

**RESOLUTION NO. CZAB15-6-11**

*WHEREAS*, **HPT HOLDINGS, LLC** applied for the following:

- (1) PAD to RU-1M(a).
- (2) Deletion of Planned Area Development Agreement recorded in Official Record Book 19775, Pages 3584 through 3601 and re-recorded in Official Record Book 24946, Pages 312 through 329.

The purpose of request #2 is to allow the applicant to delete a Planned Area Development Agreement that tied the site to a residential and ancillary commercial development and to allow the applicant to submit a new site plan showing a single family residence development.

- (3) UNUSUAL USE to permit an Entrance Feature, to wit: an entry pavilion, reflecting pool and fountain.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Hemingway Point," as prepared by Pascual Perez Kiliddjian & Associates, dated stamped received 5/18/11, with sheets SP-1 & LP-1 last handwritten revision dated 6/10/11 and consisting of 25 sheets. Plans may be modified at public hearing

SUBJECT PROPERTY: PARCEL 1: The West 1/2 of the Northeast 1/4 of the Northeast 1/4, and the East 1/2 of the Northwest 1/4 of the Northeast 1/4, AND the Southwest 1/4 of the Northwest 1/4 of the Northeast 1/4 AND the North 1/2 of the Southwest 1/4 of the Northeast 1/4 AND the Southwest 1/4 of the Southwest 1/4 of the Northeast 1/4 AND the Northwest 1/4 of the Southeast 1/4 of the Northeast 1/4 AND the East 1/2 of the Northwest 1/4 of the Northwest 1/4 of the Northeast 1/4 AND the North 1/2 of the Southeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 25, Township 56 South, Range 39 East, LESS The North 35 feet of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 AND LESS The North 35 feet of the Northeast 1/4 of the Northwest 1/4 of the Northeast 1/4 AND LESS The North 35 feet of the East 1/2 of the Northwest 1/4 of the Northwest 1/4 of the Northeast 1/4 in Section 25, Township 56 South, Range 39 East AND LESS Beginning at the Northwest corner of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 25, Township 56 South, Range 39 East; thence run South along the West line thereof a distance of 35 feet; thence run East along a line which is 35 feet South of and parallel to the North line of said Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 25 for a distance of 275 feet to the Point of Beginning of this description; from said Point of Beginning continue thence along a line which is 35 feet South and parallel to the said North line of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 25 a distance of 394.62 feet, more or less, to a point of intersection with the East line of said Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 25; thence run South along the East line of said Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 25 a distance of 30 feet to a point, said point being 65 feet South of the North line of said Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 25, as the same is measured at right angles thereto; thence run West along a line which is 65 feet South of and parallel to the said North line of the Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 25 a distance of 294.62 feet, more or less, to a point, said point being 375 feet East of the West

line of said Northwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 25, deflecting thence at an angle of 16° 42' to the right run 104.4 feet to the Point of Beginning AND LESS That part of the Southwest 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 25, Township 56 South, Range 39 East, lying and being in Dade County, Florida, lying within the following described boundaries, to-wit: Begin at a ten-inch concrete monument marking the Southwest corner of the Northeast 1/4 of Section 25, Township 56 South, Range 39 East, said point being on the Easterly right of way line of Canal C-102 North; thence run North 00° 36' 22" West (bearing derived from the Florida State System of Plane Coordinates) along the Easterly right of way line 178.02 feet to a point; thence run North 80° 54' 57" East 5.06 feet to a point; thence run South 00° 36' 23" East 178.68 feet to a point; thence run South 88° 24' 37" West 5.00 feet to the Southwest corner of the Northeast 1/4 of said Section 25 and the Point of Beginning. AND LESS That part of the Southwest 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 25, Township 56 South, Range 39 East, lying and being in Dade County, Florida, lying within the following described boundaries, to-wit: Commence at a ten-inch concrete monument marking the Southwest corner of the Northeast 1/4 of Section 25, Township 56 South, Range 39 East; thence run North 88° 24' 37" East (bearing derived from the Florida State System of Plane Coordinates) along the Southerly boundary of the Northeast 1/4 of said Section 25 for 5.00 feet to the Point of Beginning of the herein described parcel; thence run North 00° 36' 23" West 178.68 feet to a point; thence run North 80° 54' 57" East 674.13 feet to a point; thence run South 00° 40' 54" East 266.61 feet to a point of intersection with the Southerly boundary of the Northeast 1/4 of said Section 25; thence run South 88° 24' 37" West along said Southerly boundary 667.22 feet to the Point of Beginning. AND LESS That part of the Southeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 25, Township 56 South, Range 39 East, lying and being in Dade County, Florida, lying within the following described boundaries, to-wit:

Commence at a ten-inch concrete monument marking the Southwest corner of the Northeast 1/4 of Section 25, Township 56 South, Range 39 East; thence run North 88° 24' 37" East (bearing derived from the Florida State System of Plane Coordinates) along the Southerly boundary of the Northeast 1/4 of said Section 25 for 672.22 feet to a point; thence run North 00° 40' 54" West 336.96 feet to the Point of Beginning of the herein described parcel; thence continue North 00° 40' 54" West 336.96 feet to a point; thence run North 88° 19' 35" East 671.34 feet to a point; thence run South 00° 45' 25" East 337.45 feet to a point; thence South 88° 22' 06" West 671.79 feet to the Point of Beginning. AND LESS That part of the Northwest 1/4 of the Northeast 1/4 of Section 25, Township 56 South, Range 39 East, lying and being in Dade County, Florida, lying within the following described boundaries, to-wit:

Commence at the Northwest corner of the Northeast 1/4 of Section 25, Township 56 South, Range 39 East; thence run South 00° 36' 19" East along the West line of the Northeast 1/4 of said Section 25 for a distance of 672.94 feet to the Point of Beginning of the herein described parcel; thence continue South 00° 36' 19" East along the West line of the Northeast 1/4 of Section 25 for a distance of 870.13 feet to a point; thence run North 89° 10' 03" East for a distance of 1176.60 feet to a point; thence run North 00° 49' 57" West for a distance of 1530.47 feet to a point, said point being on a line 35 feet South of and parallel to the North Line of the Northeast 1/4 of the said Section 25; thence run South 88° 04' 13" West along a line 35 feet South of and parallel to the North Line of the Northeast 1/4 of the said Section 25, for a distance of 836.48 feet to a point; thence run South 00° 38'

36" East for a distance of 638.42 feet to a point; thence run South 88° 09' 19" West for a distance of 334.77 feet to the Point of Beginning. AND LESS The East 239.25 feet of the West 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 25, Township 56 South, Range 39 East. AND LESS The East 239.25 feet of the Northwest 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 25, Township 56 South, Range 39 East, PARCEL 2: The East 239.25 feet of the West 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 25, Township 56 South, Range 39 East, Miami-Dade County, Florida, less the North 65.0 feet for road purpose. AND The East 239.25 feet of the Northwest 1/4 of the Southeast 1/4 of the Northeast 1/4 of Section 25, Township 56 South, Range 39 East, Miami-Dade County, Florida.

LOCATION: Lying East of SW 120 Place, between SW 248 Street & Homestead extension Florida Turnpike, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 15 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 which among other things provided:

1. **Residential Density Restriction.** That the number of dwelling units that may be developed on the Property shall not exceed three hundred and twenty-one (321).
2. **Site Plan.** That the Property shall be developed substantially in accordance with the plans entitled "Hemingway Point," as prepared by Pascual, Perez, Kiliddjian & Associates, consisting of 25 sheets, and dated stamped received May 20, 2011, with sheets SP-1 and LP-1 last handwritten revision dated June 10, 2011 (the "Site Plan").
3. **Developmental Impact Committee Recommendation.** That the Owner shall comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained in the Departmental memoranda which are part of the record of the Developmental Impact Committee Executive Council meeting, which took place on July 27, 2011 for consideration of this application and incorporated herein by reference.

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 and to the recommendation of the Developmental Impact Committee, it is the opinion of this Board that the requested district boundary change to RU-1M(a) (Item #1) would be

compatible with the Comprehensive Development Master Plan, and would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the requested deletion of Planned Area Development Agreement recorded in Official Record Book 19775, Pages 3584 through 3601 and re-recorded in Official Record Book 24946, Pages 312 through 329 (Item #2), and the requested unusual use to permit an Entrance Feature, to wit: an entry pavilion, reflecting pool and fountain (Item #3) would be compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations 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 (Item #1) 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 approve the application was offered by Marjorie Murillo, seconded by Patricia Forbes, and upon a poll of the members present the vote was as follows:

Patricia Forbes	aye	Diane Richardson	aye
Paul J. Morrow	aye	Gale L. Wimbley	aye
		Marjorie Murillo	aye

*NOW THEREFORE BE IT RESOLVED* by the Miami-Dade County Community Zoning Appeals Board 15, that the requested district boundary change to RU-1M(a) (Item #1) be and the same is hereby approved and said property is hereby zoned accordingly.

*BE IT FURTHER RESOLVED* that the requests that the requested deletion of Planned Area Development Agreement recorded in Official Record Book 19775, Pages 3584 through 3601 and re-recorded in Official Record Book 24946, Pages 312 through 329 (Item #2), and

the requested unusual use to permit an Entrance Feature, to wit: an entry pavilion, reflecting pool and fountain (Item #3) be and the same are hereby approved, subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include, but not limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for hearing entitled "Hemingway Point," as prepared by Pascual Perez Kiliddjian & Associates, dated stamped received 5/20/11, with sheets SP-1 & LP-1 last handwritten revision dated 6/10/11 and consisting of 25 sheets.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant submit to the Department of Planning and Zoning for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.
5. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained in the Departmental memoranda which are part of the record of the July 27, 2011 DIC of this application and incorporated herein by reference.

*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.

*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.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

*PASSED AND ADOPTED* this 7<sup>th</sup> day of September, 2011.

Hearing No. 11-9-CZ15-1  
ej

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

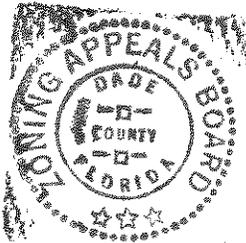
I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 15, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB15-6-11 adopted by said Community Zoning Appeals Board at its meeting held on the 7<sup>th</sup> day of September, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 15<sup>th</sup> day of September, 2011.



Earl Jones, Deputy Clerk (3230)  
Miami-Dade County Department of Planning and Zoning

SEAL



**RESOLUTION NO. CZAB15-7-11**

*WHEREAS, SP BCC, LP.* applied for the following:

- (1) Applicant is requesting to waive the zoning regulations requiring an 80% minimum building frontage at the build to line, along the front (north) property line for a proposed leasing office.
- (2) Applicant is requesting to permit the proposed leasing office to setback 113.10' from the front (north) property line and setback 169.6' from the side street (east) property line (0' or 10' required for both).
- (3) Applicant is requesting to waive the zoning regulations requiring the front setback to be of hard surface and finished to match the adjoining sidewalk; to permit landscaping within portions of the front setback.
- (4) Applicant is requesting to permit the leasing office with a minimum building height of 1 story (3 stories minimum permitted).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "BCC Apartments" as prepared by McLaughlin Engineering Company", dated stamped received 5/16/11, consisting of 2 sheets and plans entitled "BCC Apartments Renovation" as prepared by Architectonics Studio, dated stamped received 3/23/11, consisting of 4 sheets, for a total of 6 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: A Parcel of land in the SW ¼ Section 7, Township 56 South, Range 40 East, of Miami-Dade County, described as follows: Commence at the Center of said Section 7; thence run South 01° 01' 29" East, along the East line of the SW ¼ of said Section 7, for 863.81 feet; thence run South 88° 48' 51" West for 50.00 feet to a point 200 feet South and 50 feet West of the NE corner of the SE ¼ of the NE ¼ of the SW ¼ of said Section 7, being the Point of Beginning: From Point of Beginning, continued South 88° 48' 51" West for 634.63 feet to intersection with West line of SE ¼ of the NE ¼ of the SW ¼ of said Section 7; thence run South 00° 56' 36" East, along last described West line, for 363.84 feet to intersection with the Northerly right-of-way line of Canal "C-1" (Black Creek Canal); thence run South 88° 23' 34" East, along said Northerly right-of-way line, for 627.87 feet to a point; thence run North 88° 58' 31" East, continuing along said Northerly right-of-way line, for 7.93 feet to point of intersection, with the West right-of-way line of SW 112<sup>th</sup> Avenue (Allapattah Road); thence run North 01° 01' 29" West, along said West right-of-way line and being a line 50 feet West of and parallel to the East line of the SW ¼ of said Section 7, for 394.46 feet to the Point of Beginning. Less that portion which lies Northerly of the following described line: Commence at above described point of beginning; thence run South 01° 01' 29" East, along West right-of-way of SW 112<sup>th</sup> Avenue for 114.48 feet to beginning of described line, said point also being the point of curvature of a circular curve concave to the Southwest; thence run Northwesterly, along the arc of said curve to the left, having for its elements a central angle of 90°, a radius of 25 feet, for an arc distance of 39.27 feet to a point of tangency; thence run South 88° 58' 31" West for 609.77 feet to point on the West line of SE ¼ of NE ¼ of said Section 7 and end of described line.

LOCATION: Southwest Corner of SW 211 Street & SW 112 Avenue, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Miami-Dade County Community Zoning Appeals Board 15 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

*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 requests to waive the zoning regulations requiring an 80% minimum building frontage at the build to line, along the front (north) property line for a proposed leasing office (Item #1), to permit the proposed leasing office to setback 113.10' from the front (north) property line and setback 169.6' from the side street (east) property line (Item #2), to waive the zoning regulations requiring the front setback to be of hard surface and finished to match the adjoining sidewalk; to permit landscaping within portions of the front setback (Item #3), and to permit the leasing office with a minimum building height of 1 story (Item #4) would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance and would be consistent with the Comprehensive Development Master Plan, and

*WHEREAS*, a motion to approve Items #1 through #4 was offered by Gale L. Wimbley, seconded by Diane Richardson, and upon a poll of the members present, the vote was as follows:

Patricia Forbes	aye	Diane Richardson	aye
Paul J. Morrow	absent	Gale L. Wimbley	aye
	Marjorie Murillo	aye	

*NOW THEREFORE BE IT RESOLVED* by the Miami-Dade County Community Zoning Appeals Board 15 that the requests to waive the zoning regulations requiring an 80% minimum building frontage at the build to line, along the front (north) property line for a proposed leasing office (Item #1), to permit the proposed leasing office to setback 113.10' from the front (north) property line and setback 169.6' from the side street (east) property line (Item #2), to waive the zoning regulations requiring the front setback to be of hard surface and finished to match the adjoining sidewalk; to permit landscaping within portions of the front setback (Item #3), and to permit the leasing office with a minimum building height of 1 story (Item #4) be and the same are hereby approved, subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Permitting, Environment, and Regulatory Affairs upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, signs, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "BCC Apartments" as prepared by McLaughlin Engineering Company, dated stamped received 05/16/11 consisting of 2 sheets and plans entitled "BCC Apartments Renovation" as prepared by Architectonics Studio, dated stamped received 3/23/11, consisting of 4 sheets for a total of 6 sheets.
3. That the use be established and maintained in accordance with the approved plan.

*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 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.

*PASSED AND ADOPTED* this 26<sup>th</sup> day of October, 2011.

Hearing No. 11-10-CZ15-1  
ej

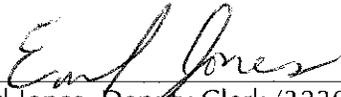
**THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 7<sup>TH</sup> DAY OF NOVEMBER, 2011.**

STATE OF FLORIDA

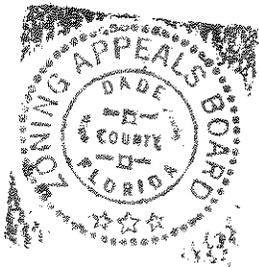
COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Permitting, Environment and Regulatory Affairs as designated by the Director of the Miami-Dade County Department of Permitting, Environment and Regulatory Affairs and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 15, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB15-7-11 adopted by said Community Zoning Appeals Board at its meeting held on the 26<sup>th</sup> day of October, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 7<sup>th</sup> day of November, 2011.

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

SEAL



# Memorandum



**Date:** February 24, 2011  
**To:** Distribution  
**From:** Earl Jones, Deputy Clerk  
**Subject:** Resolutions

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Attached is CZAB15-1-11 from the Community Zoning Appeals Board No. 15 hearing of February 22, 2011.

**Please note that resolutions CZAB15-2-11 and CZAB15-3-11 will be distributed at a later date.**

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 –Angela Hall/ Eugenio Alonso, MDC - 8th Floor

CLERK OF THE BOARD  
2011 FEB 24 PM 3:44  
CLERK, CIRCUIT & COUNTY COURTS  
DADE COUNTY, FLA  
#1

**RESOLUTION NO. CZAB15-1-11**

*WHEREAS*, **THE CITY OF FLORIDA CITY** applied for the following:

- (1) UNUSUAL USE to permit a detention center/correction facility.
- (2) UNUSUAL USE to permit a lake excavation.
- (3) Applicant is requesting to permit a lot coverage of 29.96% (15% maximum permitted).
- (4) Applicant is requesting to permit a wire perimeter fence with a height of 15' with 6 coils of razor ribbons (8' height with a maximum of 3 strands of barbed wire permitted) and to permit an interior wire fence with a height of 15' (8' height maximum permitted).
- (5) Applicant is requesting to waive the zoning regulations requiring parking areas to be graveled, mulched or hard surface; to permit parking on brick pavers.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "The GEO Group, Inc. Detention/Corrections Facility," as prepared by Kimley-Horn and Associates, Inc., consisting of 3 sheets dated stamped received 1/19/11 and plans as prepared by design Engineer consisting of 18 sheets; sheets A-2 through A-16 & A-16A dated stamped received 1/19/11 and Sheets A-17 & A-18 dated stamped received 1/25/11 for a total of 21 sheets. Plans may be modified at public hearing.

**SUBJECT PROPERTY:** The SW ¼ of the NW ¼ of the NW ¼ and the SE ¼ of the NW ¼ of the NW ¼ and the north ½ of the SW ¼ of the NW ¼ in Section 1, Township 58 South, Range 38 East.

**LOCATION:** Lying east of S.W. 187 Avenue, approximately 665' south of S.W. 376 Street, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Miami-Dade County Community Zoning Appeals Board 15 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

*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 uses to permit a detention center/correction facility (Item #1) and to permit a lake excavation (Item #2) and the

requests to permit a lot coverage of 29.96% (Item #3), to permit a wire perimeter fence with a height of 15' with 6 coils of razor ribbons and to permit an interior wire fence with a height of 15' (Item #4), and to waive the zoning regulations requiring parking areas to be graveled, mulched or hard surface; to permit parking on brick pavers (Item #5) would be compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations 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 uses (Items #1 and 2) would not have an adverse impact upon the public interest and should be approved, and

*WHEREAS*, a motion to approve Items #1 through 5 was offered by Patricia Forbes, seconded by Gale L. Wimbley, and upon a poll of the members present, the vote was as follows:

Patricia Forbes	aye	Diane Richardson	aye
Paul J. Morrow	aye	Gale L. Wimbley	aye
		Marjorie Murillo	aye

*NOW THEREFORE BE IT RESOLVED* by the Miami-Dade County Community Zoning Appeals Board 15 that the requested unusual uses to permit a detention center/correction facility (Item #1) and to permit a lake excavation (Item #2) and the requests to permit a lot coverage of 29.96% (Item #3), to permit a wire perimeter fence with a height of 15' with 6 coils of razor ribbons and to permit an interior wire fence with a height of 15' (Item #4), and to waive the zoning regulations requiring parking areas to be graveled, mulched or hard surface; to permit parking on brick pavers (Item #5) be and the same are hereby approved, subject to the following conditions:

- (1) That the plans submitted for a building permit be substantially in accordance with those submitted for the hearing entitled "The GEO Group, Inc. Detention/Corrections Facility," as prepared by Kimley-Horn and Associates, Inc.,

consisting of 3 sheets and plans prepared by Design Engineer, consisting of 16 sheets, for a total of 19 sheets, all dated stamped received 01/19/11.

- (2) That the use be established and maintained in accordance with the approved plan.
- (3) That the entire tract be platted; that no building permit shall be issued for the site until the lake excavation is completed and lake as-built drawings submitted to and approved by the Department of Planning and Zoning.
- (4) 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 "The GEO Group, Inc. Detention/Corrections Facility," as prepared by Kimley-Horn and Associates, Inc., consisting of 3 sheets and plans prepared by Design Engineer, consisting of 16 sheets, for a total of 19 sheets, all dated stamped 01/19/11.
- (5) 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 Planning and Zoning or the Director of the Department of Environmental Resources Management (DERM).
- (6) That the property shall be staked to meet with the approval of the Director of the Department of Planning and Zoning and the Director of the Department Environmental Resources Management; said stakes shall be maintained in proper position so that the limits of the excavation, slopes and grade levels may be easily determined.
- (7) That the property shall be suitably posted to meet with the approval of the Director of the Department of Planning and Zoning and the Director of the Department of Environmental Resources Management (DERM); said posting shall denote the lake excavation operation and warn the public concerning possible hazards, prior to commencement of the excavation.
- (8) 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 Planning and Zoning and the Director of the Department of Environmental Resources Management.
- (9) That the material to be excavated shall be used primarily in increasing the property in question to an elevation to meet with the approval of the Director. Any surplus material over and above these requirements, however, may be disposed of by the applicant upon the certification by the Director that the same will not be needed for elevation of the property in question or is not suitable for fill under the buildings;

- that before any such surplus is disposed of, request in writing should be submitted to the Department for such certification, and shall be accompanied by surveyor's or engineer's calculations to verify the same. Necessary data for certification must be submitted by the surveyor or engineer prior to the commencement of the excavation and prior to the issuance of the excavation permit.
- (10) That the use of explosives shall be strictly prohibited in connection with the lake excavation operation.
  - (11) That the hours of the lake excavation operation shall be controlled by the Director of the Department of Planning and Zoning to ensure that the same does not become a nuisance to the surrounding area.
  - (12) That, once the lake excavation operation commences, it shall be carried on continuously and expeditiously so that the entire project will be completed in three (3) years.
  - (13) 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 entire operation shall be removed from the premises.
  - (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 Planning and Zoning, payable to Miami-Dade County in an amount as may be determined and established by the Director of the Department of Planning and Zoning; 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) That 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 Planning and Zoning unless the excavation of the subject property has been completed and/or unless the bond has been released.
  - (16) That the application obtain an Excavation Use Permit from and promptly renew the same annually with the Department of Planning and Zoning, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
  - (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" x18" in size.
- (19) That the applicant comply withal applicable conditions and requirements of the Department of Environmental Resources Management.
- (20) That the applicant comply with all applicable conditions and requirements of the Public Works Department.
- (21) That the applicant 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 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, local permit is revoked or otherwise held to be invalid, the excavation operation shall immediately cease.

*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 notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

*PASSED AND ADOPTED* this 22<sup>nd</sup> day of February, 2011.

Hearing No. 11-2-CZ15-1  
ej

**THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 24<sup>TH</sup> DAY OF FEBRUARY, 2011.**

**STATE OF FLORIDA**

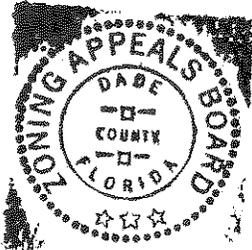
**COUNTY OF MIAMI-DADE**

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 Miami-Dade County Community Zoning Appeals Board 15, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB15-1-11 adopted by said Community Zoning Appeals Board at its meeting held on the 22<sup>nd</sup> day of February, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 24<sup>th</sup> day of February, 2011.

  
\_\_\_\_\_  
Earl Jones, Deputy Clerk (3230)  
Miami-Dade County Department of Planning and Zoning

SEAL



# Memorandum



**Date:** March 3, 2011  
**To:** Distribution  
**From:** Earl Jones, Deputy Clerk  
**Subject:** Resolutions

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Attached are resolutions CZAB15-2-11 and CZAB15-3-11 and the list from the Community Zoning Appeals Board No. 15 hearing of February 22, 2011.

**Please note that resolutions CZAB15-1-11 was 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 –Angela Hall/ Eugenio Alonso, MDC - 8th Floor

CLERK OF THE BOARD  
2011 MAR -3 PM 3:35  
CLERK, CLERK & COUNTY OFFICES  
DADE COUNTY, FLA  
#1



COMMUNITY ZONING APPEALS BOARD 15

Hearing Date: FEBRUARY 22, 2011

The Community Zoning Appeals took the following action on the items listed below

11-2-CZ15-1	THE CITY OF FLORIDA CITY Approved per staff recommendation with conditions as amended	08-154 CZAB15111	01-58-38
11-2-CZ15-2	RMC FLORIDA GROUP LTD. DBA CEMEX Approved per staff recommendation with conditions	09-165 CZAB15211	18-58-39
11-2-CZ15-3	KIMCO AUTOFUND LP Approved per request with conditions	10-22 CZAB15311	07-56-40

**COUNTY STAFF ATTENDEES:**

- TOM LOGUE - ASSISTANT COUNTY ATTORNEY'S OFFICE
- CARL HARRISON - ZONING EVALUATION
- EARL JONES - ZONING EVALUATION SECTION
- CHRISTIE TOLEDO-FERNANDEZ - ZONING AGENDA COORDINATOR'S OFFICE
- CLEVELAND THOMPSON - ZONING AGENDA COORDINATOR'S OFFICE
- ERIC SILVA - COMMUNITY PLANNING
- GILBERT BLANCO - AREA PLANNING
- LEO RODRIGUEZ - PUBLIC WORKS

NOTICE

THE FOLLOWING SUMMARY INFORMATION IS PROVIDED AS A COURTESY; IT SHOULD NOT BE TREATED AS LEGAL ADVICE AND IT SHOULD NOT BE RELIED UPON. LEGAL CONSULTATION MAY BE WARRANTED IF AN APPEAL OR OTHER LEGAL CHALLENGE IS BEING CONTEMPLATED.

Decisions of the Community Zoning Appeals Board (CZAB) may be subject to appeal or other challenge. For example, depending upon the nature of the requests and applications addressed by the CZAB, a CZAB decision may be directly appealable to the Board of County Commissioners (BCC) or may be subject to challenge in Circuit Court. Challenges asserted in Circuit Court, where available, must ordinarily be filed within 30 days of the



**COMMUNITY ZONING APPEALS BOARD 15**

**Hearing Date: FEBRUARY 22, 2011**

transmittal of the pertinent CZAB resolution to the Clerk of the BCC. Appeals to the BCC, where available, must be filed with the Zoning Hearing Section of the Department of Planning and Zoning (DPZ) within 14 days after the DPZ has posted a short, concise statement (such as that furnished above for the listed items) that sets forth the action that was taken by the CZAB. (The DPZ's posting will be made on a bulletin board located in the office of the DPZ.) All other applicable requirements imposed by rule, ordinance, or other law must also be observed when filing or otherwise pursuing any challenge to a CZAB decision.

Further information regarding options and methods for challenging a CZAB decision may be obtained from sources that include, but are not limited to, the following: Sections 33-312, 33-313, 33-314, 33-316, and 33-317 of the Code of Metropolitan Dade County, Florida; the Florida Rules of Appellate Procedure; and the Municode website ([www.municode.com](http://www.municode.com)). Miami-Dade County does not provide legal advice regarding potential avenues and methods for appealing or otherwise challenging CZAB decisions; however, a licensed attorney may be able to provide assistance and legal advice regarding any potential challenge or appeal.

**RESOLUTION NO. CZAB15-2-11**

*WHEREAS*, **RMC FLORIDA GROUP LTD. D/B/A: CEMEX** applied for the following:

MODIFICATION of Condition #13 of Resolution No. CZAB15-8-01 (a Reformation of Resolution No. CZAB15-15-99) passed and adopted by Community Zoning Appeals Board #15, only as it applies to the subject property, reading as follows:

FROM: "13. That the lake excavation operation shall be carried on continuously and expeditiously so that the entire project will be completed on or before the 1<sup>st</sup> day of December, 2009."

TO: "13. That the lake excavation operation shall be carried on continuously and expeditiously so that the entire project will be completed on or before the 1<sup>st</sup> day of December, 2020."

The purpose of the request is to allow the applicant to extend the completion date of the lake excavation.

SUBJECT PROPERTY: A portion of Parcel 2: "Lake A" is the NE ¼ of Section 17, Township 58 South, Range 39 East, lying west of Card Sound Road, LESS the N/ly 40' thereof, and being more particularly described as follows:

Begin at the center of Section 17, Township 58 South, Range 39; thence run N00°13'42"E along the W/ly line of the NE ¼ of Section 17 for a distance of 2,621.81' to a Point of intersection with the S/ly right-of-way line of S.W. 408<sup>th</sup> Street (Florida Street); thence run N89°50'36"E along the S/ly right-of-way line of S.W. 408<sup>th</sup> Street (40' S/ly and parallel to the N/ly line of Section 17) for a distance of 2,716.78' to a Point of intersection with the SW/ly right-of-way line of Card Sound Road; thence run S30°53'21"E along the SW/ly right-of-way line of Card Sound Road for a distance of 31.57' to a Point of intersection with the E/ly line of Section 17; thence run S00°31'40"W along the E/ly line of Section 17 for a distance of 2,629.95' to the east ¼ corner of Section 17; thence run N89°24'58"W along the S/ly line of the NE ¼ of Section 17 for a distance of 2,719.33' to the Point of beginning.

LOCATION: 15900 S.W. 408 Street, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Miami-Dade County Community Zoning Appeals Board 15 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

*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 modification of Condition #13 of Resolution No. CZAB15-8-01 (a Reformation of Resolution No. CZAB15-15-99) passed and adopted by Community Zoning Appeals Board #15, only as it applies to the subject property 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

WHEREAS, a motion to approve the application was offered by Patricia Forbes, seconded by Gale L. Wimbley, and upon a poll of the members present, the vote was as follows:

Patricia Forbes	aye	Diane Richardson	aye
Paul J. Morrow	aye	Gale L. Wimbley	aye
	Marjorie Murillo	aye	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 15 that the requested modification of Condition #13 of Resolution No. CZAB15-8-01 (a Reformation of Resolution No. CZAB15-15-99) passed and adopted by Community Zoning Appeals Board #15 be and the same is hereby approved, subject to the following condition:

1. That all the conditions of Resolution #CZAB15-8-01 remain in full force and effect except as herein modified.

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 notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

*PASSED AND ADOPTED* this 22<sup>nd</sup> day of February, 2011.

Hearing No. 11-2-CZ15-2  
ej

**THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 3<sup>RD</sup> DAY OF FEBRUARY, 2011.**

**STATE OF FLORIDA**

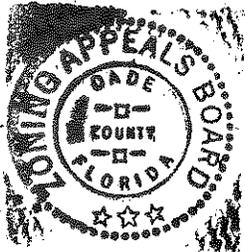
**COUNTY OF MIAMI-DADE**

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 Miami-Dade County Community Zoning Appeals Board 15, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB15-2-11 adopted by said Community Zoning Appeals Board at its meeting held on the 22<sup>nd</sup> day of February, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 3<sup>rd</sup> day of March, 2011.

  
\_\_\_\_\_  
Earl Jones, Deputy Clerk (3230)  
Miami-Dade County Department of Planning and Zoning

SEAL



## RESOLUTION NO. CZAB15-3-11

WHEREAS, KIMCO AUTOFUND L. P. applied for the following:

- (1) Applicant is requesting to waive the residential uses requirements of the Residential Modified District within the Cutler Ridge Metropolitan Urban Center District; to permit a retail store in lieu thereof.
- (2) Applicant is requesting to permit a block length of approximately 661' (500' maximum permitted).
- (3) Applicant is requesting to permit a block perimeter length of approximately 2,409.59' (1,600' maximum permitted).
- (4) Applicant is requesting to delete 2 new type "A" streets and 1 new type "B" street (required as per New Street Dedications Plan) and waiving the street type and landscape parameters for minor streets.
- (5) Applicant is requesting to waive the required minimum 20' habitable space depth for a multiple parking garage with frontage on a street.
- (6) Applicant is requesting to permit a 2<sup>nd</sup> flat attached sign of 120.68 sq. ft. located on the parking structure facing S.W. 211 Street and one flat attached sign of 120.68 sq. ft. located on the department store south elevation (one 24 sq. ft. sign permitted per street frontage).
- (7) Applicant is requesting to waive the zoning regulation requiring designated bicycle route signage (required as per Bike Route Plan).
- (8) Applicant is requesting to waive the street trees and street type parameter requirements along U.S. 1 and S.W. 211 Street.
- (9) Applicant is requesting to permit a retail store and parking garage structure setback varying from 0' to 39.09' (mixed use portion 0' or 10' required) along the S.W. 211 Street (north) property line and setback varying from 32.5 to 176.39' (10' or 15' required) along the residential modified portion of the south property line, setback varying from 60.66' along the residential modified portion of the east property line (10' or 15' required) to 70.8' along the mixed use portion of the east property line (0' or 10' required).
- (10) Applicant is requesting to permit a department store with 99,824 sq. ft. of ground floor area (40,000 sq. ft. maximum permitted).
- (11) Applicant is requesting to waive the height requirements to permit a 1-story building (3 stories required in the center sub-district).
- (12) Applicant is requesting to waive the required 70% storefronts glazing for each street frontage, to permit 1% storefront glazing along the U.S. 1 frontage and 21% storefront glazing along S.W. 211 Street frontage.

- (13) Applicant is requesting to waive the requirements that window sills be placed 24" minimum to 48" maximum above grades on all storefronts.
- (14) Applicant is requesting to waive the requirement that service areas be screened and located out of view from adjacent properties or from the street, to permit portions of the proposed service areas not to be screened from the properties south of the Black Creek Canal.
- (15) Applicant is requesting to waive the required cornice line from the front elevation.
- (16) Applicant is requesting to waive the requirement that loading and service entries shall be allowed only in the rear along service roads.
- (17) Applicant is requesting to waive the requirement that vehicular entries to garages shall be allowed only from service roads and/or minor streets.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Walmart Store #5912-00," as prepared by Creech Engineers and "Walmart," as prepared by Shade Lawrence O'Quinn, dated stamped received 8/13/10 and consisting of 14 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: A portion of the SW ¼ of the NE ¼ of the SW ¼ and the SE ¼ of the NW ¼ of the SW ¼ of Section 7, Township 56 South, Range 40 East:

All the above being more particularly described as follows: Begin at the intersection of the N/ly right-of-way line of the South Florida Water Management District Canal C-1 (Black Creek Canal) and the east line of the said SW ¼ of the NE ¼ of the SW ¼ of Section 7; thence run the following courses and distance along said N/ly right-of-way line of Canal C-1: N88°23'39"W for 817.04' to a Point of curvature of a circular curve to the right; thence to the right along said curve, having for its elements a radius of 210' and a central angle of 39°42'54" for an arc distance of 145.56' to the Point of tangency; thence N48°40'45"W for 15.88' to its intersection with the SE/ly right-of-way line of U.S. Highway No. 1 (State Road No. 5 - South Dixie Highway); thence departing the said N/ly right-of-way line of Canal C-1 run N41°20'37"E along the said SE/ly right-of-way line of U.S. Highway No. 1 (State Road No. 5 - South Dixie Highway) for 479.56' to a point on the SW/ly right-of-way line of S.W. 211th street, said point being a Point of curvature of a circular curve to the right; thence run the following courses and distance along the said SW/ly right-of-way line of S.W. 211th Street: NE/ly, E/ly and SE/ly along said curve to the right, having for its elements a radius of 25' and a central angle of 79°52'29" for an arc distance of 34.85' to a Point of reference curvature; thence to the left along said curve, having for its elements a radius of 1,200.92' and a central angle of 30°32'46" for an arc distance of 640.24' to a point on the aforesaid east line of the SW ¼ of the NE ¼ of the SW ¼ of Section 7; thence departing the said SW/ly right-of-way line of the S.W. 211th Street run S00°56'41"E along the said SW ¼ of the NE ¼ of the SW ¼ of Section 7 for 276.71' to the Point of beginning.

LOCATION: 21151 South Dixie Highway, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Miami-Dade County Community Zoning Appeals Board 15 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and it was noted that the applicant had previously submitted revised enlarged exterior elevation plans within the scope of the advertisement entitled "Walmart," as prepared by Shade Lawrence O' Quinn, sheets A2.03 and A2.04 dated stamped February 14, 2011, and

*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 requests to waive the residential uses requirements of the Residential Modified District within the Cutler Ridge Metropolitan Urban Center District; to permit a retail store in lieu thereof (Item #1), to permit a block length of approximately 661' (Item #2), to permit a block perimeter length of approximately 2,409.59' (Item #3), to delete 2 new type "A" streets and 1 new type "B" street and waiving the street type and landscape parameters for minor streets (Item #4), to waive the required minimum 20' habitable space depth for a multiple parking garage with frontage on a street (Item #5), to permit a 2<sup>nd</sup> flat attached sign of 120.68 sq. ft. located on the parking structure facing S.W. 211 Street and one flat attached sign of 120.68 sq. ft. located on the department store south elevation (Item #6), to waive the zoning regulation requiring designated bicycle route signage (Item #7), to waive the street trees and street type parameter requirements along U.S. 1 and S.W. 211 Street (Item #8), to permit a retail store and parking garage structure setback varying from 0' to 39.09' along the S.W. 211 Street (north) property line and setback varying from 32.5 to 176.39' along the residential modified portion of the south property line, setback varying from 60.66' along the

residential modified portion of the east property line to 70.8' along the mixed use portion of the east property line (Item #9), to permit a department store with 99,824 sq. ft. of ground floor area (Item #10), to waive the height requirements to permit a 1-story building (Item #11), to waive the required 70% storefronts glazing for each street frontage, to permit 1% storefront glazing along the U.S. 1 frontage and 21% storefront glazing along S.W. 211 Street frontage (Item #12), to waive the requirements that window sills be placed 24" minimum to 48" maximum above grades on all storefronts (Item #13), to waive the requirement that service areas be screened and located out of view from adjacent properties or from the street, to permit portions of the proposed service areas not to be screened from the properties south of the Black Creek Canal (Item #14), to waive the required cornice line from the front elevation (Item #15), to waive the requirement that loading and service entries shall be allowed only in the rear along service roads (Item #16), and to waive the requirement that vehicular entries to garages shall be allowed only from service roads and/or minor streets (Item #17) would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance and would be consistent with the Comprehensive Development Master Plan, and

WHEREAS, a motion to approve Items #1 through 17 was offered by Paul J. Morrow, seconded by Gale L. Wimbley, and upon a poll of the members present, the vote was as follows:

Patricia Forbes	absent	Diane Richardson	aye
Paul J. Morrow	aye	Gale L. Wimbley	aye
	Marjorie Murillo	aye	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 15 that the requests to waive the residential uses requirements of the

Residential Modified District within the Cutler Ridge Metropolitan Urban Center District; to permit a retail store in lieu thereof (Item #1), to permit a block length of approximately 661' (Item #2), to permit a block perimeter length of approximately 2,409.59' (Item #3), to delete 2 new type "A" streets and 1 new type "B" street and waiving the street type and landscape parameters for minor streets (Item #4), to waive the required minimum 20' habitable space depth for a multiple parking garage with frontage on a street (Item #5), to permit a 2<sup>nd</sup> flat attached sign of 120.68 sq. ft. located on the parking structure facing S.W. 211 Street and one flat attached sign of 120.68 sq. ft. located on the department store south elevation (Item #6), to waive the zoning regulation requiring designated bicycle route signage (Item #7), to waive the street trees and street type parameter requirements along U.S. 1 and S.W. 211 Street (Item #8), to permit a retail store and parking garage structure setback varying from 0' to 39.09' along the S.W. 211 Street (north) property line and setback varying from 32.5 to 176.39' along the residential modified portion of the south property line, setback varying from 60.66' along the residential modified portion of the east property line to 70.8' along the mixed use portion of the east property line (Item #9), to permit a department store with 99,824 sq. ft. of ground floor area (Item #10), to waive the height requirements to permit a 1-story building (Item #11), to waive the required 70% storefronts glazing for each street frontage, to permit 1% storefront glazing along the U.S. 1 frontage and 21% storefront glazing along S.W. 211 Street frontage (Item #12), to waive the requirements that window sills be placed 24" minimum to 48" maximum above grades on all storefronts (Item #13), to waive the requirement that service areas be screened and located out of view from adjacent properties or from the street, to permit portions of the proposed service areas not to be screened from the properties south of the Black Creek Canal (Item #14), to waive the required cornice line from the front elevation (Item #15), to waive the requirement that loading and service entries shall be allowed only in the rear along service roads (Item #16),

and to waive the requirement that vehicular entries to garages shall be allowed only from service roads and/or minor streets (Item #17) be and the same are hereby approved, subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit; said plan to include, but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Walmart Store #5912-00," as prepared by Creech Engineers and "Walmart," as prepared by Shade Lawrence O' Quinn, dated stamped received 8/13/10 and consisting of 14 sheets, except as modified by the enlarged exterior elevation sheets A2.03 and A2.04 dated February 14, 2011.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant obtain a Certificate of Use from and promptly renew the same annually with the Department of Planning and Zoning, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
5. That the applicant comply with all applicable conditions and requirements of the Public Works Department as indicated in their memorandum dated August 31, 2010.
6. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained in the Departmental memoranda which are part of the record of this recommendation incorporated herein by reference.
7. That (Wal-Mart) will install an anti-shopping cart removal system and have it operational concurrent with its opening.
8. Except where located under power lines, That street and lot trees have a minimum height of 16' at time of planting and street and lot palms a minimum height of 14' at time of planting.
9. That all fenestration (windows and doors) shall have a vertical proportion.

*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 notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

*PASSED AND ADOPTED* this 22<sup>nd</sup> day of February, 2011.

Hearing No. 11-2-CZ15-3  
ej

**THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 3<sup>RD</sup> DAY OF MARCH, 2011.**

**STATE OF FLORIDA**

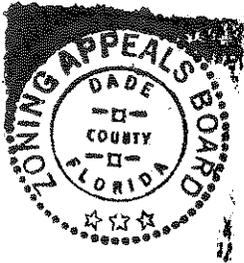
**COUNTY OF MIAMI-DADE**

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 Miami-Dade County Community Zoning Appeals Board 15, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB15-3-11 adopted by said Community Zoning Appeals Board at its meeting held on the 22<sup>nd</sup> day of February, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 3<sup>rd</sup> day of March, 2011.

  
\_\_\_\_\_  
Earl Jones, Deputy Clerk (3230)  
Miami-Dade County Department of Planning and Zoning

SEAL



# Memorandum



**Date:** March 7, 2011  
**To:** Distribution  
**From:** Earl Jones, Deputy Clerk  
**Subject:** Revised Resolution

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Attached is Revised Resolution CZAB15-2-11. This resolution is to replace the previously distributed one. **Please attach the original certificate to the revised copy.**

## Attachments

**Distribution:** Agenda Coordinator's Office - MDC - 11th Floor  
Clerk of the Board – Linda Cave, MDC -17th Floor  
Property Appraiser – Angela Hall, MDC - 8th Floor

CLERK OF THE BOARD  
2011 MAR -7 AM 9:50  
CLERK, CIRCUIT & COUNTY CLERK  
DADE COUNTY, FLA  
#1

**RESOLUTION NO. CZAB15-2-11**

*WHEREAS*, **RMC FLORIDA GROUP LTD. D/B/A: CEMEX** applied for the following:

MODIFICATION of Condition #13 of Resolution No. CZAB15-8-01 (a Reformation of Resolution No. CZAB15-15-99) passed and adopted by Community Zoning Appeals Board #15, only as it applies to the subject property, reading as follows:

FROM: "13. That the lake excavation operation shall be carried on continuously and expeditiously so that the entire project will be completed on or before the 1<sup>st</sup> day of December, 2009."

TO: "13. That the lake excavation operation shall be carried on continuously and expeditiously so that the entire project will be completed on or before the 1<sup>st</sup> day of December, 2020."

The purpose of the request is to allow the applicant to extend the completion date of the lake excavation.

SUBJECT PROPERTY: A portion of Parcel 2: "Lake A" is the NE ¼ of Section 17, Township 58 South, Range 39 East, lying west of Card Sound Road, LESS the N/ly 40' thereof, and being more particularly described as follows:

Begin at the center of Section 17, Township 58 South, Range 39; thence run N00°13'42"E along the W/ly line of the NE ¼ of Section 17 for a distance of 2,621.81' to a Point of intersection with the S/ly right-of-way line of S.W. 408<sup>th</sup> Street (Florida Street); thence run N89°50'36"E along the S/ly right-of-way line of S.W. 408<sup>th</sup> Street (40' S/ly and parallel to the N/ly line of Section 17) for a distance of 2,716.78' to a Point of intersection with the SW/ly right-of-way line of Card Sound Road; thence run S30°53'21"E along the SW/ly right-of-way line of Card Sound Road for a distance of 31.57' to a Point of intersection with the E/ly line of Section 17; thence run S00°31'40"W along the E/ly line of Section 17 for a distance of 2,629.95' to the east ¼ corner of Section 17; thence run N89°24'58"W along the S/ly line of the NE ¼ of Section 17 for a distance of 2,719.33' to the Point of beginning.

LOCATION: 15900 S.W. 408 Street, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Miami-Dade County Community Zoning Appeals Board 15 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

*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 modification of Condition #13 of Resolution No. CZAB15-8-01 (a Reformation of Resolution No. CZAB15-15-99) passed and adopted by Community Zoning Appeals Board #15, only as it applies to the subject property 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

WHEREAS, a motion to approve the application was offered by Patricia Forbes, seconded by Gale L. Wimbley, and upon a poll of the members present, the vote was as follows:

Patricia Forbes	aye	Diane Richardson	aye
Paul J. Morrow	aye	Gale L. Wimbley	aye
	Marjorie Murillo	aye	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 15 that the requested modification of Condition #13 of Resolution No. CZAB15-8-01 (a Reformation of Resolution No. CZAB15-15-99) passed and adopted by Community Zoning Appeals Board #15 be and the same is hereby approved, subject to the following condition:

1. That all the conditions of Resolution #CZAB15-8-01 remain in full force and effect except as herein modified.

BE IT FURTHER RESOLVED that the requested modification of Condition #13 of Resolution No. CZAB15-8-01 (a Reformation of Resolution No. CZAB15-15-99) passed and adopted by Community Zoning Appeals Board #15, only as it applies to the subject property, shall read as follows:

13. That the lake excavation operation shall be carried on continuously and expeditiously so that the entire project will be completed on or before the 1<sup>st</sup> day of December, 2020.

*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 notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

*PASSED AND ADOPTED* this 22<sup>nd</sup> day of February, 2011.

Hearing No. 11-2-CZ15-2  
ej

**THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 3<sup>RD</sup> DAY OF FEBRUARY, 2011.**

# Memorandum



**Date:** March 17, 2011  
**To:** Distribution  
**From:** Earl Jones, Deputy Clerk  
**Subject:** Revised Resolution

---

Attached is Revised Resolution CZAB15-2-11. This resolution is to replace the previously distributed one. **Please attach the original certificate to the revised copy.**

## Attachments

1-1  
**Distribution:** Agenda Coordinator's Office - MDC - 11th Floor  
Clerk of the Board – Linda Cave, MDC -17th Floor  
7-1  
**To:** Property Appraiser – Angela Hall, MDC - 8th Floor

CLERK OF THE BOARD  
2011 MAR 17 AM 10:57  
CLERK, CIRCUIT & COUNTY COURTS  
DADE COUNTY, FLA.  
#1

**RESOLUTION NO. CZAB15-2-11**

*WHEREAS*, **RMC FLORIDA GROUP LTD. D/B/A: CEMEX** applied for the following:

MODIFICATION of Condition #13 of Resolution No. CZAB15-8-01 (a Reformation of Resolution No. CZAB15-15-99) passed and adopted by Community Zoning Appeals Board #15, only as it applies to the subject property, reading as follows:

FROM: "13. That the lake excavation operation shall be carried on continuously and expeditiously so that the entire project will be completed on or before the 1<sup>st</sup> day of December, 2009."

TO: "13. That the lake excavation operation shall be carried on continuously and expeditiously so that the entire project will be completed on or before the 1<sup>st</sup> day of December, 2020."

The purpose of the request is to allow the applicant to extend the completion date of the lake excavation.

SUBJECT PROPERTY: A portion of Parcel 2: "Lake A" is the NE ¼ of Section 17, Township 58 South, Range 39 East, lying west of Card Sound Road, LESS the N/ly 40' thereof, and being more particularly described as follows:

Begin at the center of Section 17, Township 58 South, Range 39; thence run N00°13'42"E along the W/ly line of the NE ¼ of Section 17 for a distance of 2,621.81' to a Point of intersection with the S/ly right-of-way line of S.W. 408<sup>th</sup> Street (Florida Street); thence run N89°50'36"E along the S/ly right-of-way line of S.W. 408<sup>th</sup> Street (40' S/ly and parallel to the N/ly line of Section 17) for a distance of 2,716.78' to a Point of intersection with the SW/ly right-of-way line of Card Sound Road; thence run S30°53'21"E along the SW/ly right-of-way line of Card Sound Road for a distance of 31.57' to a Point of intersection with the E/ly line of Section 17; thence run S00°31'40"W along the E/ly line of Section 17 for a distance of 2,629.95' to the east ¼ corner of Section 17; thence run N89°24'58"W along the S/ly line of the NE ¼ of Section 17 for a distance of 2,719.33' to the Point of beginning.

LOCATION: 15900 S.W. 408 Street, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Miami-Dade County Community Zoning Appeals Board 15 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

*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 modification of Condition #13 of Resolution No. CZAB15-8-01 (a Reformation of Resolution No. CZAB15-15-99) passed and adopted by Community Zoning Appeals Board #15, only as it applies to the subject property 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

WHEREAS, a motion to approve the application was offered by Patricia Forbes, seconded by Gale L. Wimbley, and upon a poll of the members present, the vote was as follows:

Patricia Forbes	aye	Diane Richardson	aye
Paul J. Morrow	aye	Gale L. Wimbley	aye
		Marjorie Murillo	aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 15 that the requested modification of Condition #13 of Resolution No. CZAB15-8-01 (a Reformation of Resolution No. CZAB15-15-99) passed and adopted by Community Zoning Appeals Board #15 be and the same is hereby approved, subject to the following condition:

1. That all the conditions of Resolution #CZAB15-8-01 remain in full force and effect except as herein modified.

BE IT FURTHER RESOLVED that the requested modification of Condition #13 of Resolution No. CZAB15-8-01 (a Reformation of Resolution No. CZAB15-15-99) passed and adopted by Community Zoning Appeals Board #15, only as it applies to the subject property, shall read as follows:

13. That the lake excavation operation shall be carried on continuously and expeditiously so that the entire project will be completed on or before the 1<sup>st</sup> day of December, 2020.

*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 notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

*PASSED AND ADOPTED* this 22<sup>nd</sup> day of February, 2011.

Hearing No. 11-2-CZ15-2  
ej

**THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 3<sup>RD</sup> DAY OF MARCH, 2011.**

# Memorandum



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

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Attached are CZAB15-4-11 and the list from the Community Zoning Appeals Board No. 15 hearing of April 12, 2011.

Any missing resolutions must be reported to this office (ext. 3075) 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 –Angela Hall, MDC - 8th Floor

CLERK OF THE BOARD  
2011 APR 15 PM 2:38  
CLERK, CIRCUIT 5, COUNTY COM. CL.  
DADE COUNTY, FLA  
#1



COMMUNITY ZONING APPEALS BOARD 15

Hearing Date: APRIL 12, 2011

I The Community Zoning Appeals took the following action on the items listed below

11-4-CZ15-1	JP MORGAN CHASE BANK, N. A. ET AL	10-189	03-57-39
	Approved In Part	CZAB15411	
	Approved request #1, #2 and #4 per staff's recommendation		
	Denied without prejudice of request #3 per staff's recommendation		

**COUNTY STAFF ATTENDEES:**

RON BERNSTEIN - ASSISTANT COUNTY ATTORNEY'S OFFICE  
 CARL HARRISON - ZONING EVALUATION SECTION  
 CLEVELAND THOMPSON - ZONING AGENDA COORDINATOR'S OFFICE  
 LEO RODRIGUEZ - PUBLIC WORKS

NOTICE

\*\*\*\*\*  
 THE FOLLOWING SUMMARY INFORMATION IS PROVIDED AS A COURTESY; IT SHOULD NOT BE TREATED AS LEGAL ADVICE AND IT SHOULD NOT BE RELIED UPON. LEGAL CONSULTATION MAY BE WARRANTED IF AN APPEAL OR OTHER LEGAL CHALLENGE IS BEING CONTEMPLATED.  
 \*\*\*\*\*

Decisions of the Community Zoning Appeals Board (CZAB) may be subject to appeal or other challenge. For example, depending upon the nature of the requests and applications addressed by the CZAB, a CZAB decision may be directly appealable to the Board of County Commissioners (BCC) or may be subject to challenge in Circuit Court. Challenges asserted in Circuit Court, where available, must ordinarily be filed within 30 days of the transmittal of the pertinent CZAB resolution to the Clerk of the BCC. Appeals to the BCC, where available, must be filed with the Zoning Hearing Section of the Department of Planning and Zoning (DPZ) within 14 days after the DPZ has posted a short, concise statement (such as that furnished above for the listed items) that sets forth the action that was taken by the CZAB. (The DPZ's posting will be made on a bulletin board located in the office of the DPZ.) All other applicable requirements imposed by rule, ordinance, or other law must also be observed when filing or otherwise pursuing any challenge to a CZAB decision.

Further information regarding options and methods for challenging a CZAB decision may be obtained from sources that include, but are not limited to, the following: Sections 33-312, 33-313, 33-314, 33-316, and 33-317 of the Code of Metropolitan Dade County, Florida; the Florida Rules of Appellate Procedure; and the Municode website ([www.municode.com](http://www.municode.com)). Miami-Dade County does not provide legal advice regarding potential avenues and methods for appealing or otherwise challenging CZAB decisions; however, a licensed attorney may be able to provide assistance and legal advice regarding any potential challenge or appeal.

**RESOLUTION NO. CZAB15-4-11**

*WHEREAS, JP MORGAN CHASE BANK, N A. ET AL* applied for the following:

- (1) Applicant is requesting to permit an individual tenant in a shopping center with 4 walls signs (2 signs permitted for each individual tenant).
- (2) Applicant is requesting to permit the individual tenant with a proposed 48.41 sq. ft. detached sign (not permitted).
- (3) Applicant is requesting to permit a second individual tenant with an existing 256 sq. ft. detached sign (not permitted).
- (4) Applicant is requesting to permit existing directional signs with logos and names (not permitted).

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Chase Bank", as prepared by Shanna Brogan, 5 sheets dated stamped received 12/6/10 and the remaining 2 sheets dated stamped received 12/20/10 for a total of 7 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: BISCAYNE SHOPPES, Plat book 167 Page 77.

LOCATION: the northwest corner of S.W. 137 Avenue & S.W. 288 Street, Miami-Dade County, Florida, and

*WHEREAS,* a public hearing of the Miami-Dade County Community Zoning Appeals Board 15 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

*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 requests to permit an individual tenant in a shopping center with 4 walls signs (Item #1), to permit the individual tenant with a proposed 48.41 sq. ft. detached sign (Item #2), and to permit existing directional signs with logos and names (Item #4) would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance and

Ordinance and would be consistent with the Comprehensive Development Master Plan, and that the request to permit a second individual tenant with an existing 256 sq. ft. detached sign (Item #3) 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

WHEREAS, a motion to approve Items #1, 2, and 4 and to deny Items #3 without prejudice was offered by Patricia Forbes, seconded by Gale L. Wimbley, and upon a poll of the members present, the vote was as follows:

Patricia Forbes	absent	Diane Richardson	absent
Paul J. Morrow	aye	Gale L. Wimbley	aye
	Marjorie Murillo	aye	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 15 that the requests to permit an individual tenant in a shopping center with 4 walls signs (Item #1), to permit the individual tenant with a proposed 48.41 sq. ft. detached sign (Item #2), and to permit existing directional signs with logos and names (Item #4) be and the same are hereby approved, subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include, but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Chase Bank," as prepared by Shanna Brogan, consisting of 5 sheets dated stamped received 12/6/10 and the remaining 2 sheets dated stamped received 12/20/10, for a total of 7 sheets, except as amended to show the removal of the existing 256 sq. ft. detached sign.
3. That the use be established and maintained in accordance with the approved plan.

BE IT FURTHER RESOLVED, that Item #3 be and the same is hereby denied without prejudice.

*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 notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

*PASSED AND ADOPTED* this 12<sup>th</sup> day of April, 2011.

Hearing No. 11-4-CZ15-1  
ej

**THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 15<sup>TH</sup> DAY OF APRIL, 2011.**

**STATE OF FLORIDA**

**COUNTY OF MIAMI-DADE**

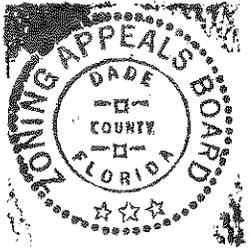
I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 15, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB15-4-11 adopted by said Community Zoning Appeals Board at its meeting held on the 12<sup>th</sup> day of April, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 15<sup>th</sup> day of April, 2011.



Earl Jones, Deputy Clerk (3230)  
Miami-Dade County Department of Planning and Zoning

**SEAL**



**RESOLUTION NO. CZAB15-3-11**

*WHEREAS, KIMCO AUTOFUND L. P.* applied for the following:

- (1) Applicant is requesting to waive the residential uses requirements of the Residential Modified District within the Cutler Ridge Metropolitan Urban Center District; to permit a retail store in lieu thereof.
- (2) Applicant is requesting to permit a block length of approximately 661' (500' maximum permitted).
- (3) Applicant is requesting to permit a block perimeter length of approximately 2,409.59' (1,600' maximum permitted).
- (4) Applicant is requesting to delete 2 new type "A" streets and 1 new type "B" street (required as per New Street Dedications Plan) and waiving the street type and landscape parameters for minor streets.
- (5) Applicant is requesting to waive the required minimum 20' habitable space depth for a multiple parking garage with frontage on a street.
- (6) Applicant is requesting to permit a 2<sup>nd</sup> flat attached sign of 120.68 sq. ft. located on the parking structure facing S.W. 211 Street and one flat attached sign of 120.68 sq. ft. located on the department store south elevation (one 24 sq. ft. sign permitted per street frontage).
- (7) Applicant is requesting to waive the zoning regulation requiring designated bicycle route signage (required as per Bike Route Plan).
- (8) Applicant is requesting to waive the street trees and street type parameter requirements along U.S. 1 and S.W. 211 Street.
- (9) Applicant is requesting to permit a retail store and parking garage structure setback varying from 0' to 39.09' (mixed use portion 0' or 10' required) along the S.W. 211 Street (north) property line and setback varying from 32.5 to 176.39' (10' or 15' required) along the residential modified portion of the south property line, setback varying from 60.66' along the residential modified portion of the east property line (10' or 15' required) to 70.8' along the mixed use portion of the east property line (0' or 10' required).
- (10) Applicant is requesting to permit a department store with 99,824 sq. ft. of ground floor area (40,000 sq. ft. maximum permitted).
- (11) Applicant is requesting to waive the height requirements to permit a 1-story building (3 stories required in the center sub-district).
- (12) Applicant is requesting to waive the required 70% storefronts glazing for each street frontage, to permit 1% storefront glazing along the U.S. 1 frontage and 21% storefront glazing along S.W. 211 Street frontage.

- (13) Applicant is requesting to waive the requirements that window sills be placed 24" minimum to 48" maximum above grades on all storefronts.
- (14) Applicant is requesting to waive the requirement that service areas be screened and located out of view from adjacent properties or from the street, to permit portions of the proposed service areas not to be screened from the properties south of the Black Creek Canal.
- (15) Applicant is requesting to waive the required cornice line from the front elevation.
- (16) Applicant is requesting to waive the requirement that loading and service entries shall be allowed only in the rear along service roads.
- (17) Applicant is requesting to waive the requirement that vehicular entries to garages shall be allowed only from service roads and/or minor streets.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Walmart Store #5912-00," as prepared by Creech Engineers and "Walmart," as prepared by Shade Lawrence O'Quinn, dated stamped received 8/13/10 and consisting of 14 sheets. Plans may be modified at public hearing.

**SUBJECT PROPERTY:** A portion of the SW ¼ of the NE ¼ of the SW ¼ and the SE ¼ of the NW ¼ of the SW ¼ of Section 7, Township 56 South, Range 40 East:

All the above being more particularly described as follows: Begin at the intersection of the N/ly right-of-way line of the South Florida Water Management District Canal C-1 (Black Creek Canal) and the east line of the said SW ¼ of the NE ¼ of the SW ¼ of Section 7; thence run the following courses and distance along said N/ly right-of-way line of Canal C-1: N88°23'39"W for 817.04' to a Point of curvature of a circular curve to the right; thence to the right along said curve, having for its elements a radius of 210' and a central angle of 39°42'54" for and arc distance of 145.56' to the Point of tangency; thence N48°40'45"W for 15.88' to its intersection with the SE/ly right-of-way line of U.S. Highway No. 1 (State Road No. 5 - South Dixie Highway); thence departing the said N/ly right-of-way line of Canal C-1 run N41°20'37"E along the said SE/ly right-of-way line of U.S. Highway No. 1 (State Road No. 5 - South Dixie Highway) for 479.56' to a point on the SW/ly right-of-way line of S.W. 211th street, said point being a Point of curvature of a circular curve to the right; thence run the following courses and distance along the said SW/ly right-of-way line of S.W. 211th Street: NE/ly, E/ly and SE/ly along said curve to the right, having for its elements a radius of 25' and a central angle of 79°52'29" for and arc distance of 34.85' to a Point of reference curvature; thence to the left along said curve, having for its elements a radius of 1,200.92' and a central angle of 30°32'46" for an arc distance of 640.24' to a point on the aforesaid east line of the SW ¼ of the NE ¼ of the SW ¼ of Section 7; thence departing the said SW/ly right-of-way line of the S.W. 211th Street run S00°56'41"E along the said SW ¼ of the NE ¼ of the SW ¼ of Section 7 for 276.71' to the Point of beginning.

**LOCATION:** 21151 South Dixie Highway, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Miami-Dade County Community Zoning Appeals Board 15 was advertised and held, as required by law, and all interested parties

concerned in the matter were given an opportunity to be heard, and it was noted that the applicant had previously submitted revised enlarged exterior elevation plans within the scope of the advertisement entitled "Walmart," as prepared by Shade Lawrence O' Quinn, sheets A2.03 and A2.04 dated stamped February 14, 2011, and

*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 requests to waive the residential uses requirements of the Residential Modified District within the Cutler Ridge Metropolitan Urban Center District; to permit a retail store in lieu thereof (Item #1), to permit a block length of approximately 661' (Item #2), to permit a block perimeter length of approximately 2,409.59' (Item #3), to delete 2 new type "A" streets and 1 new type "B" street and waiving the street type and landscape parameters for minor streets (Item #4), to waive the required minimum 20' habitable space depth for a multiple parking garage with frontage on a street (Item #5), to permit a 2<sup>nd</sup> flat attached sign of 120.68 sq. ft. located on the parking structure facing S.W. 211 Street and one flat attached sign of 120.68 sq. ft. located on the department store south elevation (Item #6), to waive the zoning regulation requiring designated bicycle route signage (Item #7), to waive the street trees and street type parameter requirements along U.S. 1 and S.W. 211 Street (Item #8), to permit a retail store and parking garage structure setback varying from 0' to 39.09' along the S.W. 211 Street (north) property line and setback varying from 32.5 to 176.39' along the residential modified portion of the south property line, setback varying from 60.66' along the residential modified portion of the east property line to 70.8' along the mixed use portion of the east property line (Item #9), to permit a department store with 99,824 sq. ft. of ground floor area (Item #10), to waive the height

requirements to permit a 1-story building (Item #11), to waive the required 70% storefronts glazing for each street frontage, to permit 1% storefront glazing along the U.S. 1 frontage and 21% storefront glazing along S.W. 211 Street frontage (Item #12), to waive the requirements that window sills be placed 24" minimum to 48" maximum above grades on all storefronts (Item #13), to waive the requirement that service areas be screened and located out of view from adjacent properties or from the street, to permit portions of the proposed service areas not to be screened from the properties south of the Black Creek Canal (Item #14), to waive the required cornice line from the front elevation (Item #15), to waive the requirement that loading and service entries shall be allowed only in the rear along service roads (Item #16), and to waive the requirement that vehicular entries to garages shall be allowed only from service roads and/or minor streets (Item #17) would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance and would be consistent with the Comprehensive Development Master Plan, and

*WHEREAS*, a motion to approve Items #1 through 17 was offered by Paul J. Morrow, seconded by Gale L. Wimbley, and upon a poll of the members present, the vote was as follows:

Patricia Forbes	absent	Diane Richardson	aye
Paul J. Morrow	aye	Gale L. Wimbley	aye
	Marjorie Murillo	aye	

*NOW THEREFORE BE IT RESOLVED* by the Miami-Dade County Community Zoning Appeals Board 15 that the requests to waive the residential uses requirements of the Residential Modified District within the Cutler Ridge Metropolitan Urban Center District; to permit a retail store in lieu thereof (Item #1), to permit a block length of approximately 661' (Item #2), to permit a block perimeter length of approximately

2,409.59' (Item #3), to delete 2 new type "A" streets and 1 new type "B" street and waiving the street type and landscape parameters for minor streets (Item #4), to waive the required minimum 20' habitable space depth for a multiple parking garage with frontage on a street (Item #5), to permit a 2<sup>nd</sup> flat attached sign of 120.68 sq. ft. located on the parking structure facing S.W. 211 Street and one flat attached sign of 120.68 sq. ft. located on the department store south elevation (Item #6), to waive the zoning regulation requiring designated bicycle route signage (Item #7), to waive the street trees and street type parameter requirements along U.S. 1 and S.W. 211 Street (Item #8), to permit a retail store and parking garage structure setback varying from 0' to 39.09' along the S.W. 211 Street (north) property line and setback varying from 32.5 to 176.39' along the residential modified portion of the south property line, setback varying from 60.66' along the residential modified portion of the east property line to 70.8' along the mixed use portion of the east property line (Item #9), to permit a department store with 99,824 sq. ft. of ground floor area (Item #10), to waive the height requirements to permit a 1-story building (Item #11), to waive the required 70% storefronts glazing for each street frontage, to permit 1% storefront glazing along the U.S. 1 frontage and 21% storefront glazing along S.W. 211 Street frontage (Item #12), to waive the requirements that window sills be placed 24" minimum to 48" maximum above grades on all storefronts (Item #13), to waive the requirement that service areas be screened and located out of view from adjacent properties or from the street, to permit portions of the proposed service areas not to be screened from the properties south of the Black Creek Canal (Item #14), to waive the required cornice line from the front elevation (Item #15), to waive the requirement that loading and service entries shall be allowed only in the rear along service roads (Item #16), and to waive the requirement that vehicular entries to garages shall be allowed only from service roads and/or minor streets (Item #17) be and the same are hereby approved, subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit; said plan to include, but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Walmart Store #5912-00," as prepared by Creech Engineers and "Walmart," as prepared by Shade Lawrence O' Quinn, dated stamped received 8/13/10 and consisting of 14 sheets, except as modified by the enlarged exterior elevation sheets A2.03 and A2.04 dated February 14, 2011.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant obtain a Certificate of Use from and promptly renew the same annually with the Department of Planning and Zoning, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
5. That the applicant comply with all applicable conditions and requirements of the Public Works Department as indicated in their memorandum dated August 31, 2010.
6. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the various Departments as contained in the Departmental memoranda which are part of the record of this recommendation incorporated herein by reference.
7. That (Wal-Mart) will install an anti-shopping cart removal system and have it operational concurrent with its opening.
8. Except where located under power lines, That street and lot trees have a minimum height of 16' at time of planting and street and lot palms a minimum height of 14' at time of planting.
9. That all fenestration (windows and doors) shall have a vertical proportion.

*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 notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

*PASSED AND ADOPTED* this 22<sup>nd</sup> day of February, 2011.

Hearing No. 11-2-CZ15-3  
ej

**THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 3<sup>RD</sup> DAY OF MARCH, 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 Miami-Dade County Community Zoning Appeals Board 15, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB15-3-11 adopted by said Community Zoning Appeals Board at its meeting held on the 22<sup>nd</sup> day of February, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 3<sup>rd</sup> day of March, 2011.



\_\_\_\_\_  
Earl Jones, Deputy Clerk (3230)  
Miami-Dade County Department of Planning and Zoning

SEAL



# Memorandum



**Date:** June 17, 2011  
**To:** Distribution  
**From:** Earl Jones, Deputy Clerk  
**Subject:** Resolutions

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Attached are resolution CZAB15-5-11 and the list from the Community Zoning Appeals Board No. 15 hearing of June 15, 2011.

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 –Angela Hall, MDC - 8th Floor

CLERK OF THE BOARD  
2011 JUN 22 AM 10:05  
CLERK OF CIRCUIT & COUNTY CLERK  
MIAMI-DADE COUNTY, FLA.  
#1



COMMUNITY ZONING APPEALS BOARD 15

Hearing Date: JUNE 15, 2011

I The Community Zoning Appeals took the following action on the items listed below

11-6-CZ15-2 NORGE INVESTORS, INC. 10-146 27-56-39
Approved CZAB15511
per request with staff condition as amended and added condition

II Items listed below have been withdrawn or deferred to a later date:

11-6-CZ15-1 IGLESIA CRISTIANA EL BUEN SAMARITANO, INC. 06-277 26-56-39
Deferred To Date Certain (09/07/11)
to allow the applicant to meet with neighbors

COUNTY STAFF ATTENDEES:

- RON BERNSTEIN - ASSISTANT COUNTY ATTORNEY'S OFFICE
CARL HARRISON - ZONING EVALUATION
EARL JONES - ZONING EVALUATION SECTION
CLEVELAND THOMPSON - ZONING AGENDA COORDINATOR'S OFFICE
FELIX ACOSTA - ZONING AGENDA COORDINATOR'S OFFICE
LEO RODRIGUEZ - PUBLIC WORKS

NOTICE

THE FOLLOWING SUMMARY INFORMATION IS PROVIDED AS A COURTESY; IT SHOULD NOT BE TREATED AS LEGAL ADVICE AND IT SHOULD NOT BE RELIED UPON. LEGAL CONSULTATION MAY BE WARRANTED IF AN APPEAL OR OTHER LEGAL CHALLENGE IS BEING CONTEMPLATED.

Decisions of the Community Zoning Appeals Board (CZAB) may be subject to appeal or other challenge. For example, depending upon the nature of the requests and applications addressed by the CZAB, a CZAB decision may be directly appealable to the Board of County Commissioners (BCC) or may be subject to challenge in Circuit Court. Challenges asserted in Circuit Court, where available, must ordinarily be filed within 30 days of the transmittal of the pertinent CZAB resolution to the Clerk of the BCC. Appeals to the BCC, where available, must be filed with the Zoning Hearing



**COMMUNITY ZONING APPEALS BOARD 15**

**Hearing Date: JUNE 15, 2011**

Section of the Department of Planning and Zoning (DPZ) within 14 days after the DPZ has posted a short, concise statement (such as that furnished above for the listed items) that sets forth the action that was taken by the CZAB. (The DPZ's posting will be made on a bulletin board located in the office of the DPZ.) All other applicable requirements imposed by rule, ordinance, or other law must also be observed when filing or otherwise pursuing any challenge to a CZAB decision.

Further information regarding options and methods for challenging a CZAB decision may be obtained from sources that include, but are not limited to, the following: Sections 33-312, 33-313, 33-314, 33-316, and 33-317 of the Code of Metropolitan Dade County, Florida; the Florida Rules of Appellate Procedure; and the Municode website ([www.municode.com](http://www.municode.com)). Miami-Dade County does not provide legal advice regarding potential avenues and methods for appealing or otherwise challenging CZAB decisions; however, a licensed attorney may be able to provide assistance and legal advice regarding any potential challenge or appeal.

## RESOLUTION NO. CZAB15-5-11

WHEREAS, **NORGE INVESTORS, INC.** applied for the following:

- (1) Applicant is requesting to permit a Shopping Center with a detached 45 square feet building identification sign with a height of 7'-6" (not permitted)
- (2) Applicant is requesting to permit each tenant with a flat attached wall sign, each with an area of 24 sq. ft. (12 sq. ft. maximum permitted, per tenant, per street frontage).
- (3) Applicant is requesting to waive the zoning regulations requiring street trees to be placed within the swale area, to permit street trees to be place within private property.
- (4) Applicant is requesting to permit the East building setback 46' (6' required) from the (west) property line and setback 343' 5" from the side street (north) property line (6' required for both).
- (5) Applicant is requesting to waive the zoning regulations requiring an 80% minimum building frontage at the build to line, along the front (west) property line.
- (6) Applicant is requesting to waive the zoning regulations for street type parameter requirements along US 1 and S.W. 252 Street (minor street).
- (7) Applicant is requesting to waive the zoning regulations requiring the front setback be of hard surfaced and finished to match the adjoining sidewalk; to permit landscaping within portions of the front setback.
- (8) Applicant is requesting to waive the zoning regulations requiring parking lots be located in the rear or on one side of the building; to permit parking in front of the building.

Plans are on file and may be examined in the Department of Planning and Zoning entitled "Proposed Shopping Center for: Norge Investors, Inc. Tuscany Plaza," as prepared by Jose R. Casanova, Jr. dated stamped received 4/27/11, consisting of six sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: Tracts B and C of TUSCANY PLACE, Plat book 159 Page 95.

LOCATION: The southeast corner of S.W. 252 Street and South Dixie Highway (US - 1), Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 15 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

*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 requests to permit a Shopping Center with a detached 45 square feet building identification sign with a height of 7'-6" (Item #1), to permit each tenant with a flat attached wall sign, each with an area of 24 sq. ft. (Item #2), to waive the zoning regulations requiring street trees to be placed within the swale area, to permit street trees to be placed within private property (Item #3), to permit the East building setback 46' from the (west) property line and setback 343' 5" from the side street (north) property line (Item #4), to waive the zoning regulations requiring an 80% minimum building frontage at the build to line, along the front (west) property line (Item #5), to waive the zoning regulations for street type parameter requirements along US 1 and S.W. 252 Street (Item #6), to waive the zoning regulations requiring the front setback be of hard surfaced and finished to match the adjoining sidewalk; to permit landscaping within portions of the front setback (Item #7), and to waive the zoning regulations requiring parking lots be located in the rear or on one side of the building; to permit parking in front of the building (Item #8) would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance and would be consistent with the Comprehensive Development Master Plan, and

*WHEREAS*, a motion to approve Items #1 through 8 was offered by Patricia Forbes, seconded by Paul J. Morrow, and upon a poll of the members present, the vote was as follows:

Patricia Forbes	aye	Diane Richardson	aye
Paul J. Morrow	aye	Gale L. Wimbley	aye
		Marjorie Murillo	aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 15 that the requests to permit a Shopping Center with a detached 45 square feet building identification sign with a height of 7'-6" (Item #1), to permit each tenant with a flat attached wall sign, each with an area of 24 sq. ft. (Item #2), to waive the zoning regulations requiring street trees to be placed within the swale area, to permit street trees to be placed within private property (Item #3), to permit the East building setback 46' from the (west) property line and setback 343' 5" from the side street (north) property line (Item #4), to waive the zoning regulations requiring an 80% minimum building frontage at the build to line, along the front (west) property line (Item #5), to waive the zoning regulations for street type parameter requirements along US 1 and S.W. 252 Street (Item #6), to waive the zoning regulations requiring the front setback be of hard surfaced and finished to match the adjoining sidewalk; to permit landscaping within portions of the front setback (Item #7), and to waive the zoning regulations requiring parking lots be located in the rear or on one side of the building; to permit parking in front of the building (Item #8) be and the same are hereby approved, subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning & Zoning upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, signs, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Proposed Shopping Center for: Norge Investors, Tuscany Plaza", consisting of 6 sheets, dated stamped received 4/27/11.
3. That the use be established and maintained in accordance with the approved plan.
4. That in the event the applicant is unable to secure all necessary permits and approvals from the Florida Department of Transportation, the Department of Public

Works and the affected utility companies to plant street trees within the right-of-way for State Road 5 (Dixie Highway) and SW 252<sup>nd</sup> Street, the required street trees may be planted on private property.

*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 notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

*PASSED AND ADOPTED* this 15<sup>th</sup> day of June, 2011.

Hearing No. 11-6-CZ15-2  
ej

**THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 17<sup>TH</sup> DAY OF JUNE, 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 Miami-Dade County Community Zoning Appeals Board 15, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB15-5-11 adopted by said Community Zoning Appeals Board at its meeting held on the 15<sup>th</sup> day of June, 2011.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 17<sup>th</sup> day of June, 2011.



Earl Jones, Deputy Clerk (3230)  
Miami-Dade County Department of Planning and Zoning

SEAL

