

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

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

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

**RESOLUTION NO. Z-11-07**

*WHEREAS*, **FRANK & GEORGETTE BREIVOGEL** applied to Community Zoning

Appeals Board 10 for the following:

RU-3B to IU-1

SUBJECT PROPERTY: Lots 9-26, Block 3, and Lots 1-8 & Lots 25-32, Block 4, TAMIAMI CITY PLAT, Plat book 14, page 9.

LOCATION: Between S.W. 68 Court & S.W. 68 Avenue and both sides of S.W. 9 Street, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of Community Zoning Appeals Board 10 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 10 that the requested district boundary change to IU-1 would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and said application was denied by Resolution No. CZAB10-3-07, and

*WHEREAS*, **8<sup>th</sup> STREET HOLDINGS L. L. C. F/K/A: FRANK & GEORGETTE BREIVOGEL** had appealed the decision of Community Zoning Appeals Board 10 to the Board of County Commissioners for the following:

RU-3B to IU-1

SUBJECT PROPERTY: Lots 9-26, Block 3, and Lots 1-8 & Lots 25-32, Block 4, TAMIAMI CITY PLAT, Plat book 14, page 9.

LOCATION: Between S.W. 68 Court & S.W. 68 Avenue and both sides of S.W. 9 Street, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions, and

*WHEREAS*, upon due and proper consideration having been given to the matter it was the opinion of the Board of County Commissioners that the appeal should be denied, and that the decision of Community Zoning Appeals Board 10 should be vacated, and that the application should be remanded to Community Zoning Appeals Board 10 with leave to amend, and said appeal was denied, and said application was remanded to Community Zoning Appeals Board 10 by Resolution No. Z-21-06, and

*WHEREAS*, **8 STREET HOLDINGS L. L. C. F/K/A: FRANK & GEORGETTE BREIVOGEL** had applied to Community Zoning Appeals Board 10 for the following:

RU-3B to IU-1

SUBJECT PROPERTY: Lots 9-26, Block 3, and Lots 1-8 & Lots 25-32, Block 4, TAMIAMI CITY PLAT, Plat book 14, page 9.

LOCATION: Between S.W. 68 Court & S.W. 68 Avenue and both sides of S.W. 9 Street, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Miami-Dade County Community Zoning Appeals Board 10 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions, and

*WHEREAS*, upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 10 that a district boundary change to IU-1 would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade

County, Florida, and should be denied and said application was denied by Resolution No. CZAB10-14-07, and

*WHEREAS*, **8 STREET HOLDINGS L. L. C. F/K/A: FRANK & GEORGETTE BREIVOGEL** appealed the decision of Community Zoning Appeals Board 10 to the Board of County Commissioners for the following:

RU-3B to IU-1

**SUBJECT PROPERTY:** Lots 9-26, Block 3, and Lots 1-8 & Lots 25-32, Block 4, TAMIAMI CITY PLAT, Plat book 14, page 9.

**LOCATION:** Lying between S.W. 68 Court & S.W. 68 Avenue and both sides of S.W. 9 Street, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

(1) **Use Restrictions.**

Notwithstanding the approval of the Application or the IU-1 zoning classification, the uses of the Property shall be limited to the following:

- (a) Offices and office buildings; and
- (b) Self service storage facility.

In addition to the foregoing limitations, all refuse and debris generated from the warehouse and storage facilities shall be removed or deposited in a dumpster on a daily basis. No hazardous waste or toxic materials shall be stored, handled, or used and shall not be deposited in any manner on, in or within the Property.

- (2) **Site Plan.** The Property shall be developed substantially in accordance with the plans, entitled "8<sup>th</sup> Street Holdings LLC," as prepared by Blitstein Design Associates, dated stamped received November 8, 2006, consisting of ten (10) sheets, and two (2) sheets labeled L-1 and L-2 dated stamped received November 15, 2006, for a total of twelve (12) sheets; said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement, as said plans may be modified at the Public Hearing on the Application and as modified by text changes herein.

- (3) **Landscape Buffer.** Prior to the issuance of a certificate of use and occupancy for any improvements on the Property, the Owner shall install or cause to be installed a landscaped buffer along the Property's southern boundary consisting of a six foot (6') high concrete block structure wall within a twenty foot (20') wide green area, which green area shall be planted with two (2) rows of mature trees (consisting of gumbo limbo, live oak, mahogany, or such other species as may be approved by the Department of Planning and Zoning), sixteen feet (16') in height and twenty-five feet (25') on center, and a green buttonwood hedge to be planted on the interior side of the wall.
- (4) **Notice of Construction.** The Owner shall file a "Notice of Proposed Construction Alteration for Determination of Known Hazards (Form 7460-1)" with the Federal Aviation Administration at least fifteen (15) days prior to the use of any construction structure or cranes exceeding 200 feet in height on the Property.
- (4A) **Site Development and Operations.** Office uses shall be limited to medical, dental, accounting, real estate, architects, insurance, financial planners, law and engineering offices.

The hours of operation at the self-storage facility shall be limited to no earlier than 7:00 a.m. and no later than 10:00 p.m. The Owner shall provide twenty-four (24) hour security at the self-storage facility. Notwithstanding the approval of the application or site plan for the Property, the height of the self-storage facility shall be limited to two (2) stories and twenty (20') feet for ten (10') lineal feet north of the twenty (20') foot setback on the south side of the Property. There shall be no windows on the south side of the self-storage facility.

Any graffiti shall be promptly removed from the Property but in no event later than twenty-four (24) hours from discovery.

Subject to the approval of the Public Works Director, the Owner shall cause the installation of a roundabout traffic circle at the intersection of SW 68 Court and SW 12 Street. Said installation shall be completed prior to the issuance of a certificate of occupancy for any portion of the development. The installation and study of the roundabout traffic circle shall be at the Owner's expense.

*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*, after reviewing the record and decision of the Metropolitan Dade County Zoning Appeals Board 10 and after having given an opportunity for interested parties to be heard, it was the opinion of the Board of County Commissioners, Miami-Dade County, Florida, that that the grounds and reasons alleged by the appellants specified in the appeal



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.

***THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED*** this 7<sup>th</sup> day of June, 2007, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 05-5-CZ10-3

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HARVEY RUVIN, Clerk  
Board of County Commissioners  
Miami-Dade County, Florida

By **DAVE SULLIVAN**

Deputy Clerk

**THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 20<sup>TH</sup> DAY OF JUNE, 2007.**

**STATE OF FLORIDA**

**COUNTY OF MIAMI-DADE**

I, Deputy Clerk's Name, 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 Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-11-07 adopted by said Board of County Commissioners at its meeting held on the 7<sup>th</sup> day of June, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 20<sup>th</sup> day of June, 2007.



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

SEAL

