

# Memorandum



(Public Hearing 2-2-16)

**Date:** January 20, 2016

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

Agenda Item No. 5(E)

**From:** Carlos A. Gimenez  
Mayor

**Subject:** Proposed Zoning Ordinance Amending the Model City Urban Center Zoning District – Zoning Hearing Applications No. Z15-064 and No. Z15-125

Attached please find material related to a zoning application filed in accordance with Section 33-284.89.3 of the Code of Miami-Dade County (Amendments to Urban Center District Land Use Plan Category or Other Regulating Plan). The material consists of a proposed ordinance containing the applicant's proposed revisions to the Model City Urban Center District regulating plans and related text as well as the Department of Regulatory and Economic Resources' staff report. This item is quasi-judicial.

The proposed ordinance is not anticipated to have a fiscal impact on Miami-Dade County as described by Ordinance No. 15-59 and would not result in additional staffing needs or future operational costs for County administration. The ordinance is required as part of the quasi-judicial process associated with these types of zoning-related applications. Activities related to this application are absorbed by the administering department through fees assessed to the applicant.

The accompanying recommendation of the Director, which was prepared in accordance with Section 33-284.89.3 of the Code of Miami-Dade County, includes, among other things, a compatibility analysis and conclusion that satisfies the requirements of Ordinance No. 15-83, regarding social equity, to the extent applicable to this item.

Attachment

Jack Osterholt  
Deputy Mayor

**Miami-Dade County Department of Regulatory and Economic Resources  
Staff Report to the Board of County Commissioners**

**Z15-064 and Z15-125**

<b>Recommendation Summary for Model City Urban Center District (MCUCD)</b>	
<b>Commission District</b>	3
<b>Applicant</b>	Douglas Gardens Holding Corp., Inc.
<b>Summary of Requests</b>	1) To update the Land Use Regulating Plan of the Model City Urban Center District (MCUCD), to change the designation of the subject property from MC, Mixed-Use Corridor, to MCS, Mixed-Use Corridor Special. 2) To modify a covenant accepted pursuant to a previous zoning resolution (Resolution No. Z-49-79) and recorded in Official Record Book 10496, Page 1570, as follows: (a) to provide for self-service, mini-warehouse storage facility as an allowed use; and (b) to modify and update the standard clauses in the covenant in order to allow administrative modifications as allowed by law, to provide how the covenant is addressed in cases of annexation and incorporation, and to update other provisions to current standard clauses.
<b>Location</b>	5713 NW 27 <sup>th</sup> Avenue, Miami-Dade County, Florida.
<b>Folio(s)</b>	30-3115-000-0220
<b>Property Size</b>	±2.32-acres
<b>Existing Zoning</b>	Model City Urban Center District
<b>Existing Land Use</b>	Vacant retail outlet.
<b>2020 - 2030 CDMP Land Use Designation</b>	Urban Center
<b>Comprehensive Plan Consistency</b>	Consistent with interpretative text, goals, objectives, and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 33-284.89.3 Amendments to Urban Center District Land Use Plan Category or Other Regulating Plan Section 33-311(A)(7) Generalized Modification Standards
<b>Recommendation</b>	<b>Approval with acceptance of proffered covenant</b>

**REQUEST:**

The two requests associated with this application are described as follows:

- 1) MODIFICATION of the Land Use Regulating Plan of the **Model City Urban Center District (MCUCD)** to change the designation of the subject property from MC, Mixed-Use Corridor, to MCS, Mixed-Use Corridor Special.
- 2) MODIFICATION of a Declaration of Restrictions, recorded in Official Book 10496, Pages 1571-1572, dated March 12, 1979, reading as follows:

FROM: "Now, therefore, said Owner hereby voluntarily delivers this, its Covenant, to Dade County, Florida, and agrees that the real property herein aforescribed shall be subject to the following restrictions which are intended and shall be deemed to be Covenants Running With The Land, and binding upon the Owner, its successor and assigns, as will permit the building to be used only for any of those uses permitted in BU-1, BU-1A, and BU-2 zones, and only the following BU-3 uses:

1. Automobile services and facilities, including:
  - a. Car sales
  - b. Car rentals

- c. Automobile parts (no secondhand parts) sales
- d. Automobile top and body work and painting
2. Wholesale showrooms, salesroom and storageroom
3. Bakery and bakery products
4. Engines, gasoline and oil, sales and service
5. Garage or mechanical service (no trucks permitted)
6. Glass installation
7. Upholstery and furniture repairs
8. Leather goods manufacturing, excluding tanning"

TO: "Now, therefore, said Owner hereby voluntarily delivers this, its Covenant, to Dade County, Florida, and agrees that the real property herein aforescribed shall be subject to the following restrictions which are intended and shall be deemed to be Covenants Running With The Land, and binding upon the Owner, its successor and assigns, as will permit the building to be used only for any of those uses permitted in BU-1, BU-1A, and BU-2 zones, and only the following BU-3 uses:

1. Automobile services and facilities, including:
  - a. Car sales
  - b. Car rentals
  - c. Automobile parts (no secondhand parts) sales
  - d. Automobile top and body work and painting
2. Wholesale showrooms, salesroom and storageroom
3. Bakery and bakery products
4. Engines, gasoline and oil, sales and service
5. Garage or mechanical service (no trucks permitted)
6. Glass installation
7. Upholstery and furniture repairs
8. Leather goods manufacturing, excluding tanning
9. Self-service mini-warehouse storage facility in compliance with Section 33-255(23.1) of the Code of Miami-Dade County."

The request also provides for the standard clause section in the Covenant to be modified and updated in order to: (1) allow administrative modifications as allowed by Section 33-310.1 of the Miami-Dade County Code (Code); (2) include provisions on how to address the Covenant in the event of annexation or incorporation pursuant to Section 20-8.8 and Section 20-26, respectively; and (3) update the Declaration of Restrictions to reflect current standard clauses.

#### **PROPERTY HISTORY & DESCRIPTION:**

On February 2, 2010, the Board of County Commissioners (BCC) adopted Ordinance No. 10-13 establishing the MCUCD. The properties within MCUCD boundaries were rezoned to MCUCD on October 20, 2011, pursuant to Resolution No. Z-12-11. At the time of the rezoning, the land use regulating plan classified the subject property as MC, Mixed-Use Corridor. Prior to the MCUCD rezoning, the subject property was zoned BU-3 (Liberal Business). The BU-3 designation resulted from a 1979 rezoning of the subject property, pursuant to BCC Resolution No. Z-43-79, from BU-1A (Limited Business), BU-2 (Special Business), and BU-3 (Liberal

Business) to BU-3, subject to the acceptance of a proffered covenant. The recorded covenant limits the BU-3 uses allowed to: automobile services and facilities; wholesale showrooms, salesroom and storage room; bakery and bakery products; engines, gasoline and oil (sales and service); garage or mechanical service (no trucks permitted); glass installation; upholstery and furniture repairs; and leather goods manufacturing (excluding tanning).

The approval of this application would permit the modification of the land use regulating plan to change the designation of the subject property from MC, Mixed-Use Corridor, to MCS, Mixed-Use Corridor Special, which permits automotive-related and other commercial uses not permitted under the MC designation. However, the additional commercial uses permitted on the subject property continue to be restricted to those BU-3 uses listed in the proffered covenant in connection with the 1979 zoning approval and the requested addition of a self-service mini-warehouse storage facility.

<b>NEIGHBORHOOD CHARACTERISTICS</b>		
	<b>Zoning</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	MCUCD - MC - Mixed-Use Corridor	Community Urban Center
<b>North</b>	MCUCD - MC - Mixed-Use Corridor	Community Urban Center
<b>South</b>	MCUCD - MC - Mixed-Use Corridor RM - Residential Modified	Community Urban Center
<b>East</b>	MCUCD - RM - Residential Modified	Community Urban Center
<b>West</b>	MCUCD - MC - Mixed-Use Corridor MCS Mixed-Use Corridor Special	Community Urban Center

**RECOMMENDATION:**

Regarding Request No. 1:

In staff's opinion, the modification of the MCUCD land use regulating plan for the subject property would provide uses similar to those permitted on properties across the street to the west, northwest, and southwest, which are designated as MCS on the MCUCD land use regulating plan. Staff notes that the existing MC designation does not permit automotive-related uses nor certain BU-3 uses unless they are explicitly listed in the Standard Urban Center Land Use Group table under MC. Uses that are permitted in the MCS category include residential, civic, office, and commercial, including automotive-related.

The location of the property along NW 27<sup>th</sup> Avenue, a well-travelled 4-lane divided major roadway, is appropriate for the type of uses permitted in the MCS category. Staff opines that those uses permitted in the MCS category are **compatible** with existing uses in the area, and the intensification of uses will be in harmony with the surrounding area.

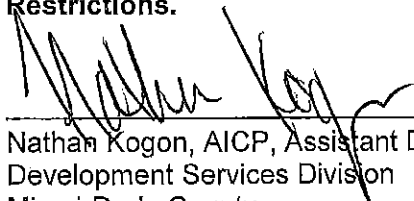
The proposed amendment to this ordinance would permit the redevelopment of the subject property with uses which are **compatible** with those found in the area and **consistent** with the intensification policies provided by the CDMP urban center text. **Therefore, staff recommends approval of the modification to the land use regulating plan of the MCUCD.**

Regarding Request No. 2:

Request No. 2, to modify the Declaration of Restrictions to add self-service, mini-warehouse

storage facility in compliance with Section 33-255(23.1) of the Code of Miami-Dade County, is **consistent** with the BU-3 uses allowed in the MCS category. Furthermore, the request to update the standard clauses of the Covenant is consistent with Section 20-8.8, Section 20-26, and Section 33-310.1 of the Code.

When evaluating Request No. 2 under Section 33-311(A)(7), Generalized Modification Standards, staff opines that approval of the same would be **compatible** with the uses found along the NW 27<sup>th</sup> Avenue corridor. If properly conducted, the proposed use would not result in excessive noise, traffic, or fire hazard, or provoke a nuisance. Staff notes that the Platting and Traffic Review Section and the Division of Environmental Resources Management (DERM) of the Department of Regulatory and Economic Resources (RER), do not object to this application. Further, memoranda by the aforementioned divisions, as well as from the Miami-Dade Fire Rescue and Water and Sewer Departments, do not indicate that these requests would generate or result in excessive noise or traffic, or tend to create a fire or other equally or greater dangerous hazards, which could cause undue or excessive burden on public facilities. **Therefore, staff recommends approval of the modification of the subject Declaration of Restrictions.**



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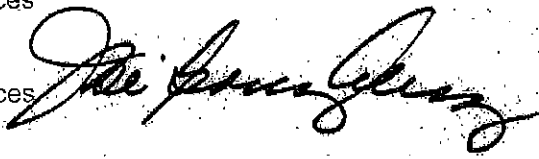
Nathan Kogon, AICP, Assistant Director  
Development Services Division  
Miami-Dade County  
Department of Regulatory and Economic Resources

# Memorandum



**Date:** June 23, 2015

**To:** Jack Osterholt, Deputy Mayor/Director  
Department of Regulatory and Economic Resources

**From:** Jose Gonzalez, P.E.  
Department of Regulatory and Economic Resources 

**Subject:** BCC #Z2015000064  
Douglas Gardens Holding Corp. Inc.  
5713 NW 27<sup>th</sup> Avenue  
Modification of land use designation from MC to MCS in the Model  
City Urban Center District.  
(NCUC) (2.29 Acres)  
15-53-41

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The subject application has been reviewed by the Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

DERM has no pertinent comments regarding this application since the request does not entail any environmental concern.

### Concurrency Review Summary

A concurrency review has been conducted for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute written approval as required by Chapter 24 of the Code.

If you have any questions concerning the comments or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.


cc: Nathan Kogon, Department of Regulatory and Economic Resources

# Memorandum



**Date:** September 4, 2015

**To:** Nathan Kogon, Assistant Director  
Regulatory and Economic Resources Department

**From:**   
Paul Mauriello, Deputy Director, Waste Operations  
Public Works and Waste Management Department

**Subject:** Douglas Gardens Holding Corp. (#15\_064)

The Department's review of the above-referenced item is provided below. Additional comments will be provided as needed. If you should have any questions, please do not hesitate to contact Stacey McDuffie, Manager, Intergovernmental and External Affairs, at 305-375-1354. The PWWM has no objections to the proposed application.

**Application:** *Douglas Gardens Holding Corp.* is requesting a district boundary change from Mixed-Use Corridor (MC) to Mixed-Use Special (MCS) in the Model City Urban Center District (MCUCD).

**Location:** the subject property is located at 5713 NW 27<sup>th</sup> Avenue, in Miami-Dade County, Florida.

**Size:** the subject property is approximately 2.29 acres in size.

## Analysis:

### 1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (PWWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 18, 2014, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Regulatory and Economic Resources Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

### 2. Garbage and Trash Collection Services: Residential Units

The property as mentioned in the application falls within the PWWM solid waste collection service area. The application proposes development of the MCUCD, which includes mixed-

uses of residential, moderate to high density residential, industrial, office, retail, business and institutional uses.

In the event that the type of residential development ultimately constructed meets the County Code definition of "residential unit," (single family, townhome, etc.), then according to Chapter 15 of the Miami-Dade Code entitled Solid Waste Management, the residential units on the property will receive PWWM waste collection service. Twice weekly curbside waste collection, twice per year scheduled bulky waste collection service, and unlimited use of the 13 Trash and Recycling Centers are the services currently provided to residential units in the PWWM solid waste collection service area.

### 3. Recycling: Residential Units

The PWWM provides curbside recycling services to residential units located in unincorporated Miami-Dade County through a private contractor. The single stream recycling program currently includes separation of glass, aluminum cans, steel cans, plastic bottles, newspaper and phone books. Further information may be obtained on the Department's website at <http://www.miamidade.gov/publicworks/recycling.asp>.

Applicants are **strongly** advised to incorporate adequate space in their building plans to accommodate the recycling program (i.e. somewhere for residents to store their recycling carts).

### 4. Garbage and Trash Collection Services: Multi-Family and Commercial Establishments

Eventual uses of the property that qualify as multi-family (referred to as moderate to high density residential) or commercial establishments, pursuant to Chapter 15 of the Code, must meet the following requirements:

"Every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department." Therefore, the landlord or property owner is required to contact a private hauler to provide waste and recycling collection service.

### 5. Recycling: Multi-Family Establishments

Regarding multi-family units, Section 15-2.2a of the Code requires "every multi-family residential establishment shall provide for a recycling program which shall be serviced by a permitted hauler or the appropriate governmental agency and shall include, at a minimum, the five (5) materials listed in Section 15-2.2 below."

- 1) Newspaper
- 2) Glass (flint, emerald, amber)
- 3) Aluminum cans
- 4) Steel cans
- 5) Plastics (PETE, HDPE-natural, HDPE-colored)

Section 15-2.2b of the Code states the failure of a multi-family residential establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner(s) shall be liable, provided, however, that in the case of a condominium or cooperative apartment having a



condominium association or cooperative apartment association, said association, rather than individual unit owners, shall be liable for any such violation.

Applicants are **strongly** advised to incorporate adequate space and facilities in their building plans to accommodate the required recycling program. Requests for approval of modified recycling programs must be made directly to the Department at 305-514-6666.

#### 6. Recycling: Commercial Establishments

The following language from Section 15-2.3a of the Code requires commercial establishments "to provide for a recycling program, which shall be serviced by a permitted hauler or the appropriate governmental agency. The recycling program for commercial establishments must include a minimum of three (3) materials chosen from the following:

- |                                  |  |
|----------------------------------|--|
| 1) High grade office paper       | 6) Steel (cans, scrap)                         |
| 2) Mixed paper                   | 7) Other metals/scrap production materials     |
| 3) Corrugated cardboard          | 8) Plastics (PETE, HDPE-natural, HDPE-colored) |
| 4) Glass (flint, emerald, amber) | 9) Textiles                                    |
| 5) Aluminum (cans, scrap)        | 10) Wood                                       |

Section 15-2.3 of the Code states the failure of a commercial establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner and the owner(s) and operator(s) of the commercial establishment shall be jointly and severally liable.

#### 7. Waste Storage/Setout Considerations

Section 15-4 of the Code requires that plans for storage and collection of solid waste be adequate before a building permit may be issued. Site plans must address location, accessibility, number and adequacy of solid waste collection and storage facilities. The site plan legend must contain the following statement: "Facilities for the collection and storage of solid waste are shown in accordance with Section 15-4 of the Miami-Dade County Code."

#### 8. Site Circulation Considerations

It is required that development plans associated with this project incorporate at least one of the following traffic circulation criteria to minimize the reversing of waste vehicles and hence, provide for the safe circulation of service vehicles:

- a. Cul-de-sac with a minimum 49-foot turning radius (no "dead-ends")
- b. "T" shaped turnaround 60-foot long by 10 feet wide
- c. Paved throughway of adequate width (minimum 15 feet)

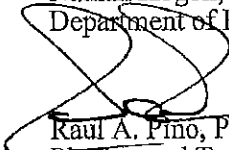
In addition, any and all alleyways designed with utilities, including waste collection, provided at the rear of the property should be planned in accordance with standard street specifications with sufficient width and turning radii to permit large vehicle access. Additionally, there should be no "dead-end" alleyways developed. Also, a sufficient waste set-out zone should be preserved (between the edge of the pavement and any possible obstructions such as parked cars, fencing, etc.) that would interrupt or preclude waste collection.

# Memorandum



**Date:** June 25, 2015

**To:** Nathan Kogon, Assistant Director  
Department of Regulatory and Economic Resources

**From:**   
Kaul A. Pino, PLS, Chief  
Platting and Traffic Review Section  
Department of Regulatory and Economic Resources

**Subject:** Z2015000064  
Name: Douglas Gardens Holding Corp  
Location: 5713 NW 27 Avenue  
Section 15 Township 53 South Range 41 East

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The Department of Regulatory and Economic Resources Platting and Traffic Review Section has reviewed the subject application and has no objection.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. Any right-of-way dedications and/or improvements required will be accomplished thru the recording of a plat.

This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This application meets the traffic concurrency criteria set for an Initial Development Order

# Memorandum



**Date:** 22-JUN-15  
**To:** Jack Osterholt, Director  
 Department of Regulatory and Economic Resources  
**From:** Dave Downey, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2015000064

### Recommendation:

Appears to be only a land use designation change. There is no site plan within the currently available documents.

### Service Impact/Demand

Development for the above Z2015000064  
 located at 5713 NW 27 AVE, MIAMI-DADE COUNTY, FLORIDA.  
 in Police Grid 0918 is proposed as the following:

<u>N/A</u>	dwelling units	<u>                    </u>	square feet
<u>residential</u>		<u>industrial</u>	square feet
	square feet	<u>institutional</u>	
<u>Office</u>		<u>                    </u>	square feet
<u>Retail</u>	square feet	<u>nursing home/hospitals</u>	

Based on this development information, estimated service impact is: No Impact. N/A alarms-annually.

### Existing services

The Fire station responding to an alarm in the proposed development will be: Station # 2  
 The estimated average travel time is: 5:24 minutes

### Planned Service Expansions:

The following stations/units are planned in the vicinity of this development: None

### Fire Planning Additional Comments

No plans submitted. Compliance with MDFR site requirements will be determined upon availability of the plans for the proposed project.

For information regarding the aforementioned comments, please contact the Miami-Dade Fire Rescue Department Planning Section at 786-331-4540.



**MIAMI DADE POLICE DEPARTMENT**  
**57B - Summarized CFS Year Comparison By Call Type-Grid-Signal**  
**Z2015000064 - Douglas Gardens Holding Corp**  
**Complaint Date Range: Jan 1, 2014 - May 31, 2015**



**EMERGENCY**

Grid Code	CAD Signal Code	YTD 2014	LYTD 2013	P_LYTD 2012
<b>0917</b>	15 MEET AN OFFICER	1	0	0
	17 TRAFFIC ACCIDENT	37	23	16
	18 HIT AND RUN	5	1	2
	29 ROBBERY	1	1	3
	30 SHOOTING	2	2	5
	32 ASSAULT	10	16	17
	41 SICK OR INJURED PERSON	127	138	145
	44 ATTEMPTED SUICIDE	0	2	1
	48 EXPLOSION	1	0	0
	49 FIRE	3	5	3
<b>TOTAL FOR GRID 0917</b>		<b>187</b>	<b>188</b>	<b>192</b>
<b>0918</b>	14 CONDUCT INVESTIGATION	1	0	0
	15 MEET AN OFFICER	1	4	5
	17 TRAFFIC ACCIDENT	28	38	29
	18 HIT AND RUN	3	5	2
	29 ROBBERY	1	3	4
	30 SHOOTING	1	8	9
	32 ASSAULT	21	24	26
	41 SICK OR INJURED PERSON	109	162	161
	44 ATTEMPTED SUICIDE	2	4	1
	49 FIRE	2	3	3
<b>TOTAL FOR GRID 0918</b>		<b>169</b>	<b>251</b>	<b>240</b>
<b>0966</b>	15 MEET AN OFFICER	3	4	0
	17 TRAFFIC ACCIDENT	30	22	19
	18 HIT AND RUN	4	2	5
	29 ROBBERY	0	1	3
	30 SHOOTING	7	2	2
	32 ASSAULT	23	17	12
	41 SICK OR INJURED PERSON	197	194	169
	44 ATTEMPTED SUICIDE	5	2	2
	49 FIRE	6	7	5
<b>TOTAL FOR GRID 0966</b>		<b>275</b>	<b>251</b>	<b>217</b>
<b>0967</b>	15 MEET AN OFFICER	4	3	4
	17 TRAFFIC ACCIDENT	28	28	29
	18 HIT AND RUN	3	4	6
	29 ROBBERY	2	2	4
	30 SHOOTING	13	12	12
	32 ASSAULT	45	47	38
	41 SICK OR INJURED PERSON	226	192	177
	<b>TOTAL FOR GRID 0967</b>		<b>328</b>	<b>315</b>

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**MIAMI DADE POLICE DEPARTMENT**  
**57B - Summarized CFS Year Comparison By Call Type-Grid-Signal**  
**Z2015000064 - Douglas Gardens Holding Corp**  
**Complaint Date Range: Jan 1, 2014 - May 31, 2015**



Grid Code	CAD Signal Code	YTD 2014	LYTD 2013	P LYTD 2012
0967	44 ATTEMPTED SUICIDE	2	3	3
	49 FIRE	12	7	6
<b>TOTAL FOR GRID 0967</b>		<b>335</b>	<b>298</b>	<b>279</b>
		Reported: 252	Reported: 238	Reported: 208
		Not Reported: 714	Not Reported: 750	Not Reported: 720
<b>TOTAL EMERGENCY</b>		<b>966</b>	<b>988</b>	<b>928</b>

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**MIAMI DADE POLICE DEPARTMENT**  
**57B - Summarized CFS Year Comparison By Call Type-Grid-Signal**  
**Z2015000064 - Douglas Gardens Holding Corp**  
**Complaint Date Range: Jan 1, 2014 - May 31, 2015**



**PRIORITY**

Grid Code	CAD Signal Code	YTD 2014	LYTD 2013	P LYTD 2012
0917	14 CONDUCT INVESTIGATION	15	20	23
	15 MEET AN OFFICER	3	0	2
	17 TRAFFIC ACCIDENT	0	0	1
	22 AUTO THEFT	2	0	0
	26 BURGLARY	3	8	16
	27 LARCENY	4	1	2
	29 ROBBERY	3	1	0
	32 ASSAULT	80	64	78
	34 DISTURBANCE	69	91	99
	44 ATTEMPTED SUICIDE	3	0	0
	47 BOMB OR EXPLOSIVE ALERT	1	1	3
	49 FIRE	6	4	2
<b>TOTAL FOR GRID 0917</b>		<b>189</b>	<b>190</b>	<b>226</b>
0918	14 CONDUCT INVESTIGATION	28	43	31
	15 MEET AN OFFICER	1	1	1
	17 TRAFFIC ACCIDENT	1	1	0
	22 AUTO THEFT	0	0	1
	26 BURGLARY	7	12	9
	27 LARCENY	2	1	0
	29 ROBBERY	1	3	3
	32 ASSAULT	85	119	100
	34 DISTURBANCE	87	87	92
	44 ATTEMPTED SUICIDE	0	1	1
	47 BOMB OR EXPLOSIVE ALERT	0	1	1
	49 FIRE	3	4	3
	53 ABDUCTION	1	0	0
<b>TOTAL FOR GRID 0918</b>		<b>216</b>	<b>273</b>	<b>242</b>
0966	14 CONDUCT INVESTIGATION	42	39	34
	15 MEET AN OFFICER	2	3	0
	17 TRAFFIC ACCIDENT	0	1	0
	18 HIT AND RUN	0	1	1
	26 BURGLARY	14	12	6
	27 LARCENY	2	6	10
	28 VANDALISM	1	0	0
	29 ROBBERY	3	1	2
	32 ASSAULT	113	94	77
	34 DISTURBANCE	103	101	77
	44 ATTEMPTED SUICIDE	1	1	1
47 BOMB OR EXPLOSIVE ALERT	1	1	0	

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**MIAMI DADE POLICE DEPARTMENT**  
**57B - Summarized CFS Year Comparison By Call Type-Grid-Signal**  
**Z2015000064 - Douglas Gardens Holding Corp**  
**Complaint Date Range: Jan 1, 2014 - May 31, 2015**



Grid Code	GAD Signal Code	YTD 2014	LYTD 2013	P. LYTD 2012
0966	49 FIRE	8	9	5
<b>TOTAL FOR GRID 0966</b>		<b>290</b>	<b>269</b>	<b>213</b>
0967	14 CONDUCT INVESTIGATION	63	63	54
	15 MEET AN OFFICER	2	1	0
	17 TRAFFIC ACCIDENT	0	1	1
	18 HIT AND RUN	0	0	1
	26 BURGLARY	7	11	9
	27 LARCENY	0	0	1
	29 ROBBERY	3	4	3
	32 ASSAULT	146	181	163
	34 DISTURBANCE	146	153	135
	44 ATTEMPTED SUICIDE	3	4	7
	47 BOMB OR EXPLOSIVE ALERT	4	6	7
49 FIRE	1	2	4	
<b>TOTAL FOR GRID 0967</b>		<b>375</b>	<b>426</b>	<b>385</b>
		Reported: 384	Reported: 432	Reported: 368
		Not Reported: 686	Not Reported: 726	Not Reported: 698
<b>TOTAL PRIORITY</b>		<b>1070</b>	<b>1158</b>	<b>1066</b>

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**MIAMI DADE POLICE DEPARTMENT**  
**57B - Summarized CFS Year Comparison By Call Type-Grid-Signal**  
**Z2015000064 - Douglas Gardens Holding Corp**  
**Complaint Date Range: Jan 1, 2014 - May 31, 2015**



**ROUTINE**

Grid Code	CAD Signal Code	YTD 2014	LYTD 2013	P. LYTD 2012
0917	13 SPECIAL DETAIL CHRISTMAS	1	0	0
	13 SPECIAL INFORMATION/ASSIGNMENT	137	148	189
	14 CONDUCT INVESTIGATION	275	275	402
	15 MEET AN OFFICER	17	8	14
	16 D.U.I.	0	0	1
	17 TRAFFIC ACCIDENT	83	65	74
	18 HIT AND RUN	25	20	17
	19 TRAFFIC STOP	240	198	313
	20 TRAFFIC DETAIL	37	16	22
	21 LOST OR STOLEN TAG	15	21	28
	22 AUTO THEFT	58	54	63
	25 BURGLAR ALARM RINGING	82	72	75
	26 BURGLARY	67	82	126
	27 LARCENY	52	56	52
	28 VANDALISM	21	21	34
	29 ROBBERY	18	13	19
	30 SHOOTING	0	1	0
	32 ASSAULT	121	116	135
	33 SEX OFFENSE	7	5	4
	34 DISTURBANCE	488	449	562
	35 INTOXICATED PERSON - MYERS ACT	1	0	0
	36 MISSING PERSON	27	27	24
	37 SUSPICIOUS VEHICLE	16	9	15
	38 SUSPICIOUS PERSON	26	23	23
	39 PRISONER	46	37	70
	41 SICK OR INJURED PERSON	22	12	11
	43 BAKER ACT	31	32	36
44 ATTEMPTED SUICIDE	1	3	7	
45 DEAD ON ARRIVAL	4	3	6	
47 BOMB OR EXPLOSIVE ALERT	0	1	0	
48 EXPLOSION	0	1	0	
49 FIRE	3	3	2	
52 NARCOTICS INVESTIGATION	60	74	103	
54 FRAUD	21	17	28	
55 WEAPONS VIOLATION	3	0	4	
<b>TOTAL FOR GRID 0917</b>		<b>2005</b>	<b>1862</b>	<b>2459</b>
0918	13 SPECIAL DETAIL CHRISTMAS	1	0	0
	13 SPECIAL INFORMATION/ASSIGNMENT	120	231	191
	14 CONDUCT INVESTIGATION	299	390	427

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**MIAMI DADE POLICE DEPARTMENT**  
**57B - Summarized CFS Year Comparison By Call Type-Grid-Signal**  
**Z2015000064 - Douglas Gardens Holding Corp**  
**Complaint Date Range: Jan 1, 2014 - May 31, 2015**



Grid Code	CAD Signal Code	YTD 2014	LYTD 2013	P LYTD 2012
0918	15 MEET AN OFFICER	12	22	28
	16 D.U.I.	1	3	0
	17 TRAFFIC ACCIDENT	68	97	69
	18 HIT AND RUN	20	39	29
	19 TRAFFIC STOP	193	349	392
	20 TRAFFIC DETAIL	18	17	9
	21 LOST OR STOLEN TAG	24	18	21
	22 AUTO THEFT	36	54	45
	25 BURGLAR ALARM RINGING	81	136	181
	26 BURGLARY	93	99	100
	27 LARCENY	53	88	74
	28 VANDALISM	30	38	46
	29 ROBBERY	24	33	28
	30 SHOOTING	0	0	3
	32 ASSAULT	130	158	157
	33 SEX OFFENSE	5	10	13
	34 DISTURBANCE	487	622	546
	36 MISSING PERSON	26	39	34
	37 SUSPICIOUS VEHICLE	18	22	25
	38 SUSPICIOUS PERSON	24	21	18
	39 PRISONER	36	69	123
	41 SICK OR INJURED PERSON	19	17	13
	43 BAKER ACT	28	37	30
	44 ATTEMPTED SUICIDE	1	2	1
	45 DEAD ON ARRIVAL	1	8	7
	48 EXPLOSION	0	0	1
49 FIRE	3	4	3	
52 NARCOTICS INVESTIGATION	54	97	111	
54 FRAUD	26	26	22	
55 WEAPONS VIOLATION	3	7	14	
<b>TOTAL FOR GRID 0918</b>		<b>1934</b>	<b>2753</b>	<b>2761</b>
0966	13 SPECIAL DETAIL CHRISTMAS	1	0	0
	13 SPECIAL INFORMATION/ASSIGNMENT	233	262	255
	14 CONDUCT INVESTIGATION	395	402	469
	15 MEET AN OFFICER	29	20	18
	16 D.U.I.	1	2	3
	17 TRAFFIC ACCIDENT	81	88	80
	18 HIT AND RUN	40	32	27
	19 TRAFFIC STOP	255	286	353
	20 TRAFFIC DETAIL	149	187	162

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**MIAMI DADE POLICE DEPARTMENT**  
**57B - Summarized CFS Year Comparison By Call Type-Grid-Signal**  
**Z2015000064 - Douglas Gardens Holding Corp**  
**Complaint Date Range: Jan 1, 2014 - May 31, 2015**



Grid Code	CAD Signal Code	YTD 2014	LYTD 2013	P_LYTD 2012
0966	21 LOST OR STOLEN TAG	19	14	12
	22 AUTO THEFT	29	76	62
	25 BURGLAR ALARM RINGING	110	96	77
	26 BURGLARY	131	144	124
	27 LARCENY	80	87	110
	28 VANDALISM	39	41	31
	29 ROBBERY	42	39	30
	30 SHOOTING	0	0	2
	32 ASSAULT	166	166	150
	33 SEX OFFENSE	10	7	7
	34 DISTURBANCE	683	742	807
	36 MISSING PERSON	50	52	30
	37 SUSPICIOUS VEHICLE	38	32	28
	38 SUSPICIOUS PERSON	48	37	41
	39 PRISONER	58	74	87
	41 SICK OR INJURED PERSON	31	20	23
	43 BAKER ACT	51	36	41
	44 ATTEMPTED SUICIDE	4	5	3
	45 DEAD ON ARRIVAL	8	8	8
	49 FIRE	6	6	4
52 NARCOTICS INVESTIGATION	89	122	138	
53 ABDUCTION	2	1	3	
54 FRAUD	28	31	28	
55 WEAPONS VIOLATION	8	7	10	
<b>TOTAL FOR GRID 0966</b>		<b>2969</b>	<b>3122</b>	<b>3223</b>
0967	13 SPECIAL DETAIL CHRISTMAS	3	0	0
	13 SPECIAL INFORMATION/ASSIGNMENT	290	251	250
	14 CONDUCT INVESTIGATION	424	521	605
	15 MEET AN OFFICER	30	36	48
	16 D.U.I.	1	0	0
	17 TRAFFIC ACCIDENT	60	68	70
	18 HIT AND RUN	29	23	29
	19 TRAFFIC STOP	226	279	366
	20 TRAFFIC DETAIL	13	6	9
	21 LOST OR STOLEN TAG	21	17	12
	22 AUTO THEFT	63	71	83
	25 BURGLAR ALARM RINGING	188	112	76
	26 BURGLARY	88	97	95
27 LARCENY	95	81	58	
28 VANDALISM	60	55	53	



**MIAMI DADE POLICE DEPARTMENT**  
**57B - Summarized CFS Year Comparison By Call Type-Grid-Signal**  
**Z201500064 - Douglas Gardens Holding Corp**  
**Complaint Date Range: Jan 1, 2014 - May 31, 2015**



Grid Code	CAD Signal Code	YTD 2014	LYTD 2013	P LYTD 2012
0967	29 ROBBERY	43	38	27
	30 SHOOTING	1	2	1
	32 ASSAULT	201	213	198
	33 SEX OFFENSE	10	15	14
	34 DISTURBANCE	740	806	723
	35 INTOXICATED PERSON - MYERS ACT	1	0	0
	36 MISSING PERSON	65	73	60
	37 SUSPICIOUS VEHICLE	23	29	21
	38 SUSPICIOUS PERSON	50	45	55
	39 PRISONER	93	116	119
	41 SICK OR INJURED PERSON	26	26	22
	43 BAKER ACT	45	35	27
	44 ATTEMPTED SUICIDE	1	2	2
	45 DEAD ON ARRIVAL	12	7	10
	47 BOMB OR EXPLOSIVE ALERT	0	0	1
	48 EXPLOSION	0	1	0
	49 FIRE	4	4	2
	52 NARCOTICS INVESTIGATION	239	276	255
	53 ABDUCTION	1	1	1
	54 FRAUD	21	23	21
55 WEAPONS VIOLATION	14	15	20	
<b>TOTAL FOR GRID 0967</b>		<b>3181</b>	<b>3344</b>	<b>3333</b>
		Reported: 4273	Reported: 4528	Reported: 4766
		Not Reported: 5816	Not Reported: 6553	Not Reported: 7010
<b>TOTAL ROUTINE</b>		<b>10089</b>	<b>11081</b>	<b>11776</b>
<b>GRAND TOTAL</b>		<b>12125</b>	<b>13227</b>	<b>13770</b>

# Memorandum



**Date:** June 30, 2015

**To:** Jack Osterholt, Deputy Mayor  
Director, Regulatory and Economic Resources Department

**From:** Maria I. Nardi, Chief *M-I-N.*  
Planning and Research Division  
Parks, Recreation and Open Spaces Department

**Subject:** Z2015000064: DOUGLAS GARDENS HOLDING CORP

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**Application Name:** DOUGLAS GARDENS HOLDING CORP

**Project Location:** The site is located at 5713 NW 27 AVE, Miami-Dade County.

**Proposed Development:** The request is for LAND USE DESIGNATION CHANGE FROM MC TO MCS in the Model City urban Center District.

**Impact and demand:** This application does not generate any additional residential population, and therefore the CDMP Open Space Spatial Standards do not apply.

**Recommendation:** PROS has no pertinent comments for this application concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review. Based on our findings described herein **PROS HAS NO OBJECTION TO THIS APPLICATION.**

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb

Cc: John M. Bowers, Parks Planning Section Supervisor



**MIAMI DADE POLICE DEPARTMENT**  
**57B - Summarized CFS Year Comparison By Call Type-Grid-Signal**  
Report Filters



**Complaint Date Range:** Jan 1, 2014 - May 31, 2015

**Grid:** 0917, 0918, 0966, 0967

**Signal:** 13 SPECIAL DETAIL CHRISTMAS, 13 SPECIAL INFORMATION/ASSIGNMENT, 14 CANINE INVESTIGATION, 14 CONDUCT INVESTIGATION, 15 MEET AN OFFICER, 16 D.U.I., 17 TRAFFIC ACCIDENT, 18 HIT AND RUN, 19 TRAFFIC STOP, 20 TRAFFIC DETAIL, 21 LOST OR STOLEN TAG, 22 AUTO THEFT, 23 CLEARANCE CHECK, 24 COMPLETE CHECK, 25 BURGLAR ALARM RINGING, 26 BURGLARY, 27 LARCENY, 28 VANDALISM, 29 ROBBERY, 30 SHOOTING, 31 HOMICIDE, 32 ASSAULT, 33 SEX OFFENSE, 34 DISTURBANCE, 35 INTOXICATED PERSON - MYERS ACT, 36 MISSING PERSON, 37 SUSPICIOUS VEHICLE, 38 SUSPICIOUS PERSON, 39 PRISONER, 40 SUBJECT POSSIBLY WANTED, 41 SICK OR INJURED PERSON, 42 AMBULANCE, 43 BAKER ACT, 44 ATTEMPTED SUICIDE, 45 DEAD ON ARRIVAL, 46 MEDICAL DETAIL, 47 BOMB OR EXPLOSIVE ALERT, 48 EXPLOSION, 49 FIRE, 50 ORGANIZED CRIME FIGURE, 51 NARCOTICS VIOLATOR, 52 NARCOTICS INVESTIGATION, 53 ABDUCTION, 54 FRAUD, 55 WEAPONS VIOLATION

**Agency:**

**District:**

**Call Type:** PRIORITY, ROUTINE, EMERGENCY

**Primary Unit:** Primary Unit not contains '0000' 'SB' 'CR' or Primary Unit does not exits

**CDW Package**

DISCLOSURE OF INTEREST\*

If a CORPORATION owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: Douglas Gardens Holding Corp. Inc

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>MIAMI Jewish Health Systems, Inc</u>	<u>100%</u>
<u>5200 NE 2ND AVE. MIAMI, FL 33137</u>	

If a TRUST or ESTATE owns or leases the subject property, list the trust beneficiaries and the percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME \_\_\_\_\_

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>

If a PARTNERSHIP owns or leases the subject property, list the principals including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: \_\_\_\_\_

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>

If there is a CONTRACT FOR PURCHASE, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

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**RECEIVED**  
215-064  
JUN 05 2015 for SDE  
MIAMI-DADE COUNTY  
DEPARTMENT OF REGULATORY AND  
ECONOMIC RESOURCES

NAME OF PURCHASER: GERALD SPRAYESON, AND/OR ASSIGNS

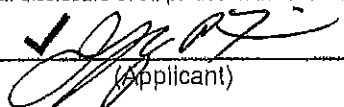
NAME, ADDRESS AND OFFICE (If applicable)	Percentage of Interest

Date of contract: 5/28/15

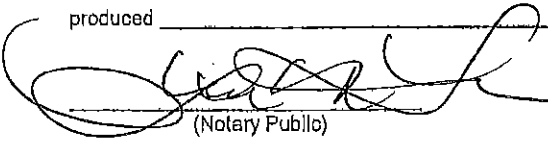
If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust.


**NOTICE:** For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature  JEFFREY P. FREIMARK  
 (Applicant) (Print Applicant name)

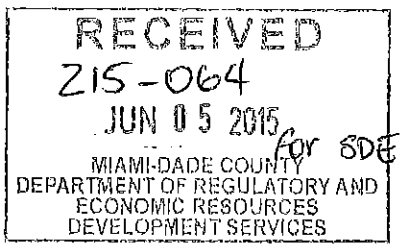
Sworn to and subscribed before me this 28 day of May, 20 15. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

  
 (Notary Public)



My commission expires: \_\_\_\_\_

\*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.



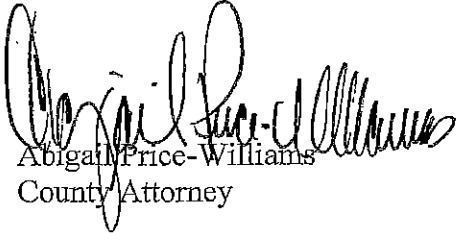


# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** February 2, 2016

**FROM:**   
Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 5(E)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required



Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 5(E)  
2-2-16

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATED TO ZONING; REVISING LAND USE PLAN MAP FOR THE MODEL CITY URBAN CENTER DISTRICT AS REQUESTED BY DOUGLAS GARDENS HOLDING CORP, INC., FOR REAL PROPERTY LOCATED AT 5713 NW 27 AVENUE; AMENDING SECTION 33-284.99.43, CODE OF MIAMI-DADE COUNTY, FLORIDA; APPROVING MODIFICATION OF DECLARATION OF RESTRICTIONS RECORDED IN OFFICIAL RECORD BOOK 10496, PAGE 1570; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

**WHEREAS**, in Ordinance No. 13-119, adopted on December 3, 2013, the Board of County Commissioners created a quasi-judicial procedure to amend Urban Center District regulating plans; and

**WHEREAS**, 'Douglas Gardens Holding Corp, Inc.' has applied to change the land use designation of a parcel, located at 5713 NW 27<sup>th</sup> Ave., from Mixed-Use Corridor to Mixed-Use Corridor Special; and

**WHEREAS**, it is necessary to amend the MCUC District Land Use Regulating Plan to effectuate the requested amendment; and

**WHEREAS**, 'Douglas Gardens Holding Corp, Inc.' has also requested a modification to a Declaration of Restrictions accepted pursuant to Resolution No. Z-49-79 and recorded in Official Record Book 10496, Page 1570, which limits the allowed uses on the subject property, to: (1) permit a self-service mini-warehouse storage facility; and (2) Modify the Declaration to

allow the covenant to be modified administratively as permitted by county code; to provide how the covenant is addressed in cases of annexation or incorporation; and to update other provisions to current standard “miscellaneous” clauses,

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Sec. 33-284.99.43 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 33-284.99.43. Regulating Plans.**

The Regulating Plans shall consist of the following controlling plans as defined and graphically depicted in this section:

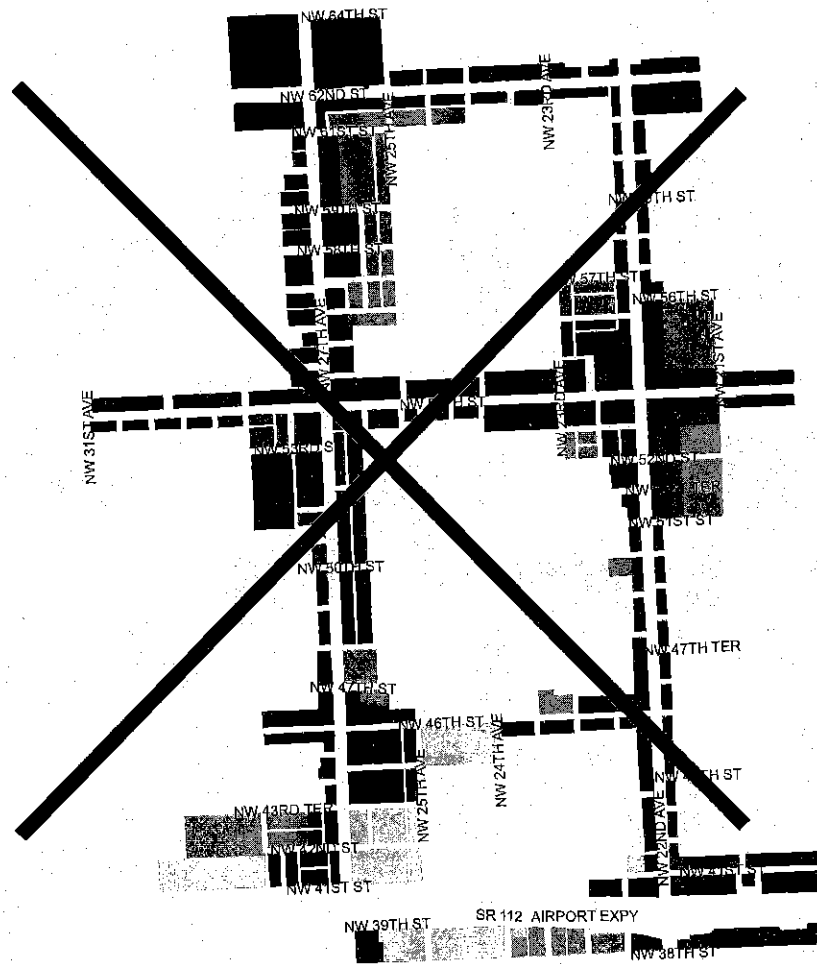
\* \* \*





A. Land Use Plan

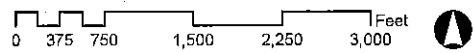
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<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

[[

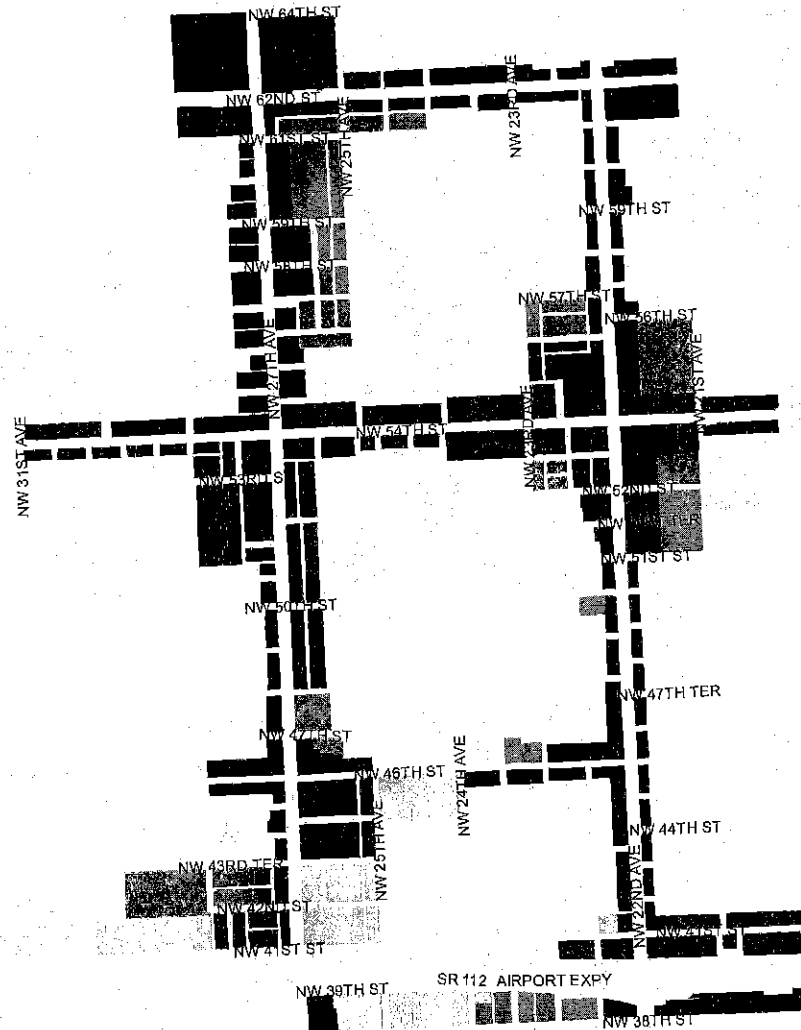


- Land Use**
-  MC Mixed-Use Corridor
  -  MCS Mixed-Use Special
  -  RM Residential Modified
  -  ID Industrial







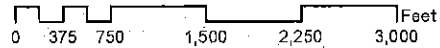
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Land Use

-  MC Mixed-Use Corridor
-  MCS Mixed-Use Special
-  RM Residential Modified
-  ID Industrial



<<

**Section 2.** The requested modification to the Declaration of Restrictions accepted pursuant to Resolution No. Z-49-79 and recorded in Official Record Book 10496, Page 1570 (the “Declaration”), (1) to permit a self-service mini-warehouse storage facility and (2) to allow the

covenant to be modified administratively as permitted by county code, to provide how the covenant is addressed in cases of annexation or incorporation, and to update other provisions to current standard “miscellaneous” clauses, is hereby approved in substantially the form attached hereto as Exhibit A, subject to the following conditions:

1. That all other paragraphs of Declaration of Restrictions, recorded in Official Records Book 10496, Page 1570, remain in full force and effect except as herein modified.

Further modification or elimination of the Declaration may be made by resolution or other applicable procedure set forth in Chapter 33 of the Code of Miami-Dade County, Florida.

**Section 3.** If any section, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 4.** It is the intention of this Board of County Commissioners, and it is hereby ordained that Section 1 of this ordinance shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word “ordinance” may be changed to “section”, “article”, or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

APW  
WJK

Prepared by:

Dennis A. Kerbel

**EXHIBIT A**

Proffered Declaration of Restrictions

This instrument was prepared by:

**DRAFT**

Name: Jorge L. Navarro, Esq.  
Address: Greenberg Traurig, LLP.  
333 S.E. 2<sup>nd</sup> Avenue, Ste. 4400  
Miami, Florida 33131

---

**DECLARATION OF RESTRICTIONS**

**Amendment and Restatement of the Declaration of Restrictions  
Recorded at Official Records Book 10496, Pages 1570-1572**

This Amendment and Restatement of Declaration of Restrictive Covenants is made this \_\_\_\_ day of \_\_\_\_\_, 2015, by Douglas Gardens Holding Corp., Inc., a Florida corporation, in favor of the Miami-Dade County, a political subdivision of the State of Florida.

**WITNESSETH**

**WHEREAS**, the undersigned owner, Douglas Gardens Holding Corp., Inc., a Florida corporation, (referred to as the "Owner"), holds the fee simple title to that certain parcel of land, which is legally described in Exhibit "A", hereinafter the "Property"; and

**WHEREAS**, a Declaration of Restrictions (hereinafter referred to as the "1979 Declaration") in favor of Miami-Dade County (the "County") was recorded in the Public Records of Miami-Dade County in Official Record Book 10496, at Pages 1570-1572, which placed certain conditions in conjunction with Public Hearing Application #79-3-CC-4 (Resolution No. Z-43-79) on the use of the subject Property (the "Original Covenant"); and

**WHEREAS**, the Miami-Dade County Board of County Commissioners held a public hearing on \_\_\_\_\_, 2016, wherein it adopted Ordinance No. \_\_\_\_\_ (the "Ordinance") to approve, in relevant part, a modification to uses permitted under the 1979 Declaration; and

**WHEREAS**, the Resolution approved the modification of paragraph 6 of the Declaration as follows:



**From:** NOW, THEREFORE, said Owner hereby voluntarily delivers this, its Covenant, to Dade County, Florida, and agrees that the real property herein aforescribed shall be subject to the following restrictions which are intended and shall be deemed to be Covenants Running With The Land, and binding upon the Owner, its successors and assigns, as will permit the building to be used only for any of those uses permitted in BU-1, BU-1A and BU-2 zones, and only the following BU-3 uses:

1. Automobile services and facilities, including:
  - a. Car sales
  - b. Car rentals
  - c. automobile parts (no secondhand parts) sales
  - d. automobile top and body work and painting
2. Wholesale showroom, salesroom and storageroom
3. Bakery and bakery products
4. Engines, gasoline and oil; sales and service
5. Garage or mechanical service (no trucks permitted)
6. Glass installation
7. Upholstery and furniture repairs
8. Leathergoods manufacturing, excluding tanning

**To:** NOW, THEREFORE, said Owner hereby voluntarily delivers this, its Covenant, to Dade County, Florida, and agrees that the real property herein aforescribed shall be subject to the following restrictions which are intended and shall be deemed to be Covenants Running With The Land, and binding upon the Owner, its successors and assigns, as will permit the building to be used only for any of those uses permitted in BU-1, BU-1A and BU-2 zones, and only the following BU-3 uses:

1. Automobile services and facilities, including:
  - a. Car sales
  - b. Car rentals
  - c. Automobile parts (no secondhand parts) sales
  - d. Automobile top and body work and painting
2. Wholesale showroom, salesroom and storageroom
3. Bakery and bakery products

4. Engines, gasoline and oil; sales and service
5. Garage or mechanical service (no trucks permitted)
6. Glass installation
7. Upholstery and furniture repairs
8. Leathergoods manufacturing, excluding tanning
9. **Self-service mini-warehouse storage facility in compliance with Section 33-255(23.1) of the Miami-Dade County Code of Ordinances.**

**WHEREAS**, the Ordinance approved the modification of the Declaration to allow the Declaration to be modified administratively as permitted by County Code, to provide how the Declaration is addressed in cases of annexation or incorporation in accordance with the requirements of the County Code, and to update other provisions to current standard “miscellaneous” clauses; and

**WHEREAS**, the Owner and the County desire that the covenants herein amend, restate, and supersede those of the 1979 Declaration; and

**NOW, THEREFORE**, IN ORDER TO ASSURE Miami-Dade County that the representations made by the Owner during consideration of Public Hearing No. \_\_\_\_\_ will be abided by, the Owner freely, voluntarily, and without duress makes the following declaration of restrictions covering and running with the Property:

(1) The real property herein aforedescribed shall be subject to the following restrictions which are intended and shall be deemed to be Covenants Running With The Land, and binding upon the Owner, its successors and assigns, as will permit the building to be used only for any of those uses permitted in BU-1, BU-1A and BU-2 zones, and only the following BU-3 uses:

1. Automobile services and facilities, including:
  - a. Car sales
  - b. Car rentals
  - c. Automobile parts (no secondhand parts) sales
  - d. Automobile top and body work and painting
2. Wholesale showroom, salesroom and storageroom
3. Bakery and bakery products
4. Engines, gasoline and oil; sales and service

5. Garage or mechanical service (no trucks permitted)
6. Glass installation
7. Upholstery and furniture repairs
8. Leathergoods manufacturing, excluding tanning
9. Self-service mini-warehouse storage facility in compliance with Section 33-255(23.1) of the Miami-Dade County Code of Ordinances. (Provision from Public Hearing No. Z-2015-000064)

(2) Owner further covenants that the alleyway in the rear of the property will be kept open for vehicular use, and not used for any storage purposes.

#### **MISCELLANEOUS.**

A. County Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

B. Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at the Owner's expense, in the public records of Miami-Dade County, Florida, and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

C. Term. This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date that this Declaration is recorded, after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the then-owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

D. Modification, Amendment, Release. This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the then-owner(s) of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, or the Director as provided by the Miami-Dade County Code of Ordinances. It is provided, however, in the event that the Property is annexed to an existing municipality or the Property is incorporated into a new municipality, any modification, amendment, or release shall not become effective until it is approved by such municipality and is thereafter approved by the Board of County Commissioners, in accordance with applicable procedures.

E. Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this Declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

F. Authorization for Miami-Dade County to Withhold Permits and Inspections. In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this Declaration is complied with.

G. Election of Remedies. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

H. Presumption of Compliance. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

I. Severability. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if

any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion.

J. Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director Regulatory and Economic Resources Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

K. Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

L. Owner. The term Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

IN WITNESS WHEREOF, Douglas Gardens Holding Corp., Inc., has caused these present to be signed in its name on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Witnesses:

Property Owner: Douglas Gardens Holding Corp., Inc., a Florida corporation

\_\_\_\_\_

Print Name

\_\_\_\_\_

Print Name

By: \_\_\_\_\_  
NAME, TITLE

STATE OF FLORIDA            )  
  ) SS  
COUNTY OF MIAMI-DADE    )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015, by \_\_\_\_\_, as \_\_\_\_\_ of \_\_\_\_\_, who is personally known to me or produced valid driver's licenses as identification.

My Commission Expires:

Notary Public:  
Sign Name:  
Print Name:

**EXHIBIT A**

Legal Description:

The West 380 feet of the North 330 feet of the North  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , less the North 25 feet and the West 50 feet for streets, in Section 15, Township 53 South, Range 41 East, lying and being Miami-Dade County Florida.

a/k/a Folio No. 30-3115-000-0220 / 5713 NW 27<sup>th</sup> Avenue, Miami, Florida 33142