RESOLUTION NO. CZAB5-3-12

WHEREAS, **JOSE ELIO ROMAN** applied for the following:

(1) SPECIAL EXEPTION to permit a Riding Academy.

(2) UNUSUAL USE to permit a trailer as a watchman's quarters.

(3) NON-USE VARIANCE to permit a parcel of land with a lot area of 3.20 acres gross (5 acres gross required).

(4) NON-USE-VARIANCE to permit the existing office building setback varying from 25′-3″ to 25′-5″ (50′ required) from the front (west) property line.

(5) NON-USE-VARIANCE to permit the proposed horse stables to setback 7′ (7-6″′ required) from the rear (east) property lines.

(6) NON-USE VARIANCE to permit the proposed stables to be spaced varying from 10′ to 12′ between each other and to be spaced 17′ (20′ required) from the existing open barn structure.

(7) NON-USE VARIANCE to permit a horse riding ring setback varying from 8′-0″ to 11′-6″ (20′ required) from the interior side (north) property line.

(8) NON-USE-VARIANCE to permit parking spaces to be on natural terrain (hard surface required).

Plans are on file and may be examined in the Permitting, Environment and Regulatory Affairs or its successors department entitled "Existing Office Building," as prepared by Jorge Alba, dated stamped received 1/10/12, consisting of 5 sheets and "Landscape Plan" s prepared by PM2, dated stamped received 7/22/09, consisting of 1 sheet, for a total of 6 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: South 1/2 of Lot 7 Block 1 Less the west 258.91′ for right-of-way Tatum Bros Real Estate & Investment Company's Subdivision of Sections 4, 5 and 6 and North ½ of 9,10,11 and 12 in Township 39 South, Range 39 East Plat book 1 Page 102

LOCATION: 18200 West Okeechobee Road, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 5 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 to permit a Riding Academy (Item #1), the requested unusual use to permit a trailer as a watchman's quarters (Item #2), the requested non-use variance to permit a parcel of land with a lot area of 3.20 acres gross (Item #3), the requested non-use-variance to permit the existing office building setback varying from 25′-3″ to 25′-5″ from the front (west) property line (Item #4), the requested non-use-variance to permit the proposed horse stables to setback 7′ from the rear (east) property lines (Item #5), the requested non-use variance to permit the proposed stables to be spaced varying from 10′ to 12′ between each other and to be spaced 17′ from the existing open barn structure (Item #6), the requested non-use variance to permit a horse riding ring setback varying from 8′-0″ to 11′-6″ from the interior side (north) property line (Item #7), and the requested non-use-variance to permit parking spaces to be on natural terrain (Item #8) 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 would be consistent with the Comprehensive Development Master Plan, and that the requested special exception (Item #1) and unusual use (Item #2) would not have an adverse impact upon the public interest and should be approved and

WHEREAS, a motion to approve Items #1 through #8 was offered by Alexander C. Senderoff, seconded by Joanne Carbana, and upon a poll of the members present, the vote was as follows:

Joanne Carbana	aye	Leonardo A. Perez	aye
Ira J. Paul		Alexander C. Senderoff	aye

Juan A. Garcia aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 5 that the requested special exception to permit a Riding Academy (Item #1), the requested unusual use to permit a trailer as a watchman's quarters (Item #2), the requested non-use variance to permit a parcel of land with a lot area of 3.20 acres gross (Item #3), the requested non-use-variance to permit the existing office building setback varying from 25′-3″ to 25′-5″ from the front (west) property line (Item #4), the requested non-use-variance to permit the proposed horse stables to setback 7′ from the rear (east) property lines (Item #5), the requested non-use variance to permit the proposed stables to be spaced varying from 10′ to 12′ between each other and to be spaced 17′ from the existing open barn structure (Item #6), the requested non-use variance to permit a horse riding ring setback varying from 8′-0″ to 11′-6″ from the interior side (north) property line (Item #7), and the requested non-use-variance to permit parking spaces to be on natural terrain (Item #8) be and the same are hereby approved, subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director of the Permitting, Environment and Regulatory Affairs Department or its successor Department upon the submittal of an application for a building permit; said plan to include, but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Mr. Jose Elio Roman & W Aida," as prepared by PM2 Drafting Services, consisting of two (2) sheets and "Existing Office Building," as prepared by Jorge Alba, all sheets dated stamped received 01/10/12 for a total of five (5) pages.

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

4. That only riding lessons and ancillary activities associated with a riding academy be permitted.

5. That the garden supply store be only an ancillary use to the existing on-site nursery.

6. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to final zoning inspection.

7. That the applicant obtain a Certificate of Use from and promptly renew the same annually with the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

8. That no live or amplified music be permitted on the premises.

9. That outdoor music shall be allowed on the premises from sunrise to 10pm.

10. That the operating hours for the facility for horse riding purposes shall be from sunrise to 10pm.

11. That no alcohol shall be sold, served or consumed on the premises for commercial consumption.

12. That no parties, commercialized rodeo events or other commercial activities be permitted on the premises at any time.

13. That no parking shall be permitted offsite.

14. That the applicant comply with all applicable requirements, recommendations, requests and other provisions of the Fire Rescue Department as well as the other Departments as contained in the departmental memoranda.

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 Permitting Environment or Regulatory Affairs Department or its Successor.

PASSED AND ADOPTED this 24th day of May, 2012.

Hearing No. 12-5-CZ5-1
ej

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 30TH DAY OF MAY, 2012.

STATE OF FLORIDA

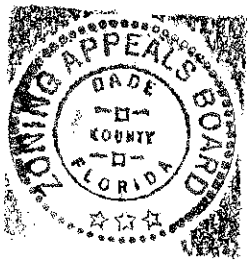
COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Permitting, Environment and Regulatory Affairs or its successor as designated by the Director of the Miami-Dade County Department of Permitting, Environment and Regulatory Affairs or its successor and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 5, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB5-3-12 adopted by said Community Zoning Appeals Board at its meeting held on the 24th day of May, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 30th day of May, 2012.

Earl Jones, Deputy Clerk (3230)
Miami-Dade Department of County Permitting, Environment and Regulatory Affairs or its successor

SEAL



RESOLUTION NO. CZAB5-4-12

WHEREAS, **RAFAEL CORONEL** applied for the following:

(1) NON-USE VARIANCE to permit an existing covered terrace addition to a single family residence setback 18.67′ (25′ required) from the rear (north) property line.

(2) NON-USE VARIANCE to permit an existing single family residence setback a minimum of 3.98′ (7.5′ required) from the interior side (west) property line.

(3) NON-USE VARIANCE to permit an existing roofed outdoor kitchen and bathroom setback 3.67′ (5′ required) from the rear (north) property line, setback a minimum of 3.5′ (7.5′ required) from the interior side (west) property line and spaced 4.67′ (10′ required) from the residence.

(4) NON-USE VARIANCE to permit an existing swimming pool & Jacuzzi setback varying from 5′ to 7′ (7.5′ required) from the rear (north) property line and setback 3.96′ (10′ required) from the interior side (east) property line.

(5) NON-USE VARIANCE to permit an existing trellis setback 2′ (5′ required) from the rear (north) property line and setback 2′ (7.5′ required) from the interior (east) property line.

(6) NON-USE VARIANCE to permit an existing screen enclosure setback 0′ (6′ required) from the rear (north) property line and setback 0′ (7.5′ required) from the interior (east & west) property lines.

Plans are on file and may be examined in the Sustainability, Planning and Economic Enhancement or its successors department entitled "Mr. & Mrs. Rafael A. Coronel" as prepared by DDSM Consulting LLC., dated stamped received 7/20/11 with sheet A1, last handwritten revision dated 1/24/12 and consisting of 3 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: Lot 31 Block 20 of Country Lake Manors Section 2, Plat Book 117-74

LOCATION: 5911 NW 199 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 5 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 non-use variance to permit an existing covered terrace addition to a single family residence setback 18.67′ from the rear (north) property line (Item #1), the requested non-use variance to permit an existing single family residence setback a minimum of 3.98′ from the interior side (west) property line (Item #2), the requested non-use variance to permit an existing roofed outdoor kitchen and bathroom setback 3.67′ from the rear (north) property line, setback a minimum of 3.5′ from the interior side (west) property line and spaced 4.67′ from the residence (Item #3), a portion of the requested non-use variance to permit an existing swimming pool setback 7′ from the rear (north) property line (Item #4) and the requested non-use variance to permit an existing screen enclosure setback 0′ from the rear (north) property line and setback 0′ from the interior (east & west) property lines (Item #6) 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 that a portion of the requested non-use variance to permit an existing Jacuzzi (Item #4) and the requested non-use variance to permit an existing trellis setback 2′ from the rear (north) property line and setback 2′ from the interior (east) property line (Item #5) 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 approve Items #1, 2, 3, and 6, to approve a portion of Item #4 pertaining to the swimming pool, to deny a portion of Item #4 without prejudice which pertains to the jacuzzi, and to deny without prejudice Item #5 was offered by Leonardo A. Perez, seconded by Joanne Carbana, and upon a poll of the members present, the vote was as follows:

Joanne Carbana	aye	Leonardo A. Perez	aye
Ira J. Paul	aye	Alexander C. Senderoff	aye

Juan A. Garcia aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 5 that the requested non-use variance to permit an existing covered terrace addition to a single family residence setback 18.67′ from the rear (north) property line (Item #1), the requested non-use variance to permit an existing single family residence setback a minimum of 3.98′ from the interior side (west) property line (Item #2), the requested non-use variance to permit an existing roofed outdoor kitchen and bathroom setback 3.67′ from the rear (north) property line, setback a minimum of 3.5′ from the interior side (west) property line and spaced 4.67′ from the residence (Item #3), a portion of the requested non-use variance to permit an existing swimming pool setback 7′ from the rear (north) property line (Item #4) and the requested non-use variance to permit an existing screen enclosure setback 0′ from the rear (north) property line and setback 0′ from the interior (east & west) property lines (Item #6) be and the same are hereby approved, subject to the following conditions:

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

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Mr. & Mrs. Rafael A. Coronel" as prepared by DDSM Consulting, dated stamped received 7/20/11 and consisting of 3 sheets except as herein amended to show the removal of the trellis and Jacuzzi. Except as may be specified by any zoning resolution applicable to the subject property, any future additions on the property which conform to Zoning Code requirements will not require further public hearing action.

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

4. That all stormwater be retained on-site, without causing any runoff into the abutting properties.

5. That the applicant maintain the visual buffer along the rear (north) and interior side (west) property lines either in the form of the existing 6′ high CBS wall or wood fence.

6. That the applicant obtain a building permit for all non-permitted structures on the property when applicable from the Permitting, Environment and Regulatory Affairs Department or its successor department within 90 days after the appeal period deadline date.

7. That the trellis and Jacuzzi be demolished prior to final permit approval.

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 Permitting Environment or Regulatory Affairs Department or its Successor.

PASSED AND ADOPTED this 24th day of May, 2012.

Hearing No. 12-4-CZ5-1
ej

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 30TH DAY OF MAY, 2012.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

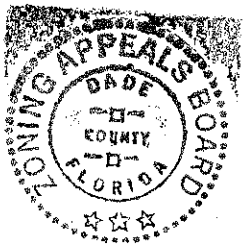
I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Permitting, Environment and Regulatory Affairs or its successor as designated by the Director of the Miami-Dade County Department of Permitting, Environment and Regulatory Affairs or its successor and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 5, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB5-4-12 adopted by said Community Zoning Appeals Board at its meeting held on the 24th day of May, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 30th day of May, 2012.

Earl Jones

Earl Jones, Deputy Clerk (3230)
Miami-Dade Department of County Permitting, Environment and Regulatory Affairs or its successor

SEAL



Memorandum

MIAMI-DADE COUNTY

Date: July 11, 2012

To: Distribution

From: Earl Jones, Deputy Clerk

Subject: Resolutions

Attached are resolutions CZAB5-6-12 and CZAB5-7-12 from the Community Zoning Appeals Board No. 5 hearing of June 28, 2012.

Please note that resolution CZAB5-5-12 was distributed earlier.

Any missing resolutions must be reported to this office (ext. 2129) 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 – Nelson Diaz, MDC -17th Floor
Property Appraiser –Angela Hall, MDC - 8th Floor

CLERK OF THE BOARD
2012 JUL 11 PM 1:19
CLERK, CIRCUIT & COUNTY CTS
MIAMI-DADE COUNTY, FLA.
#1

RESOLUTION NO. CZAB5-6-12

WHEREAS, **GLOBAL TOWER ASSETS & ANTONIO FRANCO, TRUSTEE** applied for the following:

(1) Unusual Use to permit a 100 foot high Wireless Supported Service Facility and ancillary equipment.

(2) NON-USE VARIANCE to permit a parcel of land with a lot frontage of 51.96′ (200′ required) and a lot area of 0.16 acre (5 acres required).

(3) NON-USE VARIANCE to permit a Wireless Supported Service Facility tower setback 23.58′ from the side street (west) property line, setback 21.67′ from the interior side (east) property line and setback 19.18′ from the rear (south) property line (111.11′ required for each side).

(4) NON-USE VARIANCE to permit a Wireless Supported Service Facility tower shelter setback 15.08′ (25′ required) from the side street (west) property line.

Plans are on file and may be examined in the Permitting, Environment and Regulatory Affairs Department or its successor department entitled "Tower" as prepared by Robert Jerry Lara, architect, dated stamped received 2/10/12 for a total of 5 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: Lot 12 Block 20, Plat of Western Miami Section C, Plat Book 27, Page 54

LOCATION: Southeast Corner of NW 14 Street & NW 132 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 5 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

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

WHEREAS, upon due and proper consideration having been given to the matter it is the opinion of this Board that the requested unusual use to permit a 100 foot high Wireless Supported Service Facility and ancillary equipment (Item #1), the requested non-use variance

to permit a parcel of land with a lot frontage of 51.96′ and a lot area of 0.16 acre (Item #2), the requested non-use variance to permit a wireless supported service facility tower setback 23.58′ from the side street (west) property line, setback 21.67′ from the interior side (east) property line and setback 19.18′ from the rear (south) property line (Item #3), and non-use variance to permit a Wireless Supported Service Facility tower shelter setback 15.08′ from the side street (west) property line (Item #4) 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 would be consistent with the Comprehensive Development Master Plan, and that the requested unusual use (Item #1) would not have an adverse impact upon the public interest and should be approved, and

WHEREAS, a motion to approve Items #1 through #4 was offered by Joanne Carbana, seconded by Ira J. Paul, and upon a poll of the members present, the vote was as follows:

Joanne Carbana	aye	Leonardo A. Perez	aye
Ira J. Paul	aye	Alexander C. Senderoff	absent

Juan A. Garcia aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 5 that the requested unusual use to permit a 100 foot high Wireless Supported Service Facility and ancillary equipment (Item #1), the requested non-use variance to permit a parcel of land with a lot frontage of 51.96′ and a lot area of 0.16 acre (Item #2), the requested non-use variance to permit a wireless supported service facility tower setback 23.58′ from the side street (west) property line, setback 21.67′ from the interior side (east) property line and setback 19.18′ from the rear (south) property line (Item #3), and non-use variance to permit a Wireless Supported Service Facility tower shelter setback 15.08′ from the side street (west)

property line (Item #4) be and the same are hereby approved, subject to the following conditions:

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

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

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Tower" as prepared by Robert Jerry Lara, architect, dated stamped received 2/10/12 for a total of 5 sheets.

3. That the applicants submit to the Regulatory and Economic Resources Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.

4. That the applicants obtain a Certificate of Use for the wireless supported service facility from the Regulatory and Economic Resources Department upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

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

6. That the wireless supported service facility be designed and maintained to allow co-location of other telecommunication service operators.

7. That the wireless supported service facility comply with all FAA and FCC lighting requirements.

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

The Director is hereby authorized to make the necessary notations upon the maps and records of the Miami-Dade County Department of Regulatory and Economic Resources and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 28th day of June, 2012.

Hearing No. 12-6-CZ5-2
ej

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 11TH DAY OF JULY, 2012.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Permitting, Environment and Regulatory Affairs or its successor as designated by the Director of the Miami-Dade County Department of Regulatory and Economic Resources and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 5, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB5-6-12 adopted by said Community Zoning Appeals Board at its meeting held on the 28th day of July, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 11th day of July, 2012.

Earl Jones

Earl Jones, Deputy Clerk (3230)
Miami-Dade Department of Regulatory and Economic Resources

SEAL

RESOLUTION NO. CZAB5-7-12

WHEREAS, **GLENEAGLES, LLC** applied for the following:

(1) UNUSUAL USE for an existing lake excavation.

(2) NON-USE VARIANCE to permit a minimum lake depth of 1′ (10′ minimum required).

(3) NON-USE VARIANCE to waive the zoning regulations requiring a one (1) foot vertical to four (4) feet horizontal berm around the perimeter of the lake.

(4) NON-USE VARIANCE to waive the zoning regulations requiring a one (1) foot vertical to one (1) foot horizontal slope extending lake ward to a point where three (3) feet of water depth is provided below the mean low water elevation (W.C.2.4) followed by a five-foot horizontal shelf.

Surveys are on file and may be examined in the Permitting, Environment and Regulatory Affairs or its successor department entitled "Specific Purpose Survey," as prepared by Armando Garcia dated stamped received 7/19/11, consisting of 2 sheets and a plan entitled "Gleneagles LLC Proposed Lake Section" as prepared by VSN Engineering Inc. dated stamped received 2/27/12 and consisting of 1 sheet, for a total of 3 sheets.

SUBJECT PROPERTY: Tract "A", Gleneagles Apartments Plat Book 129-27

LOCATION: Lying between Northwest 67 Avenue and Northwest 68 Avenue and South of theoretical Northwest 179 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 5 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

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

WHEREAS, upon due and proper consideration having been given to the matter it is the opinion of this Board that the requested unusual use for an existing lake excavation (Item #1), the requested non-use variance to permit a minimum lake depth of 1′ (Item #2), the requested non-use variance to waive the zoning regulations requiring a one (1) foot vertical to four (4) feet horizontal berm around the perimeter of the lake (Item #3), and the

requested non-use variance to waive the zoning regulations requiring a one (1) foot vertical to one (1) foot horizontal slope extending lake ward to a point where three (3) feet of water depth is provided below the mean low water elevation (W.C.2.4) followed by a five-foot horizontal shelf (Item #4) 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 would be consistent with the Comprehensive Development Master Plan, and that the requested unusual use (Item #1) would not have an adverse impact upon the public interest and should be approved, and

WHEREAS, a motion to approve Items #1 through #4 was offered by Joanne Carbana, seconded by Ira J. Paul, and upon a poll of the members present, the vote was as follows:

Joanne Carbana	aye	Leonardo A. Perez	aye
Ira J. Paul	aye	Alexander C. Senderoff	absent

Juan A. Garcia aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 5 that the requested unusual use for an existing lake excavation (Item #1), the requested non-use variance to permit a minimum lake depth of 1′ (Item #2), the requested non-use variance to waive the zoning regulations requiring a one (1) foot vertical to four (4) feet horizontal berm around the perimeter of the lake (Item #3), and the requested non-use variance to waive the zoning regulations requiring a one (1) foot vertical to one (1) foot horizontal slope extending lake ward to a point where three (3) feet of water depth is provided below the mean low water elevation (W.C.2.4) followed by a five-foot horizontal shelf (Item #4) be and the same are hereby approved, subject to the following conditions:

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

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Specific Purpose Survey," as prepared by Armando Garcia dated stamped received 7/19/11, consisting of two (2) sheets and plan entitled "Gleneagles LLC Proposed Lake Section" as prepared by VSN Engineering Inc. dated stamped received 2/27/12 and consisting of one (1) sheet, for a total of three (3) sheets.

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

4. That the applicant provide a four (4) foot high chain link fence along the perimeter of the lake with a minimum of three (3) gated openings, or similar barrier as approved by the Director of RER.

5. That any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the conditions herein agreed to are being complied with.

6. That the applicant obtain a building permit for all non-permitted structures on the property and the required chain link fence from the Regulatory and Economic Resources Department within 90 days after the appeal period deadline date.

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

The Director is hereby authorized to make the necessary notations upon the maps and records of the Miami-Dade County Department of Regulatory and Economic Resources and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 28th day of June, 2012.

Hearing No. 12-5-CZ5-2
ej

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 11TH DAY OF JULY, 2012.

STATE OF FLORIDA

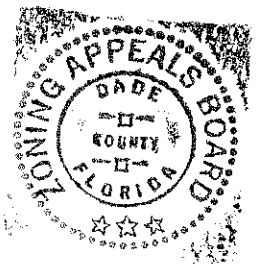
COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Permitting, Environment and Regulatory Affairs or its successor as designated by the Director of the Miami-Dade County Department of Regulatory and Economic Resources and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 5, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB5-7-12 adopted by said Community Zoning Appeals Board at its meeting held on the 28th day of July, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 11th day of July, 2012.

Earl Jones, Deputy Clerk (3230)
Miami-Dade Department of Regulatory and Economic Resources

SEAL



RESOLUTION NO. CZAB5-5-12

WHEREAS, **MIAMI GARDENS COMMONS, LLC** applied for the following:

(1) DISTRICT BOUNDARY CHANGE from IU-C to BU-2.

(2) NON-USE VARIANCE of zoning regulations as applied to private school requirements to permit a classroom space of 17,158 sq. ft. (22,675 sq. ft. required).

(3) NON-USE VARIANCE of zoning regulations as it applied to private school requirements to permit an outdoor recreation space of 1,711.95 sq. ft. (200,550 sq. ft. required).

(4) NON-USE VARIANCE of zoning regulations as it applied to private school requirements to permit (0) auto stacking spaces (5autostacking spaces required).

(5) NON-USE VARIANCE of sign regulations to permit 1 tenant with 2 wall signs (1 wall sign per tenant permitted).

(6) NON-USE VARIANCE to waive the required 5′ high masonry wall where a business lot abuts a residentially zoned property from the rear (north) property line.

Plans are on file and may be examined in the Permitting, Environment and Regulatory Affairs Department or its successor department entitled "Miami Garden Commons," as prepared by Gutierrez & Lozano Architects and dated stamped received 3/21/12 consisting of 6 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: Tract "B", less the West 193.88 feet thereof, Miami Gardens Corporate Park, Plat Book 130, Page 36.

LOCATION: 5901 Miami Gardens Drive, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 5 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 district boundary change to BU-2 (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 that the requested non-use variance of zoning regulations as applied to private school requirements to permit a classroom space of 17,158

sq. ft (Item #2), the requested non-use variance of zoning regulations as it applied to private school requirements to permit an outdoor recreation space of 1,711.95 sq. ft. (Item #3), the requested non-use variance of zoning regulations as it applied to private school requirements to permit (0) auto stacking spaces (Item #4), the requested non-use variance of sign regulations to permit 1 tenant with 2 wall signs (Item #5), and the requested non-use variance to waive the required 5′ high masonry wall where a business lot abuts a residentially zoned property from the rear (north) property line (Item #6) 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 should be denied, and

WHEREAS, a motion to deny the application with prejudice was offered by Leonardo A. Perez, seconded by Joanne Carbana, and upon a poll of the members present the vote was as follows:

Joanne Carbana	aye	Leonardo A. Perez	aye
Ira J. Paul	aye	Alexander C. Senderoff	aye

Juan A. Garcia nay

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 5, that the requested district boundary change to BU-2 (Item #1) be and the same is hereby denied with prejudice.

BE IT FURTHER RESOLVED that the requested non-use variance of zoning regulations as applied to private school requirements to permit a classroom space of 17,158 sq. ft (Item #2), the requested non-use variance of zoning regulations as it applied to private school requirements to permit an outdoor recreation space of 1,711.95 sq. ft. (Item #3), the requested non-use variance of zoning regulations as it applied to private school requirements to permit (0) auto stacking spaces (Item #4), the requested non-use variance of

sign regulations to permit 1 tenant with 2 wall signs (Item #5), and the requested non-use variance to waive the required 5′ high masonry wall where a business lot abuts a residentially zoned property from the rear (north) property line (Item #6) be and the same are hereby denied with prejudice.

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

PASSED AND ADOPTED this 28th day of June, 2012.

Hearing No. 12-06-CZ5-1
ej

STATE OF FLORIDA

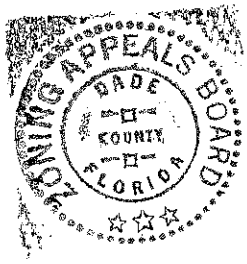
COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Permitting, Environment and Regulatory Affairs or its successor as designated by the Director of the Miami-Dade County Department of Regulatory and Economic Resources and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 5, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB5-5-12 adopted by said Community Zoning Appeals Board at its meeting held on the 28th day of July, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 6th day of July, 2012.

Earl Jones, Deputy Clerk (3230)
Miami-Dade Department of Regulatory and Economic Resources

SEAL



Memorandum

MIAMI-DADE COUNTY

Date: July 6, 2012

To: Distribution

From: Earl Jones, Deputy Clerk

Subject: Resolutions

Attached are CZAB5-5-12 and the list from the Community Zoning Appeals Board No. 5 hearing of June 28, 2012.

Please note that resolutions CZAB5-6-12 and CZAB5-7-12 will be submitted at a later date.

Any missing resolutions must be reported to this office (ext. 2129) 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 – Nelson Diaz, MDC -17th Floor ✓
Property Appraiser –Angela Hall, MDC - 8th Floor

CLERK OF THE BOARD
2012 JUL -6 PM 3:47
CLERK, CIRCUIT & COUNTY CTS
MIAMI-DADE COUNTY, FLA.
#1

COMMUNITY ZONING APPEALS BOARD 5

Hearing Date: JUNE 28, 2012

I The Board took the following action on the items listed below

12-6-CZ5-1	MIAMI GARDENS COMMONS, LLC **Denied With Prejudice**	11-77 **CZAB5512**	12-52-40
12-6-CZ5-2	GLOBAL TOWER ASSETS & ANTONIO FRANCO, TRUSTEE **Approved** **per request with conditions**	12-2 **CZAB5612**	35-53-39
12-5-CZ5-2	GLENEAGLES, LLC **Approved** **per staff's recommendation with conditions**	11-83 **CZAB5712**	11-52-40

****

COUNTY STAFF ATTENDEES:

JOHN MCINNIS - ASSISTANT COUNTY ATTORNEY
JACKIE CARRANZA - ZONING EVALUATION SECTION (DRER)
EARL JONES - ZONING EVALUATION SECTION (DRER)
FELIX ACOSTA - ZONING AGENDA COORDINATOR'S OFFICE (DRER)
JULIO DELGADO - PUBLIC WORKS & WASTE MANAGEMENT

NOTICE

****

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.

****

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

COMMUNITY ZONING APPEALS BOARD 5

Hearing Date: JUNE 28, 2012

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.

Memorandum

MIAMI-DADE COUNTY

Date: January 24, 2012

To: Distribution

From: Earl Jones, Deputy Clerk

Subject: Resolutions

Attached are Resolution CZAB5-1-12 and the list from the Community Zoning Appeals Board No. 5 hearing of January 12, 2012.

Please note that Resolution CZAB5-2-12 will be distributed at a later date.

Any missing resolutions must be reported to this office (ext. 2129) 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 – Nelson Diaz, MDC -17th Floor *
Property Appraiser –Angela Hall, MDC - 8th Floor

CLERK OF THE BOARD
2012 JAN 24 PM 3:43
CLERK CIRCUIT & COUNTY CTS
MIAMI-DADE COUNTY, FLA.
#1

COMMUNITY ZONING APPEALS BOARD 10

Hearing Date: JANUARY 11, 2012

The Board took the following action on the items listed below

12-1-CZ10-2	ARTURO & LAURA CHIONG **Approved** **per staff recommendation**	11-22 **CZAB10112**	20-54-40
12-1-CZ10-3	LGV, L.L.C. & GIL AT BIRD, INC **Approved** **per request with conditions**	11-65 **CZAB10212**	14-54-40
12-1-CZ10-4	MARIE QUATTROCCHI **Approved** **per staff recommendation**	11-69 **CZAB10312**	13-54-40
12-1-CZ10-5	RAMIRO PEREZ **Approved** **per request with conditions**	11-82 **CZAB10412**	18-54-40

COMMUNITY ZONING APPEALS BOARD 10

Hearing Date: JANUARY 11, 2012

II Items listed below have been withdrawn or deferred to a later date:

12-1-CZ10-6	ISABIANCA INVESTMENTS, LLC **Deferred To Date Certain (02/09/12)** **to allow applicant to proffer revised covenant**	11-107	15-54-39
12-1-CZ10-1	1097 LEJEUNE INVESTMENT INC. **Deferred To Date Certain (02/09/12)** **to allow the applicant to obtain covenant**	09-84	08-54-41

****

COUNTY STAFF ATTENDEES:

DARON FITCH - ASSISTANT COUNTY ATTORNEY'S OFFICE
CARL HARRISON - ZONING EVALUATION SECTION (SPEED)
THOMAS GOMEZ - ZONING AGENDA COORDINATOR'S OFFICE (SPEED)
EARL JONES - ZONING EVALUATION SECTION (SPEED)
LEO RODRIGUEZ - PUBLIC WORKS AND WASTE MANAGEMENT

NOTICE

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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. CZAB5-1-12

WHEREAS, **DAYSI MELENDEZ** applied for the following:

(1) Modification of Condition #3 of Resolution 4-ZAB-359-75, passed and adopted by the Zoning Appeals Board, only as it applies to the subject property, reading as follows:

From: "3. That in the approval of the plan, the same be substantially in compliance with that submitted for the hearing as prepared by "RU-1 Cluster Addition to the Lakes of Arcadia" drawn by Campanile and Associates, Inc. and dated received September 29, 1975."

To: "3. That in the approval of the plan, the same be substantially in compliance with that submitted for the hearing entitled "Legalize of Existing Addition" as prepared by R. Silva and dated stamped received September 28, 2011, consisting of three sheets."

The purpose of the request is to allow the applicant to submit plans showing the addition of a covered terrace, storage and gym to an existing cluster home.

(2) NON-USE VARIANCE to permit the covered existing terrace, storage and gym addition to the cluster home setback 10.55' (25' required) from the rear (west) property line.

The aforementioned plans are on file and may be examined in the Department of Sustainability, Planning and Economic Enhancement. Plans may be modified at public hearing.

SUBJECT PROPERTY: Lot 8, Block 1 & Property Interest in & to Common Elements Lakes of Acadia Villas, Plat Book 104-39

LOCATION: 19366 NW 56 Place, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 5 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 of Condition #3 of Resolution 4-ZAB-359-75, passed and adopted by the Zoning Appeals Board, only as it applies to the subject property (Item #1) and the requested non-use variance to permit the covered existing terrace, storage and gym addition to the cluster home setback 10.55' from the rear (west) (Item #2) property line 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 would be consistent with the Comprehensive Development Master Plan, and

WHEREAS, a motion to approve Items #1 and 2 was offered by Joanne Carbana, seconded by Alexander C. Senderoff, and upon a poll of the members present, the vote was as follows:

Joanne Carbana	aye	Leonardo A. Perez	aye
		Alexander C. Senderoff	aye
	Juan A. Garcia	aye	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 5 that the requested modification of Condition #3 of Resolution 4-ZAB-359-75, passed and adopted by the Zoning Appeals Board, only as it applies to the subject property (Item #1) and the requested non-use variance to permit the covered existing terrace, storage and gym addition to the cluster home setback 10.55' from the rear (west) (Item #2) be and the same are hereby approved, subject to the following conditions:

1. That all the conditions of Resolution #4-ZAB-359-75, remain in full force and effect except as herein modified.

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

3. That in the approval of the plan, only as it applies to the subject property the same be substantially in accordance with that submitted for the hearing entitled "Legalize of Existing Addition" as prepared by R. Silva and dated stamped received January 19, 2011, consisting of three sheets.

4. That the applicant removes the existing metal shed prior to permitting as indicated on the submitted plans.

5. That the terrace additions remain open sided and not be enclosed in any manner except for approved insect screen materials.

6. That the applicant submits a Declaration of Use to the Department restricting the use of the subject property only to a single family residence prior to the issuance of a building permit.

BE IT FURTHER RESOLVED that the requested modification of Condition #3 of Resolution 4-ZAB-359-75, passed and adopted by the Zoning Appeals Board, only as it applies to the subject property, shall read as follows:

3. That in the approval of the plan, the same be substantially in compliance with that submitted for the hearing entitled "Legalize of Existing Addition" as prepared by R. Silva and dated stamped received September 28, 2011, consisting of three sheets.

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 Sustainability, Planning and Economic Enchancement.

PASSED AND ADOPTED this 12th day of January, 2012.

Hearing No. 12-1-CZ5-1
ej

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 24TH DAY OF JANUARY, 2012.

STATE OF FLORIDA

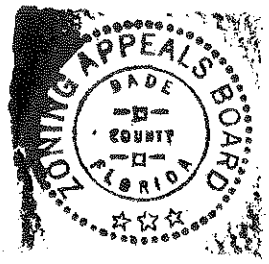
COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Permitting, Environment and Regulatory Affairs as designated by the Director of the Miami-Dade County Department of Sustainability, Planning and Economic Enchancement and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 5, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB5-1-12 adopted by said Community Zoning Appeals Board at its meeting held on the 12th day of January, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 24th day of January, 2012.

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

SEAL



Memorandum

MIAMI-DADE COUNTY

Date: September 21, 2012

To: Distribution

From: Earl Jones, Deputy Clerk

Subject: Resolutions

Attached are the resolution CZAB5-8-12 and the list from the Community Zoning Appeals Board No. 5 hearing of September 13, 2012.

Any missing resolutions must be reported to this office (ext. 2129) 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 – Nelson Diaz for Keith Knowles, MDC -17th Floor
Property Appraiser –Angela Hall, MDC - 8th Floor

COMMUNITY ZONING APPEALS BOARD 5

Hearing Date: SEPTEMBER 13, 2012

I **The Board took the following action on the items listed below**

12-9-CZ5-1	LOWE'S HOME CENTERS, INC. **Approved** **per staff's recommendation, acceptance of proffered covenant and waiver of filling period**	12-62 **CZAB5812**	03-54-39

****

COUNTY STAFF ATTENDEES:

JOHN MCINNIS - COUNTY ATTORNEY'S OFFICE
JACKIE CARRANZA - ZONING EVALUATION SECTION (DRER)
CLEVELAND THOMPSON - ZONING AGENDA COORDINATOR'S OFFICE (DRER)
JULIO DELGADO - PUBLIC WORKS & WASTE MANAGEMENT

NOTICE

****

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****

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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. CZAB5-8-12

WHEREAS, **LOWE'S HOME CENTERS, INC.** applied for the following:

DISTRICT BOUNDARY CHANGE from GU (Interim) to BU-2 (Business-Special).

SUBJECT PROPERTY: A PORTION OF LOTS 33, 48, 50, AND ALL OF LOTS 51 THROUGH 54, EVERGLADES GARDENS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 14, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: PARCEL 'A': COMMENCE AT THE NORTHEAST CORNER OF THE NORTHEAST ¼ OF SECTION 3, TOWNSHIP 54 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA; THENCE RUN SOUTH 01°14'17" EAST ALONG THE EAST LINE OF SAID SECTION 3 FOR A DISTANCE OF 3021.20 FEET; THENCE DEPARTING SAID EAST LINE RUN SOUTH 88°45'43" WEST FOR A DISTANCE OF 120.00 FEET TO THE NORTHEAST CORNER OF PARCEL NO. 3, PER OFFICIAL RECORDS BOOK 25913, PAGES 452-456, AS RECORDED IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN SOUTH 87°43'29" WEST ALONG THE NORTH LINE OF SAID PARCEL NO. 3 FOR A DISTANCE OF 11.08 FEET TO THE NORTHWEST CORNER THEREOF AND THE POINT OF BEGINNING; THENCE RUN ALONG THE WEST LINE OF SAID PARCEL NO. 3 THE FOLLOWING CALLS: SOUTH 00°35'00" EAST FOR A DISTANCE OF 605.83 FEET TO THE POINT OF INTERSECTION WITH A NON-TANGENT CURVE CONCAVE TO THE WEST; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 494.19 FEET, THROUGH A CENTRAL ANGLE OF 09°09'54", FOR AN ARC DISTANCE OF 79.05 FEET, HAVING A CHORD BEARING OF SOUTH 03°06'19" WEST AND A CHORD DISTANCE OF 78.95 FEET TO THE POINT OF INTERSECTION WITH A NON-TANGENT CURVE CONCAVE TO THE EAST; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 208.00 FEET, THROUGH A CENTRAL ANGLE OF 06°37'34", FOR AN ARC DISTANCE OF 24.06 FEET, HAVING A CHORD BEARING OF SOUTH 04°22'53" WEST AND A CHORD DISTANCE OF 24.04 FEET TO THE POINT OF INTERSECTION WITH A NON-TANGENT CURVE CONCAVE TO THE EAST; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 2084.00 FEET, THROUGH A CENTRAL ANGLE OF 03°34'03", FOR AN ARC DISTANCE OF 129.76 FEET, HAVING A CHORD BEARING OF SOUTH 00°43'00" EAST AND A CHORD DISTANCE OF 129.74 FEET TO A POINT; THENCE RUN SOUTH 87°30'36" WEST FOR A DISTANCE OF 4.00 FEET TO THE POINT OF INTERSECTION WITH A NON-TANGENT CURVE CONCAVE TO THE EAST; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 2088.00 FEET, THROUGH A CENTRAL ANGLE OF 02°34'32", FOR AN ARC DISTANCE OF 93.86 FEET, HAVING A CHORD BEARING OF SOUTH 03°47'42" EAST AND A CHORD DISTANCE OF 93.85 FEET TO THE SOUTH LINE OF SAID LOT 48 AND ALSO BEING POINT 'A'; THENCE DEPARTING SAID WEST LINE OF PARCEL NO. 3 RUN SOUTH 89°49'20" WEST ALONG THE SOUTH LINE OF SAID LOT 48 FOR A DISTANCE OF 513.27 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE RUN NORTH 01°21'30" WEST ALONG THE WEST LINE OF SAID LOT 48 FOR A DISTANCE OF 912.94 FEET TO THE SOUTHWEST CORNER OF THE NORTH 381.68 FEET OF SAID LOT 33; THENCE RUN NORTH 87°43'40" EAST ALONG THE SOUTH LINE OF THE NORTH 381.68 FEET OF SAID LOT 33 FOR A DISTANCE OF 531.44 FEET TO THE POINT OF BEGINNING. PARCEL 'B': COMMENCE AT AFORESAID POINT 'A', SAID POINT LYING ON THE WEST LINE OF

PARCEL NO. 3, PER OFFICIAL RECORDS BOOK 25913, PAGES 452-456, OF SAID PUBLIC RECORDS AND BEING ON A CURVE CONCAVE TO THE EAST; THENCE RUN ALONG THE WEST LINE OF SAID PARCEL NO. 3 THE FOLLOWING CALLS; RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 2088.00 FEET, THROUGH A CENTRAL ANGLE OF 00°49'36" FOR AN ARC DISTANCE OF 30.12 FEET, HAVING A CHORD BEARING OF SOUTH 05°29'46" EAST AND A CHORD DISTANCE OF 30.12 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 50 AND THE POINT OF BEGINNING OF PARCEL 'B'; THENCE CONTINUE ALONG SAID CURVE HAVING A RADIUS OF 2088.00 FEET, THROUGH A CENTRAL ANGLE OF 00°21'37" FOR AN ARC DISTANCE OF 13.13 FEET, HAVING A CHORD BEARING OF SOUTH 06°05'22" EAST AND A CHORD DISTANCE OF 13.13 FEET; THENCE RUN SOUTH 89°43'20" WEST FOR A DISTANCE OF 28.98 FEET TO THE POINT OF INTERSECTION WITH A NON-TANGENT CURVE CONCAVE TO THE WEST; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 2116.83 FEET, THROUGH A CENTRAL ANGLE OF 00°51'14", FOR AN ARC DISTANCE OF 31.55 FEET, HAVING A CHORD BEARING OF SOUTH 06°37'17" EAST AND A CHORD DISTANCE OF 31.55 FEET; THENCE RUN SOUTH 06°43'11" EAST FOR A DISTANCE OF 55.88 FEET TO THE SOUTH LINE OF SAID LOT 50; THENCE RUN SOUTH 89°49'20" WEST ALONG THE SOUTH LINE OF SAID LOTS 50 THROUGH 54 A DISTANCE OF 495.58 FEET TO THE SOUTHWEST CORNER OF SAID LOT 54; THENCE RUN NORTH 01°20'12" WEST ALONG THE WEST LINE OF SAID LOT 54 FOR A DISTANCE OF 100.00 FEET TO THE NORTHWEST CORNER THEREOF; THENCE RUN NORTH 89°49'20" EAST ALONG THE NORTH LINE OF SAID LOTS 50 THROUGH 54 FOR A DISTANCE OF 515.33 FEET TO THE POINT OF BEGINNING.

LOCATION: Lying West of NW 137 Avenue & North of SW 8 Street (Tamiami Trail), Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 5 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and which time the applicant had requested a waiver of the re-filing period, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

1. **Administrative Site Plan Approval**. That prior to the issuance of a building permit for the construction of any vertical improvements on the Property, the Owner shall submit for approval an application for administrative site plan review (ASPR) to the Zoning Hearings Section. Prior to the issuance of a building permit for the construction of any vertical improvements on the Property, the Owner shall obtain approval of the ASPR. This condition shall not preclude the issuance of other permits (other than a foundation permit), such as, but not limited to, fence permits to secure the perimeter of the Property and zoning improvement permits to allow site work activities.

2. **Height Restrictions**. That notwithstanding the approval of the Application and the rezoning of the Property to BU-2, no building within the Property may exceed two (2) stories in height.

3. **Prohibited Uses**. That notwithstanding the approval of the Application, the establishment and maintenance of the following uses on the Property shall be prohibited: (a) nightclubs, as permitted in Section 33-253(6) of the Code of Miami-Dade County; or (b) pubs and bars, as permitted in section 33-253 (8) of the Code of Miami-Dade County.

4. **Transit Improvements**. That in an effort to enhance public transportation in the area by creating a pedestrian route from the Property to the existing bus pull out bay on westbound SW 8th Street, just west of SW 137th Avenue, the Owner shall provide pedestrian connectivity to and from the proposed improvements within the Property and the existing sidewalk and SE 8th Street. In addition, prior to the issuance of a certificate of use and occupancy for any improvements within the Property, the Owner shall design and install a bus stop and bus shelter, substantially in accordance with the sketch attached to this Declaration as Exhibit "B" and adjacent to the existing sidewalk on SW 137th Avenue on the far side of the ingress/egress driveway which provides access to 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, 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 district boundary change to BU-2 would be consistent with the Comprehensive Development Master Plan and would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the proffered Declaration of Restrictions should be accepted, and that the request to waive the re-filing period should be granted, and

WHEREAS, a motion to accept the proffered Declaration of Restrictions, to approve the application, and to grant the waiver of the re-filing period was offered by Leonardo A. Perez, seconded by Joanne Carbana, and upon a poll of the members present the vote was as follows:

Joanne Carbana	aye	Leonardo A. Perez	aye
Ira J. Paul	absent	Alexander C. Senderoff	aye

Juan A. Garcia aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 5, that the requested district boundary change to BU-2 be and the same is hereby approved and said property is hereby zoned accordingly.

BE IT FURTHER RESOLVED that the requested waiver of the re-filing period be and the same is hereby granted and that the re-filing period is hereby waived.

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

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

The Director is hereby authorized to make the necessary notations upon the maps and records of the Miami-Dade County Department of Regulatory and Economic Resources.

PASSED AND ADOPTED this 13th day of September, 2012.

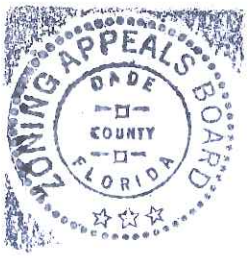
Hearing No. 12-9-CZ5-1
ej

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Regulatory and Economic Resources as designated by the Director of the Miami-Dade County Department of Department of Regulatory and Economic Resources and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 5, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB5-12-12 adopted by said Community Zoning Appeals Board at its meeting held on the 13th day of September, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 21st day of September, 2012.

Earl Jones, Deputy Clerk (3230)
Miami-Dade Department of Department of Regulatory and Economic Resources

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