Memorandum

MIAMI-DADE COUNTY

Date: February 14, 2011

To: Distribution

From: Earl Jones, Deputy Clerk

Subject: Resolutions

Attached are resolution CZAB2-1-11 and the list from the Community Zoning Appeals Board No.2 hearing of January 26, 2011.

Any missing resolutions must be reported to this office (ext. 3075) no later than five (5) days from the date of this memo.

Attachments

Distribution: Agenda Coordinator's Office - MDC - 11th Floor
Clerk of the Board – Linda Cave, MDC -17th Floor
Property Appraiser –Angela Hall/ Eugenio Alonso, MDC - 8th Floor

CLERK OF THE BOARD
2011 FEB 14 PM 3:33
CLERK, CIRCUIT & COUNTY COURTS
DADE COUNTY, FLA
#1

RESOLUTION NO. CZAB2-1-11

WHEREAS, **MIAMI-DADE PARK AND RECREATION DEPARTMENT** applied for the following:

Applicant is requesting to waive the zoning regulations requiring half-section lines rights-of-way to be 70′ in width; to permit 0′ of dedication (35′ required) for the north half of N.E. 207th Street, between N.E. 23 Avenue & N.E. 24 Avenue, and to permit 0′ of dedication for the entire 70′ right-of-way of N.E. 207th Street, between N.E. 24th Avenue & N.E. 25th Avenue.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Highland Oaks Parks", as prepared by Scott A. Riggs, consisting of 2 sheets dated stamped received 12/17/10. Plans may be modified at public hearing.

SUBJECT PROPERTY: A parcel of land lying and being in Section 33, Township 51 South, Range 42 East, being more particularly described as follows:

The SW ¼ of the SE ¼ of the NE ¼, less the south 35′ thereof; and the SE ¼ of the SW ¼ of the NE ¼, less the south 35′ thereof, less the west 25′ thereof and less that portion of the north 25′ of the SE ¼ of the SW ¼ of the NE ¼ of said Section 33 which lies west of the S/ly extension of the west line of Block 5 of HIGHLAND LAKES EAST, Plat book 73, Page 57, and less the external area formed by a 25′ radius arc concave to the southeast, tangent to the south line of the north 25′ of the SE ¼ of the SW ¼ of the NE ¼ of said Section 33 and tangent to the east line of the west 25′ of the SE ¼ of the SW ¼ of the NE ¼ of said Section 33 and less the external area formed by a 25′ radius arc concave to the northeast, tangent to the north line of the south 35′ of the SE ¼ of the SW ¼ of the NE ¼ of said Section 33 and tangent to the east line of the west 25′ of the SE ¼ of the SW ¼ of the NE ¼ of said Section 33. AND: TRACT "B": The NW ¼ of the NE ¼ of the SE ¼, less the north 35′ and less the west 25′ thereof.

AND: The SW ¼ of the NE ¼ of the SE ¼, less the west 295′ thereof. AND: That portion of the east ½ of the NE ¼ of the SE ¼, lying west of the centerline of the Oleta River. AND: Less the right-of-way of N.E. 203rd Street (Ives Dairy Road) as shown on the right-of-way map recorded in Plat book 88, Page 5. Less the following describe parcel:

Commence at the southwest corner of the NE ¼ of the SE ¼ of Section 33, Township 51 South, Range 42 East; thence run north along the west line of the NE ¼ of the SE ¼ of said Section 33 for a distance of 355′ to a point; thence run east along a line 355′ north of and parallel to the south line of the NE ¼ of the SE ¼ of said Section 33 for a distance of 295′ to the point of beginning of the tract of land hereinafter to be described; thence continue east along the previously described course for a distance of 370′ to a point; thence run north along a line 665′ east of and parallel to the west line of the NE ¼ of the SE ¼ of said Section 33 for a distance of 405′ to a point; thence run west along a line 760′ north of and parallel to eth south line of the NE ¼ of the SE ¼ of said Section 33 for a distance of 370′ to a point; thence run south for a distance of 405′ to the point of beginning; AND: TRACT "C": The south 35′ of the SW ¼ of the SE ¼ of the NE ¼ AND:

The north 35′ of the NW ¼ of the NE ¼ of the SE ¼ AND: The east 161′ of the south 35′ of the SE ¼ of the SW ¼ of the NE ¼.

LOCATION: 20459 N.E. 24 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 2 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 request to waive the zoning regulations requiring half-section lines rights-of-way to be 70′ in width; to permit 0′ of dedication for the north half of N.E. 207th Street, between N.E. 23 Avenue & N.E. 24 Avenue, and to permit 0′ of dedication for the entire 70′ right-of-way of N.E. 207th Street, between N.E. 24th Avenue & N.E. 25th Avenue would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance and would be consistent with the Comprehensive Development Master Plan, and

WHEREAS, a motion to approve the application was offered by Peggy A. Stroker, seconded by Kenneth Friedman, and upon a poll of the members present, the vote was as follows:

Kenneth Friedman	aye	Adrienne F. Promoff	aye
Lonna Cohen	aye	Dawn Uffner	aye

Peggy A. Stroker aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 2 that the requested 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 Director is hereby authorized to make the necessary notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 26th day of January, 2011.

Hearing No. 10-5-CZ2-2
ej

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 14TH DAY OF FEBRUARY, 2011.

STATE OF FLORIDA

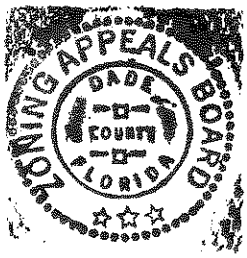
COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 2, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB2-1-11 adopted by said Community Zoning Appeals Board at its meeting held on the 26th day of February, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 14th day of February, 2011.

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

SEAL



Memorandum

MIAMI-DADE COUNTY

Date: May , 2011

To: Distribution

From: Earl Jones, Deputy Clerk

Subject: Resolutions

Attached are CZAB2-2-11 and the list from the Community Zoning Appeals Board No. 2 hearing of May 18, 2011.

Any missing resolutions must be reported to this office (ext. 2129) no later than five (5) days from the date of this memo.

CLERK OF THE BOARD
2011 MAY 23 AM 10: 2
CLERK, CIRCUIT & COUNTY COURTS
DADE COUNTY, FLA.
#1

Attachments

Distribution: Agenda Coordinator's Office - MDC - 11th Floor
Clerk of the Board – Linda Cave, MDC -17th Floor
Property Appraiser –Angela Hall, MDC - 8th Floor

COMMUNITY ZONING APPEALS BOARD 2

Hearing Date: MAY 18, 2011

The Community Zoning Appeals took the following action on the items listed below

11-1-CZ2-1	MONICA'S DAYCARE, LLC **Denied With Prejudice**	09-88 **CZAB2211**	04-52-42

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COUNTY STAFF ATTENDEES:

CRAIG COLLER - ASSISTANT COUNTY ATTORNEY
MERCEDES HOLSTON - ASSISTANT COUNTY ATTORNEY
CARL HARRISON - ZONING EVALUATION SECTION
EARL JONES - ZONING AGENDA COORDINATOR'S OFFICE
FELIX ACOSTA - ZONING AGENDA COORDINATOR'S OFFICE
CLEVELAND THOMPSON - ZONING AGENDA COORDINATOR'S OFFICE

NOTICE

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THE FOLLOWING SUMMARY INFORMATION IS PROVIDED AS A COURTESY; IT SHOULD NOT BE TREATED AS LEGAL ADVICE AND IT SHOULD NOT BE RELIED UPON. LEGAL CONSULTATION MAY BE WARRANTED IF AN APPEAL OR OTHER LEGAL CHALLENGE IS BEING CONTEMPLATED.

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Decisions of the Community Zoning Appeals Board (CZAB) may be subject to appeal or other challenge. For example, depending upon the nature of the requests and applications addressed by the CZAB, a CZAB decision may be directly appealable to the Board of County Commissioners (BCC) or may be subject to challenge in Circuit Court. Challenges asserted in Circuit Court, where available, must ordinarily be filed within 30 days of the transmittal of the pertinent CZAB resolution to the Clerk of the BCC. Appeals to the BCC, where available, must be filed with the Zoning Hearing Section of the Department of Planning and Zoning (DPZ) within 14 days after the DPZ has posted a short, concise statement (such as that furnished above for the listed items) that sets forth the action that was taken by the CZAB. (The DPZ's posting will be made on a bulletin board located in the office of the DPZ.) All other applicable requirements imposed by rule, ordinance, or other law must also be observed when filing or otherwise pursuing any challenge to a CZAB decision.

Further information regarding options and methods for challenging a CZAB decision may be obtained from sources that include, but are not limited to, the following: Sections 33-312, 33-313, 33-314, 33-316, and 33-317 of the Code of Metropolitan Dade County, Florida; the Florida Rules of Appellate Procedure; and the Municode website (www.municode.com). Miami-Dade County does not provide legal advice regarding potential avenues and methods for appealing or otherwise challenging CZAB decisions; however, a licensed attorney may be able to provide assistance and legal advice regarding any potential challenge or appeal.

RESOLUTION NO. CZAB2-2-11

WHEREAS, **MONICA'S DAYCARE L. L. C.** applied for the following:

(1) UNUSUAL USE to permit a day care center.

(2) Applicant is requesting to permit the day care center setback 18′ 6½″ (75′ required) from the interior side (north) property line and setback 23′ 10½″ (75′ required) from the interior side (south) property line.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Monica's Daycare," as prepared by Vertex Architecture, consisting of 7 sheets: Sheet "A-1," dated stamped received 7/16/10 with last handwritten revision dated 10/13/10 and the remaining 6 sheets dated stamped received 12/18/09 with Sheet "A-2" last handwritten revision dated 1/27/10. Plans may be modified at public hearing.

SUBJECT PROPERTY: The north 103.4′ of the south 495.26′ of the SE ¼ of the NE ¼ of the SW ¼ in Section 4, Township 52 South, Range 42 East, less the east 35′ for street purposes and less the west 232′ as conveyed by deed.

LOCATION: 18820 N.E. 22 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 2 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, upon due and proper consideration having been given to the matter it is the opinion of this Board that the requested unusual use to permit a day care center (Item #1) and the request to permit the day care center setback 18′ 6½″ from the interior side (north) property line and setback 23′ 10½″ from the interior side (south) property line (Item #2) 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, and

WHEREAS, a motion to deny the application with prejudice was offered by Kenneth Friedman, seconded by Dawn Uffner, and upon a poll of the members present, the vote was as follows:

Kenneth Friedman	aye	Adrienne F. Promoff	aye
		Dawn Uffner	aye

Peggy A. Stroker aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 2 that the requested application be and the same is hereby denied with prejudice.

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

PASSED AND ADOPTED this 18th day of May, 2011.

Hearing No. 11-1-CZ2-1
ej

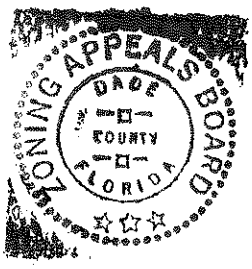
THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 23RD DAY OF MAY, 2011.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 2, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB2-2-11 adopted by said Community Zoning Appeals Board at its meeting held on the 18th day of May, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 23rd day of May, 2011.

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

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