

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-21-07

WHEREAS, **SWEET HOME BAPTIST CHURCH, INC.** applied to Community Zoning

Appeals Board 14 for the following:

AU to RU-3M

SUBJECT PROPERTY: PARCEL I: The north 265' of the west ½ of the NW ¼ of the SE ¼ of the SE ¼ and the north ½ of the east ½ of the NW ¼ of the SE ¼ in Section 31, Township 55 South, Range 40 East. AND PARCEL II: The north ¾ of the NE ¼ of the SE ¼ of the SE ¼, less the south 50' thereof, in Section 31, Township 55 South, Range 40 East.

LOCATION: The southwest corner of S.W. 180 Street and S.W. 107 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 14 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 proffered a Declaration of Restrictions, and

WHEREAS, upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 14 the requested district boundary change to RU-3M 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. CZAB14-17-07, and

WHEREAS, **EUREKA HOLDINGS L. L. C. F/K/A: SWEET HOME BAPTIST CHURCH, INC.** appealed the decision of Community Zoning Appeals Board 14 to the Board of County Commissioners for the following:

AU to RU-3M

SUBJECT PROPERTY: PARCEL I: The north 265' of the west ½ of the NW ¼ of the SE ¼ of the SE ¼ and the north ½ of the east ½ of the NW ¼ of the SE ¼ in Section 31, Township 55 South, Range 40 East. AND PARCEL II: The north ¾ of the NE ¼ of the SE ¼ of the SE ¼, less the south 50' thereof, in Section 31, Township 55 South, Range 40 East.

LOCATION: The southwest corner of S.W. 180 Street and S.W. 107 Avenue, 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 proffered a Declaration of Restrictions which among other things provided:

1. **Controlling Site Plan.** That the Property shall be developed substantially in accordance with that certain site plan entitled "Eureka Holding, LLC" as prepared by Martin A.D. Yabor & Associates, stamped date received June 5, 2007.
2. **Workforce Housing.**
 - (a) *Commitment.* That a minimum of five percent (5%) of the proposed residential dwelling units on the Property shall be set aside for sale or rent as Workforce Housing Units ("WHU").
 - (b) *Definition.* A "Workforce Housing Unit" shall consist of residential dwelling units that are made available for sale or rent by the Owner to persons with a median family income that is 65% to 140% of the median family income in Miami-Dade County, as published annually by the U.S. Department of Housing and Urban Development (a "Qualified Purchaser").
 - (c) *Process.* That prior to obtaining the initial building permit for the construction of any residential dwelling unit (other than model homes) for the Property, the Owner shall submit a declaration of restrictions, in a form acceptable to the County, setting forth restrictions on the re-sale of such residential dwelling units consistent with the intent of maintaining such residential dwelling units as Workforce Housing Units for a period of twenty (20) years from the date of its initial sale. The Owner further agrees to grant to the County the right of first refusal to purchase any WHU in which a Qualified Purchaser cannot be located within two hundred and ten (210) days from the date the WHU is offered for sale, which right of first refusal must be exercised by the County within thirty (30) days of the County's receipt of notification that a Qualified Purchaser cannot be located as provided for herein. In the event a qualified purchaser cannot be located and the County does not exercise its right of first refusal, then the Owner may sell the WHU at market rate.

3. **Maximum Density.** That notwithstanding the approval of the Application, the density of any residential development on the Property shall not exceed one hundred and four (104) residential dwelling units.
4. **Use of S.U.R.s.** That the utilization of SURs (Severable Use Rights) shall be permitted on the Property and shall be secured and utilized prior to Plat approval.
5. **Maintenance.** A Special Taxing District or Community Development District, if approved by the County or a homeowner's association, shall be established in accordance with applicable regulations to assure that all common area, facilities, and parks on the Property shall be maintained in a continuous and satisfactory manner, and without expense to Miami-Dade County. The instrument incorporating such provisions shall be approved by the County Attorney as to form and legal sufficiency and shall be recorded in the public records of Miami-Dade County at the time recording of the subdivision plat.
6. **Water Conservation Requirements.** That in an effort to conserve water, the Owner hereby agrees to develop the Property and construct the proposed dwelling units in accordance with the recommendations set forth by the Miami-Dade County Advisory Committee on Water Conservation and Alternative Water Supplies a copy of which is attached to this Declaration as Exhibit "B".

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 reviewing the record and decision of the Metropolitan Dade County Zoning Appeals Board 14 and after having given an opportunity for interested parties to be heard, it was 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 in Resolution No. CZAB14-17-07 and that the appeal should be approved and the decision of Community Zoning Appeals Board 14 should be overruled, and

WHEREAS, upon due and proper consideration having been given to the matter it is the opinion of this Board that a district boundary change to RU-TH in lieu of the requested district boundary change to RU-3M 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

WHEREAS, a motion to accept the proffered Declaration of Restrictions, grant the appeal, overrule the decision of Community Zoning Appeals Board 14, and approve the district boundary change to RU-TH in lieu of RU-3M was offered by Commissioner Dennis C. Moss, seconded by Commissioner Carlos A. Gimmenez, and upon a poll of the members present the vote was as follows:

Jose "Pepe" Diaz	aye	Dennis C. Moss	aye
Audrey M. Edmonson	absent	Dorrin D. Rolle	aye
Carlos A. Gimmenez	aye	Natacha Seijas	absent
Sally A. Heyman	absent	Katy Sorenson	absent
Barbara J. Jordan	aye	Rebecca Sosa	absent
Joe A. Martinez	aye	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 14 is overruled.

BE IT FURTHER RESOLVED that Resolution No. CZAB14-17-07 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 12th day of July, 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-CZ14-2
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 3RD DAY OF AUGUST, 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-21-07 adopted by said Board of County Commissioners at its meeting held on the 12th day of July, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 3rd day of August, 2007.



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

SEAL

