

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-2-08

WHEREAS, ISMAEL AND AMNERIS VALDES applied to Community Zoning Appeals Board 12 for the following:

AU to EU-M

SUBJECT PROPERTY: The south ½ of Tract 85, less the south 25' and the west 25' thereof, and the north 150' thereof, DADE COUNTY DEVELOPMENT COMPANY'S SUBDIVISION, Plat book 3, Page 169, in the west ½ of Section 28, Township 54 South, Range 40 East.

LOCATION: The northeast corner of S.W. 94 Avenue and S.W. 68 Street, A/K/A: 9395 S.W. 68 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 12 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 12 that the requested district boundary change to EU-M 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. CZAB12-24-07, and

WHEREAS, ISMAEL AND AMNERIS VALDES appealed the decision of Community Zoning Appeals Board 12 to the Board of County Commissioners for the following:

AU to EU-M

SUBJECT PROPERTY: The south ½ of Tract 85, less the south 25' and the west 25' thereof, and the north 150' thereof, DADE COUNTY DEVELOPMENT COMPANY'S SUBDIVISION, of the west ½ of Section 28, Township 54 South, Range 40 East, Plat book 3, Page 169.

LOCATION: The northeast corner of S.W. 94 Avenue and S.W. 68 Street, A/K/A: 9395 S.W. 68 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. That said Property shall be developed substantially in accordance with the lot split plan attached hereto as Exhibit "B." The purchase of one (1) severable use right (SUR) shall be required for the development of Lot B with 100 feet of frontage under this lot split plan.
2. That said Property shall be developed with a maximum of two (2) units.
3. That with the exception of the purchase of the SUR, development on the Property shall conform to the EU-M zoning district regulations and that no administrative adjustments or variances shall requested.

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 12 and after having given an opportunity for interested parties to be heard, it is 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 were sufficient to merit a reversal of the ruling made by the Zoning Appeals Board in Resolution No. CZAB12-24-07 and that the appeal should be approved, and that the decision of Community Zoning Appeals Board 12 should be overruled, and

WHEREAS, it is the opinion of the Board that the requested district boundary change to EU-M 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 proffered Declaration of Restrictions should be accepted, and

WHEREAS, a motion to grant the appeal and overrule the decision of Community Zoning Appeals Board 12, accept the proffered Declaration of Restrictions, and approve the application was offered by Commissioner Carlos A. Gimmenez, seconded by Commissioner Jose "Pep e" Diaz, 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	absent
Sally A. Heyman	absent	Katy Sorenson	aye
Barbara J. Jordan	aye	Rebecca Sosa	absent
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 be and the same is hereby approved and the decision of Community Zoning Appeals Board 12 is overruled.

BE IT FURTHER RESOLVED that the requested district boundary-change to EU-M be and the same is hereby approved and said property is hereby zoned accordingly.

BE IT FURTHER RESOLVED that Resolution No. CZAB12-24-07 is hereby null and void.

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 24th day of January, 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. 07-10-CZ12-2
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 31ST DAY OF JANUARY, 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-2-08 adopted by said Board of County Commissioners at its meeting held on the 24th day of January, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 31st day of January, 2008.



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

SEAL

