the external area of a 25' radius circular being concave to the Northwest and being tangent to a line 53' north of and parallel to the south of the SW 1/4 of the said Section 35 and being tangent to a line 35' west of and parallel to the east line of the SW 1/4 of the said Section 35 (ALSO EXCEPTING the west 3 1/2' of the east 313 1/2' of the SE 1/4 of the SE 1/4 of the SW 1/4 of said Section 35.)

LESS AND EXCEPTING (i) the south 3' of Parcel 1 dedicated for street purposes by deed of Kendall Center, Inc. dated May 4, 1960, filed for record on June 6, 1960 in the Office of the Clerk of the Circuit Court for Dade County, Florida under Clerk's No. 60R 106786.

LESS AND EXCEPTING (ii) the west 5' of Parcel 2 and the east 5' of Parcel 1 dedicated for street purposes by deed of Kendall Center, Inc., dated May 4, 1960, filed for record on June 6, 1960 in said Clerk's office under Clerk's file No. 60R 106785.

LOCATION: 7535 N. Kendall Drive, Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board 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 modification and special exception would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the application be and the same is hereby approved.

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 Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department.

PASSED AND ADOPTED this 13th day of DECEMBER, 1989.

Hearing No. 89-12-23
Typed 12/22/89 bn

RESOLUTION NO. 4-ZAB-443-85

The following resolution was offered by Mr. Levi A. Johnson seconded by Mrs. Margaret C. Nelson and upon poll of members present, the vote was as follows:

Thomas A. Conger	aye	Margaret Nelson	aye
Peter Goldring	absent	Mary Jean Risi	absent
Levi A. Johnson	aye	Murray Sisselman	absent
Jose A. Losa	aye	R. Jollivette Frazier	aye
Joyce Masso	absent		

WHEREAS, EQUITABLE LIFE ASSURANCE OF THE U.S. has applied for the following:

(1) NON-USE VARIANCE OF SIGN REGULATIONS permitting only two detached signs in a shopping center; to waive same to permit a fifth detached sign of 133 square feet.

(2) NON-USE VARIANCE OF SIGN REGULATIONS limiting the height of a detached sign to 30'; to waive same to permit the aforementioned sign with a maximum height of 60' 2 1/2".

Plans are on file and may be examined in the Zoning Department entitled "Dadeland Mall Renovations", as prepared by Johnson Associates Architects, Inc., dated 8-28-85.

SUBJECT PROPERTY: DADELAND SHOPPING CENTER, being Tract "D" and Tract "B" of PALMETTO-KENDALL HEIGHTS, Plat book 70, Page 47, together with a portion of the east 313.5' of the SE 1/4, of the SE 1/4, of the SW 1/4, less that portion dedicated for rights-of-way, in Section 35, Township 54 South, Range 40 East.

LOCATION: 7535 N. Kendall Drive (S.W. 88 Street), Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested non-use variances 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;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board, that the requested Non-Use Variances of sign regulations be and the same are hereby approved, subject to the following condition:

That the applicants apply for and secure a building permit for the structure from the Dade County Building and Zoning Department within 60 days of the final approval of this application.

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

PASSED AND ADOPTED this 20th day of NOVEMBER, 1985.

Heard 11/20/85
Hearing No. 85-11-41
11/22/85 aa

RESOLUTION NO. 4-ZAB-403-88

The following resolution was offered by Joyce Masso seconded by Thomas A. Conger and upon poll of members present, the vote was as follows:

Thomas A. Conger	aye	Gonzalo (Guy) Sanchez	absent
R. Jollivette Frazier	aye	Kenneth Welt	aye
Levi A. Johnson	aye	Georgia A. Wright	aye
Joyce Masso	aye	Murray Sisselman	aye
Mary Jean Risi	absent		

WHEREAS, DADELAND BANK had applied for the following:

NON-USE VARIANCE OF SIGN REGULATIONS to permit the continued use of a third wall sign and a proposed fourth wall sign (two wall signs permitted).

Plans are on file and may be examined in the Zoning Department entitled "Dadeland National Bank," as prepared by Wayne Williams, Architect, dated 12-14-87 and consisting of two sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: The south 206.9' of the west 238.4' of the east 1,540' of Tract B, PALMETTO KENDALL HEIGHTS, Plat book 70, Page 47.

LOCATION: 7545 North Kendall Drive, Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested non-use variance 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;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested non-use variance of sign regulations be and the same is hereby approved, 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 not be limited thereto, location of building or buildings, type and location of signs, light standards, parking areas, exits and entrances, drainage, walls, landscaping, etc.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Dadeland National Bank," as prepared by Wayne Williams, Architect, dated 12-14-87 and consisting of two sheets.

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

4. That the applicants apply for and obtain a building permit for the third existing sign as well as the proposed fourth sign from the Building and Zoning Department.

5. That the proposed sign be relocated to the western half of the south building elevation at a location to be approved by the Zoning Director, and that the tree screening the eastern half of the south building elevation not be removed or substantially trimmed back to accommodate the sign.

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

PASSED AND ADOPTED this 28th day of SEPTEMBER, 1988.

Hearing No. 88-9-29
Typed 9/28/88 bn

RESOLUTION NO. 4-ZAB-84-83

The following resolution was offered by Mr. Thomas A. Conger seconded by Mr. Levi A. Johnson and upon poll of members present, the vote was as follows:

Francis A. Anania	absent	Jose A. Loea	aye
Thomas A. Conger	aye	Margaret C. Nelson	aye
Peter Goldring	aye	Murray Sissaman	absent
Levi A. Johnson	aye	Mary Jean Risi	aye
R. Jolivette Frazier	aye		

WHEREAS, EQUITABLE LIFE ASSURANCE SOCIETY OF THE U.S. has applied for the following:

(1) SPECIAL EXCEPTION to expand a shopping center.

(2) UNUSUAL USE to permit access through a zone more restrictive (GU) than the use it serves is located (BU-2).

(3) NON-USE VARIANCE OF LANDSCAPE REQUIREMENTS to permit 9.6% of landscaping (15.4% required).

Plans of the shopping center expansion are on file and may be examined in the Zoning Department entitled "Dadeland Mall", as prepared by Johnson Associates, Architects, Inc., consisting of 12 pages dated 1-19-83.

SUBJECT PROPERTY: Tracts B and D, PALMETTO-KENDAL HEIGHTS, Plat book 70, Page 47, and the east 313.5' of the SE 1/4 of the SE 1/4 of the SW 1/4 of Section 35, Township 54 South, Range 40 East.

LOCATION: 7535 N. Kendall Drive (S.W. 88 Street), Dade County, Florida.

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard at which time the applicant proffered a Declaration of Restrictive Covenants pertaining to the development of the subject property, 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 special exception, unusual use and non-use variance 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.

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested special exception, unusual use and non-use variance be and the same are hereby approved, subject to the following conditions:

1. That the dedication and improvement of S.W. 85 Street from S.W. 72 Avenue to the FEC right-of-way, be constructed when access Road #2 on the Metrorail site is completed or when modifications of ingress on the parking [illegible] or its alternate are requested, whichever is later.

2. That an additional right turn lane from driveway #1 of the mall site on Kendall Drive to the northbound on-ramp to S.R. 826 shall be constructed.

3. Modification shall be made to the existing possitive drainage system and it shall be subject to final approval by the Director of Environmental Resources Management.

4. 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 not be limited thereto, location of building or buildings, type and location of signs, light standards, parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.

5. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Dadeland Mall", as prepared by Johnson Associates, Architects, Inc., consisting of 12 pages dated 1-19-83.

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

7. That the dedication of rights-of-way shall be made in accordance with Sec. 33-133 of the Code of Metropolitan Dade County unless the Director of Public Works deems such are not necessary or requires a lesser amount. Improvements shall be made of such rights-of-way in order to comply with and in accordance with the requirements of the Manual of Public Works construction, as may be deemed lacking, desirable and necessary by the Public Works Director. That the dedication and improvement be made at such time as requested by the Public Works Director.

8. The proffered Declaration of Restrictive Covenants shall be in acceptable recordable form to meet with the approval of the Director of the Building and Zoning Department and County Attorney.

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

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department and to issue all permits according to the terms and conditions of this resolution.

PASSED AND ADOPTED this 23rd day of March, 1983.

Board 3/23/83
Hearing No. 83-3-21
3/25/83
mo

RESOLUTION NO. 4-ZAB-311-79

The following resolution was offered by Mr. Murray Sisselman, seconded by Mr. Jose A. Losa, and upon poll of members present, the vote was as follows:

Thelma Damewood	absent	Margaret C. Nelson	absent
Jose A. Losa	aye	Betty S. Page	aye
Lillian Dickmon	aye	Murray Sisselman	aye
R. Jollivette Frazier	aye	Edward G. Coll, Jr.	aye
Peter Goldring	aye		

WHEREAS, CREATIVE RESTAURANTS, INC. has applied for the following:

(1) SPECIAL EXCEPTION TO SPACING REQUIREMENTS as applied to alcoholic beverages to permit a proposed restaurant/cocktail lounge spaced less than the required 1,500' from other existing alcoholic beverage uses.

(2) NON-USE VARIANCE OF ZONING REGULATIONS limiting the hours of sale of alcoholic beverages in restaurants & lounges to 1:00 A.M.; to waive same to permit the proposed restaurant/cocktail lounge with a 3:00 A.M. closing.

Site plan showing location of the proposed restaurant/cocktail lounge and plan indicating floor layout are on file and may be examined in the Zoning Department, site plan entitled "Paddywack's Tavern & Eatery - Dadeland Mall" prepared by Dan C. Duckman, Architect and dated 6-5-79; floor plan entited "A Tavern & Eatery at Dadeland Mall for Creative Restaurants, Inc." prepared by Dan C. Duckham, Architect and dated Received by Bldg. & Zoning Dept., Zoning Hearing Section on June 7, 1979.

SUBJECT PROPERTY: A portion of Section 35, Township 54 South, Range 40 East.

A. REAL PROPERTY IN DADE COUNTY, FLORIDA BEING A PART OF SECTION 35, TOWNSHIP 54 SOUTH, RANGE 40 EAST, as follows, to-wit:

COMMENCE at the Southwest corner of the S.W. 1/4 of Section 35, Township 54 South, Range 40 East, Dade County, Florida, thence North 4 degrees 05 minutes 28 seconds West along the West line of the S.W. 1/4 of said Section 35 for a distance of 1,228.46 feet to the intersection thereof with the Southerly right-of-way line of Canal C-2 (Snapper Creek Canal); thence North 85 degrees 36 minutes 42 seconds East along the Southerly right-of-way line of Canal C-2 (Snapper Creek Canal) for a distance of 257.63 feet to a point on the Easterly right-of-way line of Limited Access Highway, S.R.D. Road No.826 and the point of beginning of the tract of land herein described; thence continue North 85 degrees 36 minutes 42 seconds East along the Southerly right-of-way line of Canal C-2 (Snapper Creek Canal) for a distance of 1,776.43 feet to a point; thence South 4 degrees 05 minutes 42 seconds East along the Southerly right-of-way line of Canal C-2 (Snapper Creek Canal) for a distance of 655.35 feet to the intersection thereof with a line 30.0 feet West of and parallel to the East line of the S.W. 1/4 of said Section 35; thence South 4 degrees 05 minutes 53 seconds East along a line 30.0 feet West of and parallel to the East line of the S.W. 1/4 of said Section 35 for a distance of 459.89 feet to a point on the North line of the S.E. 1/4 of the S.E. 1/4 of the S.W. 1/4 of said Section 35; thence South 85 degrees 19 minutes 59 seconds West along the North line of the S.E. 1/4 of the S.E. 1/4 of the S.W. 1/4 of said Section 35 for a distance of 280.00 feet to a point; thence South 4 degrees 05 minutes 53 seconds East along a line parallel with the East line of the S.E. 1/4 of the S.E. 1/4 of the S.W. 1/4 of said Section 35 for a distance of 609.40 feet to a point 50.0 feet North of the South line of the S.W. 1/4 of said Section 35 and a point on the North right-of-way line of North Kendall Drive; thence South 85 degrees 27 minutes 47 seconds West along a line 50.0 feet North of and parallel with the South line of the S.W. 1/4 of said Section 35 and along the North right-of-way line

LEGAL DESCRIPTION (Continued)

of North Kendall Drive for a distance of 1,743.55 feet to the intersection of the Easterly right-of-way line of Limited Access Highway, S.R.D. Road No. 826; thence North 87 degrees 15 minutes 14 seconds West along the Easterly right-of-way line of Limited Access Highway, S.R.D. Road No. 826 for a distance of 185.22 feet to a point; thence North 41 degrees 41 minutes 11 seconds West along the Easterly right-of-way line of Limited Access Highway, S.R.D. Road No. 826 for a distance of 125.48 feet to a point; thence North 14 degrees 09 minutes 22 seconds West along the Easterly right-of-way line of Limited Access Highway, S.R.D. Road No. 826 for a distance of 700.0 feet to a point; thence North 7 degrees 06 minutes 00 seconds West along the Easterly right-of-way line of Limited Access Highway, S.R.D. Road No. 826 for a distance of 364.47 feet to the intersection thereof with the Southerly right-of-way line of Canal C-2 (Snapper Creek Canal) and the point of beginning of the tract of land herein described; excepting therefrom the "Burdine's Site", which is more fully described hereafter in this Exhibit A;

AND COMMENCE at the S.W. corner of the S.E. 1/4 of Section 35, Township 54 South, Range 40 East, Dade County, Florida, thence North 4 degrees 05 minutes 53 seconds West along the West line of the S.E. 1/4 of said Section 35 for a distance of 50.0 feet to a point on the North right-of-way line of North Kendall Drive and the point of beginning of the tract of land herein described; thence continue North 4 degrees 05 minutes 53 seconds West along the West line of the S.E. 1/4 of said Section 35 for a distance of 1,065.43 feet to the intersection thereof with the Southerly right-of-way line of Canal C-2 (Snapper Creek Canal); thence South 86 degrees 03 minutes 14 seconds East along the Southerly right-of-way line of Canal C-2 (Snapper Creek Canal) for a distance of 681.28 feet to the intersection thereof with the Northerly right-of-way line of the Florida East Coast Railway; thence Southwesterly along the Northwesterly right-of-way of the Florida East Coast Railway and along a circular curve having a radius of 2,814.93 feet through a central angle 21 degrees 41 minutes 09 seconds for an arc distance of 1,065.42 feet to the point of tangency of said curve; thence South 40 degrees 10 minutes 22 seconds West along the Northwesterly right-of-way line of the Florida East Coast Railway and along a line tangent to the aforesaid curve for a distance of 79.70 feet to a point; thence South 44 degrees 13 minutes 23 seconds East for a distance of 14.59 feet to a point; thence South 45 degrees 40 minutes 37 seconds West along Northwesterly right-of-way line of Florida East Coast Railway for a distance of 27.66 feet to the intersection thereof with the North right-of-way line of North Kendall Drive; thence South 85 degrees 32 minutes 37 seconds West along the North right-of-way line of North Kendall Drive for a distance of 23.79 feet to the point of beginning of the tract of land herein described; EXCEPTING the West 30 feet thereof; and EXCEPTING the West 3½ feet of the East 313½ feet of the S.E. 1/4 of S.E. 1/4 of S.W. 1/4 of said Section 35;

TOGETHER WITH all reversionary interest in North Kendall Drive North of the center line thereof and in the Southwest 72nd Avenue, and

TOGETHER WITH all reversionary interest in Canal C-2 (Snapper Creek Canal) South of the center line thereof;

SUBJECT TO the dedication for street purposes of the South 3 feet of the lands described in the Exhibit dedicated by deed of Kendall Center, Inc. dated May 4, 1960 filed for record on June 6, 1960 in the office of the Clerk of the Circuit Court for Dade County, Florida under Clerk's File Number 60R106786;

LEGAL DESCRIPTION (Continued)

SUBJECT TO the dedication for street purposes of 5 feet abutting on the West line of existing Southwest 72nd Avenue dedicated by deed of Kendall Center, Inc. dated May 4, 1960 filed for record on June 6, 1960 in the office of the Clerk of the Circuit Court for Dade County Florida under Clerk's File Number 60R106785; and

SUBJECT TO the perpetual easement and right-of-way for adequate and proper access, ingress and egress for pedestrian and vehicular traffic conveyed by Kendall Center, Inc. to Federated Department Stores, Inc. by deed dated May 24, 1960 filed for record on May 25, 1960 in the office of the Clerk of the Circuit Court for Dade County, Florida under Clerk's File Number 60R94108.

B. REAL PROPERTY IN DADE COUNTY, FLORIDA, BEING A PART OF SECTION 35, TOWNSHIP 54 SOUTH, RANGE 40 EAST, as follows, to wit:

EAST 313.5 feet of the S.E. 1/4 of the S.E. 1/4 of the S.W. 1/4 of Section 35, Township 54 South, Range 40 East;

TOGETHER WITH all reversionary interest in those premises conveyed to Dade County, Florida, for public highway purposes;

SUBJECT TO all dedication, easements and encumbrances of record.

LOCATION: 7437 Dadeland Mall, Dade County, Florida.

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested special exception and non-use variance 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;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested special exception to spacing requirements and non-use variance of zoning regulations be and the same are hereby approved, 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 not be 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 in the approval of the plan, the same be substantially in accordance with that submitted for the hearing site plan entitled "Paddywack's Tavern & Eatery - Dadeland Mall" prepared by Dan C. Duckman, Architect and dated 6-5-79; floor plan entitled "A Tavern & Eatery at Dadeland Mall for Creative Restaurants, Inc." prepared by Dan C. Duckham, Architect and dated Received by Building and Zoning Department, Zoning Hearing Section on June 7, 1979.

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

4. That the restaurant/cocktail lounge use shall close at 3:00 A.M.

5. That the approval be conditioned upon the bar being accessory to the restaurant and if the restaurant use is terminated, the bar use will expire.

6. That no package sales be permitted on the site.

7. That an agreement suitable for recording and meeting with the approval of the Zoning Director be submitted to the effect that there will be close supervision by the operator to assure an orderly and quiet operation, and if the operation becomes a police enforcement problem, the permit shall be cancelled.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department, and to issue all permits in accordance with the terms and conditions of this Resolution.

PASSED AND ADOPTED this 13th day of August, 1979.

Heard 8/13/79
No. 79-8-15
nc
8/17/79

Item No. 79-201

RESOLUTION NO. 4-ZAB-232-79

The following resolution was offered by Mrs. Lillian Dickmon, seconded by Mrs. Margaret C. Nelson, and upon poll of members present, the vote was as follows:

Thelma Gamewood	aye	Peter Goldring	aye
Jose A. Losa	aye	Margaret C.Nelson	aye
Lillian Dickmon	aye	Betty S. Page	absent
Jollivette Frazier	aye	Murray Sisselman	aye
Edward G. Coll, Jr.	aye		

WHEREAS, BURDINES has applied for the following:

VARIANCE OF ZONING REGULATIONS as applied to the sale of alcoholic beverages, with the limitation that no sales of alcoholic package goods for consumption off the premises be sold on Sundays; to waive same to permit the sale of wine for consumption off the premises on Sundays (none permitted).

SUBJECT PROPERTY: Portion of Tract B (located in PALMETTO KENDALL HEIGHTS, Plat book 70, Page 47).

Beginning 760' west and 535' north of southeast corner of SE 1/4 of Section 35, Township 54 South, Range 40 East, thence east 71.85', thence north 154', thence east 172', thence north 504.66' to point on northerly line of Tract B, thence west 155.15' along said northerly line, thence north 6.6', thence west 402.45', thence south 649.19', thence east 121.85', thence south 40', thence east 100.15' to Point of beginning.

LOCATION: Burdines 7303 Dadeland Mall, Dade County, Florida.

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard;

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested Variance 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;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested Variance be and the same is hereby approved, subject to the following conditions:

That approval to permit the sale of wine for consumption off premises on Sundays at Burdines in Dadeland Mall shopping center be restricted to sales only in the deli-gourmet wine and specialty food section of the store.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department.

PASSED AND ADOPTED this 11th day of June, 1979.

Heard 6/11/79
Hearing No. 79-6-20
6/22/79
ns

RESOLUTION NO. 4-ZAB-25-79

The following resolution was offered by Mr. Jose A. Losa, seconded by Mrs. Margaret C. Nelson, and upon poll of members present, the vote was as follows:

Jose A. Losa	aye	Margaret C. Nelson	aye
Thelma Damewood	aye	Betty S. Page	aye
Lillian Dickmon	aye	Murray Sisselman	absent
R. Jollivette Frazier	aye	Edward G. Coll, Jr.	aye
Peter Goldring	aye		

WHEREAS, VICTORIA STATION has applied for the following:

SPECIAL EXCEPTION OF SPACING REQUIREMENTS as applied to alcoholic beverages to permit a proposed lounge to be spaced less than the required 2,500 feet from a church, and spaced less than 1,500 feet from three places of business which have established alcoholic beverage uses.

SUBJECT PROPERTY: A portion of Section 35, Township 54 South, Range 40 East.

EXHIBIT A

SHOPPING CENTER SITE

A. REAL PROPERTY IN DADE COUNTY, FLORIDA BEING A PART OF SECTION 35, TOWNSHIP 54 SOUTH, RANGE 40 EAST, as follows, to-wit:

COMMENCE at the Southwest corner of the S.W. 1/4 of Section 35, Township 54 South, Range 40 East, Dade County, Florida, thence North 4 degrees 05 minutes 28 seconds West along the West line of the S.W. 1/4 of said Section 35 for a distance of 1,228.46 feet to the intersection thereof with the Southerly right-of-way line of Canal C-2 (Snapper Creek Canal); thence North 85 degrees 36 minutes 42 seconds East along the Southerly right-of-way line of Canal C-2 (Snapper Creek Canal) for a distance of 257.63 feet to a point on the Easterly right-of-way line of Limited Access Highway, S.R.D. Road No. 826 and the point of beginning of the tract of land herein described; thence continue North 85 degrees 36 minutes 42 seconds East along the Southerly right-of-way line of Canal C-2 (Snapper Creek Canal) for a distance of 1,776.43 feet to a point; thence South 4 degrees 05 minutes 42 seconds East along the Southerly right-of-way line of Canal C-2 (Snapper Creek Canal) for a distance of 6.60 feet to a point; thence South 86 degrees 03 minutes 14 seconds East along the Southerly right-of-way line of Canal C-2 (Snapper Creek Canal) for a distance of 655.35 feet to the intersection thereof with a line 30.0 feet West of and parallel to the East line of the S.W. 1/4 of said Section 35; thence South 4 degrees 05 minutes 53 seconds East along a line 30.0 feet West of and parallel to the East line of the S.W. 1/4 of said Section 35 for a distance of 459.89 feet to a point on the North line of the S.E. 1/4 of the S.E. 1/4 of the S.W. 1/4 of said Section 35; thence South 85 degrees 19 minutes 59 seconds West along the North line of the S.E. 1/4 of the S.E. 1/4 of the S.W. 1/4 of said Section 35 for a distance of 280.00 feet to a point; thence South 4 degrees 05 minutes 53 seconds East along a line parallel with the East line of the S.E. 1/4 of the S.E. 1/4 of the S.W. 1/4 of said Section 35 for a distance of 609.40 feet to a point 50.0 feet North of the South line of the S.W. 1/4 of said Section 35 and a point on the North right-of-way line of North Kendal Drive; thence South 85 degrees 27 minutes 47 seconds West along a line 50.0 feet North of and parallel with the South line of the S.W. 1/4 of said Section 35 and along the North right-of-way line of North Kendal Drive for a distance of 1,743.55 feet to the intersection of the Easterly right-of-way line of Limited Access Highway, S.R.D. Road No. 826; thence North 87 degrees 15 minutes 14 seconds West along the Easterly right-of-way line of Limited Access Highway, S.R.D. Road No. 826 for a distance of 185.22 feet to a point; thence North 41 degrees 41 minutes 11 seconds West along the Easterly right-of-way line of Limited Access Highway, S.R.D. Road No. 826 for a distance of 125.48 feet to a point; thence North 14 degrees 09 minutes 22 seconds West along the Easterly right-of-way line of Limited Access Highway, S.R.D. Road No. 826 for a distance of 700.0 feet to a point; thence North 7 degrees 06 minutes 00 seconds West along the Easterly right-of-way line of Limited Access Highway, S.R.D. Road No. 826 for a distance of 364.47 feet to the intersection thereof with the Southerly right-of-way line of Canal C-2 (Snapper Creek Canal) and the point of beginning of the tract of land herein described; excepting therefrom the "Burdine's Site", which is more fully described hereafter in this Exhibit A;

LEGAL DESCRIPTION (Continued)

AND COMMENCE at the S.W. corner of the S.E. 1/4 of Section 35, Township 54 South, Range 40 East, Dade County, Florida, thence North 4 degrees 05 minutes 53 seconds West along the West line of the S.E. 1/4 of said Section 35 for a distance of 50.0 feet to a point on the North right-of-way line of North Kendal Drive and the point of beginning of the tract of land herein described; thence continue North 4 degrees 05 minutes 53 seconds West along the West line of the S.E. 1/4 of said Section 35 for a distance of 1,065.43 feet to the intersection thereof with the Southerly right-of-way line of Canal C-2 (Snapper Creek Canal); thence South 86 degrees 03 minutes 14 seconds East along the Southerly right-of-way line of Canal C-2 (Snapper Creek Canal) for a distance of 681.28 feet to the intersection thereof with the Northerly right-of-way line of the Florida East Coast Railway; thence Southwesterly along the Northwesterly right-of-way of the Florida East Coast Railway and along a circular curve having a radius of 2,814.93 feet through a central angle 21 degrees 41 minutes 09 seconds for an arc distance of 1,065.42 feet to the point of tangency of said curve; thence South 40 degrees 10 minutes 22 seconds West along the Northwesterly right-of-way line of the Florida East Coast Railway and along a line tangent to the aforesaid curve for a distance of 79.70 feet to a point; thence South 44 degrees 13 minutes 23 seconds East for a distance of 14.59 feet to a point; thence South 45 degrees 46 minutes 37 seconds West along the Northwesterly right-of-way line of Florida East Coast Railway for a distance of 27.66 feet to the intersection thereof with the North right-of-way line of North Kendal Drive; thence South 85 degrees 32 minutes 37 seconds West along the North right-of-way line of North Kendal Drive for a distance of 23.79 feet to the point of beginning of the tract of land herein described; EXCEPTING the West 30 feet thereof; and EXCEPTING the West 3 1/2 feet of the East 313 1/2 feet of the S.E. 1/4 of S.E. 1/4 of S.W. 1/4 of said Section 35;

TOGETHER WITH all reversionary interest in North Kendal Drive North of the center line thereof and in the Southwest 72nd Avenue, and

TOGETHER WITH all reversionary interest in Canal C-2 (Snapper Creek Canal) South of the center line thereof;

SUBJECT TO the dedication for street purposes of the South 3 feet of the lands described in this Exhibit dedicated by deed of Kendall Center, Inc. dated May 4, 1960 filed for record on June 6, 1960 in the office of the Clerk of the Circuit Court for Dade County, Florida under Clerk's File Number 60R106786;

SUBJECT TO the dedication for street purposes of 5 feet abutting on the West line of existing Southwest 72nd Avenue and 5 feet abutting on the East line of Southwest 72nd Avenue dedicated by deed of Kendall Center, Inc. dated May 4, 1960 filed for record on June 6, 1960 in the office of the Clerk of the Circuit Court for Dade County, Florida under Clerk's File Number 60R106785; and

SUBJECT TO the perpetual easement and right-of-way for adequate and proper access, ingress and egress for pedestrian and vehicular traffic conveyed by Kendall Center, Inc. to Federated Department Stores, Inc. by deed dated May 24, 1960 filed for record on May 25, 1960 in the office of the Clerk of the Circuit Court for Dade County, Florida under Clerk's File Number 60R94108.

B. REAL PROPERTY IN DADE COUNTY, FLORIDA, BEING A PART OF SECTION 35, TOWNSHIP 54 SOUTH, RANGE 40 EAST, as follows, to-wit:

EAST 313.5 feet of the S.E. 1/4 of the S.E. 1/4 of the S.W. 1/4 of Section 35, Township 54 South, Range 40 East;

TOGETHER WITH all reversionary interest in those premises conveyed to Dade County, Florida, for public highway purposes;

SUBJECT TO all dedications, easements and encumbrances of record.

BURDINE'S SITE

The Burdine's Site consists of the following two parcels:

Parcel 1: A tract of land lying in the S.W. 1/4 of Section 35, Township 54 South, Range 40 East, Dade County, Florida, more particularly described as follows:

COMMENCE at the S.E. corner of the S.W. 1/4 of Section 35, Township 54 South, Range 40 East; thence South 85 degrees 27 minutes 47 seconds West along the South line of the S.W. 1/4 of said Section 35 for a distance of 760.0 feet to a point; thence North 4 degrees 32 minutes 13 seconds West at right angles to the South line of the S.W. 1/4 of said Section 35 for a distance of 575.00 feet to the point of beginning of the tract of land herein described;

thence South 85 degrees 27 minutes 47 seconds West along a line parallel with the South line of the S.W. 1/4 of said Section 35 for a distance of 312.0 feet to a point; thence North 4 degrees 32 minutes 13 seconds West for a distance of 320.0 feet to a point; thence North 85 degrees 27 minutes 47 seconds East along a line parallel with the South line of the S.W. 1/4 of said Section 35 for a distance of 312.0 feet to a point; thence South 4 degrees 32 minutes 13 seconds East for a distance of 320.0 feet to the POINT OF BEGINNING, containing 2.29 acres more or less

which tract of land is part of those premises conveyed by Kendall Center, Inc. to Federated Department Stores, Inc. by deed dated May 24, 1960 filed for record on May 25, 1960 in the office of the Clerk of the Circuit Court for Dade County, Florida under Clerk's File Number 60R94108.

Parcel 2: A tract of land lying in the S.W. 1/4 of Section 35, Township 54 South, Range 40 East, Dade County, Florida, more particularly described as follows:

COMMENCE at the S.E. corner of the S.W. 1/4 of Section 35, Township 54 South, Range 40 East, Dade County, Florida; Thence run South 85 degrees 27 minutes 47 seconds West along the South line of the S.W. 1/4 of said Section 35 and also being along the centerline of North Kendal Drive (S.W. 88th Street) for a distance of 760.0 feet to a point; Thence run North 4 degrees 32 minutes 13 seconds West along a line for a distance of 535.0 feet to the point of beginning of the parcel of land herein described; Thence run North 85 degrees 27 minutes 47 seconds East along a line for a distance of 71.85 feet to a point; Thence run North 4 degrees 32 minutes 13 seconds West along a line for a distance of 154.0 feet to a point; Thence run North 85 degrees 27 minutes 47 seconds East along a line for a distance of 172.0 feet to a point; Thence run North 4 degrees 32 minutes 13 seconds West along a line for a distance of 504.66 feet to a point on the Northerly line of Tract "B" of Palmetto-Kendal Heights according to the plat thereof recorded in plat book 70 at page 47 of the public records of Dade County, Florida, the same being a point on the Southerly right-of-way line of Canal C-2 (Snapper Creek Canal) as shown on the said plat of Palmetto-Kendal Heights; Thence run North 86 degrees 03 minutes 14 seconds West along the Northerly line of said Tract "B" and also being along the Southerly right-of-way line of the said Canal C-2 for a distance of 155.15 feet to a point; Thence run North 4 degrees 05 minutes 42 seconds West along the Northerly line of said Tract "B" and also being along the Southerly right-of-way line of the said Canal C-2 for a distance of 6.60 feet to a point; Thence run South 85 degrees 36 minutes 42 seconds West along the Northerly line of said Tract "B" and also being along the Southerly right-of-way line of the said Canal C-2 for a distance of 402.45 feet to a point; Thence run South 4 degrees 32 minutes 13 seconds East along a line for a distance of 329.19 feet to the N.W. corner of the Federated Department Stores, Inc. Tract as the same is described in that certain deed dated May 24, 1960, filed for record May 25, 1960, in the office of the Clerk of the Circuit Court for Dade County, Florida, under Clerk's File No. 60R94108; Thence run North 85 degrees 27 minutes 47 seconds East along the North line of the said Federated Department Stores, Inc. Tract for a distance of 312.0 feet to the N.E. corner thereof; Thence run South 4 degrees 32 minutes 13 seconds East along the East line of the said Federated Department Stores, Inc. Tract for a distance of 320.0 feet to the S.E. corner thereof; Thence run South 85 degrees 27 minutes 47 seconds West along the South line of the said Federated Department Stores, Inc. Tract for a distance of 190.15 feet to a point; Thence run South 4 degrees 32 minutes 13 seconds East along a line for a distance of 40.0 feet to a point; Thence run North 85 degrees 27 minutes 47 seconds East along a line for a distance of 190.15 feet to the point of beginning containing 248,748.0 square feet or 5.71046 acres.

TOGETHER WITH all reversionary interest in that portion of said Canal C-2 (Snapper Creek Canal) adjacent to the North boundary line of the land described in this Exhibit, South of the center line thereof; and

SUBJECT TO the perpetual easement and right-of-way for adequate and proper access, ingress and egress for pedestrian and vehicular traffic conveyed by Kendall Center, Inc. to Federated Department Stores, Inc. by deed dated May 24, 1960 filed for record on May 25, 1960 in the office of the Clerk of the Circuit Court for Dade County, Florida under Clerk's File Number 60R94108.

LOCATION: 7541 Kendall Drive, Dade County, Florida.

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested special exception would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested special exception of spacing requirements be and the same is hereby approved, subject to the following condition:

That the alcoholic beverages lounge use be accessory to the restaurant and if the restaurant use is terminated, the lounge use will no longer be permitted.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department, and to issue all permits in accordance with the terms and conditions of this Resolution.

PASSED AND ADOPTED this 11th day of January, 1979.

Heard 1/11/79
No. 79-1-23
nc
1/16/79

RESOLUTION NO. 4-ZAB-200-79

The following resolution was offered by Mrs. R. Jollivette Frazier, seconded by Mr. Peter Goldring, and upon poll of members present, the vote was as follows:

Thelma Damewood	absent	Margaret C. Nelson	absent
Jose A. Losa	aye	Betty S. Page	absent
Lillian Dickmon	nay	Murray Sisselman	nay
R. Jollivette Frazier	aye	Edward G. Coll, Jr.	aye
Peter Goldring	aye		

WHEREAS, VICTORIA STATION, INC. has applied for the following:

(1) SPECIAL EXCEPTION to modify a site plan approved by the Zoning Director pursuant to Resolution 10258 passed and adopted by the Zoning Commission on the 6th day of September, 1956 only as it applies to the subject property, as follows:

From: "Shopping Center for Dadeland Shopping Center, Inc." prepared by Weed-Johnson, Associates, dated 6-8-61."

To: "Victoria Station - Dadeland Mall, pages 1 - 3" prepared by Tom Gili, Architect and dated 7-17-78."

Purpose of the request is to permit the applicant to submit a revised site plan dealing with the Victoria Station site only, as indicated on plans submitted for the hearing; said plan indicating the location of an outdoor dining area for the restaurant.

(2) SPECIAL EXCEPTION to expand a restaurant previously approved for spacing requirements as applied to alcoholic beverage uses to include an outdoor dining area.

(3) SPECIAL EXCEPTION to permit a night club.

(4) NON-USE VARIANCE OF ZONING REGULATIONS requiring night clubs to have a 308 sq. ft. minimum sized dance floor; to waive same to permit the proposed night club with no dance floor.

(5) UNUSUAL USE to permit outdoor patio and table service for a restaurant.

(6) NON-USE VARIANCE OF ZONING REGULATIONS requiring all business uses to be within completely enclosed buildings; to waive same to permit a portion of the restaurant from a railroad boxcar, located in the outdoor dining area.

Plans are on file and may be examined in the Zoning Department entitled "Victoria Station - Dadeland Mall, pages 1 - 3" prepared by Tom Gili, Architect and dated 7-17-78.

SUBJECT PROPERTY: A portion of Section 35, Township 54 South, Range 40 East.

Exhibit A Shopping Center Site

A. REAL PROPERTY IN DADE COUNTY, FLORIDA BEING A PART OF SECTION 35, TOWNSHIP 54 SOUTH, RANGE 40 EAST, as follows, to-wit:

COMMENCE at the Southwest corner of the S.W. 1/4 of Section 35, Township 54 South, Range 40 East, Dade County, Florida, thence North 4 degrees 05 minutes 28 seconds West along the West line of the S.W. 1/4 of said Section 35 for a distance of 1,228.46 feet to the intersection thereof with the Southerly right-of-way line of Canal C-2 (Snapper Creek Canal); thence North 85 degrees 36 minutes 42 seconds East along the Southerly right-of-way line of Canal C-2 (Snapper Creek Canal) for a distance of 257.63 feet to a point on the Easterly right-of-way line of Limited Access Highway, S.R.D. Road No. 826 and the point of beginning of the tract of land herein described; thence continue North 85 degrees 36 minutes 42 seconds East along the Southerly right-of-way line of Canal C-2 (Snapper Creek Canal) for a distance of 1,776.43 feet to a point; thence South 4 degrees 05 minutes 42 seconds

East along the Southerly right-of-way line of Canal C-2 (Snapper Creek Canal) for a distance of 6.60 feet to a point; thence South 86 degrees 03 minutes 14 seconds East along the Southerly right-of-way line of Canal C-2 (Snapper Creek Canal) for a distance of 655.35 feet to the intersection thereof with a line 30.0 feet West of and parallel to the East line of the S.W. 1/4 of said Section 35; thence South 4 degrees 05 minutes 53 seconds East along a line 30.0 feet West of and parallel to the East line of the S.W. 1/4 of said Section 35 for a distance of 459.89 feet to a point on the North line of the S.E. 1/4 of the S.E. 1/4 of the S.W. 1/4 of said Section 35; thence South 85 degrees 19 minutes 59 seconds West along the North line of the S.E. 1/4 of the S.E. 1/4 of the S.W. 1/4 of said Section 35 for a distance of 280.00 feet to a point; thence South 4 degrees 05 minutes 53 seconds East along a line parallel with the East line of the S.E. 1/4 of the S.E. 1/4 of the S.W. 1/4 of said Section 35 for a distance of 609.40 feet to a point 50.0 feet North of the South line of the S.W. 1/4 of said Section 35 and a point on the North right-of-way line of North Kendal Drive; thence South 85 degrees 27 minutes 47 seconds West along a line 50.0 feet North of and parallel with the South line of the S.W. 1/4 of said Section 35 and along the North right-of-way line of North Kendal Drive for a distance of 1,743.55 feet to the intersection of the Easterly right-of-way line of Limited Access Highway, S.R.D. Road No. 826; thence North 87 degrees 15 minutes 14 seconds West along the Easterly right-of-way line of Limited Access Highway, S.R.D. Road No. 826 for a distance of 185.22 feet to a point; thence North 41 degrees 41 minutes 11 seconds West along the Easterly right-of-way line of Limited Access Highway, S.R.D. Road No. 826 for a distance of 125.48 feet to a point; thence North 14 degrees 09 minutes 22 seconds West along the Easterly right-of-way line of Limited Access Highway, S.R.D. Road No. 826 for a distance of 700.0 feet to a point; thence North 7 degrees 06 minutes 00 seconds West along the Easterly right-of-way line of Limited Access Highway, S.R.D. Road No. 826 for a distance of 364.47 feet to the intersection thereof with the Southerly right-of-way line of Canal C-2 (Snapper Creek Canal) and the point of beginning of the tract of land herein described; excepting therefrom the "Burdine's Site", which is more fully described hereafter in this Exhibit A;

AND COMMENCE at the S.W. corner of the S.E. 1/4 of Section 35, Township 54 South, Range 40 East, Dade County, Florida, thence North 4 degrees 05 minutes 53 seconds West along the West line of the S.E. 1/4 of said Section 35 for a distance of 50.0 feet to a point on the North right-of-way line of North Kendal Drive and the point of beginning of the tract of land herein described; thence continue North 4 degrees 05 minutes 53 seconds West along the West line of the S.E. 1/4 of said Section 35 for a distance of 1,065.43 feet to the intersection thereof with the Southerly right-of-way line of Canal C-2 (Snapper Creek Canal); thence South 86 degrees 03 minutes 14 seconds East along the Southerly right-of-way line of Canal C-2 (Snapper Creek Canal) for a distance of 681.28 feet to the intersection thereof with the Northerly right-of-way line of the Florida East Coast Railway; thence Southwesterly along the Northwesterly right-of-way of the Florida East Coast Railway and along a circular curve having a radius of 2,814.93 feet through a central angle 21 degrees 41 minutes 09 seconds for an arc distance of 1,065.42 feet to the point of tangency of said curve; thence South 40 degrees 10 minutes 22 seconds West along the Northwesterly right-of-way line of the Florida East Coast Railway and along a line tangent to the aforesaid curve for a distance of 79.70 feet to a point; thence South 44 degrees 13 minutes 23 seconds East for a distance of 14.59 feet to a point; thence South 45 degrees 46 minutes 37 seconds West along the Northwesterly right-of-way line of Florida East Coast Railway for a distance of 27.66 feet to the intersection thereof with the North right-of-way line of North Kendal Drive; thence South 85 degrees 32 minutes 37 seconds West along the North right-of-way line of North Kendal Drive for a distance of 23.79 feet to the point of beginning of the tract of land herein described; EXCEPTING the West 30 feet thereof; and EXCEPTING the West 3 1/2 feet of the East 313 1/2 feet of the S.E. 1/4 of S.E. 1/4 of S.W. 1/4 of said Section 35;

B. REAL PROPERTY IN DADE COUNTY, FLORIDA, BEING A PART OF SECTION 35, TOWNSHIP 54 SOUTH, RANGE 40 EAST, as follows, to wit:

EAST 313.5 feet to the SE 1/4 of the SE 1/4 of the SW 1/4 of Section 35, Township 54 S., Range 40 E.; TOGETHER WITH all reversionary interest in those premises conveyed to Dade County, Florida, for public highway purposes.

BURDINE'S SITE

The Burdine's Site consists of the following two parcels:

Parcel 1: A tract of land lying in the SW 1/4 of Section 35, Township 54 S., Range 40 E., Dade County, Florida, more particularly described as follows: Commence at the SE corner of the SW 1/4 of Section 35-54S-40E; thence S. 85° 27'47" W. along the S. line of the SW 1/4 of said Section 35 for a distance of 760.0' to a point; thence N. 4° 32'13" W. at right angles to the S. line of the SW 1/4 of said Section 35 for a distance of 575.00' to the point of beginning of the tract of land herein described:
thence S. 85° 27'47" W. along a line parallel with the S. line of the SW 1/4 of Section 35 for a distance of 312.0' to a point; thence N. 4° 32'13" W. for a distance of 320.0' to a point; thence N. 85° 27' 47" E. along a line parallel with the S. line of the SW 1/4 of said Section 35 for a distance of 312.0' to a point; thence S. 4° 32'13" E. for a distance of 320.0' to the POINT OF BEGINNING, containing 2.29 accres more or less which tract of land is part of those premises conveyed by Kendall Center, Inc. to Federated Department Stores, Inc. by deed dated May 24, 1960 filed for record on May 25, 1960 in the office of the Clerk of the Circuit Court for Dade County, Florida under Clerk's File Number 60R94108.

Parcel 2: A tract of land lying in the S.W. 1/4 of Section 35, Township 54 South, Range 40 East, Dade County, Florida, more particularly described as follows:

COMMENCE at the S.E. corner of the S.W. 1/4 of Section 35, Township 54 South, Range 40 East, Dade County, Florida; Thence run South 85 degrees 27 minutes 47 seconds West along the South line of the S.W. 1/4 of said Section 35 and also being along the centerline of North Kendal Drive (S.W. 88th Street) for a distance of 760.0 feet to a point; Thence run North 4 degrees 32 minutes 13 seconds West along a line for a distance of 535.0 feet to the point of beginning of the parcel of land herein described; Thence run North 85 degrees 27 minutes 47 seconds East along a line for a distance of 71.85 feet to a point; Thence run North 4 degrees 32 minutes 13 seconds West along a line for a distance of 154.0 feet to a point; Thence run North 85 degrees 27 minutes 47 seconds East along a line for a distance of 172.0 feet to a point; Thence run North 4 degrees 32 minutes 13 seconds West along a line for a distance of 504.66 feet to a point on the Northerly line of Tract "B" of Palmetto-Kendal Heights according to the plat thereof recorded in plat book 70 at page 47 of the public records of Dade County, Florida, the same being a point on the Southerly right-of-way line of Canal C-2 (Snapper Creek Canal) as shown on the said plat of Palmetto-Kendal Heights; Thence run North 86 degrees 03 minutes 14 seconds West along the Northerly line of said Tract "B" and also being along the Southerly right-of-way line of the said Canal C-2 for a distance of 155.15 feet to a point; Thence run North 4 degrees 05 minutes 42 seconds West along the Northerly line of said Tract "B" and also being along the Southerly right-of-way line of the said Canal C-2 for a distance of 6.60 feet to a point; Thence run South 85 degrees 36 minutes 42 seconds West along the Northerly line of said Tract "B" and also being along the Southerly right-of-way line of the said Canal C-2 for a distance of 402.45 feet to a point; Thence run South 4 degrees 32 minutes 13 seconds East along a line for a distance of 329.19 feet to the N.W. corner of the Federated Department Stores, Inc. Tract as the same is described in that certain deed dated May 24, 1960, filed for record May 25, 1960, in the office of the Clerk of the Circuit Court for Dade County, Florida, under Clerk's File No. 60R94108; Thence

run North 85 degrees 27 minutes 47 seconds East along the North line of the said Federated Department Stores, Inc. Tract for a distance of 312.0 feet to the N.E. corner thereof; Thence run South 4 degrees 32 minutes 13 seconds East along the East line of the said Federated Department Stores, Inc. Tract for a distance of 320.0 feet to the S.E. corner thereof; Thence run South 85 degrees 27 minutes 47 seconds West along the South line of the said Federated Department Stores, Inc. Tract for a distance of 190.15 feet to a point; Thence run South 4 degrees 32 minutes 13 seconds East along a line for a distance of 40.0 feet to a point; Thence run North 85 degrees 27 minutes 47 seconds East along a line for a distance of 190.15 feet to the point of beginning containing 248,748.0 square feet or 5.71046 acres.

Further identified as a 68' X 100' store unit within Dadeland Mall known as 7541 Dadeland Mall.

LOCATION: 7541 Dadeland Mall, Dade County, Florida.

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested special exceptions, non-use variances and unusual use 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;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested special exception to modify a site plan, special exception to expand a restaurant, unusual use to permit outdoor patio and table service for a restaurant and non-use variance of zoning regulations requiring all business uses to be within enclosed buildings be and the same are hereby approved, 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 not be 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.

3. That the lights be of such a type and be so arranged, shielded if necessary, so as not to become objectionable to the adjacent neighborhood and so as not to become a traffic hazard to the adjacent streets.

4. That the premises shall not be littered with paper napkins, cups, plates, etc., and the premises shall be kept in a clean and presentable condition at all times meeting with the approval of the Zoning Director.

5. That the certificate of use and occupancy be automatically renewable annually by the Dade County Building and Zoning Department upon compliance with all terms and conditions, and be subject to cancellation upon violation of any of the conditions, or when in the opinion of the Metropolitan Dade County Zoning Appeals Board, after public hearing, it is determined that the use is detrimental and/or incompatible to the surrounding neighborhood.

BE IT FURTHER RESOLVED that the requested special exception to permit a night club and non-use variance of zoning regulations requiring night clubs to have a 308 sq. ft. minimum sized dance floor be and the same are hereby approved, 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 not be 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 night club shall conform with all the requirements for a night club use excepting the requirement for a dance floor.

3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing, entitled "Victoria Station - Dadeland Mall, Pages 1 - 3" as prepared by Tom Gili, Architect and dated 7-17-78.

4. That the applicant submit to the Planning Department for its review and approval a landscaping plan which indicates the type of plant material and size prior to the issuance of a certificate of occupancy.

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

6. That the night club use be confined to inside the structure and that no outside entertainment be permitted.

7. That the operation of the night club, including any entertainment, shall be on a high plane and level.

8. That the night club use shall close at 3:00 A.M.

9. That the applicant shall have rigid and strict control over its employees and patrons so as to prevent drunkenness and/or rowdyism.

10. That the operation of the business be conducted in such a manner as not to be detrimental to the surrounding community, nor in such a manner as to create any law enforcement problem either because of the method of operation or type of patronage, nor in any manner which might create a nuisance.

11. That the Certificate of Use and Occupancy be automatically renewable annually by the Dade County Building and Zoning Department upon compliance with all terms and conditions, and be subject to cancellation by the Zoning Director upon violation of any of the conditions, or when in the opinion of the Metropolitan Dade County Zoning Appeals Board, after public hearing, it is determined that the use is detrimental and/or incompatible to the surrounding neighborhood; that the decision reached pursuant to said hearing shall be final and that the applicant will sign an agreement suitable for recording to surrender the Certificate of Use and Occupancy and abide by the decision concerning the cancellation of the permit.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department, and to issue all permits in accordance with the terms and conditions of this Resolution.

PASSED AND ADOPTED this 10th day of May, 1979.

Heard 5/10/79
No. 79-5-31
nc
5/16/79

35-54-40
Item No. 77-409

RESOLUTION No. 4-ZAB-457-77

The following resolution was offered by Mrs. R. Jollivette Frazier seconded by Mrs. Betty S. Page and upon poll of members present, the vote was as follows:

Nancy Brown	aye	Peter Goldring	aye
Thelma Damewood	absent	Margaret C. Nelson	aye
Lillian Dickmon	aye	Betty S. Page	aye
R. Jollivette Frazier	aye	Murray Sisselman	aye
Edward G. Coll, Jr.	aye		

WHEREAS, DADELAND NATIONAL BANK, has applied for the following:

SPECIAL EXCEPTION to permit the expansion of an existing bank by constructing a 33' X 50' second story addition above the drive-in tellers.

SUBJECT PROPERTY: The South 206.9' of the West 238.4' of the East 1,540' of Tract B PALMETTO KENDALL HEIGHTS, Plat book 70, Page 47.

LOCATION: 7545 North Kendall Drive, Dade County, Florida.

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested Special Exception would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested Special Exception be and the same is hereby approved;

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department, and to issue all permits in accordance with the terms and conditions of this Resolution.

PASSED AND ADOPTED this 12th day of December, 1977.

Heard 12/12/77
Hearing No. 77-12-18
12/30/77
mh

35-54-40
Item No. 76-30

RESOLUTION NO. 4-ZAB-249-76

The following resolution was offered by Mrs. Margaret C. Nelson, seconded by Mrs. Helen P. Pagano, and upon poll of members present, the vote was as follows:

Nancy Brown	aye	Carl W. Rhetta	absent
Thelma Damewood	nay	Luis I. Rosas-Guyon	nay
Lillian Dickmon	absent	Milton I. Starkman	absent
Margaret C. Nelson	aye	Edward G. Coll, Jr.	aye
Helen P. Pagano	aye		

WHEREAS, First Federal Savings & Loan Association of Miami has applied for the following:

(1) VARIANCE OF SIGN REGULATIONS permitting two (2) detached signs in a shopping center; to waive same to permit a fourth detached sign of 60 sq. ft. (2 detached signs permitted).

(2) VARIANCE OF SIGN REGULATIONS requiring detached signs to be placed along the street frontage of the use the sign serves; to waive same to permit the location of the fourth detached sign to be located to the rear (N) property line to face and serve the parking lot.

Plans of the proposed sign are on file and may be examined in the Zoning Department entitled "First Federal Dadeland Mall Drive-In" drawn by Wahl, Snyder and Associates, Architects and dated 7-21-75.

SUBJECT PROPERTY: The W. 50' of the E. 235.5' of the S. 203' of the E ½ of the SE¼ of the SE¼ of the SW¼ of 35-54S-40E.

LOCATION: 7211 North Kendall Dr. (S.W. 88 St.), Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested variances would not be compatible with the area and its development and would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested variances be and the same are hereby denied without prejudice.

The Zoning Director is hereby directed to make the necessary notations upon the records of the Dade County Building and Zoning Department.

PASSED AND ADOPTED this 4th day of June, 1976.

Heard 6/4/76
No. 76-6-32
6/7/76
ng

RESOLUTION NO. Z-214-75

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

Neal Adams	aye	James F. Redford, Jr.	aye
Harry P. Cain	aye	Sandy Rubinstein	aye
Sidney Levin	aye	Harvey Ruvin	nay
Clara Oesterle	aye	Stephen P. Clark	aye
Beverly B. Phillips	aye		

WHEREAS, First Federal Savings & Loan Association of Miami has applied for the following:

(1) VARIANCE of sign Regulations permitting two (2) detached signs in a shopping center; to waive same to permit a fourth detached sign of 60 sq. ft. (2 detached signs permitted).

(2) VARIANCE of sign regulations requiring detached signs to be placed along the street frontage of the use the sign serves; to waive same to permit the location of the fourth detached sign to be located to the rear (N) property line to face and serve the parking lot.

Plans of the proposed sign are on file and may be examined in the Zoning Department entitled "First Federal Dadeland Mall Drive-In" drawn by Whl. Snyder and Associates, Architects and dated 7-21-75.

SUBJECT PROPERTY: The W. 50' of the E. 235.5' of the S. 203' of the E½ of the SE¼ of the SE¼ of the SW¼ of 35-54S-40E.

LOCATION: 7211 North Kendall Dr. (SW 88 St.)

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held as required by law, and all interested parties concerned in the matter were heard, and the Zoning Appeals Board was of the opinion that the requested Variances would be incompatible with the area and its development and would not be in harmony with the requirements and intent of the Zoning Procedure Ordinance and denied without prejudice the application, and

WHEREAS, First Federal Savings & Loan Association of Miami had appealed the decision of the Zoning Appeals Board to this Board, and after a 15-day notice of the time and place of the meeting of this Board was published as required by the Zoning Procedure Ordinance, anhearing was held by this Board, and after reviewing the record and the decision of the Zoning Appeals Board and having given an opportunity for all interested parties to be heard, and upon considering the record and the decision of the Zoning Appeals Board and all matters presented at the meeting, it is the opinion of this Board that the grounds and reasons specified for the reversal of the ruling made by the Zoning Appeals Board were sufficient to merit a reversal of the decision;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the decision of the Zoning Appeals Board is hereby

overruled and the requested Variances be and the same are hereby approved, subject to the following condition:

1. That one sign only be located on the north side of the building not to exceed 60 sq. ft. in area and to be located 8' off the ground.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Metropolitan Dade County Building & Zoning Department and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 27th day of July, 1976.

Heard 6-4-76
No. 76-6-32
8-10-76
as

DADE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

Richard P. Brinker, Clerk

By EDWARD G. PHELAN
Deputy Clerk

This resolution transmitted to the Clerk of the Board of County Commissioners on the _____ day of _____ 19__.

SD-40/75-229

RESOLUTION NO. Z-259-75

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

Neal Adams	aye	James F. Redford, Jr.	aye
Harry P. Cain	aye	Sandy Rubinstein	aye
Sidney Levin	aye	Harvey Ruvin	aye
Clara Oesterle	aye	Stephen P. Clark	aye
Beverly B. Phillips	aye		

WHEREAS, Coffee Etc., Inc. has applied for the following:

VARIANCE of spacing requirements to permit the sale of wine for off-premises consumption from a coffee shop within the Dadeland Mall 165' (1500' required) from an existing liquor use, and 2370' (2500' required) from an existing church.

Plans of the proposed coffee shop are on file and may be examined in the Zoning Department entitled "Lease Drawing - Coffee Etc. 7535 S Dadeland Mall" as prepared by Victor E. Hollenshein, Architect and dated February 14, 1975.

SUBJECT PROPERTY: Tract "B" of PALMETTO - Kendall Heights Subdivision PB 76 Pg. 47.

LOCATION: 7535 - S Dadeland Mall, Miami, Fla.

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held as required by law, and all interested parties concerned in the matter were heard, and the Zoning Appeals Board was of the opinion that the requested variance would be compatible with the area and its development and would be in harmony with the requirements and intent of the Zoning Procedure Ordinance and approved the request, and

WHEREAS, Alan S. Rosenthal, had appealed the decision of the Zoning Appeals Board to this Board, and after a 15-day notice of the time and place of the meeting of this Board was published as required by the Zoning Procedure Ordinance, a hearing was held by this Board, and after reviewing the record and the decision of the Zoning Appeals Board and having given an opportunity for all interested parties to be heard, the applicant or his representative not being present, and upon considering the record and the decision of the Zoning Appeals Board and all matters presented at the meeting, and upon due and proper consideration having been given to the matter, it is the opinion of this Board that the grounds and reasons specified for the reversal of the ruling made by the Zoning Appeals Board were insufficient to merit a reversal of the decision;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the decision of the Zoning Appeals Board is hereby sustained and the requested variance be and the same is hereby approved.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Metropolitan Dade County Building & Zoning Dept.

PASSED AND ADOPTED this 25th day of September, 1975.

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

By_____
Deputy Clerk

Board 9-25-75
No. 75-6-2A
10-2-75
ao

35-54-40
Item No. 75-229

RESOLUTION NO.4-ZAB-142-75

The following resolution was offered by Mrs. Thelma Damewood, seconded by Mr. Miguel Suarez, and upon poll of members present, the vote was as follows:

Nancy Brown	aye	Margaret C. Nelson	aye
Thelma Damewood	aye	Sy Reese	nay
Lillian Dickmon	aye	Carl W. Rhetta	absent
Joe H. Moffat	absent	Miguel Suarez	aye
Edward G.Coll,Jr.	aye		

WHEREAS, Coffee Itec., Inc. have applied for a VARIANCE of spacing requirements to permit the sale of wine for off-premises consumption from a coffee shop within the Dadeland Mall 165' (1500' required) from an existing liquor use, and 2370' (2500' required) from existing church.

Plans of the proposed coffee shop are on file and may be examined in the zoning Department entitled "Lease Drawing - Coffee Etc. 7533 B Dadeland Mall" as prepared by Victor E. DeKonschin, Architect and dated February 14, 19751

SUBJECT PROPERTY: Tract "B" of PALMETTO-Kendall Heights Subdivision P.B. 70, P.47.

LOCATION: 7533 B Dadeland Mall, Miami, Florida.

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested Variance 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;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested Variance be and the same is hereby approved.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department.

PASSED AND ADOPTED this 2nd day of June, 1975.

Heard 6/2/75
No. 75-6-24
6/13/75
ns

RESOLUTION NO. 4-ZAB-20-70

The following resolution was offered by Mr. Roger Shaw, seconded by Mrs. Irene Faugno, and upon poll of members present, the vote was as follows:

Irene Faugno	aye	Betty S. Page	absent
William L. Flynn	aye	Robert W Shaughnessy	aye
Steven J. Green	absent	Roger Shaw	aye
M. B. Monsalvatge	aye	Leonard Levenstein	aye

WHEREAS, J. C. Penney Company, Inc..has applied for a VARIANCE of setback requirements to permit a canopy overhang setback varying from 2' 4½" to 3' 2 3/4" (30' required) from SW 72 Ave. property line. All according to plans submitted with the application and on file in the Zoning Department.

ON:
PARCEL 1

Commence at the SE corner of the SW¼ of Section 35, Township 54 South, Range 40 East, Dade County, Florida, the same being the intersection of center lines of North Kendal Drive (SW 88 Street) and SW 72nd Avenue; thence run North 4 degrees 05 minutes 53 seconds West along the East line of the SW¼ of said Section 35 and being along the center line of said SW 72nd Avenue for a distance of 508.015 feet to a point which is 508.0 feet North of, as measured at right angles to, the South line of the SW¼ of said Section 35; thence run South 85 degrees 27 minutes 47 seconds West along a line parallel to the South line of the SW¼ of said Section 35, the same being along a line parallel to the center line of said North Kendal Drive (SW 88 Street) for a distance of 35.001 feet to a point 35.0 feet West of, as measured at right angles to, the East line of the SW¼ of said Section 35, the same being a point on the West right-of-way line of said SW 72nd Avenue and also being the point of beginning of the tract of land herein described; thence continue South 85 degrees 27 minutes 47 seconds West along a line parallel to the South line of the SW¼ of said Section 35 for a distance of 257.924 feet to a point; thence run North 4 degrees 32 minutes 13 seconds West along a line perpendicular to the preceeding course for a distance of 376.0 feet to a point; thence run South 85 degrees 27 minutes 47 seconds West along a line perpendicular to the preceeding course and being along a line parallel to the South line of the SW¼ of said Section 35 for a distance of 40.0 feet to a point; thence run North 4 degrees 32 minutes 13 seconds West along a line perpendicular to the preceeding course for a distance of 40.0 feet to a point; thence run North 85 degrees 27 minutes 47 seconds East along a line perpendicular to the proceeding course and being along a line parallel to the South line of the SW¼ of said Section 35 for a distance of 83.0 feet to a point; thence run North 4 degrees 32 minutes 13 seconds West along a line perpendicular to the preceeding course for a distance of 30.0 feet to a point; thence run North 85 degrees 27 minutes 47 seconds East along a line perpendicular to the preceeding course and being along a line parallel to the South line of the SW¼ of said Section 35 for a distance of 14.40 feet to a point; thence run North 4 degrees 32 minutes 13 seconds West along a line perpendicular to the preceeding course for a distance of 197.218 feet to a point on the North line of Tract "B" Palmetto-Kendal Heights Subdivision according to the plat thereof recorded in plat book 70 at page 47 of the Public Records of Dade County, Florida; the same being a point on the Southerly right-of-way line of Canal C-2 (Snapper Creek Canal) as the same is shown on the said plat of Palmetto-Kendal Heights Subdivision; thence run South 86 degrees 03 minutes 14 seconds East along the North line of Tract "B" of said Palmetto-Kendal Heights Subdivision and also being along the Southerly right-of-way line of said Canal C-2 (Snapper Creek Canal) for a distance of 207.406 feet to a point 5.0 feet West of, as measured at right angles to, the East line of said Tract "B", the same being a point 35.0 feet West of, as measured at right angles to, the East line of the SW¼ of said Section 35, and also being a point on the West right-of-way line of said SW 72nd Avenue; thence

the

run South 4 degrees 05 minutes 53 seconds East along a line parallel to the East line of Tract "B" of said Palmetto-Kendal Heights Subdivision and its' prolongation Southerly and also being along a line parallel to the East line of the SW¼ of said Section 35 for a distance of 612.629 feet to the point of beginning, containing 153,331.839 square feet, or 3.52 acres, more or less.

PARCEL 2

Commence at the S. W. corner of the SE¼ of Section 35, Township 54 South, Range 40 East, Dade County, Florida, thence North 4 degrees 05 minutes 53 seconds West along the West line of the SE¼ of said Section 35 for a distance of 50.0 feet to a point on the North right-of-way line of North Kendal Drive and the point of beginning of the tract of land herein described; thence continue North 4 degrees 05 minutes 53 seconds West along the West line of the SE¼ of said Section 35 for a distance of 1,065.43 feet to the intersection thereof with the Southerly right-of-way line of Canal C-2 (Snapper Creek Canal): thence South 86 degrees 03 minutes 14 seconds East along the Southerly right-of-way line of Canal C-2 (Snapper Creek Canal) for a distance of 681.28 feet to the intersection thereof with the Northerly right-of-way line of the Florida East Coast Railway; thence Southwesterly along the Northwesterly right-of-way of the Florida East Coast Railway and along a circular curve having a radius of 2,814.93 feet through a central angle 21 degrees 41 minutes 09 seconds for an arc distance of 1,065.42 feet to the point of tangency of said curve; thence South 40 degrees 10 minutes 22 seconds West along the Northwesterly right-of-way line of the Florida East Coast Railway and along a line tangent to the aforesaid curve for a distance of 79.70 feet to a point; thence South 44 degrees 13 minutes 23 seconds East for a distance of 14.59 feet to a point; thence South 45 degrees 46 minutes 37 seconds West along the Northwesterly right-of-way line of Florida East Coast Railway for a distance of 27.66 feet to the intersection thereof with the North right-of-way line of North Kendal Drive; thence South 85 degrees 32 minutes 37 seconds West along the North right-of-way line of North Kendal Drive for a distance of 23.79 feet to the Point of Beginning of the tract of land herein described; Excepting the West 30 feet thereof; Containing approximately 0.57 Acres.

LOCATION: W/s SW 72 Ave; beginning 600' N/o SW 88 St. (North Kendal Dr.).

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested variance would be in harmony with the general purpose and intent of the regulation and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested variance be and the same is hereby approved.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department.

PASSED AND ADOPTED this 14th day of January, 1970.

Heard 1/14/70
No. 70-1-26
1/27/70
ew

35-54-40
IV-21
Item No. 66-479

RESOLUTION NO. 3-ZAB-507-66

The following resolution was offered by Mr. Frank P. Reynolds, seconded by Mr. John R. Harlow, and upon poll of members present, the vote was as follows:

Neal Adams	absent	Virginia Salley	absent
Gene Flinn	absent	H. H. Wood	aye
John R. Harlow	aye	Andrew Lee	aye
Frank P. Reynolds	aye		

WHEREAS, Burdine's has applied for a VARIANCE of sign regulations limiting a total of four point of sale signs for a business use, to permit a total of six signs for subject occupant, ON the following described property:

A parcel of land in Tract B, Palmetto-Kendall Heights (PB 70, Pge. 47), and more particularly described as follows: Commence at the SE corner of the SW¼ of Section 35, Township 54 South, Range 40 East; th. run S. 85° 27' 47" W. along the S. line of the SW¼ of Sec. 35 along the centerline of N. Kendall Dr. (SW 88 St.) for a distance of 760.0' to a point; th. run N. 4° 32' 13" W. along a line for a distance of 535.0' to the POB of the parcel of land herein described; th. run N. 85° 27' 47" E. along a line for a distance of 71.85' to a point; th. run N. 4° 32' 13" W. along a line for a distance of 154.0' to a point; th. run N. 85° 27' 47" E. along a line for a distance of 172.0' to a point; th. run N. 4° 32' 13" W. along a line for a distance of 504.66' to a point on the N/ly line of Tract B of Palmetto-Kendall Heights (PB 70, Pge. 47) the same being a point on the S/ly r/w line of Canal C-2 (Snapper Creek Canal) as shown on plat of Palmetto-Kendall Heights; th. run N. 86° 03' 04" W. along the N/ly line of Tract B and also being along the S/ly r/w line of Canal C-2 for a distance of 155.15' to a point; th. run N. 4° 05' 42" W. along the N/ly line of Tract B and also being along the S/ly r/w line of Canal C-2 for a distance of 6.60' to a point; th. run S. 85° 36' 42" W. along the N/ly line of Tract B and also being along the N/ly r/w line of Canal C-2 for a distance of 402.45' to a point; th. run S. 4° 32' 13" E. along a line for a distance of 329.19' to the NW corner of the Federated Dept. Stores, Inc., Tract as described in Deed Dated May 24, 1960, filed for record May 25, 1960 in the office of the Clerk of the Circuit Court of Dade County, File No. 60R-94108; th. run N. 85° 27' 47" E. along the N. line of the Federated Stores, Inc., Tract for a distance of 312.0' to the NE corner thereof; th. run S. 4° 32' 13" E. along the E. line of the Federated Dept. Stores, Inc., Tract for a distance 320.0' to the SE corner thereof; th. run S. 85° 27' 47" W. along the S. line of the Federated Dept. Stores, Inc., Tract for a distance of 190.15' to a point; th. run S. 4° 32' 13" E. along a line for a distance of 40.0' to a point; th. run N. 85° 27' 47" E. along a line for a distance of 190.15' to the POB. Dadeland Shopping Center, Dade County, Florida, and

WHEREAS, an inspection of the subject property was made and a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested variance would be in harmony with the general purpose and intent of the regulation and would conform with the requirements and intent of the Zoning Procedure Ordinance;

35-54-40
IV-21
Item No. 66-479

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested variance be and the same is hereby approved.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department.

PASSED AND ADOPTED this 14th day of December, 1966.

Heard 12/14/66
No. 66-12-23
12/23/66
hf

35-54-40
IV-21
Item No. 63-432

RESOLUTION NO. Z-ZAB-371-63

The following resolution was offered by Mr. I. Tommy Thomas, seconded by Mr. Frank P. Reynolds, Jr., and upon poll of members present, the vote was as follows:

Paul Brockman	aye	C. C. Paden	aye
Francis A. Calhoun, Jr.	aye	Frank P. Reynolds, Jr.	aye
Dan Daniels	aye	I. Tommy Thomas	aye
Carl Gardner	aye	C. V. W. Trice, Jr.	aye
Joseph H. Gardner	aye	Martin Woolin	aye
Andrew Lee	aye	Harry K. Hurst	absent
John W. Morton	aye		

WHEREAS, Dadeland Shopping Center, Inc. has applied for a VARIANCE of size requirements as applied to point of sale signs to permit a 150 sq. ft. projecting sign (40 sq. ft. permitted in BU zones), AND

VARIANCE of Zoning Regulations prohibiting projecting signs in shopping centers to permit the aforementioned projecting sign, AND

VARIANCE of Zoning Regulations limiting the number of signs to four to permit the aforementioned sign as a fifth point of sale sign.

SUBJECT PROPERTY: Tracts B and D, Palmetto-Kendall Hghts. (PB 70, Pge. 47).

LOCATION: Dadeland Shopping Center, Dade County, Florida, and

WHEREAS, an inspection of the subject property was made and a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested variances 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;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested variances be and the same are hereby approved.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Metropolitan Dade County Building and Zoning Department.

PASSED AND ADOPTED this 19th day of August, 1963.

Heard: 8-19-63
No. 63-8-1
8-20-63
bcs

35-54-40
IV-21
Item No. 66-214

RESOLUTION NO. 3-ZAB-282-66

The following resolution was offered by Mr. H. H. Wood, seconded by Mrs Virginia Salley, and upon poll of members present, the vote was as follows:

Neal Adams	absent	Thomas B. Walker	absent
Gene Flinn	aye	H. H. Wood	aye
Frank P. Reynolds	aye	Andrew Lee	aye
Virginia Salley	aye		

WHEREAS, Jordan Marsh Company has applied for a VARIANCE of sign regulations limiting a total of 4 point of sale signs for a business use, to permit a total of 6 wall signs for subject occupant, ON the following described property:

Begin at the NW corner of Tract B, Palmetto-Kendall Heights (PB 70, Pge. 47); th. run N. 85° 36' 42" E. along the N/ly boundary line of Tract B and along the S/ly r/w line of Canal C-2 (Snapper Creek Canal) for a distance of 550.78' to a point; th. run S. 4° 05' 53" E. along a line parallel with and 1,304.50' W. of as measured at right angles to the E. line of the SW¼ of Section 35, Township 54 South, Range 40 East for a distance of 651.36' to a point; th. run S. 85° 27' 47" W. for a distance of 120.66' to a point; th. run S. 4° 05' 53" E. along a line parallel with and 2,025.16' W. of as measured at right angles to the E. line of Sec. 35-54-40 for a distance of 522' to a point on the N/ly r/w line of N. Kendall Dr.; th. run S. 85° 27' 47" W. along the N. r/w line of N. Kendall Dr. for a distance of 51.82' to a point; th. run N. 87° 15' 14" W. along the N. r/w line of N. Kendall Dr. for a distance of 161.56' to a point on the E. r/w line of Palmetto Expressway; th. run N. 41° 41' 11" W. along the E. r/w line of the Palmetto Expressway for a distance of 125.48' to a point; th. run N. 14° 09' 22" W. along the E. r/w line of the Palmetto Expressway for a distance of 700' to a point; th. run N. 7° 06' 00" along the E. r/w line of the Palmetto Expressway for a distance of 364.47' to the POB. 7675 N. Kendall Dr., Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested variance would be in harmony with the general purpose and intent of the regulation and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested variance be and the same is hereby approved.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department.

PASSED AND ADOPTED this 20th day of July, 1966.

Heard 7/20/66
No. 66-7-3T
7/27/66
hf

35-54-40
IV-21
Item No. 63-207

RESOLUTION NO. 2-ZAB-227-63

The following resolution was offered by Mr. Frank P. Reynolds, Jr., seconded by Mr. I. Tommy Thomas, and upon poll of members present, the vote was as follows:

Paul Brockman	aye	C. C. Paden	aye
Francis A. Calhoun, Jr.	aye	Frank P. Reynolds, Jr.	aye
Dan Daniels	aye	I. Tommy Thomas	aye
Carl Gardner	aye	C. V. W. Trice, Jr.	absent
Joseph H. Gardner	absent	Martin Woolin	absent
Andrew Lee	aye	Harry K. Hurst	aye
John W. Morton	aye		

WHEREAS, Dadeland Shopping Center, Inc., has applied for an UNUSUAL USE to permit shopping center promotional activities. SUBJECT PROPERTY: Tracts B & D, Palmetto-Kendall Hghts. (PB 70, Pge. 47). LOCATION: 7535 Dadeland Mall, Dade County, Florida, and

WHEREAS, an inspection of the subject property was made and a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, 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, under certain conditions, would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested unusual use be and the same is hereby approved 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 a layout of the promotional installations, type and location of structures, lights, signs, light standards, etc.

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

3. That the uses be limited in type, nature and scope to those uses which the Zoning Director feels will not be detrimental to the surrounding neighborhood either because of noise, odor, vibration, light or smoke or which will not deplete the required parking area in the center to an unreasonable degree, or which will create unreasonable traffic bottlenecks in the center or on the adjacent streets.

4. That the uses to be installed be strictly on a temporary basis for a limited period of time and be subject to such conditions as may be deemed necessary to insure public safety, health and welfare.

5. That the time for elimination of said uses be determined by the Zoning Director, taking into consideration the type and nature of the use and its effect on the surrounding neighborhood and traffic on the adjacent streets.

6. That in the event a permitted use proves to be undesirable, detrimental, hazardous or a nuisance to the surrounding area, the same shall be immediately removed upon the request of the Zoning Director.

7. That a Certificate of Use and Occupancy be applied for and issued by the Dade County Building and Zoning Department for each promotional activity prior to its operation in the shopping center.

8. That said Certificate of Use and Occupancy be automatically renewable annually by the Dade County Building and Zoning Department upon compliance with all terms and conditions and be subject to cancellation upon violation of any of the conditions or when, in the opinion of the Metropolitan Dade County Zoning Appeals Board, Dade County, Florida, after public hearing, it is determined that the use is detrimental and/or incompatible to the surrounding neighborhood.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this Resolution.

PASSED AND ADOPTED this 22nd day of May, 1963.

Heard 5/22/63
No. 63-5-54
5/28/63
hf

35-54-40
IV-21
Item No. 63-212

RESOLUTION NO. 2-ZAB-226-63

The following resolution was offered by Mr. Francis A. Calhoun, Jr., seconded by Mr. Frank P. Reynolds, Jr., and upon poll of members present, the vote was as follows:

Paul Brockman	aye	C. C. Paden	aye
Francis A. Calhoun, Jr.	aye	Frank P. Reynolds, Jr.	aye
Dan Daniels	absent	I. Tommy Thomas	aye
Carl Gardner	aye	C. V. W. Trice, Jr.	absent
Joseph H. Gardner	absent	Martin Woolin	absent
Andrew Lee	aye	Harry K. Hurst	aye
John W. Morton	aye		

WHEREAS, First Federal Savings & Loan Association has applied for a VARIANCE of height requirements as applied to Class C signs, to permit a Class C sign 47' 2" (30' permitted) in height.

SUBJECT PROPERTY: The S. 210' of Tract D as measured along the W. boundary line thereof of Palmetto-Kendall Hghts. (PB 70, Pge. 47) excepting therefrom the W. 5' dedicated for road purposes, more particularly described as follows: Commence at the SW corner of Tract D of Palmetto-Kendall Hghts. (PB 70, Pge. 47); th. run N. 4° 05' 53" W. along the W. boundary line of said Tract D for 210' to a point; th. run N. 85° 54' 07" E. along a line for 5' to the POB of the parcel of land herein described; th. continue N. 85° 54' 07" E. along a line for 174.47' to a point of intersection thereof with the SE/ly boundary line of said Tract D and being a point on the NW/ly r/w line of the FEC Rwy., and also being a point on a circular curve whose center bears N. 53° 23' 37.5" W. therefrom; th. run in a SW/ly direction along the SE boundary line of said Tract D and being along the NW/ly r/w line of the FEC Rwy., and also being along said circular curve having a radius of 2814.93' through a central angle of 3° 33' 57.5" for an arc distance of 175.20' to the end of said curve; th. run S. 40° 10' 22" W. along the SE/ly boundary line of said Tract D and being along the NW/ly r/w line of the FEC Rwy. for 79.70' to a point; th. run S. 44° 13' 23" E. along the boundary line between said Tract D and the FEC Rwy. for 14.59' to a point; th. run S. 45° 46' 37" W. along the SE/ly boundary line of said Tract D and being along the NW/ly r/w line of the FEC Rwy. for 13.05' to a point 5' E/ly of as measured at right angles to the W. boundary line of said Tract D; th. run N. 4° 05' 53" W. along a line parallel to the W. boundary line of said Tract D for 205.79' to the POB. LOCATION: NE corner SW 72 Ave. and SW 88 St. (N. Kendall Dr.), Dade County, Florida, and

WHEREAS, an inspection of the subject property was made and a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested variance would be in harmony with the general purpose and intent of the regulation and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County

35-54-40
IV-21
Item No. 63-212

Zoning Appeals Board that the requested variance be and the same is hereby approved.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department.

PASSED AND ADOPTED this 22nd day of May, 1963.

Heard 5/22/63
No. 63-5-53
5/29/63
hf

35-54-40
IV-21
Item No. 63-34

RESOLUTION NO. 2-ZAB-104-63

The following resolution was offered by Mr. I. Tommy Thomas, seconded by Mr. Joseph H. Gardner, and upon poll of members present, the vote was as follows:

Paul Brockman	aye	C. C. Paden	aye
Dan Daniels	aye	Frank P. Reynolds, Jr.	aye
Carl Gardner	aye	I. Tommy Thomas	aye
Joseph H. Gardner	aye	C.V.W. Trice, Jr.	absent
Andrew Lee	aye	Martin Woolin	aye
John W. Morton	aye	Harry K. Hurst	aye
Francis A. Calhoun,Jr.	aye		

WHEREAS, Dadeland Shopping Center, Inc. has applied for a VARIANCE of Zoning Regulations prohibiting detached signs in shopping centers other than shopping center signs to permit temporary maintenance of two existing detached signs.

SUBJECT PROPERTY: Tracts B and D, Palmetto Kendall Hghts. (PB 70, Pge. 47).

LOCATION: 7535 Dadeland Mall, Dade County, Florida, and

Purpose of hearing is to permit continued maintenance of two signs which were issued as Class A signs and which by change of copy are now Class B. signs.

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested variance 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;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested variance to permit temporary maintenance of two existing detached signs be and the same is hereby approved on condition that the existing signs shall be removed from the premises on or before March 20, 1964.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Metropolitan Dade County Building and Zoning Department.

PASSED AND ADOPTED this 20th day of March, 1963.

HEARD: 3-20-63
No. 63-3-37
3-22-63
bs

35-54-40
IV-21
Item No. 62-575

RESOLUTION NO. 2-ZAB-554-62

The following resolution was offered by Mr. Carl Gardner, seconded by Milton Sirkin, and upon poll of members present, the vote was as follows:

William Ader	aye	Frank P. Reynolds, Jr.	absent
Paul Brockman	nay	Harold E. Ross, Jr.	aye
Francis A. Calhoun, Jr.	aye	Milton Sirkin	aye
Carl Gardner	aye	I. Tommy Thomas	absent
Joseph H. Gardner	absent	C. V. W. Trice, Jr.	aye
Andrew Lee	aye	Harry K. Hurst	aye
Kenneth Markham	aye		

WHEREAS, Burdine's Tire Center has applied for a VARIANCE of sign requirements as applied to point of sale signs requiring that pylons for signs have the appearance of a solid structure, to permit a sign on a pylon having an open space between roof level and lower portion of sign.

SUBJECT PROPERTY: S½ SE¼ SE¼ SW¼ in Section 35, Township 54 South, Range 40 East, less S. 203' of the E. 185' thereof. N. side SW 88 St. (No. Kendall Dr.), approx. 200' W. of SW 72 Ave., Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested variance would be in harmony with the general purpose and intent of the regulation and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested variance be and the same is hereby approved.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department.

PASSED AND ADOPTED this 19th day of September, 1962.

Heard 9/19/62
No. 62-9-47
9/21/62
hf

35-54-40
IV-21
Item No. 62-428

RESOLUTION NO. 2-ZAB-430-62

The following resolution was offered by Mr. Andrew Lee, seconded by Mr. Harold E. Ross, Jr., and upon poll of members present, the vote was as follows:

William Ader	aye	Kenneth Markham	aye
Paul Brockman	aye	Frank P. Reynolds, Jr.	absent
Francis A. Calhoun, Jr.	absent	Harold E. Ross, Jr.	aye
Carl Gardner	absent	Milton Sirkin	absent
Joseph H. Gardner	aye	C. V. W. Trice, Jr.	aye
Harry K. Hurst	aye	I. Tommy Thomas	aye
Andrew Lee	aye		

WHEREAS, Food Fair Stores, South Dade, Inc., has applied for a VARIANCE of zoning requirements limiting detached signs in shopping centers to two detached shopping center signs, to permit a third detached sign 513 sq. ft. in area, ON E½ NE¼ SW¼ SW¼, Section 35, Township 54 South, Range 40 East, lying S. of Snapper Creek Canal, also known as a portion of Tract B, Palmetto-Kendall Heights (PB 70, Pge. 47). Dadeland Shopping Center, Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested variance would be in harmony with the general purpose and intent of the regulation and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested variance be and the same is hereby approved.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department.

PASSED AND ADOPTED this 18th day of July, 1962.

Heard 7/18/62
No. 62-7-49
7/25/62
hf

35-54-40
IV-21
Item No. 62-135

RESOLUTION NO. 2-ZAB-174-62

The following resolution was offered by Mr. Kenneth Markham, seconded by Mr. Frank P. Reynolds, Jr., and upon poll of members present, the vote was as follows:

William Ader	absent	Kenneth Markham	aye
Paul Brockman	aye	Frank P. Reynolds, Jr.	aye
Francis A. Calhoun, Jr.	absent	Harold B. Ross, Jr.	aye
Carl Gardner	aye	Milton Sirkin	aye
Joseph H. Gardner	aye	C. V. W. Trice, Jr.	absent
Harry K. Hurst	absent	I. Tommy Thomas	aye
Andrew Lee	aye		

WHEREAS, Dadeland Shopping Center, Inc., has applied for the following:

VARIANCE of sign regulations to permit erection of a 3-sided sign structure 120' in height and 31' in circumference with three 71.75 (200 permitted) sq. ft. applied shopping center identification emblems, AND

VARIANCE of setback requirements to permit said sign setback 24' (134' required) from side (W) property line, AND

VARIANCE of size requirements as applied to point of sale signs to permit an identification-attraction panel with 237.5 (200 permitted) sq. ft., AND

VARIANCE of parking requirements to permit a portion of the parking spaces to be 9' (10' required) in width, AND

VARIANCE of parking requirements to permit back-out areas on the NW corner and SW corner of subject property varying from 21' to 21' 4" (22' required). All in accordance with plans submitted with the application and on file in the Zoning Department.

SUBJECT PROPERTY: Tract B of Palmetto-Kendall Heights (PB 70, Pge. 47), Dadeland Shopping Center. 7405 SW 88 St. (N. Kendall Dr.), Dade County, Florida, and

WHEREAS, an inspection of the subject property was made and a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and at which time the applicant modified his application for variance of sign regulations from 120 feet in height to 113 feet in height; and, as a consequence, for a variance of setback requirements to permit said sign 24 feet instead of 125 feet required, and

WHEREAS, upon due and proper considaration having been given to the matter, it is the opinion of this Board that the requested variances on a modified basis would be in harmony with the general purpose and intent of the regulation and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested variances on a modified basis be and the same are hereby approved, subject to substantial compliance with plans submitted in the application for public hearing.

37

35-54-40
IV-21
Item No. 62-135

The Zoning Director is hereby directed to amke the necessary notations upon the maps and records of the Dade County Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this Resolution.

PASSED AND ADOPTED this 21st day of March, 1962.

Heard 3/21/62
No. 62-3-61
3/29/62
hf

35-54-40
IV-21
652-68

Resolution No. 2-ZAB-92-62

The following resolution was offered by Mr. Carl Gardner, seconded by Mr. Frank P. Reynolds, Jr., and upon poll of members present, the vote was as follows:

William Ader	aye	Kenneth Markham	aye
Paul Brockman	aye	Frank P. Reynolds, Jr.	aye
Francis A. Calhoun, Jr.	absent	Harold E. Ross, Jr.	abstain
Carl Gardner	aye	Milton Sirkin	aye
Joseph H. Gardner	aye	C.V.W. Trice, Jr.	aye
Harry K. Hurst	abstain	I. Tommy Thomas	aye
Andrew Lee	aye		

WHEREAS, Dadeland Shopping Center has applied for a VARIANCE of spacing requirements as applied to alcoholic beverage uses to permit a night club less than the required 2500' from Churches and schools and less than 1500' from existing alcoholic beverage uses ON the N. 175' of the S. 600' of the W. 75' of the E. 1,193.5' (as measured from center line of SW 72 Ave.) of Tract B, Palmetto Heights (PB 70, Pge. 47). Dadeland Shopping Center, Dade County, Florida, and

WHEREAS, an inspection of the subject property was made and a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested variance 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;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested variance be and the same is hereby approved.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department.

PASSED AND ADOPTED this 21st day of February, 1962.

Heard: 2-21-62
No. 62-1-34-2-47
2-27-62
bs

35-54-40
IV-21
Item No. 61-849

RESOLUTION NO. 2-ZAB-34-62

The following resolution was offered by Mr. Carl Gardner, seconded by Mr. Francis A. Calhoun, Jr., and upon poll of members present, the vote was as follows:

William Ader	aye	Kenneth Markham	absent
Paul Brockman	nay	Frank P. Reynolds, Jr.	absent
Francis A. Calhoun, Jr.	aye	Harold E. Ross, Jr.	nay
Carl Gardner	aye	Milton Sirkin	aye
Joseph H. Gardner	aye	C. V. W. Trice, Jr.	aye
Harry K. Hurst	abstain	I. Tommy Thomas	aye
Andrew Lee	aye		

WHEREAS, Dadeland Shopping Center has applied for an UNUSUAL USE to permit night club, ON the W. 75' of the N. 175' of the S. 600' of the E. 1193.5' (as measured from centerline of SW 72 Ave.) of Tract B, Palmetto-Kendall Heights (PB 70, Pge. 47). Dadeland Shopping Center, Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, 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 would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested unusual use be and the same is hereby approved, 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 not be 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.
3. That said permit be non-transferable and be issued to the applicant only.
4. That the operation of the night club, including any entertainment, shall be on a high plane and level.
5. That the applicant shall have rigid and strict control over its employees and patrons so as to prevent drunkenness and/or rowdyism.
6. That the operation of the business be conducted in such a manner as not to be detrimental to the surrounding community, nor in such a manner as to create any law enforcement problem, either because of the method of operation or type of patronage, nor in any manner which might create a nuisance.
7. That the use permit be automatically renewable annually by the Dade County Building and Zoning Department upon compliance with all terms and conditions, and be subject to cancellation upon violation of any of the conditions or when, in the opinion of the Metropolitan Dade County Zoning Appeals Board, Dade County, Florida, after public hearing, it is determined that the use is detrimental and/or incompatible to the surrounding neighborhood.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this Resolution.

PASSED AND ADOPTED this 17th day of January, 1962.

35-54-40
IV-21
61-607

Resolution No. ZB- 624-61

The following resolution was offered by Mr. Leo J. Adeeb, seconded by Mr. Carl Gardner, and upon poll of members present, the vote was as follows:

Leo J. Adeeb	aye	Kenneth Markham	aye
William Ader	aye	Frank Reynolds, Jr.	aye
Carl Gardner	aye	I. Tommy Thomas	aye
Leon McAskill	aye		

WHEREAS, Dadeland Shopping Center, Inc. has applied for a VARIANCE of spacing requirements as applied to alcoholic beverage uses to permit a package store in shopping center less than the required 2500' from existing alcoholic beverage uses.

SUBJECT PROPERTY: The W. 1010'+ of S. 675'+ of Tract B, Palmetto-Kendall Heights (PB 70, Pge. 47), approx. 7601 No. Kendall Dr. (SW 88 St.), Dade County, Florida, and

WHEREAS, an inspection of the subject property was made and a public hearing of the Metropolitan Dade County Zoning Board was advertised and held, as required by law, and all parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested variance would be in harmony with the general purpose and intent of the regulation and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Board that the requested variance be and the same is hereby approved.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department.

PASSED AND ADOPTED this 16th day of October, 1961.

Heard: 10-16-61
Nd. 61-10-13A
10-18-61
bs

61-3-66

2-55-40 IV-3
35-54-40 IV-21
Item No. 61-162

RESOLUTION NO. Z-83-61

The following resolution was offered by Commissioner Alexander S. Gordon, seconded by Commissioner Harold B. Spaet, and upon poll of members present, the vote was as follows:

James H. Allen	aye	Frank O. Pruitt	aye
Jack H. Beckwith	aye	Harold B. Spaet	aye
Joseph A. Boyd, Jr.	aye	Milton E. Thompson	absent
Alexander S. Gordon	aye	Walter Weiss	absent
Charles F. Hall	aye	Winston W. Wynne	aye
Ben C. McGahey	aye	Robert M. Haverfield	aye
Arthur H. Patten, Jr.	aye		

WHEREAS, Federated & Kenara Center, Inc., has applied for district boundary changes from AU (Agricultural) 7500 c.f., GU (Interim), RU-1 (1-Family Residential) 8500 c.f., and BU-2 (Special Business) 7500 and 7600 c.f., to BU-2 (Special Business) and BU-3 (Liberal Business).

AFFECTED PROPERTY: E. 310' of the SE¼ SE¼ SW¼ of Section 35, Township 54 South, Range 40 East, and the E. 3½' of Tract B of Palmetto Kendal Heights (PB 70, Pge. 47), lying in the SE¼ SE¼ SW¼ of Section 35, Township 54 South, Range 40 East. That portion of Tract D of Palmetto Kendal Heights according to the Plat thereof (PB 70, Pge. 47) in the SW¼ SW¼ SE¼ of Section 35, Township 54 South, Range 40 East, lying NW/ly of the Fla. East Coast RR r/w and that portion of Tract B of Palmetto Kendal Heights (PB 70, Pge. 47), lying in the SE¼ SE¼ SW¼ of Section 35, Township 54 South, Range 40 East, less the E. 3½' thereof and also less the W. 255' thereof. The N. 180' of the E. 338.80' of Tract C of Palmetto Kendal Heights (PB 70, Pge. 47), and the E. 338.80' of Tract C of Palmetto Kendal Heights (PB 70, Pge. 47), less the N. 180' thereof, and all that part of Tract C of Palmetto Kendal Heights (PB 70, Pge. 47) in the NW¼ of Section 2, Township 55 South, Range 40 E., less the N½ of the W. 3/4 NW¼, and also less the W. 180' of the NE¼ NE¼ NW¼. From Seaboard Airline RR to Palmetto By-Pass; between SW 86 St. and 92 St. Proposed BU-2 zoning from Seaboard Airline RR to approx., SW 72 Ave., between SW 86 St. and 230' S. of the centerline of SW 88 St. (N. Kendall Dr.). Balance BU-3; said changes in district boundary classification more specifically described in the application for hearing, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Board was advertised and held, as required by law, at which time all interested parties in the matter were heard, and the Zoning Board was of the opinion that the requested district boundary changes 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, and should be approved, and

WHEREAS, a fifteen-day notice of the time and place of the meeting of this Board was published, as required by the Zoning Procedure Ordinance, and after reviewing the record and recommendation of the Zoning Board, and having given an opportunity for interested parties to be heard, at which time no objections were

Z-83-61

2-55-40 IV-3
35-54-40 IV-21
Item No. 61-162

voiced, and upon considering the record and recommendation of the Zoning Board and all matters presented at the meeting; it is the opinion of this Board that the requested district boundary changes, as recommended by the Zoning Board, is compatible with the neighborhood and area concerned and does not conflict with the principles and intent of the plan for the development of Dade County, and should be approved;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the requested district boundary changes be and the same are hereby approved, as recommended by the Zoning Board, and said property is hereby zoned accordingly.

The Zoning Director is hereby directed to make the necessary changes and notations upon the maps and records of the Metropolitan Dade County Building and Zoning Department.

PASSED AND ADOPTED this 4th day of May, 1961.

Heard3/22/61
No. 61-3-66
5/19/61
mc

DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

E. B. LEATHERMAN, CLERK

By: EDWARD D. PHELAN
Deputy Clerk

IV-3 2-55-40
IV-21 35-54-40
61-162

Resolution No. ZB 183-61

The following resolution was offered by Mr. Frank Reynolds, Jr., seconded by Mr. Leo J. Adeeb, and upon poll of members present, the vote was as follows:

Leo J. Adeeb	aye	Kenneth Markham	aye
William Ader	aye	Frank Reynolds, Jr.	aye
Carl Gardner	aye	I. Tommy Thomas	aye
Leon McAskill	aye		

WHEREAS, Federated & Kenara Center, Inc. has applied for a district boundary changesfrom AU (Agricultural) 7500 c.f., GU (Interim), RU-1 (One-Family Residential) 8500 c.f. & BU-2 (Special Business) 7500 & 7500 c.f. to BU-2 (Special Business) and BU-3 (Liberal Business).

AFFECTED PROPERTY: E. 310' of the SE¼ SE¼ SW¼ of Section 35, Township 54 S., Range 40 E., and the E. 3½' of Tract B of Palmett Kendal Heights (PB 70, Pge. 47), lying in the SE¼ SE¼ SW¼ of Sec. 35-54-40. That portion of Tract D of Palmetto Kendal Heights according to the Plat thereof (PB 70, Pge. 47) in the SW¼ SW¼ SE¼ of Sec. 35-54-40, lying NW/ly of the Fla. East Coast RR r/w and that portion of Tract B of Palmetto Kendal Heights (PB 70, Pge. 47 lying in the SE¼ SE¼ SW¼ of Sec. 35-54-40, less the E. 3½' thereof and also less the W. 255' thereof. The N. 180' of the E. 338.80' of Tract C of Palmetto Kendal Heights (PB 70, Pge. 47), and the E. 338.80' of Tract C of Palmetto Kendal Heights (PB 70, Pge. 47), less the N. 180' thereof, and all that part of Tract C of Palmetto Kendal Heights (PB 70, Pge. 47) in the NW¼ of Section 2, Township 55 S., Range 40 E., less the N½ of the W. 3/4 NW¼, and also less the E. 180' of the NE¼ NE¼ NW¼. from Seaboard Airline RR to Palmetto By-Pass; between SW 86 St. and 92 St. Proposed BU-2 zoning from Seaboard Airline RR to approx. SW 72 Ave., between SW 86 St. and 230' S. of the center line of SW 88 St. (N. Kendall Dr.). Balance BU-3, Dade County, Florida, and

WHEREAS, an inspection of the subject property was made, and a public hearing of the Metropolitan Dade County Zoning Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, 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 would be compatible with the neighborhood concerned and would not be in conflict with the principles and intent of the plan for Dade County, Florida

IV-3 2-55-40
IV-21 35-54-50

BE IT THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Board that the requested district boundary changes be and the same are hereby recommended for adoption by the Board of Commissioners of Dade County, Florida.

The Zoning Director is hereby directed to make the necessary notations upon the records of the Dade County Building and Zoning Department.

PASSED AND ADOPTED this 22nd day of March, 1961.

Heard: 3-22-61
No. 61-3-66
3-27-61
bs

RESOLUTION NO. 5731

The following resolution was offered by Commissioner Ralph A. Fossey, seconded by Commissioner Robert M. Haverfield, and upon poll of members present, the vote was as follows:

Joseph A. Boyd, Jr.	aye	A. C. Kittel, Jr.	aye
Faris N. Cowart	absent	John B. McLeod	aye
Ralphh A. Fossey	aye	Arthur H. Patten, Jr.	absent
Alexander S. Gordon	absent	Walter Weiss	aye
Charles F. Hall	aye	Milton E. Thompson	aye
Robert M. Haverfield	aye	Ben C. McGahey	aye

WHEREAS, Resolution No. 10258 was adopted on the 6th day of September, 1956, and was amended by Resolution No. 4463 on the 21st day of January, 1960, and

WHEREAS, in said original Resolution No. 10258, it is provided that the property therein described was rezoned upon the following conditions, namely:

1. That the property be maintained under one (1) ownership and an agreement suitable for recording be executed placing said property under a Unity of Title; said agreement to meet with the approval of the Zoning Director.

8. That suitable perimeter (North-South) roads from NOrth Kendall Drive to Davis Road be dedicated and improved prior to the issuance of any occupancy permits.

and other conditions therein contained; and

WHEREAS, it has been made to appear that certain portions of the property will not be maintained under one ownership and that suitable perimeter roads can only be dedicated from the property owned by the developer which does not include all the property referred to in condition No. 8 above recited; and

WHEREAS, the Board has heard all interested parties concerning the subject matter herein and after due and proper consideration, it appears to the Board that conditions No. 1 and 8 in Resolution No. 10258 are unnecessary and should be deleted from the Resolution.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that said Resolution No. 10258 as the same has been subsequently amended, be and the same is further amended to delete from the conditions set forth in said Resolutions,

2-55-40
IV-3/21
Item # ----

RESOLUTION NO. 4463

The following resolution was offered by Commissioner Ralph A. Fossey, seconded by Commissioner John B. McLeod, and upon poll of members present, the vote was as follows:

Joseph A. Boyd, Jr.	aye	A. C. Kittel, Jr.	aye
Faris N. Cowart	absent	John B. McLeod	aye
Ralph A. Fossey	aye	Arthur H. Patton, Jr.	absent
Alexander S. Gordon	absent	Walter Weiss	aye
Charles F. Hall	absent	Ben C. McGahey	aye
Robert M. Haverfield	aye		

WHEREAS, the Board of County Commissioners, has heretofore adopted Resolution No. 10258 on the 6th day of September, 1956, and subsequently amended the same by Resolution No. 10482, adopted on the 18th day of October, 1956, and Resolution No. 445, adopted on the 24th day of October, 1957, approving under certain conditions, the application of Dade Shopping Center, Inc., for a regional shopping center on a portion of Sec. 35-54-40, and a portion of Sec. 2-55-40, and one of the conditions was that "initial permits be issued for at least 50% of the project, and that if the project is not at least 50% completed in two (2) years, the property shall revert to its previous zone classification", and

WHEREAS, J. Allen Brown has requested further modification of said Resolutions to permit an extension of time until September 1963, and after due and proper consideration having been given to the matter, and after hearing all interested parties, it appears to this Board that the time limitation should be deleted from the resolution entirely;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the said resolution #10258, and as the same has been subsequently amended, and the same is hereby further amended by stricking therefrom that portion relating to the development of 50% of the project within a given time.

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 21st day of January, 1960.

Heard 10-17-55
No. 30

kw 2-13-60

BOARD OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

BY BEN C. McGAHEY
Chairman/Vice Chairman

E. B. LEATHERMAN, CLERK

BY EDWARD D. PHELAN
DEPUTY CLERK

RESOLUTION NO. 445

The following resolution was offered by Commissioner Ralph A. Fossey, seconded by Commissioner John B. McLeod, and upon poll of members present, the vote was as follows:

Ralph A. Fossey	Aye	Charles F. Hall	Aye
Edwin L. Mason	Aye	Faris N. Cowart	Aye
John B. McLeod	Aye		

WHEREAS, the Board of County Commissioners of Dade County, Florida has heretofore adopted Resolution No. 10258 on the 6th day of September 1956, and amended the same by Resolution No. 10482 on the 18th day of October 1956, approving under certain conditions the application of the Dade Shopping Center, Inc. for a regional type shopping center on a portion of Section 35, Township 54 South, Range 40 East, and a portion of Section 2, Township 55 South, Range 40 East, and one of the conditions was that initial permits be issued for at least 50 per cent of the project and that if the project is not at least 50 per cent complete on or before September 6, 1959, the property would revert to its previous zone classification, and,

WHEREAS, the applicant, by its representative, J. Allan Brown, has requested modification of said resolutions, to permit expansion of the shopping area, due to the taking of a portion of said property for the Palmetto Road Expressway, and also for an extension of time for the completion of 50 per cent of said project to September 6, 1960, and upon due and proper consideration having been given to the matter, it appears to this Board that the requests are justifiable;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Dade County, Florida that Resolution No. 10258, as amended by Resolution 10482, be, and the same is hereby further amended as follows:

1. That the west 255 feet of the S 3/4 of the E½ of the SW¼ of Section 35, Township 54 South, Range 40 East be, and the same is hereby zoned BU-2A (special business-masonry) and is added to the original shopping center site.

2. That that portion of the NW¼ SW¼ SE¼ of Section 35, Township 54 South, Range 40 East, lying west of the Florida East Coast Railway spur line (belt line) and south of of Snapper Creek Canal, and that portion of the NE¼ SE¼ SW¼ of Section 35, Township 54 South, Range 40 East, lying south of the Snapper Creek Canal, and less the west 255 feet thereof be, and the same are hereby zoned BU-2A to include, among other things, employee parking.

3. That the above parcels of land be subject to the same general terms and conditions as the original shopping center and as provided in Resolution No. 10258.

4. [redacted]at the time for completion of 50 per ce[redacted]f the project be, and the same is hereby extended to September 6, 1960.

The Zoning Director is hereby directed to make the necessary changes and notations upon the maps and records of the Dade County Planning, Zoning and Building Department.

PASSED AND ADOPTED this 24th day of October , 1957.

HEARD 10/17/55

BOARD OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

BY FARIS N. COWART
Chairman / Vice Chairman

E. B. LEATHERMAN, CLERK

By EDWARD D. PHELAN
Deputy Clerk

RESOLUTION NO. 10482

The following resolution was offered by Commissioner I. D. MacVicar, seconded by Commissioner Hugh Peters, and upon vote duly adopted.

WHEREAS, this Board has heretofore adopted Resolution No. 10256 on the 6th day of September 1956, approving under certain conditions, an application of Dade Shopping Center, Inc., to permit a regional shopping center on a portion of Section 35, Township 54 South, Range 40 East, and portion of Section 2, Township 55 South, Range 40 East, lying West of Florida East Coast Rwy. right-of-way; Florida East Coast Spur Line to Palmetto Road from SW 82nd Street to 92nd Street, Dade County, Florida, and

WHEREAS, a typographical error was made in the description of that portion of the property lying in Section 2, Township 55 South, Range 40 East; the resolution having recited the N½ of the West 3/4 of the NW¼ of Section 2, Township 55 South, Range 40 East and should have recited "N½ of the East 3/4 of the NW¼ of Section 2, Township 55 South, Range 40 East."

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners that Resolution No. 10256 be, and the same is hereby amended, and the seventh (7) line in the second (2nd) "WHEREAS" paragraph is hereby corrected to read,

"N½ of the East 3/4 of the NW¼ of Section 2, Township 55 South, Range"

The Zoning Director is hereby directed to make the necessary changes and notations upon the records of the Dade County Planning, Zoning and Building Department.

PASSED AND ADOPTED this 18 day of October, 1956.

HEARD 10-17-56

RESOLUTION NO. 10258

The following resolution was offered by Commissioner Preston B. Bird, seconded by Commissioner Grant Stockdale, and upon vote duly adopted:

WHEREAS, Dade Shopping Center, Inc., has applied for a change of zone from GU (Interim, AU (Agricultural), RU-1 (One Family Residential) and EU-1 (One Acre Estates) to BU-1 masonry (Neighborhood Business), BU-2A (Special Business - Masonry) and BU-3A (Liberal Business - Masonry) to permit regional shopping center on S½ S½ and S½ N½ S½ in Section 35, Township 54 South, Range 40 East, lying West of Florida East Coast Railway Spur Track, and the N½ N½ less the W½ of NW¼ NW¼ in Section 2, Township 55 South, Range 40 East, lying West of Florida East Coast Rwy right-of-way; Florida East Coast Spur Line to Palmetto Road from SW 82nd Street to 92nd Street, Dade County, Florida, and

WHEREAS, a public hearing of the Dade County Zoning Commission was advertised and held as required by law, and after hearing all interested parties and considering the adjacent areas, the Zoning Commission recommended that a change of zone to BU-2A (Special Business - Masonry) be approved on the South 3/4 of the West 3/4 of the SW¼ of Section 35, Township 54 South, Range 40 East, and on the N½ of the West 3/4 (Should be East) of NW¼ of Section 2, Township 55 South, Range 40 East, subject to the following conditions:

1. That the property be maintained under one (1) ownership and an agreement suitable for recording be executed placing said property under a Unity of Title; said agreement to meet with the approval of the Zoning Director.

2. 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 not be limited thereto, location of structure or structures, landscaping, off-street parking areas, entrances and exits, type and location of signs, light standards, drainage, driveways, fences, hedges, walls, etc.

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

4. That initial permits be issued for at least 50% of the project, and that if the project is not at least 50% completed in two (2) years, the property shall revert to its previous zone classification.

5. That the new location of North Kendall Drive be subject to the approval of the Dade County Zoning Director and Dade County Engineer.

6. That the relocation of Snapper Creek Canal be subject to the approval of the Dade County Zoning Director and Dade County Engineer.

7. That satisfactory arrangements be made with the County Commission for the relocating, dedication and improvement of Snapper Creek Canal and North Kendall Drive; said improvements to be made prior to the issuance of any occupancy permits.

8. That suitable perimeter (North-South) roads from North Kendall Drive to Davis Road be dedicated and improved prior to the issuance of any occupancy permits.

9. That all existing plats of property within the confines of the shopping center be vacated prior to the issuance of any permits.

10. That satisfactory arrangements be made with the County Commission for the relocating, dedication and improvement of Palmetto Road; said improvements to be made prior to the issuance of any occupancy permits, and

WHEREAS, the Board has heard all interested parties concerning the subject matter, and after due and proper consideration had been given to the matter, it appears to this Board that the application, as recommended by the Zoning Commission, should be approved, except that the applicant's requested change of Item 4 to three (3) years should be granted;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the change of zone as recommended by the Zoning Commission be and the same is hereby approved and said property is hereby zoned accordingly, except that Item No. 4 be changed to read, "That initial permits be issued for at least 50% of the project, and that if the project is not at least 50% completed in three (3) years, the property shall revert to its previous zone classification".

The Zoning Director is hereby directed to make the necessary changes and notations upon the maps and records of the Dade County Planning, Zoning and Building Department, and that all permits be issued in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 6th day of Sept., 1956.

Heard 10-17-55

RESOLUTION NO. 6201

The following resolution was offered by Commissioner Preston B. Bird, seconded by Commissioner Jesse U. Yarborough, and upon vote duly adopted:

WHEREAS Victor C. Ramsdell has applied for a change of zone from AU (agricultural) to RU-1 (one family residential), to permit the recording of a plat for single family residential use on the South 496.9 feet of the East 899 feet of the SW¼ SW¼ of Section 35, Township 54 South, Range 40 East; North side of North Kendall Drive, West of South West 74 Avenue, Dade County, Florida, and

WHEREAS, subsequent thereto, the applicant has amended his application, requesting a change of zone to EU-1 (one acre estates), 10,000 cubic feet minimum, and

WHEREAS a public hearing of the Dade County Zoning Commission was advertised and held, as required by law, and, after hearing all interested parties, and considering the adjacent areas, the Zoning Commission recommended that the property be changed to EU-1 instead of RU-1, as requested, and to increase the minimum cubic content requirement to 12,500 cubic feet minimum, and

WHEREAS it appears to this Board that the change of zone, as recommended by the Zoning Commission, is in accord with and for the betterment of the overall, comprehensive zoning plan for Dade County, Florida;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioner of Dade County, Florida that the aforedescribed property, be and the same is hereby zoned EU-1, 12,500 cubic feet minimum.

The Zoning Director is hereby directed to make the necessary changes and notations upon the maps and records of the Dade County Planning, Zoning and Building Department.

PASSED AND ADOPTED this 4th day of August, 1953.

STATE OF FLORIDA)
: SS.
COUNTY OF DADE)

I, E. B. LEATHERMAN, Clerk of the Circuit Court in and for Dade County, Florida, and ex officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of a resolution adopted by the said Board of County Commissioners at its meeting held on August 4, 1953, as appears of record in the minutes of said Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 5th day of August, 1953.

E. B. LEATHERMAN, Clerk

By [signature]
Deputy Clerk

Heard 6. 15 53 Maps Rev 8. 26 53 JS

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