

Memorandum



Date: November 15, 2011
To: Distribution
From: Earl Jones, Deputy Clerk
Subject: Resolutions

Attached are resolutions Z-13-11 and the list from the Board of County Commissioners meeting on October 20, 2011.

Please note that resolutions Z-12-11 and Z-13-11 were 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 – Linda Cave, MDC -17th Floor
Property Appraiser – Eugenio Alonso/Angela Hall, MDC - 8th Floor

CLERK OF THE BOARD
2011 NOV 15 PM 2:13
CLERK OF COURT & COUNTY CLERK
MIAMI-DADE COUNTY, FLA.
#1



BOARD OF COUNTY COMMISSIONERS

Hearing Date: OCTOBER 20, 2011

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

11-10-CC-1	THE DEPARTMENT OF PLANNING & ZONING Approved per staff's recommendation	10-26 Z-12-11	16-53-41
11-3-CC-2	SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS FLORIDA, LLC Approved per request with standard conditions and proffered covenant	09-176 Z-13-11	01-55-38
10-11-CZ12-3	DOWNTOWN DADELAND RETAIL, LLC. Appeal Approved, Application Approved overrule CZAB	10-44 Z-14-11	02-55-40

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-13-11

WHEREAS, SANTA FE HACIENDAS, LLC & CEMEX CONSTRUCTION MATERIALS

FLORIDA, LLC applied for the following:

(1) UNUSUAL USE to permit a Lake Excavation.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Prop. Lake Excavation" as prepared by Fortin, Leavy, Skiles, Inc., Sheet '2-A' dated stamped received 9/27/10 and the remaining 4 sheets dated stamped received 8/17/10 for a total of 5 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: A portion of Section 1, Township 55 South, Range 38 East, being more particularly described as follows:

Commence at the southwest corner of said Section 1; thence $N02^{\circ}06'03''W$, along the west line of said Section 1, for a distance of 1,980.77' to the Point of beginning of the hereinafter described parcel of land; thence continue $N02^{\circ}06'03''W$, along the last described line for a distance of 3299.09' to the northwest corner of said Section 1; thence $N89^{\circ}30'05''E$, along the north line of said Section 1, for a distance of 5,279.86' to the northeast corner of said Section 1; thence $S02^{\circ}06'00''E$, along the east line of said Section 1, for a distance of 1,493.52' to its intersection with the arc of a circular curve to the left, concave to the southeast, a radial line to said point bears $N76^{\circ}17'57''W$; thence SW/ly along the arc of said curve, said arc being coincident with the W/ly right-of-way line of S.W. 177th Avenue (Krome avenue), as shown on Florida Department of Transportation Right-of Way Map §87150, Sheet 25 of 29, said arc having a radius of 5,954.58', through a central angle of $15^{\circ}48'03''$ for an arc distance of 1,642.14' to a Point of tangency; thence $S02^{\circ}06'00''E$, along said W/ly right-of-way line, said line being 225' west of and parallel with the east line of said Section 1, for a distance of 177.88'; thence $S89^{\circ}30'05''W$, along a line 1,980' north of and parallel with the south line of said Section 1, for a distance of 5,054.72' to the Point of beginning.

LOCATION: Lying West of S.W. 177 Avenue (Krome Avenue) and South of theoretical S.W. 90 Street, 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. **Compliance with Approved Plan.** That the approved lake excavation use and ancillary uses shall be established and maintained in accordance with the approved plan.
2. **Applicable Lake Excavation Plans.** That the complete lake excavation plans prepared and sealed by a Florida-licensed surveyor and/or professional engineer shall be submitted to and meet with the approval of the Director of Permitting, Environment, and Regulatory Affairs (the "Director") upon the submittal of an application for an excavation use permit; said plans shall be substantially in accordance with that submitted for the hearing entitled "Prop. Lake Excavation," as prepared by Fortin, Leavy, Skiles, Inc., Sheet "2A," dated stamped received 9/27/10 and the remaining sheets dated stamped received 8/17/10, for a total of 5 sheets.
3. **Progressive Sloping of Perimeter Banks.** The grading, leveling, sloping of the banks and perimeter restoration shall be on a progressive basis as the project develops and the excavation progresses. In accordance with this requirement, the Operator shall submit "as built" surveys prepared and sealed by a Florida-licensed surveyor and/or professional engineer upon request of the Director or the Director of the Department of Environmental Resources Management (DERM) or the successor department to DERM.
4. **Restoration.** Upon completion of the project, the Property shall be restored and left in an acceptable condition meeting with the approval of the Director and the Director of DERM or the successor Department to DERM.
5. **Continuous Operations.** That if the lake excavation operation is discontinued, abandoned, or inactive for a period of 12 months (starting from the commencement date of lake excavation) without any mining activity, the existing excavation shall be sloped to conform with the approved plans.
6. **Ten-Year Duration.** That the time for the completion of Phase 1 of the project, including the lake excavation) without any mining activity, the existing excavation shall be sloped to conform with the approved plans.
7. **Fencing.** That if, in the opinion of the Miami-Dade County Board of County Commissioners, the excavation is hazardous to the surrounding area, the Property will be fenced in by the Owner.
8. **Hours of Operation.** That the hours of the lake excavation operation shall be between 7:00 A.M. and 5:00 P.M. on weekdays.
9. **Financial Assurance.** To ensure compliance with all terms and conditions imposed, a cash bond or substantially equivalent instrument meeting with the approval of the Director shall be posted with the Department of Permitting, Environment and Regulatory Affairs (PERA), payable to Miami-Dade County, in an amount as may be determined and established by the Director; said instrument shall be in such form that the same may be recorded in the public records of Miami-Dade County and said instrument shall be executed by the property owner and any and all parties

who may have an interest in the land, such as mortgagees. The bond amount shall be based on the volume of cut required to create the approved slope configuration.

10. **Signage**. That all excavations shall be posted every 50 feet with warning signs a minimum of 18" x 18" in size.
11. **Department of Environmental Resources Management Requirements**. The Owner and/or Operator, as applicable, shall comply with all applicable conditions and requirements of DERM or its successor Department.
12. **Public Works Requirements**. The Owner and/or Operator, as applicable, shall comply with all applicable conditions and requirements of the Public Works and Waste Management Department or its successor Department.
13. **Fire-Rescue Requirements**. That the Owner and/or Operator, as applicable, shall comply with all applicable conditions and requirements of the Fire-Rescue Department.
14. **Compliance with All Applicable Permits**. That all applicable federal, state, and local permits must be obtained prior to commencement of the lake excavation. In the event that any federal, state, or local permit related to excavation is revoked or otherwise held to be invalid, the excavation operation shall immediately cease.
15. **Landscaped Berm**. That the Operator shall prior to the commencement of the lake excavation, construct and maintain a continuous landscaped berm at a 100-foot setback from the southern property line. The berm shall be an average of 15 feet in height and shall be planted with native trees and shrubs to provide a visual buffer to the neighboring residents.
16. **Operational Setbacks**. That the Operator shall not excavate or blast within 200 feet of the southern property line, in accordance with that submitted for the hearing entitled "Prop. Lake Excavation," as prepared by Fortin, Leavy, Skiles, Inc., Sheet "2A," dated stamped received 9/27/10 and the remaining sheets dated stamped received 8/17/10 (the "Skiles Plan"), for a total of 5 sheets.
17. **Blasting Setbacks**. That the Operator agrees not to conduct blasting operations within 500 feet of any occupied residence existing at the time of the approval of Public Hearing Item No. 09-176.
18. **Assurance of Expansion of Contiguous Mining**. Operator shall obtain and renew on an annual basis, an Excavation Use Permit from PERA, upon compliance with all terms and conditions, subject to cancellation upon violation of any of the conditions. Once issued, the Excavation Use Permit for the subject Property and the Excavation Use Permit(s) for the existing contiguous quarrying operations for the property to the north of the subject property shall remain active and be maintained by the same operator until the Operator's excavation of the respective quarry property has been completed and/or unless the respective bond has been released. Other operational permits and approvals required by Miami-Dade County for the quarrying operations on the Property and for the existing contiguous quarrying

operations shall also be maintained by the same Operator until the Operator's excavations on the respective quarry property are completed or unless the respective bond has been released.

19. **Dust and Noise Abatement and Vibration Minimization Protocols.** That the Operator shall comply with the dust and noise abatement practices and vibration minimization protocols set forth in the Good Neighbor Program dated June 13, 2011, and attached to this Declaration as Exhibit "B".
20. **Significant Reduction of Area to be Excavated.** That the Operator shall not excavate, blast, or conduct mining outside the area designated on the Skiles Plan as Phase I, which is an approximate 172-acre area located more than a half-mile east of the Everglades National Park. Further excavation, blasting or mining on the Property outside the Phase I area shall require public hearing approval by the County Commission.
21. **Creation of Homeowners' Task Force.** That within thirty days of final approval of the unusual use, the Owner and Operator shall establish a homeowners' Task Force whose responsibility is to invite the neighboring residents (including the residents immediately abutting their invitation, on no less than a quarterly basis until mining is concluded, to discuss issues of concern and potential solutions, as well as educate and update the neighboring residents on mining activities. County staff will be invited to serve on the Task Force and venue for the meetings will be at a location and time convenient for the neighboring residents.
22. **Funding of County's Inspection and Enforcement Expenses.** Commencing within thirty days of final approval of the unusual use and annually thereafter until mining activities are concluded, the Owner and Operator shall deposit in an escrow with PERA, the sum of \$ 12, 000 to fund the County's inspection and enforcement costs so as to ensure compliance with the conditions of approval, including this Declaration.

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 Lake Excavation would be compatible with the area and its development 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 would not

have an adverse impact upon the public interest 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 and approve the application was offered by Commissioner Joe A. Martinez, seconded by Commissioner Jose "Pepe" Diaz, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	aye	Barbara J. Jordan	aye
Lynda Bell	aye	Jean Monestime	aye
Esteban Bovo, Jr.	aye	Dennis C. Moss	nay
Jose "Pepe" Diaz	aye	Rebecca Sosa	aye
Audrey M. Edmonson	aye	Sen. Javier D. Souto	nay
Sally A. Heyman	aye	Xavier L. Suarez	nay
		Joe A. Martinez	aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the requested unusual use to permit a Lake Excavation be and the same is hereby approved, subject to the following conditions:

1. That the use be established and maintained in accordance with the approved plan.
2. That complete lake excavation plans prepared and sealed by a Florida-licensed surveyor and/or professional engineer be submitted to and meet with the approval of the Director upon the submittal of an application for a lake excavation permit; said plans shall be substantially in accordance with that submitted for the hearing entitled "Prop. Lake Excavation," as prepared by Fortin, Leavy, Skiles, Inc., Sheet "2A," dated stamped received 9/27/10 and the remaining sheets dated stamped received 8/17/10, for a total of 5 sheets.
3. That the grading, leveling, sloping of the banks and perimeter restoration shall be on a progressive basis as the project develops and the excavation progresses. In accordance with this requirement, the applicant will 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 excavation or at six month intervals, whichever is of a lesser duration, or upon request of the Director of the Department of Permitting, Environment and Regulatory Affairs.
4. That the property shall be staked to meet with the approval of the Director of the Department of Permitting, Environment and Regulatory Affairs; said stakes shall be maintained in proper position so that the limits of the excavation, slopes and grade levels may be easily determined.

5. That the property shall be suitably posted to meet with the approval of the Director of the Department of Permitting, Environment and Regulatory Affairs; said posting shall denote the lake excavation operation and warn the public concerning possible hazards, prior to commencement of the excavation.
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 Permitting, Environment and Regulatory Affairs.
7. That the applicants shall, prior to the commencement of lake excavation activities, construct and maintain a continuous landscaped berm at a 100-foot setback from the southern property line. The berm shall be an average of 15 feet in height and shall be planted with native trees and shrubs to provide a visual buffer to the neighboring residents.
8. That the applicants shall not excavate or blast within 200 feet of the southern property line, in accordance with that submitted for the hearing entitled "Prop. Lake Excavation," as prepared by Fortin, Leavy, Skiles, Inc., Sheet "2A," dated stamped received 9/27/10 and the remaining sheets dated stamped received 8/17/10, for a total of 5 sheets the use of explosives shall be strictly prohibited in connection with the lake excavation operation.
9. That the applicants agree not to conduct blasting operations within 500 feet of any occupied residence existing at the time of this approval.
10. If the lake excavation operation is discontinued, abandoned, falls behind schedule or time expires, the existing excavation shall immediately be sloped to conform with the approved plans and the entire operation shall be removed from the premises
11. That the time for the completion of the project including the lake excavation, grading, etc., shall be determined by the Director and the work shall be carried on continuously and expeditiously so that the same will be completed within the allocated time.
12. That if in the opinion of the Miami-Dade County, Board of County Commissioners the excavation is hazardous to the surrounding area; the property will be fenced in by the applicant.
13. That the hours of the lake excavation operation shall be controlled by the Director, except that the applicant shall be permitted to operate between the hours of 7:00 A.M. and 5:00 P.M. on weekdays, Sunday operation and/or other hours of operation than 7:00 A.M. to 5:00 P.M., may be permitted by the Director only if the same does not become a nuisance to the surrounding area.
14. That in order to insure compliance with all terms and conditions imposed, a cash bond or substantially equivalent instrument meeting with the approval of the Director shall be posted with the Department of Permitting, Environment and Regulatory Affairs, payable to Miami-Dade County, in an amount as may be determined and established by the Director of the Department of Permitting, Environment and Regulatory Affairs; said instrument shall be in such form that the same may be recorded in the public records of

Miami-Dade County and said instrument shall be executed by the property owner and any and all parties who may have an interest in the land, such as mortgagees, etc. The bond amount shall be based on the volume of cut required to create the approved slope configuration.

15. Upon the issuance of a lake excavation permit, the title of the property in question shall not be transferred without the approval of the Director of the Department of Permitting, Environment and Regulatory Affairs unless the excavation of the subject property has been completed and/or unless the bond has been released.
16. That the applicants shall obtain and renew on an annual basis, a Lake Excavation Permit from the Department of Permitting, Environment and Regulatory Affairs, upon compliance with all terms and conditions, subject to cancellation upon violation of any of the conditions. Once issued, the Lake Excavation Permit for the subject property (and any subsequently issued renewals) and the Lake Excavation Permit(s) for the existing contiguous quarrying operations (and any subsequently issued renewals) shall remain active until the excavation of the respective quarry property has been completed and/or unless the respective bond has been released.
17. All excavations shall be completely enclosed by a safety barrier, with a minimum height of 6 feet, consisting of either orange plastic safety fence or wood slat storm fencing installed on 4" x 4" posts spaced every 10 feet. Said barrier shall be installed prior to issuance of the excavation permit and commencement of excavating and shall remain in place until work is complete and the performance bond is released.
18. All excavations shall be posted every 50 feet with warning signs a minimum of 18" x 18" in size.
19. That the applicants comply with all applicable conditions and requirements of the Department of Permitting, Environment and Regulatory Affairs.
20. That the applicants comply with all applicable conditions and requirements of the Public Works and waste Management Department.
21. That the applicants comply with all applicable conditions and requirements of the Miami-Dade Fire Rescue Department.
22. 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.
23. That all Federal, State and local permits be obtained prior to commencement of the excavation. In the event that any Federal, State or local permit is revoked or otherwise held to be invalid, the excavation operation shall immediately cease.

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 changes and notations upon the maps and records of the Miami-Dade County Department of Permitting, Environment and Regulatory Affairs and to issue all permits in accordance with the terms and conditions of this resolution.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 20th day of October, 2011, 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. 11-3-CC-2
ej

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

By CHRISTOPHER AGRIPPA
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 15TH DAY OF NOVEMBER, 2011.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Earl Jones, 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-13-11 adopted by said Board of County Commissioners at its meeting held on the 20th day of October, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 15th day of November, 2011.



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

SEAL

