

# Memorandum

MIAMI-DADE  
COUNTY

**Date:** May 23, 2012  
**To:** Distribution  
**From:** Earl Jones, Deputy Clerk  
**Subject:** Resolutions

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Attached are resolutions Z-12-12, Z-13-12, and the list from the Board of County Commissioners meeting on May 17, 2012.

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 – Nelson Diaz, MDC -17th Floor  
Property Appraiser –Angela Hall, MDC - 8th Floor

CLERK OF THE BOARD  
2012 MAY 23 PM 3:00  
CLERK, CIRCUIT & COUNTY CTS  
MIAMI-DADE COUNTY, FLA.  
#1



**BOARD OF COUNTY COMMISSIONERS**

**Hearing Date: MAY 17, 2012**

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

12-1-CZ8-2	KING METAL RECYCLING, LLC Withdrawal Of The Appeal And Sustain The Denial Of The Czab	11-37 Z-12-12	09-53-41
12-5-CC-1	FONTAINBLEAU LAKES LLC ET AL Approved per staff's recommendation	11-130 Z-13-12	04-54-40

Approved: \_\_\_\_\_ Mayor

Veto: \_\_\_\_\_

Override: \_\_\_\_\_

**RESOLUTION NO. Z-12-12**

WHEREAS, **KING METAL RECYCLING, LLC.** applied to Community Zoning

Appeals Board 8 for the following:

- (1) DISTRICT BOUNDARY CHANGE from GU (Interim) to IU-3 (Industry-Unlimited).
- (2) SPECIAL EXCEPTION to permit the metal recycling facility to be spaced less than the required 500' from any RU or EU zoning district.
- (3) NON-USE VARIANCE to permit a proposed building setback a minimum of 4' (20' required, 14' previously approved) from the front (east) property line, setback a minimum of 12'10" (15' required) from the interior side (north) property line.
- (4) NON-USE VARIANCE to permit 19 parking spaces (36 required).
- (5) NON-USE VARIANCE to permit a 1-way drive with a minimum width of 12'10" (14' required).
- (6) NON-USE VARIANCE to waive the zoning regulations requiring recycling operations be carried on entirely within an enclosed building or confined and completely enclosed within masonry walls.
- (7) NON-USE VARIANCE to permit a wall with a height of 16' (4' maximum permitted) along the front (east) property line.
- (8) NON-USE VARIANCE to waive the zoning regulations requiring the height of a fence or wall not to exceed 2.5' in height when located within 10' of the edge of driveway leading to a public right-of-way; to permit a 16' high wall within 10' of the edge of driveway.

Plan are on file and may be examined in the Department of Sustainability, Planning and Economic Enhancement entitled "Office Building For: King Metal recycling" as prepared by IMEC Design Consultants, Inc. Sheets A-1 and A-3 dated stamped received 10/11/11 and the remaining 6 sheets dated stamped received 4/4/11 for a total of 8 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: All that certain piece of parcel of land in the NW ¼ of the NW ¼ of the NW ¼ of Section 9, Township 53 South, Range 41 East, Miami-Dade County, Florida, more particularly described as follows: Beginning at a point that is 200 feet South and 50 feet West of the Northeast corner of the NW ¼ of the NW ¼ of the NW ¼ of said Section 9; thence Southerly along a line 50 feet West of and parallel to the East boundary of the NW ¼ of the NW ¼ of the NW ¼ of said Section 9, a distance of 325 feet to a point;

thence Westerly parallel to the North boundary of said Section 9, a distance of 200.33 feet to a point; thence deflecting the right  $45^{\circ}23'44''$  run a distance of 110.62 feet to a point; thence deflecting to the right  $44^{\circ}50'31''$  run distance of 246.24 feet to a point; thence deflecting to the right  $89^{\circ}45'45''$  run along a line parallel the North boundary of said Section 9, a distance of 277.60 feet to the Point of Beginning.

LOCATION: 8600 NW 36 Avenue, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of Community Zoning Appeals Board 8 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 8 that the requested district boundary change to IU-3 (Item #1) 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 that the requested special exception to permit the metal recycling facility to be spaced less than the required 500' from any RU or EU zoning district (Item #2), and the requested non-use variances to permit a proposed building setback a minimum of 4' from the front (east) property line, setback a minimum of 12'10" from the interior side (north) property line (Item #3), to permit 19 parking spaces (Item #4), to permit a 1-way drive with a minimum width of 12'10 (Item #5), to waive the zoning regulations requiring recycling operations be carried on entirely within an enclosed building or confined and completely enclosed within masonry walls (Item #6), to permit a wall with a height of 16' along the front (east) property line (Item #7), and to waive the zoning regulations requiring the height of a fence or wall not to exceed 2.5' in height when located within 10' of the edge of driveway leading to a public right-of-way; to permit a 16' high wall within 10' of the edge of driveway (Item #8) would not be compatible with the area and its development and would not be in harmony with the

general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance and that the requested special exception (Item #2) would have an adverse impact upon the public interest and should be denied without prejudice, and said application was denied without by Resolution No. CZAB8-3-12, and

*WHEREAS*, **KING METAL RECYCLING, LLC.** appealed the decision of Community Zoning Appeals Board 8 to the Board of County Commissioners for the following:

- (1) DISTRICT BOUNDARY CHANGE from GU (Interim) to IU-3 (Industry-Unlimited).
- (2) SPECIAL EXCEPTION to permit the metal recycling facility to be spaced less than the required 500' from any RU or EU zoning district.
- (3) NON-USE VARIANCE to permit a proposed building setback a minimum of 4' (20' required, 14' previously approved) from the front (east) property line, setback a minimum of 12'10" (15' required) from the interior side (north) property line.
- (4) NON-USE VARIANCE to permit 19 parking spaces (36 required).
- (5) NON-USE VARIANCE to permit a 1-way drive with a minimum width of 12'10" (14' required).
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- (7) NON-USE VARIANCE to permit a wall with a height of 16' (4' maximum permitted) along the front (east) property line.
- (8) NON-USE VARIANCE to waive the zoning regulations requiring the height of a fence or wall not to exceed 2.5' in height when located within 10' of the edge of driveway leading to a public right-of-way; to permit a 16' high wall within 10' of the edge of driveway.

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LOCATION: 8600 NW 36 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 requested permission to withdraw the appeal of the decision of Community Zoning Board 8 to deny the application, and

*WHEREAS*, after reviewing the record and decision of Community Zoning Appeals Board 8 and after having given an opportunity for interested parties to be heard, it is the opinion of the Board of County Commissioners, Miami-Dade County, Florida, that the request to withdraw the appeal should be granted, and that the decision of Community Zoning Appeals Board 8 should be sustained, and

*WHEREAS*, a motion to withdraw the appeal and to sustain the decision of Community Zoning Appeals Board 8 was offered by Commissioner Jean Monestime, seconded by Commissioner Rebecca Sosa, 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	aye
Jose "Pepe" Diaz	aye	Rebecca Sosa	aye
Audrey M. Edmonson	aye	Sen. Javier D. Souto	aye
Sally A. Heyman	absent	Xavier L. Suarez	absent
Joe A. Martinez		aye	

*NOW THEREFORE BE IT RESOLVED* by the Board of County Commissioners, Miami-Dade County, Florida, that the request to withdraw the appeal be and the same is hereby granted, and that said appeal is hereby withdrawn without prejudice, and that the decision of Community Zoning Appeals Board 8 is hereby sustained.

*BE IT FURTHER RESOLVED* that the denial of the application in Resolution No. CZAB8-3-12 remains in full force and effect.

The Director is hereby authorized to make the necessary changes and notations upon the records of the Miami-Dade County Permitting Environment and Regulatory Affairs Department or its Successor.

***THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED*** this 17<sup>th</sup> day of May, 2012, 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. 12-1-CZ8-2  
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 23<sup>RD</sup> DAY OF MAY, 2012.**

**STATE OF FLORIDA**

**COUNTY OF MIAMI-DADE**

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Permitting, Environment and Regulatory Affairs Department or its successor as designated by the Director of the Miami-Dade County Permitting, Environment and Regulatory Affairs Department or its successor 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-12-12 adopted by said Board of County Commissioners at its meeting held on the 17<sup>th</sup> day of May, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 23<sup>rd</sup> day of May, 2012.



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

**SEAL**

