

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-5-08

WHEREAS, LIBERTY STATION, INC. applied to Community Zoning Appeals Board

8 for the following:

- (1) BU-1 to BU-1A
- (2) Applicant is requesting to permit a 5' high chain link fence in lieu of the required 5' high masonry wall where a business lots abuts RU zoned property along the rear (east) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU Zoning District) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Liberty Station," as prepared by EGN, consisting of 5 sheets, Sheet 1 dated stamped received 8/8/07, Sheet A1(a) dated stamped received 8/13/07 and Sheets 2, A4(a) and A4(b) dated stamped received 5/3/07 and plans as prepared by JFS Design, Inc., consisting of 1 sheet, dated stamped received 5/3/07 for a total of 6 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: Lots 9 – 14, Block 6, BELLEVUE BISCAYNE, Plat book 17, Page 29.

LOCATION: The Southeast corner of N.E. 119 Terrace and West Dixie Highway, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 8 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant requested permission to withdraw the request to permit a 5' high chain link fence in lieu of the required 5' high masonry wall where a business lots abuts RU zoned property along the rear (east) property line (Item #2), and

WHEREAS, upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 8 that requested withdrawal of the request to permit a 5' high chain link fence in lieu of the required 5' high masonry wall where a business lots abuts RU zoned property along the rear (east) property line (Item #2) should be granted, and that the requested district boundary change to BU-1A (Item #1) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and said application was denied by Resolution No. CZAB8-42-07, and

WHEREAS, **LIBERTY STATION, INC.** appealed the decision of Community Zoning Appeals Board 8 to the Board of County Commissioners for the following:

- (1) BU-1 to BU-1A
- (2) Applicant is requesting to permit a 5' high chain link fence in lieu of the required 5' high masonry wall where a business lots abuts RU zoned property along the rear (east) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU Zoning District) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Liberty Station," as prepared by EGN, consisting of 5 sheets, Sheet 1 dated stamped received 8/8/07, Sheet A1(a) dated stamped received 8/13/07 and Sheets 2, A4(a) and A4(b) dated stamped received 5/3/07 and plans as prepared by JFS Design, Inc., consisting of 1 sheet, dated stamped received 5/3/07 for a total of 6 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: Lots 9 – 14, Block 6, BELLEVUE BISCAYNE, Plat book 17, Page 29.

LOCATION: The Southeast corner of N.E. 119 Terrace and West Dixie Highway, 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 permission to withdraw the request to permit a 5' high chain link fence in lieu of the required 5' high masonry wall where a business lots abuts RU zoned property along the rear (east) property line (Item #2), and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

1. Restrictions.

- a) That the hours of operation of commercial development on the site shall be no earlier than 6 am and no later than 12 am.
- b) That Owner shall, subject to required approvals, place a "No Right Turn" sign or the functional equivalent on the Property limiting any proposed egress onto NE 119th Terrace and design the exit onto NE 119th Terrace to deter right turns.
- c) That the Owner shall provide additional landscaping such that trees on the rear (east side) of the Property are planted twenty (20) feet on center.
- d) That lighting on the property shall be recessed lights and otherwise be designed to minimize overspill of lighting onto adjacent residential properties.
- e) That notwithstanding the BU-1A zoning, there will be no gasoline service station on the Property.

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

WHEREAS, after being informed reviewing the record and decision of the Metropolitan Dade County Zoning Appeals Board 8, and after having given an opportunity for interested parties to be heard, it is the opinion of the Board of County Commissioners, Miami-Dade County, Florida, that that the grounds and reasons alleged by the appellants specified in the appeal were sufficient to merit a reversal of the ruling made by the Zoning Appeals Board 8

in Resolution No. CZAB8-42-07, and that the appeal should be approved, and that the decision of Community Zoning Appeals Board 8 should be overruled, and

WHEREAS, it is the opinion of the Board that the requested district boundary change to BU-1A (Item #1) would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the request to withdraw Item #2 should be granted, and

WHEREAS, a motion to grant the appeal, overrule the decision of Community Zoning Appeals Board 8, accept the proffered covenant, approve Item #1, and withdraw Item #2 was offered by Commissioner Audrey M. Edmonson, seconded by Commissioner Rebecca Sosa, and upon a poll of the members present the vote was as follows:

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

Bruno A. Barreiro aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal be and the same is hereby approved, and the decision of Community Zoning Appeals Board 8 is overruled.

BE IT FURTHER RESOLVED that the requested district boundary-change to BU-1A be and the same is hereby approved, and said property is hereby zoned accordingly.

BE IT FURTHER RESOLVED that the request to withdraw Item #2 be and the same is hereby granted and said Item is hereby withdrawn without prejudice.

BE IT FURTHER RESOLVED that Resolution No. CZAB8-42-07 is hereby null and void.

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

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

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 7th day of February, 2008, 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. 07-9-CZ8-3
ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida
RAY SULLIVAN
By _____
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 15TH DAY OF FEBRUARY, 2008.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Deputy Clerk's Name, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-5-08 adopted by said Board of County Commissioners at its meeting held on the 7th day of February, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 15th day of February, 2008.



Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL

