Approved: _____ **Mayor**

Veto: _____

Override: _____

RESOLUTION NO. Z-23-07

WHEREAS, **VARIETY CHILDREN'S HOSPITAL D/B/A: MIAMI CHILDREN'S HOSPITAL** applied to Community Zoning Appeals Board 10 for the following:

(1) MODIFICATION of Condition #2 of Resolution 4-ZAB-217-70, and last modified by 4-ZAB-125-93, both passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "2. 'Miami Children's Hospital 1988 Master Plan Site," as prepared by Spillis, Candella and Partners, Inc., consisting of 26 sheets with Sheets A 1-A 5, A 21 dated revised 4/8/88, Sheets A6-A 20, A22- A 25 dated 2/1/88 and Sheet A 26 dated 4/13/88, and plans entitled 1988 Master Plan-Site Proposed 1992 Revision, dated 2-16-93 on Page MP1 and Page 2 as prepared by Spillis, Candella and Partners, Inc."

TO: "2. 'Miami Children's Hospital 1988 Master Plan Site," as prepared by Spillis, Candella and Partners, Inc., consisting of 26 sheets with Sheets A 1-A 5, A 21 dated revised 4/8/88, Sheets A6-A 20, A22- A 25 dated 2/1/88 and Sheet A 26 dated 4/13/88, and plans entitled 1988 Master Plan-Site Proposed 1992 Revision, dated 2-16-93 on Page MP1 and Page 2 as prepared by Spillis, Candella and Partners, Inc. and plans entitled 'Proposed 2006 Master Plan Revision,' as prepared by HKS Architect, consisting of 9 sheets, Sheet A1.0 and A4.0 dated stamped received 1/30/07 & Sheets A2.1 through A2.7 dated stamped received 11/22/06 & Sheet A3.0 dated stamped received 2/6/07, plans entitled 'Child Care Center Site Plan,' as prepared by RO Architects & Planners, Inc., consisting of 4 sheets dated stamped received 2/2/07 and signage plans entitled 'Miami Children's Hospital,' as prepared by Don Bell, consisting of 21 sheets, dated stamped received 2/6/07."

(2) MODIFICATION of Condition #4 of Resolution 4689 passed and adopted by the Board of County Commissioners as last modified by Resolution #4-ZAB-102-87, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "4. That a buffer zone be provided along the east side of said property, south of S.W. 31 Street, thirty-five (35') wide, and a buffer zone be provided along the south side of the property fifty feet (50' wide); said buffer zones to be beautified and landscaped to meet with the approval of the Dade County Building and Zoning and Planning Departments."

TO: "4. That a buffer zone be provided along the east side of said property, south of S.W. 31 Street, 35' wide, and a buffer zone be provided along the

south side of the property 36'11" wide; said buffer zones to be beautified and landscaped to meet with the approval of the Department of Planning and Zoning."

(3) MODIFICATION of Condition #7 of Resolution #4689, passed and adopted by the Board of County Commissioners as last modified by Resolution #4-ZAB-105-83, passed and adopted by the Zoning Appeals Board reading as follows:

FROM: "7. No new building is to be over three (3) stories in height."

TO: "7. No new building is to be over 6 stories in height."

The purpose of requests #1 - #3 is to allow the applicant to submit revised plans showing a new master plan for the hospital, relocation of a previously approved helipad, decreasing the width of a landscape buffer and to permit buildings with more stories than previously approved.

(4) To permit a lot coverage of 48.67% (40% maximum permitted).

(5) To permit drives within 25' of an official right-of-way (not permitted).

(6) To permit a landscape open space of 30.98% (40% required).

(7) To permit a temporary modular building with a setback of 7'8" (25' required) from the side street (east) property line.

(8) To permit buildings with a maximum height of 98' (60' maximum permitted, based on the width of the widest street).

(9) To permit 8 detached directional signs with a maximum size of 35 sq. ft. (18 sq. ft. maximum permitted) and to permit each sign with a clearance of 1.5' (4' minimum required) from the bottom of the sign to grade.

(10) To permit the directional signs with names and logos (not permitted).

(11) RU-1 to RU-5A

(12) To permit a lot area of 9,423 sq. ft. (10,000 sq. ft. required).

(13) To permit a building setback 4'8" (15' required) from the interior side (north) property line.

(14) To waive the zoning regulations requiring a 5' high wall along the interior side (north) and rear (west) property lines.

(15) To permit 0 parking spaces (6 parking spaces required).

(16) To waive the landscape regulations requiring a 6' high wall, fence or hedge between dissimilar land uses along the interior side (north) property line.

(17) To permit a 4'8" wide landscape strip (5' wide required) between dissimilar land uses along the interior side (north) property line.

OR IN THE ALTERNATIVE TO REQUESTS 11 –17, THE FOLLOWING:

(18) SPECIAL EXCEPTION AND UNUSUAL USE to permit an expansion of a hospital onto additional property to the north.

(19) To permit a setback of 22'9" (25' required) along the side street (south) setback 4'8" (50' required) along the interior side (north) property line, setback 43'11" (50' required) along the rear (west) property line and spaced less than 75' from an existing residential structure to the north.

(20) To permit 0 parking spaces (6 required).

(21) To waive the landscape regulations requiring a 6' high wall, fence or hedge between dissimilar land uses along the interior side (north) property line.

(22) To permit a 4'8" wide landscaped strip (5' wide required) between dissimilar land uses along the interior side (north) property line.

REQUESTS #11 THROUGH #22 ON PARCEL "B"

Upon demonstration that the applicable standards have been satisfied, approval of requests #1 - #3 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing), requests #12 - #15 may be considered under §33-311(A)(20) (Alternative Site Development Option for Semi-Professional Office Zoning District) and requests #4 - #10, #12- #17 and #19 - #22 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

SUBJECT PROPERTY: PARCEL "A": All of Block 2, VARIETY CHILDREN'S HOSPITAL, Plat Book 53, Page 23; TOGETHER WITH: Commence at the intersection of the W/ly extension of the south line and the S/ly extension of the west line of said Block 2; thence N00°02'10"E along said S/ly extension and the west line of Block 2, a distance of 749.78' to the beginning of a curve concave to the southeast having a radius of 25' and Point of beginning No. 1; thence continue NE/ly and E/ly along the arc of said curve through a central angle of 90°42'22" and an arc distance of 39.58' to the end of said curve; thence S89°15'28"E, a distance of 109.57' to the beginning of a curve concave to the southwest having a radius of 50'; thence E/ly and SE/ly along the arc of said curve through a central angle of 36°52'11" and an arc distance of 32.18' to the beginning of a reverse curve concave to the west having a radius of 50'; thence E/ly, N/ly and W/ly along the arc of said curve through a central angle of 253°44'22" and an arc distance of 221.49' to the beginning of a reverse curve concave to the northwest having a radius of 50'; thence W/ly along the arc of said curve through a central angle of 36°52'11' and an arc distance of 32.18'; thence N89°15'28"W, a distance of 110.93' to the beginning of a curve concave to the northeast having a radius of 25'; thence NW/ly and N/ly along the arc of said curve, through a central angle of 89°17'37" and an arc distance of 38.96' to a

point on the west line of said Block 2; thence S00°02'10"W, a distance of 110.01' to the Point of beginning No. 1. TOGETHER WITH: Commence at the intersection of the W/ly extension of the south line and the S/ly extension of the west line of said Block 2; thence N00°02'10"E along said S/ly extension and the west line of Block 2, a distance of 974.85' to the beginning of a curve concave to the southeast having a radius of 50' and Point of beginning No. 2; thence continue NE/ly along the arc of said curve through a central angle of 59°56'16" and an arc distance of 52.31'; thence N59°58'26"E, a distance of 96.04' to the beginning of a curve concave to the southeast having a radius of 50'; thence NE/ly and E/ly along the arc of said curve through a central angle of 30°48'07" and an arc distance of 26.88' to a point on the north line of said Block 2; thence N89°13'27"W, a distance of 108.45' to the beginning of a curve having a radius of 25'; thence SW/ly along the arc of said curve through a central angle of 90°44'23' and an arc distance of 39.60'; thence S00°02'10"W, a distance of 74.51' to the Point of beginning No. 2. TOGETHER WITH: Lots 11 –15 inclusive, Block 1, VARIETY CHILDREN'S HOSPITAL, Plat book 53, Page 23. TOGETHER WITH: PARCEL "B" : Lot 16, Block 1, VARIETY CHILDREN'S HOSPITAL, Plat book 53, Page 23.

LOCATION: Lying north of S.W. 33 Street, west of S.W. 60 Court, east of S.W. 62 Court and on both sides of S.W. 30 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 Board that the requested modifications of Condition #2 of Resolution 4-ZAB-217-70, last modified by Resolution 4-ZAB-125-93, and further modified by the substitution of Sheets A1.0 and A2.5 of the Plans (Item #1), of Condition #4 of Resolution 4689 passed and adopted by the Board of County Commissioners as last modified by Resolution #4-ZAB-102-87 (Item #2) and of Condition #7 of Resolution 4689, last modified by Resolution 4-ZAB-105-83 (Item #3), and the requests to permit a lot coverage of 48.67% on Parcel "A"(Item #4), to permit drives within 25' of an official right-of-way on Parcel "A" (Item #5), to permit a landscape open space of 30.98% on Parcel "A" (Item #6), to permit a temporary modular building with a setback of 7'8" from the side street (east) property line on Parcel "A" (Item #7), to permit buildings with a maximum height of 98' on Parcel "A" (Item #8), to permit 8 detached directional signs with a maximum size of 35 sq. ft. and to permit each sign with a clearance

of 1.5′ from the bottom of the sign to grade on Parcel "A" (Item #9), and to permit the directional signs with names and logos on Parcel "A" (Item #10) 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 not have an adverse impact upon the public interest and should be approved, and that the requested district boundary change to RU-5A on Parcel "B" (Item #11) 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 that the requested special exception and unusual use to permit an expansion of a hospital onto additional property to the north (Item #18), and the requests to permit a lot area of 9,423 sq. ft. (Item #12), to permit a building setback 4′8″ from the interior side (north) property line (Item #13), to waive the zoning regulations requiring a 5′ high wall along the interior side (north) and rear (west) property lines (Item #14), to permit 0 parking spaces (Item #15), to waive the landscape regulations requiring a 6′ high wall, fence or hedge between dissimilar land uses along the interior side (north) property line (Item #16), to permit a 4′8″ wide landscape strip between dissimilar land uses along the interior side (north) property line (Item #17), to permit a setback of 22′9″ along the side street (south) setback 4′8″ along the interior side (north) property line, setback 43′11″ along the rear (west) property line and spaced less than 75′ from an existing residential structure to the north (Item #19), to permit 0 parking spaces (Item #20), to waive the landscape regulations requiring a 6′ high wall, fence or hedge between dissimilar land uses along the interior side (north) property line (Item #21), and to permit a 4′8″ wide landscaped strip between dissimilar land uses along the interior side (north) property line (Item #22) would not be compatible with the area and its development and 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 that the requested special exception and unusual use (Item #18) would have an adverse impact upon the public interest and should be denied without prejudice and said application was partially approved by Resolution No. CZAB10-32-07, and

WHEREAS, **SCHENLEY PARK PRESERVATION SOCIETY, INC.** appealed the decision of Community Zoning Appeals Board 10 to the Board of County Commissioners for the following:

(1) MODIFICATION of Condition #2 of Resolution 4-ZAB-217-70, and last modified by 4-ZAB-125-93, both passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "2. 'Miami Children's Hospital 1988 Master Plan Site,' as prepared by Spillis, Candella and Partners, Inc., consisting of 26 sheets with Sheets A 1-A 5, A 21 dated revised 4/8/88, Sheets A6-A 20, A22- A 25 dated 2/1/88 and Sheet A 26 dated 4/13/88, and plans entitled 1988 Master Plan-Site Proposed 1992 Revision, dated 2-16-93 on Page MP1 and Page 2 as prepared by Spillis, Candella and Partners, Inc."

TO: "2. 'Miami Children's Hospital 1988 Master Plan Site," as prepared by Spillis, Candella and Partners, Inc., consisting of 26 sheets with Sheets A 1-A 5, A 21 dated revised 4/8/88, Sheets A6-A 20, A22- A 25 dated 2/1/88 and Sheet A 26 dated 4/13/88, and plans entitled 1988 Master Plan-Site Proposed 1992 Revision, dated 2-16-93 on Page MP1 and Page 2 as prepared by Spillis, Candella and Partners, Inc. and plans entitled 'Proposed 2006 Master Plan Revision,' as prepared by HKS Architect, consisting of 9 sheets, Sheet A1.0 and A4.0 dated stamped received 1/30/07 & Sheets A2.1 through A2.7 dated stamped received 11/22/06 & Sheet A3.0 dated stamped received 2/6/07, plans entitled 'Child Care Center Site Plan,' as prepared by RO Architects & Planners, Inc., consisting of 4 sheets dated stamped received 2/2/07 and signage plans entitled 'Miami Children's Hospital,' as prepared by Don Bell, consisting of 21 sheets, dated stamped received 2/6/07."

(2) MODIFICATION of Condition #4 of Resolution 4689 passed and adopted by the Board of County Commissioners as last modified by Resolution #4-ZAB-102-87, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "4. That a buffer zone be provided along the east side of said property, south of S.W. 31 Street, thirty-five (35') wide, and a buffer zone be provided along the south side of the property fifty feet (50' wide); said buffer zones to be beautified and landscaped to meet with the approval of the Dade County Building and Zoning and Planning Departments."

TO: "4. That a buffer zone be provided along the east side of said property, south of S.W. 31 Street, 35' wide, and a buffer zone be provided along the south side of the property 36'11" wide; said buffer zones to be beautified and landscaped to meet with the approval of the Department of Planning and Zoning."

(3) MODIFICATION of Condition #7 of Resolution #4689, passed and adopted by the Board of County Commissioners as last modified by Resolution #4-ZAB-105-83, passed and adopted by the Zoning Appeals Board reading as follows:

FROM: "7. No new building is to be over three (3) stories in height."

TO: "7. No new building is to be over 6 stories in height."

The purpose of requests #1 - #3 is to allow the applicant to submit revised plans showing a new master plan for the hospital, relocation of a previously approved helipad, decreasing the width of a landscape buffer and to permit buildings with more stories than previously approved.

(4) Applicant is requesting to permit a lot coverage of 48.67% (40% maximum permitted).

(5) Applicant is requesting to permit drives within 25' of an official right-of-way (not permitted).

(6) Applicant is requesting to permit a landscape open space of 30.98% (40% required).

(7) Applicant is requesting to permit a temporary modular building with a setback of 7'8" (25' required) from the side street (east) property line.

(8) Applicant is requesting to permit buildings with a maximum height of 98' (60' maximum permitted, based on the width of the widest street).

(9) Applicant is requesting to permit 8 detached directional signs with a maximum size of 35 sq. ft. (18 sq. ft. maximum permitted) and to permit each sign from the bottom of the sign to grade with a clearance of 1.5' (4' maximum required).

(10) Applicant is requesting to waive the zoning regulation prohibiting logos, names and advertising on directional signs to permit names and logos of the signs.

REQUESTS #1 - #10 ON PARCEL "A"

Upon a demonstration that the applicable standards have been satisfied, approval of requests #1 - #3 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing), requests #12, #13 and #15 may be considered under §33-311(A)(20) (Alternative Site Development Option for Semi-Professional Office Zoning District) and requests #4 - #10, #12- #17 and #19 - #22 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

SUBJECT PROPERTY: PARCEL "A" : All of Block 2, VARIETY CHILDREN'S HOSPITAL, Plat Book 53, Page 23; TOGETHER WITH: Commence at the intersection of the W/ly extension of the south line and the S/ly extension of the west line of said Block 2; thence N00°02'10"E along said S/ly extension and the west line of Block 2, a distance of 749.78' to the beginning of a curve concave to the southeast having a radius of 25' and Point of beginning No. 1; thence continue NE/ly and E/ly along the arc of said curve through a central angle of 90°42'22" and an arc distance of 39.58' to the end of said curve; thence S89°15'28"E, a distance of 109.57' to the beginning of a curve concave to the southwest having a radius of 50'; thence E/ly and SE/ly along the arc of said curve through a central angle of 36°52'11" and an arc distance of 32.18' to the beginning of a reverse curve concave to the west having a radius of 50'; thence E/ly, N/ly and W/ly along the arc of said curve through a central angle of 253°44'22" and an arc distance of 221.49' to the beginning of a reverse curve concave to the northwest having a radius of 50'; thence W/ly along the arc of said curve through a central angle of 36°52'11' and an arc distance of 32.18'; thence N89°15'28"W, a distance of 110.93' to the beginning of a curve concave to the northeast having a radius of 25'; thence NW/ly and N/ly along the arc of said curve, through a central angle of 89°17'37" and an arc distance of 38.96' to a point on the west line of said Block 2; thence S00°02'10"W, a distance of 110.01' to the Point of beginning No. 1. TOGETHER WITH: Commence at the intersection of the W/ly extension of the south line and the S/ly extension of the west line of said Block 2; thence N00°02'10"E along said S/ly extension and the west line of Block 2, a distance of 974.85' to the beginning of a curve concave to the southeast having a radius of 50' and Point of beginning No. 2; thence continue NE/ly along the arc of said curve through a central angle of 59°56'16" and an arc distance of 52.31'; thence N59°58'26"E, a distance of 96.04' to the beginning of a curve concave to the southeast having a radius of 50'; thence NE/ly and E/ly along the arc of said curve through a central angle of 30°48'07" and an arc distance of 26.88' to a point on the north line of said Block 2; thence N89°13'27"W, a distance of 108.45' to the beginning of a curve having a radius of 25'; thence SW/ly along the arc of said curve through a central angle of 90°44'23' and an arc distance of 39.60'; thence S00°02'10"W, a distance of 74.51' to the Point of beginning No. 2. TOGETHER WITH: Lots 11 –15 inclusive, Block 1, VARIETY CHILDREN'S HOSPITAL, Plat book 53, Page 23. TOGETHER WITH: PARCEL "B" : Lot 16, Block 1, VARIETY CHILDREN'S HOSPITAL, Plat book 53, Page 23.

LOCATION: Lying north of S.W. 33 Street, west of S.W. 60 Court, east of S.W. 62 Court and on both sides of S.W. 30 Street, Miami-Dade County, Florida, and

WHEREAS, **VARIETY CHILDREN'S HOSPITAL D/B/A: MIAMI CHILDREN'S HOSPITAL** appealed the decision of Community Zoning Appeals Board 10 to the Board of County Commissioners for the following:

(11) RU-1 to RU-5A

(12) Applicant is requesting to permit a lot area of 9,423 sq. ft. (10,000 sq. ft. required).

(13) Applicant is requesting to permit a building setback 4'8" (15' required) from the interior side (north) property line.

(14) Applicant is requesting to waive the zoning regulations requiring a 5' high wall along the interior side (north) and rear (west) property lines.

(15) Applicant is requesting to permit 0 parking spaces (6 parking spaces required).

(16) Applicant is requesting to waive the landscape regulations requiring a 6' high wall, fence or hedge between dissimilar land uses along the interior side (north) property line.

(17) Applicant is requesting to permit a 4'8" wide landscape strip (5' wide required) along the interior side (north) property line.

OR IN THE ALTERNATIVE TO REQUESTS 11 –17, THE FOLLOWING:

(18) SPECIAL EXCEPTION AND UNUSUAL USE to permit an expansion of a hospital onto additional property to the north.

(19) Applicant is requesting to permit a setback of 22'9" (25' required) along the side street (south) setback 4'8" (50' required) along the interior side (north) property line, setback 43'11" (50' required) along the rear (west) property line and spaced less than 75' from an existing residential structure to the north.

(20) Applicant is requesting to permit 0 parking spaces (6 required).

(21) Applicant is requesting to waive the landscape regulations requiring a 6' high wall, fence or hedge between dissimilar land uses along the interior side (north) property line.

(22) Applicant is requesting to permit a 4'8" wide landscaped strip (5' wide required) between dissimilar land uses along the interior side (north) property line.

REQUESTS #11 THROUGH #22 ON PARCEL "B"

Upon a demonstration that the applicable standards have been satisfied, approval of requests #1 - #3 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing), requests #12, #13 and #15 may be considered under §33-311(A)(20) (Alternative Site Development Option for Semi-Professional Office Zoning District) and requests #4 - #10, #12- #17 and #19 - #22 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

SUBJECT PROPERTY: PARCEL "A" : All of Block 2, VARIETY CHILDREN'S HOSPITAL, Plat Book 53, Page 23; TOGETHER WITH: Commence at the intersection of the W/ly extension of the south line and the S/ly extension of the west line of said Block 2; thence N00°02'10"E along said S/ly extension and the west line of Block 2, a distance of 749.78' to the beginning of a curve concave to the southeast having a radius of 25' and

Point of beginning No. 1; thence continue NE/ly and E/ly along the arc of said curve through a central angle of 90°42′22″ and an arc distance of 39.58′ to the end of said curve; thence S89°15′28″E, a distance of 109.57′ to the beginning of a curve concave to the southwest having a radius of 50′; thence E/ly and SE/ly along the arc of said curve through a central angle of 36°52′11″ and an arc distance of 32.18′ to the beginning of a reverse curve concave to the west having a radius of 50′; thence E/ly, N/ly and W/ly along the arc of said curve through a central angle of 253°44′22″ and an arc distance of 221.49′ to the beginning of a reverse curve concave to the northwest having a radius of 50′; thence W/ly along the arc of said curve through a central angle of 36°52′11′ and an arc distance of 32.18′; thence N89°15′28″W, a distance of 110.93′ to the beginning of a curve concave to the northeast having a radius of 25′; thence NW/ly and N/ly along the arc of said curve, through a central angle of 89°17′37″ and an arc distance of 38.96′ to a point on the west line of said Block 2; thence S00°02′10″W, a distance of 110.01′ to the Point of beginning No. 1. TOGETHER WITH: Commence at the intersection of the W/ly extension of the south line and the S/ly extension of the west line of said Block 2; thence N00°02′10″E along said S/ly extension and the west line of Block 2, a distance of 974.85′ to the beginning of a curve concave to the southeast having a radius of 50′ and Point of beginning No. 2; thence continue NE/ly along the arc of said curve through a central angle of 59°56′16″ and an arc distance of 52.31′; thence N59°58′26″E, a distance of 96.04′ to the beginning of a curve concave to the southeast having a radius of 50′; thence NE/ly and E/ly along the arc of said curve through a central angle of 30°48′07″ and an arc distance of 26.88′ to a point on the north line of said Block 2; thence N89°13′27″W, a distance of 108.45′ to the beginning of a curve having a radius of 25′; thence SW/ly along the arc of said curve through a central angle of 90°44′23′ and an arc distance of 39.60′; thence S00°02′10″W, a distance of 74.51′ to the Point of beginning No. 2. TOGETHER WITH: Lots 11 –15 inclusive, Block 1, VARIETY CHILDREN'S HOSPITAL, Plat book 53, Page 23. TOGETHER WITH: PARCEL "B" : Lot 16, Block 1, VARIETY CHILDREN'S HOSPITAL, Plat book 53, Page 23.

LOCATION: Lying north of S.W. 33 Street, west of S.W. 60 Court, east of S.W. 62 Court and on both sides of S.W. 30 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

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 Community Zoning Appeals Board 10 and after having given an opportunity for interested parties to be heard, at which time

the applicant, **VARIETY CHILDREN'S HOSPITAL D/B/A: MIAMI CHILDREN'S HOSPITAL** requested permission to withdraw Items #11 through 22, and

WHEREAS, it was the opinion of the Board of County Commissioners, Miami-Dade County, Florida, that the grounds and reasons alleged by the appellants, **SCHENLEY PARK PRESERVATION SOCIETY, INC.** specified in their appeal were sufficient to merit the appeal of Items #1 through 10 on a modified basis, and that the appeal should be granted on a modified basis, and

WHEREAS, after reviewing the decision of Community Zoning Appeals Board 10 and after having given an opportunity for interested parties to be heard, it was the opinion of this Board that the modifications of Condition #2 of Resolution 4-ZAB-217-70, and last modified by 4-ZAB-125-93, on a modified basis that building #7 be at a maximum height of 80′ ft high with a 4′ ft high helipad, that the expansions of buildings #10 and 11 be eliminated, and to provide parallel parking at the south and east wall on Parcel A (Item #1), of Condition #4 of Resolution 4689 passed and adopted by the Board of County Commissioners as last modified by Resolution 4-ZAB-102-87 on Parcel A (Item #2), of Condition #7 of Resolution 4689, last modified by Resolution 4-ZAB-105-83 (Item #3), and the requests to permit a lot coverage of 48.67% on Parcel "A"(Item #4), to permit drives within 25′ of an official right-of-way on Parcel "A" (Item #5), to permit a landscape open space of 30.98% on Parcel "A" (Item #6), to permit a temporary modular building with a setback of 7′8″ from the side street (east) property line on Parcel "A" (Item #7), that the request to permit buildings with a maximum height of 98′ on Parcel "A" on a modified basis to permit a maximum height of 80′ ft high for building #7 with a 4′ ft high helipad (Item #8), to permit 8 detached directional signs with a maximum size of 35 sq. ft. and to permit each sign with a clearance of 1.5′ from the bottom of the sign to grade on Parcel "A" (Item #9), and to permit the directional signs with names and logos on Parcel "A"

(Item #10) 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 should be approved, and

WHEREAS, after reviewing the record and decision of Community Zoning Appeals Board 10 and after having given an opportunity for interested parties to be heard, it was the opinion of this Board, that the grounds and reasons alleged by the applicant, **VARIETY CHILDREN'S HOSPITAL D/B/A: MIAMI CHILDREN'S HOSPITAL** in their appeal were insufficient to merit a reversal of the ruling made by the Zoning Appeals Board in Resolution No. CZAB10-32-07 and that the appeal should be denied and the decision of Community Zoning Appeals Board 10 should be sustained as to Items #11 through 22, and

WHEREAS, after reviewing the decision of Community Zoning Appeals Board 10 and after having given an opportunity for interested parties to be heard, it was the opinion of this Board that the requested district boundary change to RU-5A on Parcel "B" (Item #11) 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 that the requests to permit a lot area of 9,423 sq. ft on Parcel "B" (Item #12), to permit a building setback 4'8" from the interior side (north) property line on Parcel "B" (Item #13), to waive the zoning regulations requiring a 5' high wall along the interior side (north) and rear (west) property lines Parcel "B" (Item #14), to permit 0 parking spaces on Parcel "B" (Item #15), to waive the landscape regulations requiring a 6' high wall, fence or hedge between dissimilar land uses along the interior side (north) property line on Parcel B (Item #16), to permit a 4'8" wide landscape strip along the interior side (north) property line on Parcel B (Item #17), to permit a setback of 22'9" along the side street (south) setback 4'8" along the interior side (north) property line, setback 43'11" along the

rear (west) property line and spaced less than 75′ from an existing residential structure to the north on Parcel B (Item #19), to permit 0 parking spaces on Parcel B (Item #20), to waive the landscape regulations requiring a 6′ high wall, fence or hedge between dissimilar land uses along the interior side (north) property line on Parcel B (Item #21), and to permit a 4′8″ wide landscaped strip between dissimilar land uses along the interior side (north) property line on Parcel B (Item #22) 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 that the requested special exception and unusual use to permit an expansion of a hospital onto additional property to the north on Parcel B (Item #18) would not be compatible with the area and its development and would not conform with the requirements and intent of the Zoning Procedure Ordinance and should be denied without prejudice, and that the requested special exception and unusual use (Item #18) would have an adverse impact upon the public interest and should be denied without prejudice, and

WHEREAS, a motion to approve on a modified basis, the appeal of **SCHENLEY PARK PRESERVATION SOCIETY, INC.,** approve Items #1 and 8 on a modified basis, approve Items #2 through 7 and Items #9 and 10, deny the appeal of **VARIETY CHILDREN'S HOSPITAL D/B/A: MIAMI CHILDREN'S HOSPITAL,** sustain the decision of Community Zoning Appeals Board 10 as to Items #11 through 22, and deny Items #11 through 22 without prejudice was offered by Commissioner Rebecca Sosa, seconded by Commissioner Carlos A. Gimmenez, and upon a poll of the members present the vote was as follows:

Jose "Pepe" Diaz	aye	Dennis C. Moss	aye
Audrey M. Edmonson	aye	Dorrin D. Rolle	aye
Carlos A. Gimmenez	aye	Natacha Seijas	aye
Sally A. Heyman	aye	Katy Sorenson	aye
Barbara J. Jordan	aye	Rebecca Sosa	aye
Joe A. Martinez	absent	Sen. Javier D. Souto	aye

Bruno A. Barreiro aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal of **SCHENLEY PARK PRESERVATION SOCIETY, INC.** be and the same is hereby granted on a modified basis.

BE IT FURTHER RESOLVED that the requested modifications of Condition #2 of Resolution 4-ZAB-217-70, and last modified by 4-ZAB-125-93, on a modified basis that building #7 be at a maximum height of 80' ft high with a 4' ft high helipad, that the expansions of buildings #10 and 11 be eliminated, and to provide 90 degree parking at the south and east wall on Parcel A (Item #1) of Condition #4 of Resolution 4689 passed and adopted by the Board of County Commissioners as last modified by Resolution #4-ZAB-102-87 on Parcel A (Item #2) and of Condition #7 of Resolution 4689, last modified by Resolution 4-ZAB-105-83 Parcel A (Item #3), and the requests to permit a lot coverage of 48.67% on Parcel "A" (Item #4), to permit drives within 25' of an official right-of-way on Parcel "A" (Item #5), to permit a landscape open space of 30.98% on Parcel "A" (Item #6), to permit a temporary modular building with a setback of 7'8" from the side street (east) property line on Parcel "A" (Item #7), to permit buildings with a maximum height of 98' on Parcel "A" on a modified basis to permit a maximum height of 80' ft for building #7 with a 4' ft helipad Parcel A (Item #8), to permit 8 detached directional signs with a maximum size of 35 sq. ft. and to permit each sign with a clearance of 1.5' from the bottom of the sign to grade on Parcel "A" (Item #9), and to permit the directional signs with names and logos on Parcel "A" (Item #10) be and the same are hereby approved, subject to the following conditions:

1. That all the conditions of Resolution Nos. 4689, 4-ZAB-217-70, 4-ZAB-102-87, 4-ZAB-105-83, and 4-ZAB-125-93 remain in full force and effect, except as herein modified.

2. That in the approval of the plan, the same be substantially in accordance with the revised plans submitted for the hearing entitled, "Miami Children's Hospital 1988 Master Plan Site," as prepared by Spillis, Candella and Partners, Inc., consisting of 26 sheets with Sheets A1-5, A21 dated revised 4/8/88, Sheets A6 - A20, A22 – A25 dated 2/1/88 and Sheet A26 dated 4/13/88, and plans entitled 1988 Master Plan-Site Proposed 1992 Revision, dated 2-16-93 on Page MP1 and Page 2 as prepared by Spills, Candella and Partners, Inc. and plans entitled 'Proposed 2006 Master Plan Revision,' as prepared by HKS Architect, consisting of 10 Sheets, Sheet A1.0 dated stamped received 04-02-07, Sheet A4.0 dated stamped received 1/30/07, sheets A2.1 thru A2.4, & A2.6, A2.7 dated stamped received 11/22/06, Sheet A2.5 dated stamped received 03-21-07, Sheet A3.0 dated stamped received 2/6/07 and plans entitled 'Child Care Center Site Plan,' as prepared by Ro Architects & Planners, Inc., consisting of 4 sheets dated stamped received 2/2/07 and signage plans entitled 'Miami Children's Hospital,' as prepared by Don Bell, consisting of 20 sheets, dated stamped received 2/6/07. Except as herein modified that building #7 be at a maximum height of 80' ft with a 4' ft helipad, that the expansions of buildings #10 and 11 be eliminated, and to provide 90 degree parking at the south and east wall

3. That sound attenuation devices be placed along the parking area near the west wall, the existing and new garages to soften the sound from the neighboring homes.

4. That the applicant obtain an annually renewable Certificate of Use for the permanent day care center no later than two (2) years from the date of the issuance of the Certificate of Use for the temporary day care center located in the modular structure, the same may be extended by the Director of the Department of Planning and Zoning for good cause shown.

5. That the day care center be limited to sixty (60) children, ranging in ages from infant to four (4) years, and after school care.

6. That the temporary modular buildings for the day care center use be removed within ninety (90) days of the issuance of a certificate of Use for the permanent day care center.

7. That the applicant submit to the Department of Planning and Zoning for its review and approval a landscaping plan in compliance with Chapter 18A that 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.

8. That the formalized park green on the northeast corner of Parcel A be installed on the site within six (6) months of the issuance of the Certificate of Use for the proposed Central Variety Building in accordance with the landscape plans submitted for this application.

9. That the applicant provide substantial landscaping along the perimeter of Parcel A and particularly along the new parking structure along the west property line. Trees along the perimeter of the site are to be Silver Buttonweed, 6' high at time of planting spaced 15' on center, and shrubs are to be Cocoplum Red Tip, 2 ½ high at time of planting and spaced 2' on center, or similar species. The garage shall be buffered with Sabal Palms, 14' to 20' high at time of planting and spaced 10' on center.

10. That the parking garage shall have an architectural expression consistent and harmonious with the hospital's architectural style and shall avoid the spillage of light onto public open spaces and adjacent properties.

11. That the maximum number of licensed patient beds within the hospital not exceed 300 at any given time.

12. That the temporary relocation of the helipad to the parking garage structure and the return to the permanent location atop the main building's addition be subject to the approval of the Federal Aviation Administration, Miami-Dade County Aviation Department and Florida Department of Transportation (Mass Transit Division).

13. That the hours and days for the construction of the project be limited to between the hours of 7 a.m. and 4 p.m., Monday through Friday.

14. That the applicant shall proffer a Declaration of Restrictions within 30 days after final public hearing approval of this application, unless a time extension is granted by the Director of the Department of Planning and Zoning.

BE IT FURTHER RESOLVED, that the requested modification of Condition #2 of Resolution 4-ZAB-217-70, and last modified by 4-ZAB-125-93, on a modified basis that building #7 be at a maximum height of 80' ft high with a 4' ft high helipad, that the expansions of buildings #10 and 11 be eliminated, and to provide parallel parking at the south and east wall on Parcel A (Item #1) on a modified basis, shall read as follows:

2. Miami Children's Hospital 1988 Master Plan Site," as prepared by Spillis, Candella and Partners, Inc., consisting of 26 sheets with Sheets A 1-A 5, A 21 dated revised 4/8/88, Sheets A6-A 20, A22- A 25 dated 2/1/88 and Sheet A 26 dated 4/13/88, and plans entitled 1988 Master Plan-Site Proposed 1992 Revision, dated 2-16-93 on Page MP1 and Page 2 as prepared by Spillis, Candella and Partners, Inc. and plans entitled 'Proposed 2006 Master Plan Revision,' as prepared by HKS Architect, consisting of 9 sheets, Sheet A1.0 and A4.0 dated stamped received 1/30/07 & Sheets A2.1 through A2.7 dated stamped received 11/22/06 & Sheet A3.0 dated stamped received 2/6/07, plans entitled 'Child Care Center Site Plan,' as prepared by RO Architects & Planners, Inc., consisting of 4 sheets dated stamped received 2/2/07 and signage plans entitled 'Miami Children's Hospital,' as prepared by Don Bell, consisting of 21 sheets, dated stamped received 2/6/07. Except as herein modified.

BE IT FURTHER RESOLVED, that the requested modification of Condition #4 of Resolution 4689, last modified by Resolution 4-ZAB-102-87 Parcel A (Item #2), shall read as follows:

4. That a buffer zone be provided along the east side of said property, south of S.W. 31 Street, 35' wide, and a buffer zone be provided along the south side of the property 36'11"

wide; said buffer zones to be beautified and landscaped to meet with the approval of the Department of Planning and Zoning.

BE IT FURTHER RESOLVED, that the requested modification of Condition #7 of Resolution 4689, last modified by Resolution 4-ZAB-105-83 Parcel A (Item #3), shall read as follows:

7. No new building is to be over 6 stories in height.

BE IT FURTHER RESOLVED that the appeal of **VARIETY CHILDREN'S HOSPITAL D/B/A: MIAMI CHILDREN'S HOSPITAL** be and the same is hereby denied and that the decision of Community Zoning Appeals Board 10 is sustained as to conditions # 11 through 22.

BE IT FURTHER RESOLVED that the requested district boundary-change to RU-5A (Item #11) be and the same is hereby denied without prejudice.

BE IT FURTHER RESOLVED that the requests to permit a lot area of 9,423 sq. ft on Parcel "B" (Item #12), to permit a building setback 4'8" from the interior side (north) property line on Parcel "B" (Item #13), to waive the zoning regulations requiring a 5' high wall along the interior side (north) and rear (west) property lines Parcel "B" (Item #14), to permit 0 parking spaces on Parcel "B" (Item #15), to waive the landscape regulations requiring a 6' high wall, fence or hedge between dissimilar land uses along the interior side (north) property line on Parcel B (Item #16), to permit a 4'8" wide landscape strip along the interior side (north) property line on Parcel B (Item #17), to permit a setback of 22'9" along the side street (south) setback 4'8" along the interior side (north) property line, setback 43'11" along the rear (west) property line and spaced less than 75' from an existing residential structure to the north on Parcel B (Item #19), to permit 0 parking spaces on Parcel B (Item #20), to waive the landscape regulations requiring a 6' high wall, fence or hedge between dissimilar land uses along the interior side (north) property line on Parcel B (Item #21), and to permit a 4'8" wide landscaped strip between dissimilar land uses

along the interior side (north) property line on Parcel B (Item #22) be and the same are hereby denied without prejudice, and that the requested special exception and unusual use to permit an expansion of a hospital on to additional property to north (Item #18) be and the same is hereby denied without prejudice.

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.

***THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED* this 26th day of July, 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. 07-3-CZ10-9
ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida
By KAY SULLIVAN
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 5TH DAY OF SEPTEMBER, 2007.