

**Note: The following case(s) is/are included in this ad.  
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<b>Process No.</b>	<b>Applicant Name</b>
<a href="#"><u>01-323</u></a>	<a href="#"><u>JORGE HERNANDEZ</u></a>
<a href="#"><u>02-132</u></a>	<a href="#"><u>ANTONIO J. CHALJUB</u></a>
<a href="#"><u>03-176</u></a>	<a href="#"><u>PAUL &amp; JULIETE MARQUES</u></a>
<a href="#"><u>03-180</u></a>	<a href="#"><u>BARBARA GORE</u></a>
<a href="#"><u>03-242</u></a>	<a href="#"><u>TCAG L. L. C.</u></a>
<a href="#"><u>03-280</u></a>	<a href="#"><u>CENTURY HOMEBUILDERS L. L. C.</u></a>
<a href="#"><u>03-369</u></a>	<a href="#"><u>WEST KENDALL HOLDINGS L. L. C.</u></a>
<a href="#"><u>03-371</u></a>	<a href="#"><u>ALBERT &amp; MICHELLE TOURIZ</u></a>
<a href="#"><u>04-010</u></a>	<a href="#"><u>SOUTH KENDALL INVESTORS L. L. C.</u></a>

THE FOLLOWING HEARING WAS DEFERRED & REVISED FROM 1/7/03 TO THIS DATE:

HEARING NO. 02-4-CZ11-3 (01-323)

26-54-39  
Council Area 11  
Comm. Dist. 11

APPLICANT: JORGE HERNANDEZ

(1) MODIFICATION of Paragraph 6(B)(i) of Covenants recorded in Official Record Book 10973, at Pages 1023 to 1036, only as it applies to the subject property, reading as follows:

FROM: "6(B)(i) Parcels 1 and 2. Zero lot line single family detached houses will be built on Parcels 1 and 2 as depicted on the Map of Development Tracts, Exhibit 'C' of the plans. The side yard setback on the open side of each lot in these parcels shall be a minimum of seven (7'), provided, however, a projection of two (2') into the side yard setback shall be permitted for a greenhouse window facing an adjacent zero lot line house. No zero lot line house constructed within ten (10') of a lot line shall have openings on the zero lot line side."

TO: "6(B)(i) Parcels 1 and 2. Zero lot line single family detached houses will be built on Parcels 1 and 2 as depicted on the Map of Development Tracts, Exhibit 'C' of the plans. The side yard setback on the open side of the lot shall be a minimum of 1'7". No zero lot line house constructed within 10' of a lot line shall have openings on the zero lot line side."

(2) MODIFICATION of Paragraph 6(C)(i) of Covenants recorded in Official Record Book 10973, at Pages 1023 to 1036, only as it applies to the subject property, reading as follows:

FROM: "6(C)(i) Parcels 1 and 2. The maximum building lot coverage for the single family detached houses shall be forty-five (45%) of each lot. The minimum seven foot (7') open side yard mentioned in Paragraph 6 (B)(i) above shall be included in lot size for the purpose of making this percentage calculation. Building lot coverage in each parcel is to be determined without regard to screened or trellised areas, supported decks, patios, terraces, swimming pools, hot tubs and Jacuzzis which may be constructed."

TO: "6(C)(i) Parcels 1 and 2. The maximum building lot coverage for the single family detached houses shall be 47.3% of each lot. Building lot coverage in each parcel is to be determined without regard to screened or trellised areas, supported decks, patios, terraces, swimming pools, hot tubs and Jacuzzis which may be constructed."

The purpose of the request is to permit the applicant to modify a Planned Area Development (PAD) covenant to permit an addition which does not meet the setback distance and lot coverage requirements in the covenant.

Upon a demonstration that the applicable standards have been satisfied, approval of these requests may be considered under §33-311(A)(7) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

A plan is on file and may be examined in the Zoning Department entitled "Patio 'As Built': Hernandez Residence," as prepared by R. S. Scandra and "Map of Boundary Survey," as prepared by Caribbean Land Surveyors, Inc., both stamped dated received on 11/27/01. Plan may be modified at public hearing.

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HEARING NO. 02-4-CZ11-3 (01-323)

26-54-39  
Council Area 11  
Comm. Dist. 11

APPLICANT: JORGE HERNANDEZ

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SUBJECT PROPERTY: Lot 12, Block 8 of SUNSET HARBOUR, SECTION II, Plat book 118, Page 58.

LOCATION: 12716 S.W. 63 Circle Terrace, Miami-Dade County, Florida.

SIZE OF PROPERTY: 0.11 Acre

PRESENT ZONING: PAD (Planned Area Development)

THE FOLLOWING HEARING WAS DEFERRED & REVISED FOR 4/1/04 TO THIS DATE:

HEARING NO.04-4-CZ11-1 (02-132)

27-54-39  
Council Area 11  
Comm. Dist. 10

APPLICANT: ANTONIO J. CHALJUB

- (1) Applicant is requesting to permit an accessory structure located in front of the principal building (not permitted) and setback varying from 16.5' to 23.83' (75' required) from the front (S/ly) property line and setback 3.83' (7.5' required) from the interior side (east) property line.
- (2) Applicant is requesting to permit additions to a single family residence setback a minimum of 3'10" from the interior side (west) and 4'2" from the interior side (east) property lines (7'6" required from each).
- (3) Applicant is requesting to permit an addition to a single family residence setback 14'6" (25' required) from the rear (north) property line.
- (4) Applicant is requesting to permit a single family residence with a lot coverage of 42.6% (maximum 35% permitted).

Upon a demonstration that the applicable standards have been satisfied, approval of these requests may be considered under §33-311(A)(14) (Alternative Site Development Option) or under §33-311(A)(4)(b) (Non-use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Additions to Chaljub Residence," preparer unknown, consisting of 13 pages and dated 10/21/03 and one page dated 2/6/04. Plans may be modified at public hearing.

SUBJECT PROPERTY: Lot 8, Block 16, KENDALE LAKES NORTH, SECTION 2, Plat book 94, Page 3 & Property intersecting into Lake Kenneth & property intersecting into common elements not dedicated to the public.

LOCATION: 14521 S.W. 71 Lane, Miami-Dade County, Florida.

SIZE OF PROPERTY: 10,550.27 sq. ft.

PRESENT ZONING: RU-1 (Single Family Residential)

THE FOLLOWING HEARING WAS DEFERRED & REVISED FROM 4/1/04 TO THIS DATE:

HEARING NO. 04-4-CZ11-5 (03-371)

5-55-39  
Council Area 11  
Comm. Dist. 11

APPLICANTS: ALBERT & MICHELLE TOURIZ

- (1) Applicant is requesting to permit an addition to a single family residence setback 10.3' (25' required) from the rear (west) property line.
- (2) Applicant is requesting to permit a single family residence setback 24.9' (25' required) from the front (east) property line.
- (3) Applicant is requesting to permit a single family residence with a lot coverage of 40.35% (40% permitted).

Upon a demonstration that the applicable standards have been satisfied, approval of these requests may be considered under §33-311(A)(14) (Alternative Site Development Option) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "As-Built Plans for Terrace – Amnesty," as prepared by E. C. & Associates, Inc., consisting of one sheet and dated, signed and sealed 10/21/03. Plans may be modified at public hearing.

SUBJECT PROPERTY: Lot 51, Block 2, GARDEN HILLS WEST, Plat book 153, Page 52.

LOCATION: 10236 S.W. 159 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 60.1' x 100'

PRESENT ZONING: RU-1M(b) (Modified Single Family 6,000 sq. ft. net)

APPLICANTS: PAUL & JULIETE MARQUES

- (1) Applicant is requesting to permit an addition to a single family residence setback a minimum of 12.42' (15' required) from the side street (west) property line and setback 21' (25' required) from the rear (south) property line.
- (2) Applicant is requesting to permit a utility structure setback a minimum of 2.5' (5' required) from the rear (south) property line and spaced a minimum of 9.8' (10' required) between the utility structure and principal building.
- (3) Applicant is requesting to permit a porch addition setback 20.81' (25' required) from the front (north) property line.
- (4) Applicant is requesting to permit a single family residence with a lot coverage of 37.17% (35% permitted).

Upon a demonstration that the applicable standards have been satisfied, approval of these requests may be considered under §33-311(A)(14) (Alternative Site Development Option) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Legalization of Additions for Paul & Juliette Marquez," as prepared by Remberto Contreas, dated 4/17/03 and consisting of 3 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: Lot 9, Block 19, SAN SEBASTIAN, Plat book 110, Page 79.

LOCATION: 13420 S.W. 50 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 8,700 sq. ft.

PRESENT ZONING: RU-1 (Single Family Residential)

HEARING NO. 04-5-CZ11-2 (03-180)

28-54-39  
Council Area 11  
Comm. Dist. 11

APPLICANT: BARBARA GORE

Applicant is requesting to permit a canopy carport addition to a single family residence setback a minimum of 3.5' (5' required) from the front (south) property line.

Upon a demonstration that the applicable standards have been satisfied, approval of this request may be considered under §33-311(A)(14) (Alternative Site Development Option) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

A plan is on file and may be examined in the Zoning Department entitled "Awning Addition," as prepared by Graham A. Gerald, Architect, consisting of 1 sheet and dated 11/26/03. Plan may be modified at public hearing.

SUBJECT PROPERTY: Lot 35, Block 2, WESTWIND LAKES, SECTION 1, Plat book 115, Page 88.

LOCATION: 14901 S.W. 71 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 7,770 sq. ft.

PRESENT ZONING: RU-1 (Single Family Residential)

HEARING NO. 04-5-CZ11-3 (03-242)

14-55-39  
Council Area 11  
Comm. Dist. 9

APPLICANT: TCAG L. L. C.

- (1) GU to IU-C
- (2) Applicant is requesting to permit the zoning of a tract of land with an area of 4.99 gross acres (a minimum of 10 acres required for platting or rezoning).

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

SUBJECT PROPERTY: The north ½ of the SE ¼ of the SE ¼ of the SW ¼ in Section 14, Township 55 South, Range 39 East.

LOCATION: Lying north of theoretical S.W. 135 Street and west of theoretical S.W. 132 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 4.99 Gross Acres

GU (Interim)

IU-C (Industry – Conditional)



HEARING NO. 04-5-CZ11-4 (03-280)

13-55-39  
Council Area 11  
Comm. Dist. 9

APPLICANT: CENTURY HOMEBUILDERS L. L. C.

IU-C to RU-1M(a)

SUBJECT PROPERTY: The north  $\frac{1}{2}$  of the following property: That portion of the south  $\frac{1}{2}$  of the south  $\frac{1}{2}$  of the NE  $\frac{1}{4}$ , lying west of the W/ly right-of-way of the Homestead Extension of Florida's Turnpike and less the west 35' and less the south 35'; all in Section 13, Township 55 South, Range 39 East.

LOCATION: The Southeast corner of S.W. 122 Avenue & theoretical S.W. 126 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 10 Acres

IU-C (Industrial – Conditional)

RU-1M(a) (Modified Single Family 5,000 sq. ft. net)

APPLICANT: WEST KENDALL HOLDINGS L. L. C.

- (1) TO MAKE A SUBSTANTIAL DEVIATION DETERMINATION pursuant to §380.06(19) of the Florida Statutes with respect to the following amendments and requests:
- (2) MODIFICATION of General Provisions of Development of Regional Impact Resolution No. Z-6-01 and reading as follows:

TYPE OF DEVELOPMENT:

FROM: "A multi-use development consisting of office, retail, community medical facility/wellness center, community/youth center, home for the aged (senior assisted living facility), hotel, movie theatre, and a public transportation terminal (Metrobus terminals for multiple routes)."

TO: "A multi-use development consisting of office, retail, hospital, community/municipal, hotel, movie theater, home for the aged/senior residences, and a public transportation terminal (Metrobus terminals for multiple routes)."

GENERAL DESCRIPTION:

FROM: "The applicant is requesting approval of a multi-use development project entitled 'The Kendall Town Center,' consisting of 500,000 square feet of office/community medical facility/wellness center; 1,350,000 square feet of retail; 100,000 square feet of community youth center/municipal uses; 10-12 screen 2,400-seat movie theatre; a 220-room hotel; a 200-bed home for the aged (senior assisted living facility); and a public transportation terminal (Metrobus terminals for multiple routes). The applicant is also requesting to rezone the subject property from GU (Interim District) to BU-2 (Special Business District and BU-3 (Liberal Business District).

TO: "The applicant is requesting approval of a multi-use development project entitled 'The Kendall Town Center,' consisting of up to 350,000 square feet of office space; up to 50,000 square feet of community center/municipal use (including a police substation or mini-station); up to 750,000 square feet of retail use (including restaurants); an up to 24-screen 4,300-seat movie theatre including ancillary uses; up to 145 hotel rooms; an up to 300-bed hospital with ancillary uses; an up to 200-bed/unit home for the aged (senior living facility) or, alternatively, up to 125 unit senior residence facility; and a public transportation terminal (Metrobus terminals for multiple routes). The property is zoned BU-2 (Special Business District), in part, and BU-3 (Liberal Business District), in part. The property is intended to be used for those uses generally permitted in those zoning districts and as specifically provided herein.

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APPLICANT: WEST KENDALL HOLDINGS L. L. C.

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OWNER:

FROM: "Gunhild Milner, et al."

TO: "West Kendall Holdings L. L. C."

DEVELOPER:

FROM: "West Kendall Center, L. P."

TO: "West Kendall Holdings L. L. C."

AUTHORIZED AGENT:

FROM: "Ann E. Pope, Vice President  
West Kendall Center L. P.  
235 Altara Avenue  
Coral Gables, FL 33134  
(305) 441-1401"

TO: "West Kendall Holdings L. L. C.  
C/o The Rouse Company  
10275 Little Patuxent Parkway  
Columbia, Maryland 21044  
Attn: General Counsel"

(3) MODIFICATION OF Conditions #7, 12, 14, 16, 17, 29, 33 & 34 of Development of Regional Impact Resolution No. Z-6-01, reading as follows:

FROM: "7. The project is not anticipated to include laboratories, storage facilities, warehouse space or other uses which would have a significant hazardous materials generation/usage impact as defined in Rule 9J-2044(2)(f) and (5)(a) of the Florida Administrative Code. In the event that hazardous material usage on the project site will have a significant impact, prior to issuance of a certificate of occupancy for any such use, the owner(s) and/or developer and, to the extent necessary and appropriate, after consultation with any leaseholders, shall submit a Hazardous Materials Management Plan (HMMP) for review and approval by Miami-Dade County, DERM, the Florida Department of Environmental Protection (FDEP), and the South Florida Regional Planning Council (SFRPC), which conforms with the requirements of Rule 9J-2.044(5)(b)2 of the Florida Administrative Code. The Applicant, its successors and/or assigns shall provide a copy of the approved plan to the Miami-Dade County Fire Department. The HMMP shall be incorporated into the development by lease as long as the property is controlled by West Kendall Center, L. P. and shall be incorporated into the project by sale

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agreement, restrictive covenant or other appropriate legally binding enforcement provision when any of the property is conveyed, as applicable.”

TO: “7. The project is not anticipated to include laboratories, storage facilities, warehouse space or other uses which would have a significant hazardous materials generation/usage impact as defined in Rule 9J-2044(2)(f) and (5)(a) of the Florida Administrative Code except within the proposed hospital facility. As such time as hazardous materials usage on the project site will have a significant impact, prior to issuance of a certificate of occupancy for any such use, the owner(s) and/or developer and, to the extent necessary and appropriate, after consultation with any leaseholders, shall submit a Hazardous Materials Management Plan (HMMP) for review and approval by Miami-Dade County, DERM, the Florida Department of Environmental Protection (FDEP), and the South Florida Regional Planning Council (SFRPC), which conforms with the requirements of Rule 9J-2.044(5)(b)2 of the Florida Administrative Code. The Applicant, its successors and/or assigns shall provide a copy of the approved plan to the Miami-Dade County Fire Department. The HMMP shall be incorporated into the development by lease as long as the property is controlled by West Kendall Center, L. P. and shall be incorporated into the project by sale agreement, restrictive covenant or other appropriate legally binding enforcement provision when any of the property is conveyed, as applicable.”

FROM: “12. Limit occupants of the proposed senior assisted living facility to housing for older/elderly persons as that term may be construed pursuant to §202 of the Housing Act of 1959 (12 USC 1701q) and Chapter 11A of the Miami-Dade County Code.”

TO: “12. Limit occupants of the proposed senior assisted living facility or senior residences to housing for older/elderly persons as that term may be construed pursuant to §202 of the Housing Act of 1959 (12 USC 1701q) and Chapter 11A of the Miami-Dade County Code.”

FROM: “14. A portion of the municipal/community use portion of the development program shall be developed with an approximately 50,000 square foot community center.”

TO: “14. A portion of the 50,000 square foot municipal/community use portion of the development program shall be developed with a minimum 45,000 square foot community center. A portion of the municipal/community use portion of the development program shall be developed with a police mini or substation.”

FROM: “16. Prior to the issuance of the first certificate of occupancy for any portion of the project have, open to traffic or cause to have open to traffic all of the traffic improvements contained within Exhibit 3, provided that any improvement in Exhibit 3 that is not approved by the appropriate agencies may be substituted with improvements from Exhibit 5. Those improvements to be constructed or

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APPLICANT: WEST KENDALL HOLDINGS L. L. C.

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caused to be constructed will be approved by Miami-Dade County, with review and comment by the Florida Department of Transportation (FDOT) and the SFRPC for those improvements involving state roadways. The cost of the improvements to be constructed or caused will not exceed the project's Proportionate Share of \$2,715,000 (year 2000 dollars). Construction of any improvement is subject to permitting by the appropriate governmental agencies."

TO: "16. Prior to the issuance of the first certificate of use within the Project, have open to traffic or cause to have open to traffic roadway improvements, not to exceed Proportionate Share of \$2,715,000 (as adjusted for a percentage increase utilizing the Consumer Price Index published by the Bureau of Labor Statistics of the U. S. Department of Labor, using the U. S. City Average, All Urban Consumers, Not Seasonally Adjusted, compounded annually and based on year 2000 dollars), in the order as follows:

- a. improvements relating to the expansion of North Kendall Drive between S.W. 150<sup>th</sup> Avenue and S.W. 162<sup>nd</sup> Avenue referenced within Exhibit 3, as amended
  - i) which design for the facility shall be commenced within 30 days of the final approval (including expiration of any appeals) of this Resolution;
  - ii) construction of these improvements to expand Kendall Drive shall be bonded or secured by appropriate instrument in a form acceptable to the Director of the Public Works Department within one hundred eighty (180) days of the final approval (including expiration of any appeal periods);
  - iii) which improvements shall be subject to a binding executed contract to construct the facility within two hundred seventy (270) days of final approval (including expiration of any appeal periods);
  - iv. which improvements to said facility shall be caused or substantially completed and open to traffic (as determined by the Director of the Public Works Department, and as may be extended in the event of construction delays notwithstanding the good faith efforts of the owner/developer) within 25 months of the final approval (including expiration of any appeal periods) of this Resolution, or prior to the first certificate of use within the property, whichever occurs first;
  - v. the improvement for the expansion of Kendall Drive shall be caused or completed by the Applicant, its successors and/or assigns notwithstanding the Proportionate Share funding limits provided herein.
  - vi. the cost of widening the S.W. 88<sup>th</sup> Street eastbound lanes from two (2) to three (3) lanes and from S.W. 162<sup>nd</sup> Avenue (Existing S.W. 162<sup>nd</sup> Avenue) to S.W. 158<sup>th</sup> Avenue, shall not be a part of the Proportionate Share for offsite transportation improvements.

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- b. those other traffic improvements contained within Exhibit 3, as amended or Exhibit 5 as selected by the Director of the Public Works Department, Miami-Dade County (with review and comment by the Florida Department of Transportation [FDOT] and the SFRPC for those improvements involving state roadways), provided that the actual cost of said improvements, when combined with the cost of the North Kendall Drive improvements referenced above, do not exceed the Proportionate Share).

Construction of any improvement is subject to permitting by the appropriate governmental agencies.

FROM: "17. Prior to the issuance of the first certificate of occupancy for any portion of the project, have open to traffic or cause to have open to traffic all site access-related improvements as described in Exhibit 4. The responsibility for these site access-related improvements, which include traffic signals, if warranted, shall be borne by the Applicant. If the identified traffic signals are not warranted, the Miami-Dade County Department of Public Works may release the applicant from the signal improvement requirement. These site access-related improvement costs shall not be part of the Proportionate Share."

TO: "17. Site access-related improvements are described in Exhibit 4, as amended. The responsibility of these site access-related improvements, which include traffic signals, if warranted, shall be borne by the Applicant. If the identified traffic signals are not warranted, the Miami-Dade County Department of Public Works may release the Applicant from the signal improvement requirements. These site access-related improvement costs shall not be part of the Proportionate Share calculation and not eligible for impact fee credits or contributions in lieu of fee. Timing of the construction of these improvements shall be established at the time of platting, as determined by the Director of the Public Works Department in consultation with the Director of the Department of Planning and Zoning and the Applicant, in order to appropriately ensure the provision of service, secured through a bond or other appropriate instrument acceptable to the Director of the Public Works Department, of and access to adjacent uses within the Project at the time of the issuance of a certificate of use for said uses."

FROM: "29. For the purposes of concurrency review, and based on the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that throughout the buildout period (December 31, 2008) sufficient infrastructure capacities will be available to service this project. All subsequent development orders or permits pursuant to this development order, are hereby found to meet concurrency requirements set forth in Comprehensive Development Master Plan ordinance No. 89-66 and Chapter 33G of the Miami-Dade County Code and A.O. 4-85 (concurrency regulations) as amended from time to time and to be consistent with local development regulations so long as the Developer is developing in compliance with the

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terms and conditions of this Development Order. Furthermore, Miami-Dade County shall not issue any subsequent development orders as defined in §33G-3(2), Miami-Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) the actual impacts of this project and other committed development are greater than those projected in the ADA, and (b) the issuance of further local development order (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction or development pursuant to this DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not be issued unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency requirements as determined by the County. The issuance of development orders which have been found to be vested pursuant to Chapter 2-114, 33-315 or 33-316 of the Code of Miami-Dade County, as adopted pursuant to §163.3167(8) Florida Statutes, shall not be considered for purposes of determining concurrency as to this project, nor shall this Development Order be construed or applied to prohibit the issuance of said Development orders under any circumstances. However, modifications or changes to this Development Order regardless of whether such change or modification is found to constitute a substantial deviation, may require this development to comply with those concurrency requirements or local development regulations in effect at the time such modification or change occurs including but not limited to the recognition of trips previously vested which are permitted or complete."

TO: "29. For the purposes of Concurrency Review, and based on the analysis contained in the ADA together with review and further study by Miami-Dade County, it is hereby found that throughout the buildout period (December 31, 2011) sufficient infrastructure capacities will be available to service this project. All subsequent development orders or permits pursuant to this development order, are hereby found to meet concurrency requirements set forth in Comprehensive Development Master Plan ordinance No. 89-66 and Chapter 33G of the Miami-Dade County Code and A.O. 4-85 (concurrency regulations) as amended from time to time and to be consistent with local development regulations so long as the Developer is developing in compliance with the terms and conditions of this Development Order. Furthermore, Miami-Dade County shall not issue any subsequent development orders as defined in §33G-3(2), Miami-Dade County Code, which would degrade such level of service below minimum acceptable levels as may be applicable in the Comprehensive Development Master Plan and the above ordinance, as may be amended from time to time. In the event that: (a) the actual impacts of this project and other committed development are greater than those projected in

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the ADA, and (b) the issuance of further local development orders (as defined in Chapter 33G, Miami-Dade County Code) authorizing further construction or development pursuant to this DRI Development Order would violate the aforesaid concurrency regulations, the following shall occur: Such further local development order shall not be issued unless and until the Applicant shall make provisions for necessary services and facilities to meet the County's concurrency requirements as determined by the County."

FROM: "33. December 31, 2008 is hereby established as the build-out date for this project and is the date until which the local government of jurisdiction agrees that the Kendall Town Center DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless a local government of jurisdiction can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the DRI development order have occurred, or that the DRI development order was based on substantially inaccurate information provided the Applicant, or that the change is clearly essential to the public health, safety, or welfare."

TO: "33. December 31, 2011 is hereby established as the build-out date for this project and is the date until which the local government or jurisdiction agrees that the Kendall Town Center DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless a local government or jurisdiction can demonstrate that substantial changes made by the developer in the facts or circumstances underlying the approval of the DRI development order have occurred, or that the DRI development order was based on substantially inaccurate information provided the Applicant, or that the change is clearly essential to the public health, safety or welfare."

FROM: "34. The deadline for commencement of physical development shall be two (2) years from the effective date of the development order. For purposes of this paragraph, physical development means development as defined in §380.04, F. S. The termination date for completing physical development shall be December 31, 2008. This termination date may only be modified in accordance with §380.06(19)[c], F. S."

TO: "34. The deadline for commencement of physical development shall be two (2) years from the effective date of the development order. For purposes of this paragraph, physical development means development as defined in §380.04, F. S. The termination date for completing physical development shall be December 31, 2011. This termination date may only be modified in accordance with §380.06(19)[c], F. S."

(4) MODIFICATION of Paragraphs #1 and #2 of a Declaration of Restrictions recorded in Official Record Book 19778 at Pages 2423 through 2438, and reading as follows:

FROM: "1. Site Plan: That said Property shall be developed substantially in accordance with the plans submitted entitled 'The Kendall Town Center,' as prepared by

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APPLICANT: WEST KENDALL HOLDINGS L. L. C.

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D'Agostino Izzo Quirk, Architects, Inc., dated revised December 13, 2000; 'Lake Plan The Kendall Town Center,' dated November 15, 2000; 'Sketch of Specific Purpose Survey,' dated November 10, 2000 and "Sketch of Boundary Survey,' dated November 1, 2000. The last three were all prepared by Jack Mueller & Associates, Inc. (The Plans) Said plans being on file with the Miami-Dade County Department of Planning and Zoning and by deference made a part of this agreement. Except as modified to provide the required setbacks along the official right-of-way lines of proposed S.W. 162 Avenue, S.W. 159 Avenue, S.W. 157 Avenue and S.W. 96 Street and to provide the screening by continuous planting and/or 3' high wall with a 7' landscape strip of all the parking lots adjacent to a right-of-way or private street. In recognition of the fact that a significant amount of design detail is not reflected on the Plans and in order to ensure quality development and design and construction throughout the Property, the Property shall be developed substantially in accordance with the 'Kendall Town Center Design Guidelines'. Determinations of substantial compliance shall follow the guidelines contained in the memorandum entitled 'Revised Substantial Compliance Guidelines' from Rafael Rodon, P. E., Director of Building and Zoning Department, dated June 15, 1987, consisting of 2 pages (attached as Exhibit C)."

TO: "1. Site Plan: The Property shall be developed substantially in accordance with that plan submitted entitled 'The Kendall Town Center,' as prepared by D'Agostino Izzo Quirk, Architects, Inc., dated December 2, 2003 and consisting of seventeen (17) sheets, with Landscape Plans prepared by D'Agostino Izzo Quirk, Architects, Inc., dated November 26, 2003, consisting of five (5) sheets and a Landscape Plan for 'West Kendall Baptist Hospital,' as prepared by Rosenberg Gardner Design, dated November 10, 2003, consisting of one (1) sheet. In recognition of the fact that a significant amount of design detail is not reflected on the Plans and in order to ensure quality development and design and construction throughout the Property, the Property shall be developed substantially in accordance with the 'Kendall Town Center Design Guidelines'. Determinations of substantial compliance shall follow the guidelines contained in the memorandum entitled 'Revised Substantial Compliance Guidelines' from Rafael Rodon, P. E., Director of Building and Zoning Department, dated June 15, 1987, consisting of 2 pages."

FROM: "2. Senior Assisted Living Facility/Hotel: The only residences allowed to be developed and occupied within the Property shall be the hotel and senior assisted living facility (home for the aged). The proposed senior assisted living facility shall be limited to housing for older/elderly persons, as that term may be construed pursuant to Section 202 of the Housing Act of 1959 (12 USC 1701) and Chapter 11A of the Miami-Dade County Code."

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NO. 04-5-CZ11-5 (03-369)

HEARING  
5-55-39  
Council Area 11  
Comm. Dist. 11

APPLICANT: WEST KENDALL HOLDINGS L. L. C.

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TO: "2. Senior Assisted Living Facility/Hotel: The only residences allowed to be developed and occupied within the Property shall be the hotel and senior residences (home for the aged or residences). The proposed senior assisted living facility shall be limited to housing for older/elderly persons, as that term may be construed pursuant to Section 202 of the Housing Act of 1959 (12 USC 1701) and Chapter 11A of the Miami-Dade County Code."

(5) MODIFICATION of Conditions #2 & #6 of Resolution Z-7-01, and reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that plan submitted entitled 'The Kendall Town Center,' as prepared by D'Agostino Izzo Quirk, Architects, Inc., dated revised December 13, 2000; 'Lake Plan The Kendall Town Center,' dated November 15, 2000; 'Sketch of Specific Purpose Survey,' dated November 10, 2000 and a "Sketch of Boundary Survey,' dated November 1, 2000. The last three were all prepared by Jack Mueller & Associates, Inc. Except as herein modified to provide the required setbacks along the official right-of-way lines of proposed S.W. 162 Avenue, S.W. 159 Avenue, S.W. 157 Avenue and S.W. 96 Street and to provide the screening by continuous planting and/or 3' high wall with a 7' landscape strip of all the parking lots adjacent to a right-of-way or private street. In addition, any future plan modifications must be subject to the criteria set forth in the substantial compliance guidelines utilized by the Department of Planning and Zoning adopted in 1987 and must conform with the conditions of the proffered covenant."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'The Kendall Town Center,' as prepared by D'Agostino Izzo Quirk, Architects, Inc., consisting of twenty-three (23) sheets as follows: Overall Site Plan (A-1) dated 3/17/04; Zone A Plan (A2.0) dated 1/28/04; Zone B1 Plan (A3.0) dated 2/24/04; Zone B2 Plans (A4.0 and 4.1) dated 2/24/04; Zone C Plan (A5.0) dated 1/28/04; Zone D Plans (A6.0, 6.1, 6.2, 6.3) dated 1/28/04; Transit Hub (A7.0) dated 2/24/04; Roadway Sections (A8.0) dated 2/24/04; Pedestrian Paths (A9.0), Bicycle Routes (A10.0) Fire Truck Access (A11.0) and Service Areas (A12.0) dated 3/17/04; with Landscape Plans as prepared by D'Agostino Izzo Quirk Architects, Inc., consisting of six (6) sheets including Overall Plan (L1) dated 2/24/04; zone A (L2), Zone B1 (L3), Zone B2 (L4), and Zone C (L5) dated 12/16/03; and Zone D (L6) dated 2/24/04. In addition, any future plan modifications must be subject to the criteria set forth in the substantial compliance guidelines utilized by the Department of Planning and Zoning adopted in 1987 and must conform with the conditions of the proffered covenant.

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APPLICANT: WEST KENDALL HOLDINGS L. L. C.

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FROM: "6. 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 Department of Planning and Zoning Director upon the submittal of an application for a lake excavation permit; said plans shall be in substantial accordance with that submitted for the hearing entitled 'Lake Plan The Kendall Town Center,' dated November 15, 2000,' prepared by Jack Mueller & Associates, Inc."

TO: 6. 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 Department of Planning and Zoning Director upon the submittal of an application for a lake excavation permit; said plans shall be in substantial accordance with that submitted for the hearing entitled 'Pond Plan--The Kendall Town Center,' dated March 29, 2004, and prepared by Sain Associates.'"

The purpose of the above requests is to allow the applicant to extend the build-out date of a previously approved development of regional impact to submit revised site plans that show a new hospital, a reconfiguration of the lakes, a reduction of the amount of retail area, an increase in the theatre size and a reduction in the number of hotel rooms.

- (6) UNUSUAL USE to permit outdoor dining.
- (7) SPECIAL EXCEPTION to permit residential uses in a BU-2 zone, to wit: 125 senior residences.
- (8) Applicant is requesting to permit commercial (valet) parking in an area designated as a parking area in connection with a designated use (not permitted).

Upon a demonstration that the applicable standards have been satisfied, approval of requests #1 through #5 may be considered under §33-311(A)(7) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing) and approval of request #8 may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU Zoning District) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-use Variance).

The aforementioned plans are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

SUBJECT PROPERTY: Begin at a point on the north line of Section 5, Township 55 South, Range 39 East, and the north-south ½ section line of said Section 5, as determined in Dade County Circuit Court Case No. 86-24085 CA14; thence N87°42'56"E along the north line of said Section 5 for 2,658.21' to a point; thence S0°3'26"W 2,643.03' to the centerline of theoretical S.W. 96<sup>th</sup> Street; thence S87°46'20"W along said centerline for 2,671.23' to the north-south ½ section line of said Section 5; thence N0°20'32"E along said ½ section line for 2,640.94' to the Point of beginning. LESS: the north 55' thereof for road right-of-way.

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HEARING NO. 04-5-CZ11-5 (03-369)

5-55-39  
Council Area 11  
Comm. Dist. 11

APPLICANT: WEST KENDALL HOLDINGS L. L. C.

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LOCATION: The Southwest corner of S.W. 88 Street (N. Kendall Drive) & S.W. 158 Court,  
Miami-Dade County, Florida.

SIZE OF PROPERTY: 158 Acres

PRESENT ZONING: BU-2 (Business – Special)  
BU-3 (Business – Liberal)

HEARING NO. 04-5-CZ11-6 (04-10)

13-55-39  
Council Area 11  
Comm. Dist. 9

APPLICANT: SOUTH KENDALL INVESTORS L. L. C.

SPECIAL EXCEPTION to permit a liquor package store spaced less than required from religious facilities and other alcoholic beverage uses.

Plans are on file and may be examined in the Zoning Department entitled "Liquor Survey," as prepared by Aylward Engineering & Surveying, Inc., dated 12/11/03 and consisting of one sheet.

SUBJECT PROPERTY: KENDALL SHOPPING CENTER, Plat book 160, Page 90.

LOCATION: Lying east of S.W. 127 Avenue & south of S.W. 120 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 14.55 Acres

PRESENT ZONING: BU-1A (Business – Limited)