

**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>04-295</u></a>	<a href="#"><u>WOTTSAMATTA COMPANY &amp; PAHOKEE LUMBER COMPANY</u></a>
<a href="#"><u>04-449</u></a>	<a href="#"><u>LAZARO BOMBALIER</u></a>
<a href="#"><u>05-252</u></a>	<a href="#"><u>UNITED AT KENDALL LAKES, INC.</u></a>

APPLICANTS: WOTTSAMATTA COMPANY & PAHOKEE LUMBER COMPANY

WOTTSAMATTA CO. & PAHOKEE LUMBER CO. are appealing the decision of Community Zoning Appeals Board #8, which denied without prejudice the following:

BU-1 & BU-1A to BU-1A

SUBJECT PROPERTY: Lot 13 & Lot 14, FIRST ADDITION TO FERN PARK, Plat book 42, Page 67 and Lots 1 & 2, Block 1, FERN PARK, Plat book 39, Page 99.

LOCATION: Lying east of N.W. 32 Avenue, between N.W. 67 Street & N.W. 68 Street, A/K/A: 3195 N.W. 67 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 0.6 Acre

BU-1 (Business – Neighborhood)

BU-1A (Business – Limited)

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APPLICANT: LAZARO BOMBALIER

LAZARO BOMBALIER is appealing the decision of Community Zoning Appeals Board #14, which denied with prejudice the following:

- (1) AU to EU-M
- (2) Applicant is requesting to permit a single-family residence on proposed Lot 1, Block 2 setback 65' from the front (east) property line (50' maximum permitted).
- (3) Applicant is requesting to waive the zoning regulations requiring half section line rights-of-way to be 70' wide; to permit 25' (35' required) of dedication for the west half of S.W. 132 Avenue.
- (4) NON-USE VARIANCE OF SUBDIVISION REGULATIONS to permit a residential development without sidewalks and street lighting (sidewalks & street lights required).

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family & Duplex Dwellings) & approval of requests #2-#4 may be considered 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 "Bombalier," as prepared by Kelley Engineers of Dade consisting of Sheet 1 dated stamped received 9/15/05 and Sheet A-1 dated stamped received 12/20/04. Plans may be modified at public hearing.

SUBJECT PROPERTY: The south ½ of the east ½ of Tract 14, in the NW ¼ of Section 2, Township 56 South, Range 39 East of TROPICO, Plat book 2, Page 57 AND: The north ½ of the east ½ of Tract 14, in the NW ¼ of Section 2, Township 56 South, Range 39 East of TROPICO, Plat book 2, Page 57.

LOCATION: The west side of S.W. 132 Avenue & approximately 660' north of S.W. 192 Street, Miami-Dade County, Florida.

SIZE OF PROPERTY: 4.97 Acres

AU (Agricultural – Residential)  
EU-M (Estates Modified 1 Family 15,000 sq. ft. net)

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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 ~~Senior Housing~~ 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 Senior Apartments,~~’ ‘Greens at Kendall Condominiums,’ by ReyMar & Associates, Inc., Architects and Planners consisting of 18 sheets pages, 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’) 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 ~~Senior Housing~~ 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 ~~Senior Housing~~ Multi-family Residential 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~~ Multi-family Residential 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, free 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 residential development."

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 ~~Senior Housing~~ 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 ~~Senior Housing~~ Multi-family Residential Parcel residential 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 no 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: Lying approximately 350' north of S.W. 88 Street (Kendall Drive) & east of Hammocks Boulevard, Miami-Dade County, Florida.

SIZE OF PROPERTY: 13.98 Net Acres

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

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