

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

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

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

### RESOLUTION NO. Z-21-08

WHEREAS, **AMB CODINA BEACON LAKES, LLC** applied for the following:

(Z1) MODIFICATION of Paragraph #1 of a Declaration of Restrictions recorded in Official Record Book 20487, Pages 4478-4496, as last modified by a covenant proviso contained in Resolution No. CZAB5-10-04, and reading as follows:

FROM: "1. The property shall be developed in substantial accordance with the plans entitled 'Beacon Lakes Master Plan,' as prepared by Retzsch, Lanao, Caycedo, Architects, consisting of 5 sheets dated 6/28/04 and 9 sheets prepared by URG & Assoc., Inc., dated, signed and sealed 1/6/04."

TO: "1. The property shall be developed in substantial accordance with the plans entitled Beacon Lakes," as prepared by Creech Engineers, Inc., Retzsch Lanao Caycedo Architects, and Conceptual Design Group, Inc., dated stamped received February 25, 2008 and consisting of twenty (20) sheets, as said plan may be modified from time to time in a manner consistent with Miami-Dade County Code requirements."

The purpose of request #Z1 is to allow the applicant to submit new site plans for a commercial development consisting of retail and restaurant uses.

(Z2) IU-1 to BU-2.

(Z3) UNUSUAL USE to permit outdoor dining and table service in connection with restaurants.

SUBJECT PROPERTY: PARCEL 2: (BU Zoning) Commence at the southwest corner of Section 35, Township 53 South, Range 39 East; thence N01°45'25"W along the west line of the SW ¼ of said Section 35, as basis of bearing, for 130.04'; thence N89°41'35"E along a line 130' north of and parallel to the south line of the SW ¼ of section 35 for 117.2' to a Point of intersection with a non-tangent curve, a radial line to said point bears N37°42'32"W; thence 217.87' along the arc of a curve to the right, said curve having a radius of 2042' and a central angle of 6°06'47" to the Point of beginning of the following described parcel of land; thence N01°45'25"W along a line 300' east of and parallel to the west line of the SW ¼ of Section 35 for a distance of 1124.5'; thence N89°46'43"E for a distance of 1839.9' to a Point of curvature; thence 152.15' along the arc of a curve to the right, said curve having a radius of 440' and a central angle of 19°48'48" to a Point of tangency; thence S70°24'29"E for a distance of 100' to a Point of curvature; thence 187.76' along the arc of a curve to the left, said curve having a radius of 510' and a central angle of 21°05'38" to a Point of intersection with a reverse curve, a radial line to said point bears

N01°30'07"W; thence 70.47' along the arc of a curve to the right, said curve having a radius of 45' and a central angle of 89°43'34" to a Point of tangency; thence S01°46'33"E along a line 35' west of and parallel to the east line of the SW ¼ of Section 35 for a distance of 691.8' to a point on the S.R. 836 Limited Access Right-of-Way line ; thence the following two (2) courses along said north right- of-way line; thence S89°45'57"W for a distance of 1239.33' to a Point of curvature; thence 1,117.72' along the arc of a curve to the left, said curve having a radius of 2,042' and a central angle of 31°21'42" to the Point of beginning.

LOCATION: The south side of N.W. 25 Street, between N.W. 117 Avenue & N.W. 137 Avenue, 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, at which time a proffered CDMP covenant was approved by Community Zoning Appeals Board 5 under resolution CZAB5-11-08, and at which time a revised CDMP covenant was presented to and approved by the Board of County Commissioners for a CDMP amendment, and

*WHEREAS*, it was the opinion of the Board that Items #D1 through D5 should be approved and were approved under separate Resolution Z-20-08, 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, and to the recommendations of the Developmental Impact Committee and Community Zoning Appeals Board 5, it is the opinion of this Board that the requested district boundary change to BU-2 on Parcel 2 (Item #Z2) 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 modification of Paragraph #1 of a Declaration of Restrictions recorded in Official Record Book 20487, Pages 4478-4496, as last modified by a covenant proviso contained in

Resolution No. CZAB5-10-04 on Parcel 2 (Item #Z1) and the requested to permit outdoor dining and table service in connection with restaurants on Parcel 2 (Item #Z3) 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 that the that the requested unusual use on Parcel 2 (Item #3) would not have an adverse impact upon the public interest and should be approved, and

*WHEREAS*, a motion to approve Item #Z1 under Section 33-311(A)(7), approve Items #Z2 and Z3, and deny Item #Z1 under Section 33-311(A)(17) was offered by Commissioner Jose “Pepe” Diaz, seconded by Commissioner Joe A. Martinez, 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	nay	Katy Sorenson	nay
Barbara J. Jordan	aye	Rebecca Sosa	aye
Joe A. Martinez	aye	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 requested district boundary change to BU-2 on Parcel 2 (Item #Z2) be and the same is hereby approved and said property is hereby zoned accordingly.

*BE IT FURTHER RESOLVED* that the requested modification of Paragraph #1 of a Declaration of Restrictions recorded in Official Record Book 20487, Pages 4478-4496, as last modified by a covenant proviso contained in Resolution No. CZAB5-10-04 on Parcel 2 (Item #Z1) be and the same is hereby approved under Section 33-311(A)(7) and that the requested unusual use to permit outdoor dining and table service in connection with

restaurants on Parcel 2 (Item #Z3), with Items #Z1 and Z3 subject to the following conditions:

1. That all conditions of Resolution Nos. Z-11-02, CZAB5-10-04, and Z-28-07 remain in full force and effect as herein modified.
2. That a revised Declaration of Restrictions be submitted to the Department of Planning and Zoning within ninety (90) days after public hearing approval of this application, unless a time extension is granted by the Director, for cause shown.
3. That the Applicant comply with all applicable 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.
4. Construct a right turn storage lane into the southwest driveway connection to the Property commencing north of the CSX rail crossing at N. W. 137<sup>th</sup> Avenue, in accordance with Public Works standards and in a manner which would maximize the length of same. The southwest driveway connection within the property (crossing the existing FPL easement) shall be designed to provide adequate stacking capacity at the junction of the driveway with the parking area and shall be extended eastward into the retail center to improve connectivity while avoiding conflicts with parking movements. These drive aisle modifications shall be subject to administrative review and approval of the Public Works Department and the Department of Planning and Zoning.

*BE IT FURTHER RESOLVED* that the requested modification of Paragraph #1 of a Declaration of Restrictions recorded in Official Record Book 20487, Pages 4478-4496, as last modified by a covenant proviso contained in Resolution No. CZAB5-10-04, shall read as follows:

1. The property shall be developed in substantial accordance with the plans entitled "Beacon Lakes," as prepared by Creech Engineers, Inc., Retzsch Lanao Caycedo Architects, and Conceptual Design Group, Inc., dated stamped received February 25, 2008 and consisting of twenty (20) sheets, as said plan may be modified from time to time in a manner consistent with Miami-Dade County Code requirements.

*BE IT FURTHER RESOLVED*, that Item Z1 be and the same is hereby denied without prejudice under Section 33-311(A)(17).

*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 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 17<sup>th</sup> day of July, 2008, 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. 08-7-CC-2  
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HARVEY RUVIN, Clerk  
Board of County Commissioners  
Miami-Dade County, Florida

By **KAY SULLIVAN**  
Deputy Clerk

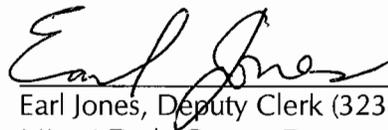
**THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 29<sup>TH</sup> DAY OF JULY, 2008.**

**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-21-08 adopted by said Board of County Commissioners at its meeting held on the 17<sup>th</sup> day of July, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 29<sup>th</sup> day of July, 2008.



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

**SEAL**

