

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-28-07

WHEREAS, **AMB CODINA BEACON LAKES LLC** had applied to Community Zoning

Appeals Board 5 for the following:

- (1) TO MAKE A SUBSTANTIAL DEVIATION DETERMINATION pursuant to §380.06(19) of the Florida Statutes with respect to the following amendment:
- (2) MODIFICATION of Paragraph "A" of Exhibit #4 of Resolution Z-11-02, passed and adopted by the Board of County Commissioners reading as follows:

FROM: "A. Construct from NW 25 Street from NW 117th Avenue to theoretical NW 127th Avenue as a four-lane roadway and add a west-bound to north-bound turn lane at the intersection of NW 25th Street and NW 112th Avenue."

TO: A Construct NW 25 Street from NW 117th Avenue to theoretical NW 127th Avenue as a four-lane roadway ~~and add a west-bound to north-bound turn lane at the intersection of NW 25th Street and NW 112th Avenue.~~"

The purpose of the request #2 is to eliminate the requirements for construction of an exclusive westbound to northbound turn lane on N.W. 25TH Street at 112th avenue.

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 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).

SUBJECT PROPERTY: A portion of Sections 35 and 36, Township 53 South, Range 39 East, being more particularly described as follows:

Commence at the northeast corner of said Section 36; thence S89°34'40"W along the north line of said Section 36, as a basis of bearing, for 520.12' to the Point of Beginning; thence S01°48'10"E for 135.64'; thence N89°34'55"E for 100.04'; thence S01°44'07"E for 178.29' to a Point of curvature; thence 575.21' along the arc of a curve to the right, said curve having a radius of 22,768.26', and a central angle of 01°26'51" to a Point of tangency; thence S00°17'16"E for a distance of 760.39'; thence S89°36'44"W for 1,204.13'; thence N01°45'41"W for 329.71'; thence S89°36'44"W along the south line of the north ½ of the NE ¼ of said Section 36 for 990.4'; thence S89°36'13"W along the south line of the north ½ of the NW ¼ of said Section 36 for 2640.8'; thence N01°50'23"W along the west line of said Section 36 for 1,317.45' to the northwest corner of said Section 36; thence N89°34'22"E along the north line of the NW ¼ of said Section

36 for 2,642.45'; thence N89°34'40"E along the north line of the NE ¼ of said Section 36 for 2,121.83' to the Point of beginning; TOGETHER WITH: Begin at the center of Section 35, Township 53 South, Range 39 East; thence S89°46'04"W along the south line of the NW ¼ of said Section 35, as basis of bearing, for a distance of 330.53'; thence continue N01°46'58"W along the west line of the east 1/8 of the NW ¼ of Section 35 for a distance of 2589.32'; thence N89°50'59"E along a line 49' south of and parallel to the north line of the NW ¼ of said Section 35 for a distance of 330.66'; thence N01°46'49"W along the east line of the NW ¼ of said Section 35 for a distance of 49.02' to the north ¼ of said Section 35; thence N89°49'08"E along the north line of the NE ¼ of said Section 35 for 1321.93'; thence S01°48'31"E along the west line of the east ½ of the NE ¼ of said Section 35 for a distance of 50.02'; thence N89°49'08"E along a line 50' south of and parallel to the north line of the NE ¼ of said Section 35 for a distance of 1221.91'; thence S01°50'23"E along a line 100' west of and parallel to the east line of the NE ¼ of said Section 35 for a distance of 2,585'; thence S89°45'12"W along the south line of the NE ¼ of said Section 35 for a distance of 2,546.65' to the Point of beginning. TOGETHER WITH: Begin at the center of Section 35, Township 53 South, Range 39 East; thence S01°46'33"E along the east line of the SW ¼ of said Section 35, as basis of bearing, for 2,508.61'; thence S89°42'09"W along a line 130' north of and parallel to the south line of said Section 35 for 2,610.22'; thence N01°45'25"W along a line 35' east of and parallel to the west line of said Section 35 for 2,511.55'; thence N89°46'04"E along the north line of the SW ¼ of said Section 35 for 2,609.42' feet to the Point of beginning.

LOCATION: Lying west of the Homestead Extension of Florida's Turnpike to N.W. 137 Avenue, between N.W. 12 Street & N.W. 25 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of 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 upon due and proper consideration having been given to the matter and to the recommendation of the Developmental Impact Committee, it was the recommendation of Community Zoning Appeals Board 5 to the Board of County Commissioners that the amendment to the existing Development Orders (i.e. Resolution No. Z-11-02) noted herein as requested Item #1, would not, when considered individually, or in any combination or cumulatively pursuant to Section 380.06(19) Florida Statutes, constitute a substantial deviation requiring further development of regional impact review, and that the requested modification of Paragraph "A" of Exhibit #4 of Resolution Z-11-02, passed and adopted by the Board of County Commissioners (Item #2) would be compatible with the area and its development and would conform with the requirements, 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 **AMB CODINA BEACON LAKES LLC** applied to the Board of County Commissioners for the following:

- (1) TO MAKE A SUBSTANTIAL DEVIATION DETERMINATION pursuant to §380.06(19) of the Florida Statutes with respect to the following amendment:
- (2) MODIFICATION of Paragraph "A" of Exhibit #4 of Resolution Z-11-02, passed and adopted by the Board of County Commissioners reading as follows:

FROM: "A. Construct from NW 25 Street from NW 117th Avenue to theoretical NW 127th Avenue as a four-lane roadway and add a west-bound to north-bound turn lane at the intersection of NW 25th Street and NW 112th Avenue."

TO: "A. Construct NW 25 Street from NW 117th Avenue to theoretical NW 127th Avenue as a four-lane roadway ~~and add a west-bound to north-bound turn lane at the intersection of NW 25th Street and NW 112th Avenue.~~"

THE PURPOSE OF THE REQUEST #2 IS TO ELIMINATE THE REQUIREMENTS FOR CONSTRUCTION OF AN EXCLUSIVE WESTBOUND TO NORTHBOUND TURN LANE ON N.W. 25TH STREET AT 112TH AVENUE.

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 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). SUBJECT PROPERTY: A portion of Sections 35 and 36, Township 53 South, Range 39 East, being more particularly described as follows:

Commence at the northeast corner of said Section 36; thence S89°34'40"W along the north line of said Section 36, as a basis of bearing, for 520.12' to the Point of Beginning; thence S01°43'10"E for 135.64'; thence N89°34'55"E for 100.04'; thence S01°44'07"E for 178.29' to a Point of curvature; thence 575.21' along the arc of a curve to the right, said curve having a radius of 22,768.26', and a central angle of 01°26'51" to a Point of tangency; thence S00°17'16"E for a distance of 760.39'; thence S89°36'44"W for 1,204.13'; thence N01°45'41"W for 329.71'; thence S89°36'44"W along the south line of the north ½ of the NE ¼ of said Section 36 for 990.4'; thence S89°36'13"W along the south line of the north ½ of the NW ¼ of said Section 36 for 2640.8'; thence N01°50'23"W along the west line of said Section 36 for 1,317.45' to the northwest corner of said Section 36; thence N89°34'22"E along the north line of the NW ¼ of said Section 36 for 2,642.45'; thence N89°34'40"E along the north line of the NE ¼ of said Section 36 for 2,121.83' to the Point of beginning; TOGETHER WITH: Begin at the center of Section 35, Township 53 South, Range 39 East; thence S89°46'04"W along the south line of the NW ¼ of said Section 35, as basis of bearing, for a distance of 330.53'; thence continue N01°46'58"W along the west line of the east 1/8 of the NW ¼ of Section 35 for a distance

of 2589.32'; thence N89°50'59"E along a line 49' south of and parallel to the north line of the NW ¼ of said Section 35 for a distance of 330.66'; thence N01°46'49"W along the east line of the NW ¼ of said Section 35 for a distance of 49.02' to the north ¼ of said Section 35; thence N89°49'08"E along the north line of the NE ¼ of said Section 35 for 1321.93'; thence S01°48'31"E along the west line of the east ½ of the NE ¼ of said Section 35 for a distance of 50.02'; thence N89°49'08"E along a line 50' south of and parallel to the north line of the NE ¼ of said Section 35 for a distance of 1221.91'; thence S01°50'23"E along a line 100' west of and parallel to the east line of the NE ¼ of said Section 35 for a distance of 2,585'; thence S89°45'12"W along the south line of the NE ¼ of said Section 35 for a distance of 2,546.65' to the Point of beginning. TOGETHER WITH: Begin at the center of Section 35, Township 53 South, Range 39 East; thence S01°46'33"E along the east line of the SW ¼ of said Section 35, as basis of bearing, for 2,508.61'; thence S89°42'09"W along a line 130' north of and parallel to the south line of said Section 35 for 2,610.22' ; thence N01°45'25"W along a line 35' east of and parallel to the west line of said Section 35 for 2,511.55'; thence N89°46'04"E along the north line of the SW ¼ of said Section 35 for 2,609.42' feet to the Point of beginning.

LOCATION: Lying west of the Homestead Extension of Florida's Turnpike to N.W. 137 Avenue, between N.W. 12 Street & N.W. 25 Street, Miami-Dade County, Florida, 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 and to the recommendations of the Developmental Impact Committee and Community Zoning Appeals Board 5, it is the opinion of this Board that the amendment to the existing Development Orders (i.e. Resolution No. Z-11-02), does not, when considered individually, or in any combination or cumulatively pursuant to Section 380.06(19) Florida Statutes, constitute a substantial deviation requiring further development of regional impact review (Item #1), and that the requested modification of Paragraph "A" of Exhibit #4 of Resolution Z-11-02, passed and adopted by the Board of County Commissioners (Item #2) would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance, and

WHEREAS, a motion to approve Items #1, approve Item #2 under Section 33-311(A)(7), and to deny Item #2 without prejudice under Section 33-311(A)(17) was offered

by Commissioner Jose "Pepe" Diaz, 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	aye	Dorrin D. Rolle	aye
Carlos A. Gimmenez	aye	Natacha Seijas	absent
Sally A. Heyman	absent	Katy Sorenson	aye
Barbara J. Jordan	aye	Rebecca Sosa	absent
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 Miami-Dade County Commission finds that the amendment to the existing Development Orders (i.e. Resolution No. Z-11-02), approved hereby, does not, when considered individually, or in any combination or cumulatively pursuant to Section 380.06(19) Florida Statutes, constitute a substantial deviation requiring further development of regional impact review (Item #1).

BE IT FURTHER RESOLVED that the requested modification of Paragraph "A" of Exhibit #4 of Resolution Z-11-02, passed and adopted by the Board of County Commissioners (Item #2) be and the same is hereby approved under Section 33-311(A)(7), subject to the following conditions:

1. That all conditions of Resolutions Z-11-02 remain in full force and effect except as herein modified.
2. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained in the Departmental memoranda which are part of the record of this application and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the requested modification of Paragraph "A" of Exhibit #4 of Resolution Z-11-02, passed and adopted by the Board of County Commissioners (Item #2), shall read as follows:

- A. Construct NW 25 Street from NW 117th Avenue to theoretical NW 127th Avenue as a four-lane roadway.

BE IT FURTHER RESOLVED, that Item #2 be and the same is hereby denied without prejudice under Section 33-311(A)(17).

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 6th day of September, 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. 07-9-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 18TH DAY OF SEPTEMBER, 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-28-07 adopted by said Board of County Commissioners at its meeting held on the 6th day of September, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 18th day of September, 2007.



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

SEAL

