

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-19-08

WHEREAS, **UNITED AT KENDALL LAKES, INC.** applied for the following:

- (1) MODIFICATION of Condition #2 of Resolution No. Z-13-06, passed and adopted by the Board of County Commissioners, only as it applies to the subject property and reading as follows:

FROM: "2. That the applicant provide ten affordable housing units at the sales price of no more than \$225,000 with an annual consumer price index (cpi) adjustment."

TO: "2. That the applicant provide ten affordable housing units at the sales price of no more than \$225,000 with an annual consumer price index (cpi) adjustment, or alternatively, provide ten rental units with a monthly rent that does not exceed the Fair Market Rent for Miami-Dade County as determined by the United States Department of Housing and Urban Development (HUD)."

- (2) MODIFICATION of Paragraph One of the Declaration of Restrictions recorded at Official Record Book 21660, Pages 4050-4060, as modified by Paragraph #2 of a modification of a Declaration of Restrictions recorded at Official Record Book 25839, Pages 1199-1209, reading as follows:

FROM: "2. Paragraph One of the Existing Covenant is hereby amended to read as follows:

The Multi-Family Residential Parcel, described in Exhibit 'B' attached hereto, shall be developed substantially in compliance with the plans previously submitted, entitled 'The Greens at Kendall Condominiums,' by ReyMar & Associates, Inc., Architects and Planners, consisting of eighteen (18) pages dated stamped received 10-5-05."

TO: "2. Paragraph One of the Existing Covenant is hereby amended to read as follows:

The Multi-Family Residential Parcel, described in Exhibit 'B' attached hereto, shall be developed substantially in compliance with the plans previously submitted, entitled 'Tradition at Kendall,' as prepared by Robayna and Associates, Inc. consisting of 4 sheets, dated stamped received 3/17/08 and Sheet S-5 dated stamped received 5/16/08 entitled 'Tradition at Kendall Kendall Lakes, Florida,' as prepared by Richard Jones Architecture, consisting of 20 sheets, dated stamped received 3/17/08 and

plans entitled 'Tradition at Kendale Lakes,' as prepared by JFS Design, Inc., consisting of 10 sheets, dated stamped received 3/17/08 for a total of 35 sheets,."

The purpose of requests #1 and #2 is to allow the applicant to submit revised plans for a pre-approved multi-family apartment development showing fewer units, new building configuration, filling of a portion of the lake slope and providing a new condition for workforce housing.

(3) UNUSUAL USE to permit the partial filling of a lake.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 and #3 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 Tract 2, KENDALE LAKES WEST, SECTION ONE, Plat book 98, Page 2, and being more particularly described as follows:

Commence at the NW/ly corner of said Tract 2, said point being on a circular curve to the left having for its elements a radius of 2,740', a central angle of 3°38'14" and an arc distance of 173.94' to the Point of beginning; thence S24°32'51"W, a distance of 17.89' to a point on the top of the bank of a lake, as shown on said PLAT OF KENDALE LAKES WEST, SECTION ONE; (The following 9 courses are along the top of the bank of said lake); thence N86°30'20"W, a distance of 59.66'; thence S41°03'06"E, a distance of 40.82' to a point; thence S06°01'15"W, a distance of 106.15' to a point; thence S20°58'00"W, a distance of 43.66' to a point; thence S40°29'49"W, a distance of 63.91' to a point; thence S28°48'39"W, a distance of 79.27' to a point; thence S06°30'27"W, a distance of 150.15' to a point; thence S23°06'31"W, a distance of 71.11' to a point; thence S13°47'43"W, a distance of 83.5' to a point; thence S11°15'50"W, a distance of 58.61' to a point; thence N68°42'41"W, a distance of 210.21' to a point; thence S13°52'14"W, a distance of 75.05' to a point; thence S02°30'00"E, a distance of 470' to a point; thence S57°00'00"W, a distance of 77' to a point; thence S35°24'32"E a distance of 759.1' to a non-tangent Point of intersection with a circular curve to the right having for its elements a radius of 50', a delta angle of 123°03'25", and an arc length of 107.43' to a non-tangent Point of intersection with a line having a radial bearing of N87°41'53"E; thence along said line, a distance of 180.97' to a point; thence N04°30'00"E, a distance of 60.47' to a point; thence N26°22'00"E, a distance of 170' to a point; thence N87°41'53"E, a distance of 80' to a point; thence N02°16'20"W, a distance of 280' to a point; thence S87°41'53"W, a distance of 190' to a point; thence N35°50'00"W, a distance of 380' to a point; thence N17°30'00"E, a distance of 470' to a point; thence N02°30'44"E, a distance of 549.1' to a non-tangent Point of intersection with a circular curve to the left having for its elements a radius of 2,740', a delta angle of 02°09'54" and an arc length of 103.53' to the Point of beginning.

LOCATION: Lying approximately 350' north of S.W. 88 Street (North Kendall Drive) and east of Hammocks Boulevard, 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 modifications of Condition #2 of Resolution No. Z-13-06, passed and adopted by the Board of County Commissioners, only as it applies to the subject property (Item #1) and of Paragraph One of the Declaration of Restrictions recorded at Official Record Book 21660, Pages 4050-4060, as modified by Paragraph #2 of a modification of a Declaration of Restrictions recorded at Official Record Book 25839, Pages 1199-1209 (Item #2), and the requested unusual use to permit the partial filling of a lake (Item #3) 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 that the requested unusual use (Item #3) would not have an adverse impact upon the public interest and should be approved, and

WHEREAS, a motion to approve Items #1 and 2 under Section 33-311(A)(7), approve Item #3, and deny Items #1 and 2 without prejudice under Section 33-311(A)(17) was offered by Commissioner Joe A. Martinez, seconded by Commissioner Rebecca Sosa, 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	absent
Carlos A. Gimmenez	aye	Natacha Seijas	aye
Sally A. Heyman	aye	Katy Sorenson	absent
Barbara J. Jordan	aye	Rebecca Sosa	aye
Joe A. Martinez	aye	Sen. Javier D. Souto	absent
Bruno A. Barreiro		aye	

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida that the requested modifications of Condition #2 of Resolution No. Z-13-06, passed and adopted by the Board of County Commissioners, only as it applies to the subject property (Item #1) and of Paragraph One of the Declaration of Restrictions recorded at Official Record Book 21660, Pages 4050-4060, as modified by Paragraph #2 of a modification of a Declaration of Restrictions recorded at Official Record Book 25839, Pages 1199-1209 (Item #2) be and the same are hereby approved under Section 33-311(A)(7), and that the requested unusual use to permit the partial filling of a lake (Item #3), with Items #1, 2, and 3 subject to the following conditions:

1. That the applicant submit a revised Declaration of Restrictions to the Department of Planning and Zoning within 90 days of approval of this application, unless a time extension is granted by the Director, for good cause shown.
2. That complete lake fill plans prepared and sealed by a Florida-licensed surveyor and/or professional engineer be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a lake fill permit; said plans shall be substantially in accordance with that submitted for the hearing entitled "Tradition at Kendall," as prepared by Robayna and Associates, Inc. consisting of 4 sheets dated stamped 03/17/08 and sheet S-5 dated stamped received 05/16/08, plans entitled "Tradition at Kendall Kendall Lakes, Florida," by Richard Jones Architecture, consisting of 20 sheets dated stamped received 3/17/08 and plans entitled "Tradition at Kendale Lakes," as prepared by JFS Design, Inc., consisting of 10 sheets dated stamped received 3/17/08, for a total of 35 sheets.
3. That no fill be permitted within the adjacent rights-of-way.
4. That the applicant obtain a lakefill permit from the Department of Planning and Zoning, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

5. That the applicant record the resolution of approval for the use in the public records of Miami-Dade County prior to the issuance of a Certificate of Use.
6. That upon completion of the project, the property shall be restored and left in an acceptable condition meeting with the approval of the Director of the Department of Planning and Zoning and the Director of Environmental Resources Management.
7. That the hours of the lake fill operation shall be controlled by the Director of the Department of Planning and Zoning, except that the applicant shall be permitted to operate between the hours of 7:00 A.M. and 6:00 P.M. on weekdays only. Saturday/Sunday operation and/or other hours of operation than 7:00 A. M. to 6:00 P. M., may be permitted by the Director of the Department of Planning and Zoning only if the same does not become a nuisance to the surrounding area.
8. That the lake fill operation shall be carried on continuously and expeditiously so that the entire project will be completed within three (3) months of the issuance of the lake fill permit.
9. That the grading, levelling, sloping of the banks and perimeter restoration shall be on a progressive basis as the project develops and the lake fill operation progresses. In accordance with this requirement, the applicant shall submit "as built" surveys prepared and sealed by a Florida licensed surveyor and/or professional engineer at one-fourth, one-half, three-fourths and final completion of the lake fill operation or at six months intervals, whichever is of a lesser duration, or upon request of either the Director of the Department of Planning and Zoning or the Director of the Environmental Resources Management when it appears that the lake fill is proceeding contrary to approved plans.
10. That the property shall be staked to meet with the approval of the Director of the Department of Planning and Zoning and the Director of Environmental Resources Management; said stakes shall be maintained in proper position so that the limits of the lake fill, slopes and grade levels may be easily determined.
11. That the property shall be suitably posted to meet with the approval of the Director of the Department of Planning and Zoning and the Director of Environmental Resources Management; said posting shall denote the lake fill operation and warn the public concerning possible hazards, prior to commencement of the lake fill operation.
12. That if in the opinion of the Director of the Department of Planning and Zoning the lake fill is hazardous to the surrounding area, the hazardous area shall be fenced in, or otherwise protected, by the applicant as directed by the Director.
13. If the lake fill operation is discontinued, abandoned, falls behind schedule or time expires, the existing excavation shall immediately be sloped to conform with the previously approved lake plans and the entire lake fill operation shall be removed from the premises.
14. 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 that are part of the record of this recommendation and are incorporated herein by reference.

BE IT FURTHER RESOLVED that the requested modification of Condition #2 of Resolution No. Z-13-06, passed and adopted by the Board of County Commissioners, only as it applies to the subject property (Item #1), shall read as follows:

2. That the applicant provide ten affordable housing units at the sales price of no more than \$225,000 with an annual consumer price index (cpi) adjustment, or alternatively, provide ten rental units with a monthly rent that does not exceed the Fair Market Rent for Miami-Dade County as determined by the United States Department of Housing and Urban Development (HUD).

BE IT FURTHER RESOLVED that the requested modification of Paragraph One of the Declaration of Restrictions recorded at Official Record Book 21660, Pages 4050-4060, as modified by Paragraph #2 of a modification of a Declaration of Restrictions recorded at Official Record Book 25839, Pages 1199-1209 (Item #2), shall read as follows:

2. Paragraph One of the Existing Covenant is hereby amended to read as follows:

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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 3rd day of July, 2008, 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. 08-7-CC-4
ej

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

By: **KAY SULLIVAN**
Deputy Clerk

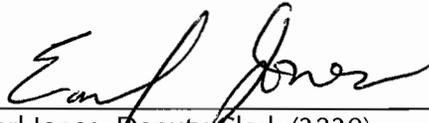
THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 10TH DAY OF JULY, 2008.

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-19-08 adopted by said Board of County Commissioners at its meeting held on the 3rd day of July, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 10th day of July, 2008.



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

SEAL

