

Note: The following case(s) is/are included in this ad.
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Process No.	Applicant Name
<u>05-037</u>	<u>EMILIO GARCELL</u>
<u>05-038</u>	<u>ELITE CONSTRUCTION & DEVELOPMENT, INC.</u>
<u>05-164</u>	<u>GAIL M. SANTORO</u>
<u>05-230</u>	<u>DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING</u>
<u>05-252</u>	<u>UNITED AT KENDALL LAKES, INC.</u>

THE FOLLOWING HEARING WAS DEFERRED FROM 12/22/05 TO THIS DATE:

HEARING NO. 05-10-CZ15-2 (05-38)

8-57-39
BCC
Comm. Dist. 8

APPLICANT: ELITE CONSTRUCTION & DEVELOPMENT, INC.

AU & EU-1 to RU1M(a)

SUBJECT PROPERTY: The east $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, lying W/ly of Canal C-103-1 in Section 8, Township 57, South Range 39 East

LOCATION: Lying approximately 131' south of S.W. 305 Terrace, north of theoretical S.W. 308 Street and on both sides of theoretical S.W. 159 Avenue, Miami-Dade County Florida

SIZE OF PROPERTY: 10 Acres

AU (Agricultural – Residential)
EU-1 (Estates 1 Family 1 Acre Gross)
RU1M(a) (Modified single family 5,000 sq. ft net)

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HEARING NO. 05-10-CZ15-5 (05-164)

23-56-39
BCC
Comm. Dist. 8

APPLICANT: GAIL M. SANTORO

PCUC to RU-1M(a)

SUBJECT PROPERTY: Begin at the Southeast corner of the SE ¼ of the SE ¼; thence west 711.57' to the Point of beginning; thence north 330'; thence west 132'; thence south 330'; thence east 132' to the Point of beginning, less the south 35'; all in Section 23, Township 56 South, Range 39 East.

LOCATION: The Northwest corner of S.W. 248 Street (Silver Palm Drive) & S.W. 128 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 1.24 Gross Acres

PCUC (Princeton Community Urban Center District)
RU-1M(a) (Modified Single Family 5,000 sq. ft. net)

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HEARING NO. 05-7-CZ14-7 (05-37)

15-55-38
Council Area 14
Comm. Dist. 9

APPLICANT: EMILIO GARCELL

THE DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING is appealing the decision of Community Zoning Appeals Board #14 on EMILIO GARCELL, which approved the following:

Applicant is requesting to permit a single-family residence on a lot with an area of 7.7 gross acres (40 gross acres required).

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 "Proposed Legalization Residence for: Mr. & Mrs. Emilio & Caridad Garcell," as prepared by Miami Engineering Co. and dated 2/8/05. Plan may be modified at public hearing.

SUBJECT PROPERTY: The north $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the south $\frac{1}{2}$ of the south $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, all in Section 15, Township 55 South, Range 38 East.

LOCATION: 12400 S.W. 199 Avenue, Miami-Dade County.

SIZE OF PROPERTY: 7.78 Gross Acres

PRESENT ZONING: GU (Interim)

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APPLICANT: DIRECTOR OF THE DEPARTMENT OF PLANNING & ZONING

AU & GU to IU-C

SUBJECT PROPERTY: That portion of the SW $\frac{1}{4}$ of Section 4, Township 52 South, Range 40 East, being a portion of Tracts 19-23, CHAMBERS LAND COMPANY SUBDIVISION of said SW $\frac{1}{4}$ of said Section 4, Plat book 2, Pages 27 & 68. Said parcel being bounded as follows: On the south by the south line of said Section 4; on the north and east by the west right-of-way line of I-75 (S. R. 93) as shown on FDOT Right-of-Way Map Section 87075-2402 (last revised 7/12/78. Sheets 3-7); on the west by the east right-of-way line of HEFT as shown on FDOT Right-of-Way map Section 87005-2313 (last revised 11/1/71, Sheets 1-5). AND: Portion of Section 9, township 52 South, Range 40 East, being more particularly described as:

The west 849' of Tracts 17-24 and all of Tracts 25-31, less the north 160' of Tract 17, and Tract 32 less beginning at the Northwest corner of Tract 32; thence east for 206.25'; thence SW/ly for 268.7' thence north to the Point of beginning for the right-of-way of Florida's Turnpike; and the west 849' of Tracts 33-39; and the west 849' of the north 189.5' of Tract 40; and the east $\frac{1}{2}$ of Tracts 41 & 42 less the east 348.49' of the south 140' of Tract 41 (for the right-of-way of I-75); and all of Tracts 43-48 of FLORIDA FRUIT LANDS CO. SUBDIVISION, Plat book 2, Page 17.

LOCATION: Lying east of N.W. 97 Avenue, between N.W. 170 Street & the Homestead Extension of Florida's Turnpike (State Road #821), Miami-Dade County, Florida.

SIZE OF PROPERTY: 260.15 Acres

AU (Agricultural – Residential)

GU (Interim)

IU-C (Industry – Conditional)

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APPLICANT: UNITED AT KENDALL LAKES, INC.

- (1) MODIFICATION of Paragraphs #1 & #3-#6 of a Declaration of Restrictions recorded in Official Records Book 21660, Pages 4050 – 4060 and reading as follows:

FROM: "1. The Senior Housing Parcel, described in Exhibit 'B' attached hereto, shall be developed substantially in compliance with the plans previously submitted entitled 'The Greens at Kendall Senior Apartments,' by ReyMar & Associates, Inc., Architects and Planners, consisting of eighteen (18) sheets, sheets SP-2 and LP-1 dated July 17, 2003 and the remaining sheets dated July 15, 2003, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement. (Hereafter referred to as the 'Site Plan')."

TO: "1. The multi-family residential parcel, described in Exhibit 'B' attached hereto, shall be developed substantially in compliance with the plans previously submitted entitled 'Greens at Kendall Condominiums,' by ReyMar & Associates, Inc., consisting of 18 pages, dated stamped received 10/5/05."

FROM: "3. Upon approval of the Application, the Owner shall set aside a 2.8 acre charter school site on the Senior Housing Parcel as depicted on the above-referenced Site Plan. Within three years of the approval of the Application, the Owner shall diligently seek approval of the charter school and, if approved by the Miami-Dade County School Board and the County, construct a charter school operated under a charter from the Miami-Dade County School Board that shall provide a minimum of 300 student stations for grades K through five (5) on the charter school site. The Owner shall obtain a certificate of use for the charter school within five (5) years of the date of the Application's approval and operate the school in good faith. If the charter school is not approved, constructed, and operated, the Owner shall provide alternative school mitigation to the Miami-Dade School Board. In the event the Owner provides alternative mitigation that is accepted by the Miami-Dade County School Board, the requirement to build the charter school shall be obviated. Proof of said approval shall be delivered to the Department of Planning and Zoning, and said evidence shall be subject to the approval of the Director. In the event that the charter school site is not developed as a charter school, it shall remain open space as part of the Senior Housing Parcel residential development, shall be maintained by the Owner at the Owner's expense, and shall not be further subdivided."

TO: "3. Upon approval of the application, the owner shall set aside a 2.8 acre charter school site on the Multi-Family Residential Parcel as depicted on the above-referenced site plan. Within three years of the approval of the application, the owner shall diligently seek approval of the charter school and, if approved by the Miami-Dade County School Board and the county, construct a charter

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school operated under a charter from the Miami-Dade County School Board that shall provide a minimum of 300 student stations for grades K-5 on the charter school site. The owner shall obtain a certificate of use for the charter school within 5 years of the date of the application's approval and operate the school in good faith. If the charter school is not approved, constructed, and operated, the owner shall provide alternative school mitigation to the Miami-Dade School Board. In the event the owner provides alternative mitigation that is accepted by the Miami-Dade County School Board, the requirement to build the charter school shall be obviated. Proof of said approval shall be delivered to the Department of Planning and Zoning, and said evidence shall be subject to the approval of the Director. In the event that the charter school site is not developed as a charter school, it shall remain open space as part of the Multi-Family Residential Parcel residential development, shall be maintained by the owner at the owner's expense, and shall not be further subdivided."

FROM: "4. The Park Parcel, which is legally described in Exhibit 'C' attached hereto, shall be improved and offered to the County for ownership and use as a public park upon approval of the Application. The improvements to be completed by the Owner shall be the construction of a eight (8) foot wide pedestrian walkway, a fence around the existing lake of a type and design approved by the Miami-Dade County Park and Recreation Department, and ten (10) parking spaces located north of S.W. 80 Street, all constructed substantially in compliance with the 'Kendale Lakes Park Plan' by ReyMar & Associates, Inc., Architects and Planners, dated July 15, 2003 and consisting of one sheet, said plan being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement. The Owner shall bond in an amount and manner acceptable to the County for the full costs of the planned improvements to the Park Parcel prior to obtaining the first building permit for the Senior Housing Parcel residential development. All improvements to the Park Parcel shall be completed prior to the Owner's request for or issuance of a certificate of use for the Senior Housing Parcel residential development. The Park and Recreation Department shall determine whether the improvements have been completed. The Park parcel shall be conveyed to the County by general warranty deed, in fee simple, from all liens and encumbrances. Conveyance shall include a Phase I Environmental Assessment, and Phase II Environmental Assessment if such investigations are included as a recommendation of the Assessment Report(s) prepared by a licensed geotechnical firm."

TO: "4. The park parcel, which is legally described in Exhibit 'C' attached hereto, shall be improved and offered to the county for ownership and use as a public park upon approval of the application. The improvements to be completed by the owner shall be the construction of an 8' wide pedestrian walkway, a fence around the existing lake of a type and design approved by the Miami-Dade County Park and Recreation Department, and 10 parking spaces located north

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of S.W. 80 Street, all constructed substantially in compliance with the 'Kendale Lakes Park Plan' by ReyMar & Associates, Inc., Architects and Planners, dated July 15, 2003 and consisting of one sheet, said plan being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement. The owner shall bond in an amount and manner acceptable to the county for the full costs of the planned improvements to the park parcel prior to obtaining the first building permit for the Multi-family Residential Parcel development. All improvements to the park parcel shall be completed prior to the owner's request for or issuance of a certificate of use for the Multi-family Residential Parcel development. The Park and Recreation Department shall determine whether the improvements have been completed. The park parcel shall be conveyed to the county by general warranty deed, in fee simple, from all liens and encumbrances. Conveyance shall include a Phase I Environmental Assessment, and Phase II Environmental Assessment if such investigations are included as a recommendation of the Assessment Report(s) prepared by a licensed geotechnical firm."

FROM: "5. If the County declines to accept ownership of the Park Parcel, the Owner shall improve and perpetually maintain the park parcel as recreational open space available to the public at no charge. In such an event, the Park Parcel shall be developed in substantial compliance with the 'Kendale Lakes Park Plan,' in accordance Paragraph 4 herein. If the Park Parcel is not accepted by the County, in no event shall the Park Parcel be sold, conveyed, or otherwise transferred separately from the Senior Housing Parcel."

TO: "5. If the county declines to accept ownership of the park parcel, the owner shall improve and perpetually maintain the park parcel as recreational open space available to the public at no charge. In such an event, the park parcel shall be developed in substantial compliance with the 'Kendale Lakes Park Plan,' in accordance with Paragraph 4 herein. If the park parcel is not accepted by the County, in no event shall the Park Parcel be sold, conveyed or otherwise transferred separately from the Multi-Family Residential Parcel."

FROM: "6. Upon approval of the Application, the Owner shall offer the approximately 0.67 acre subparcel labeled as 'Future Senior Center' on the Site Plan to the County for use as a senior center open to the public. In the event the subparcel is not accepted by the County, the Owner shall apply for and diligently seek public hearing approval for a senior center on the subparcel within two (2) years of the dated of the Application's approval. In the event that public hearing approval of a senior center is not granted, the subparcel shall remain open space as part of the Senior Housing Parcel residential development, shall be maintained by the Owner at the Owner's expense, and shall not be further subdivided."

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TO: "6. Upon approval of the application, the owner shall offer the approximately 0.67 acre subparcel labeled as 'Future Senior Center' on the site plan to the county for use as a senior center open to the public. In the event the subparcel is not accepted by the county, the owner shall apply for and diligently seek public hearing approval for a senior center on the subparcel within 2 years of the dated of the application's approval. In the event that public hearing approval of a senior center is not granted, the subparcel shall remain open space as part of the Multi-family Residential Parcel development, shall be maintained by the owner at the owner's expense, and shall not be further subdivided."

(2) DELETION of Paragraph #2 of a Declaration of Restrictions recorded in Official Records Book 21660, Pages 4050 – 4060 and reading as follows:

"2. In the event shall the residential density of the Senior Housing Parcel exceed 240 units. The use shall be limited to very low, low, and/or moderate income housing for older persons as defined by the Fair Housing Act, 42U.S.C. §3607."

The purpose of these requests is to permit the applicant to submit a revised plan showing the property developed as a multi-family apartment development and not limited to low income or senior housing.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #1 & #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).

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

SUBJECT PROPERTY: Tract 2, KENDALE LAKES WEST, SECTION ONE, Plat book 98, Page 2, less and except that portion located within BENSON LAKES SUBDIVISION, Plat book 147, Page 17.

LOCATION: The Northeast corner of S.W. 88 Street (Kendall Drive) & S.W. 150 Avenue, Miami-Dade County, Florida.

SIZE OF PROPERTY: 10.51 Net Acres

PRESENT ZONING: RU-4L (Limited Apartment House 35.9 units/net acre)

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