

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-10-07

WHEREAS, **HOMESTEAD AUTO CENTER** applied for the following:

- (1) MODIFICATION of Paragraph #1 of a Covenant Running With the Land in Lieu of Unity of Title (Commercial) as recorded in the Official Records Book 23767, Pages 3488 – 3495, reading as follows:

FROM: "1. The property will be developed in substantial conformity with the site plan entitled 'Homestead Auto Center,' prepared by Villa & Associates, dated the 12th day of December, 2004. No modification shall be effected in said site plan without the written consent of the then owner(s) of the property, and the Director of the Department of Planning and Zoning; §33-257 of the Code of Miami-Dade County, and provided further, that should the Director withhold such approval, the then owner(s) of the property, shall be permitted to seek such modification by application to modify the plan or covenant at public hearing before the Community Zoning Appeals Board or Board of County Commissioners of Miami-Dade County, Florida, whichever by law has jurisdiction over such matter."

TO: "1. The property will be developed in substantial conformity with the site plan entitled 'New Facilities for: Homestead Auto Center,' prepared by Villa & Associates, dated the 17th day of October, 2006, consisting of 6 sheets and one sheet (A-1) dated stamped received 11/30/06 for a total of 7 sheets. No modification shall be effected in said site plan without the written consent of the then owner(s) of the property, and the Director of the Department of Planning and Zoning; §33-257 of the Code of Miami-Dade County, and provided further, that should the Director withhold such approval, the then owner(s) of the property, shall be permitted to seek such modification by application to modify the plan or covenant at public hearing before the Community Zoning Appeals Board or Board of County Commissioners of Miami-Dade County, Florida, whichever by law has jurisdiction over such matter."

The purpose of request #1 is to allow the applicant to submit plans showing a third building for an automobile repair center and to show 2 structures setback less than required from property lines.

- (2) SPECIAL EXCEPTION to permit an automotive repair facility spaced less than the required 500' from an RU or GU zoned property.
- (3) Applicant is requesting to permit Building "C" setback 5'8" (20' required) from the rear (northwest) property line.

- (4) Applicant is requesting to permit Building "A" setback 5' (15' required) from the interior side (southwest) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of request #1 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing) and approval of requests #3-#4 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).

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

SUBJECT PROPERTY: Begin at a point where the W/ly right-of-way of Florida State Road No. 5, formerly 4-A, intersects with the west boundary line of the NW ¼ of the SW ¼ of the SE ¼ of Section 33, Township 56 South, Range 39 East; thence in a NE/ly direction along the W/ly right-of-way line of Florida State Road No. 5, a distance of 1,224.55' to the Point of beginning. From the Point of beginning continue in a NE/ly direction of 300'; thence at an angle of 90°31'30" a distance of 243.6' ± to a SE/ly right-of-way line of the Florida East Coast Railroad; thence at an angle of 89°28'30" in a SW/ly direction a distance of 300' along the SE/ly Florida East Coast Railroad right-of-way line; thence at an angle of 89°28'30" continue in a SE/ly direction a distance of 243.67' ± to the Point of beginning. A/K/A: Commence at a point where the W/ly right-of-way line of Florida State Road No. 5, formerly 4-A intersects with the west boundary line of the NW ¼ of the SW ¼ of the SE ¼ of Section 33, Township 56 South, Range 39 East; thence N41°17'44"E along said W/ly boundary line of Florida State Road No. 5, for a distance of 1,224.55' to the Point of beginning; thence continue on the same course along said W/ly boundary line, for a distance of 300'; thence N48°10'46"W for a distance of 243.67'; thence S41°17'44"W along the SE/ly right-of-way of Florida East Coast Railroad, a distance of 300'; thence S48°10'46"E for a distance of 243.67' to the Point of beginning.

LOCATION: 27440 South 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

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 Paragraph #1 of a Covenant

Running With the Land in Lieu of Unity of Title (Commercial) as recorded in the Official Records Book 23767, Pages 3488 – 3495 (Item #1) the requested special exception to permit an automotive repair facility spaced less than the required 500' from an RU or GU zoned property (Item #2), and the requests to permit Building "C" setback 5'8" from the rear (northwest) property line (Item #3) and to permit Building "A" setback 5' from the interior side (southwest) 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

WHEREAS, a motion to approve Item #1 under Section 33-311(A)(7), approve #2, approve Items #3 and 4 as non-use variances, deny Item #1 without prejudice under 33-311(A)(17), and deny Items #3 and 4 without prejudice as alternative non-use variances and as alternative site development options was offered by Commissioner Katy Sorenson, seconded by Commissioner Sally A. Heyman, and upon a poll of the members present the vote was as follows:

Jose "Pepe" Diaz	aye	Dennis C. Moss	aye
Audrey M. Edmonson	aye	Dorrin D. Rolle	aye
Carlos A. Gimmenez	aye	Natacha Seijas	absent
Sally A. Heyman	aye	Katy Sorenson	aye
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 requested modification of Paragraph #1 of a Covenant Running With the Land in Lieu of Unity of Title (Commercial) as recorded in the Official Records Book 23767, Pages 3488 – 3495 (Item #1) and the requested special exception to permit an automotive repair facility spaced less than the required 500' from

an RU or GU zoned property (Item #2) be and the same are hereby approved, and that the requests to permit Building "C" setback 5'8" from the rear (northwest) property line (Item #3) and to permit Building "A" setback 5' from the interior side (southwest) property line (Item #4) be and the same are hereby approved as non-use variances, with Items #1 through 4 subject to the following conditions:

1. That the applicant submit a revised Covenant Running With the Land in Lieu of Unity of Title (Commercial) within 90 days of the approval of this application.
2. That the use be established and maintained in accordance with the approved plan.
3. That no signage be provided along the rear of the building facing the busway.

BE IT FURTHER RESOLVED, that the requested modification of Paragraph #1 of a Covenant Running With the Land in Lieu of Unity of Title (Commercial) as recorded in the Official Records Book 23767, Pages 3488 – 3495 (Item #1), shall read as follows:

1. The property will be developed in substantial conformity with the site plan entitled 'New Facilities for: Homestead Auto Center,' prepared by Villa & Associates, dated the 17th day of October, 2006, consisting of 6 sheets and one sheet (A-1) dated stamped received 11/30/06 for a total of 7 sheets. No modification shall be effected in said site plan without the written consent of the then owner(s) of the property, and the Director of the Department of Planning and Zoning; §33-257 of the Code of Miami-Dade County, and provided further, that should the Director withhold such approval, the then owner(s) of the property, shall be permitted to seek such modification by application to modify the plan or covenant at public hearing before the Community Zoning Appeals Board or Board of County Commissioners of Miami-Dade County, Florida, whichever by law has jurisdiction over such matter.

BE IT FURTHER RESOLVED, that Item #1 be and the same is hereby denied without prejudice under section 33-311(A)(17), and that Items #3 and 4 be and the same are hereby denied without prejudice as alternative non-use variances and alternative site development options.

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 24th day of May, 2007, 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. 07-5-CC-1
ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By: **KAY SULLIVAN**
Deputy Clerk

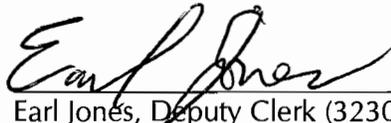
THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 29TH DAY OF MAY, 2007.

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-10-07 adopted by said Board of County Commissioners at its meeting held on the 24th day of May, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 29th day of May, 2007.



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

SEAL

