

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

PH: Z23-412

July 17, 2024

Item No. 1C

Recommendation Summary	
Commission District	3
Applicant	585 NW 95 TER LLC
Summary of Requests	The applicant seeks approval of a district boundary change on the subject property from RU-3B to BU-1A in order to allow the site to be developed with an office use building to service the existing warehouse located on the adjacent parcel.
Location	9557 NW 6 Avenue, Miami-Dade County, Florida.
Property Size	±0.16 Acre
Existing Zoning	RU-3B, Bungalow Court District
Existing Land Use	Vacant land
2030-2040 CDMP Land Use Designation	Business and Office (Subject to approval of the concurrent CDMP amendment Application No. CDMP20230019) * (see attached <i>Zoning Recommendation Addendum</i>)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311 District Boundary Change (see attached <i>Zoning Recommendation Addendum</i>)
Recommendation	Approval, subject to the Board's acceptance of the proffered covenant. (Subject to approval of the concurrent CDMP amendment Application No. CDMP20230019 and it becoming effective) *

*** This recommendation is contingent on approval of the CDMP amendment Application No. CDMP20230019 to amend the CDMP, which the Board of County Commissioners (the Board) scheduled to hear, pursuant to section 2-116.1 of the County Code, prior to and on the same day as the hearing on this concurrent zoning application.**

BOARD OF COUNTY COMMISSIONERS' JURISDICTION:

This Board has jurisdiction over this application pursuant to Section 2-116.1(5)(e), which provides that the zoning application shall, at the applicant's request, be processed concurrently with the CDMP amendment application, and the Board of County Commissioners may take action on the concurrent zoning application on the same day at which it takes final action on the CDMP amendment application.

PROCEDURAL HISTORY:

This item was deferred from the May 23, 2024 and June 20, 2024 meetings of the BCC in order to allow the application to be heard with the concurrent CDMP amendment Application No. CDMP20230019 [pursuant to Section 2-116.1 of the County Code].

The public hearing on this item has not been held.

REQUEST:

DISTRICT BOUNDARY CHANGE from RU-3B, Bungalow Court District, to BU-1A, Limited Business District.

PROJECT HISTORY AND DESCRIPTION:

The applicant seeks to rezone the ±0.16-acre subject property from RU-3B, Bungalow Court District to BU-1A, Limited Business District in order to allow the site to be developed with an office building to service the existing warehouse located on the adjacent parcel (south) of the subject property. In addition, the applicant has concurrently filed a small-scale amendment application (CDMP20230019) to the Comprehensive Development Master Plan (CDMP) Adopted 2030 and 2040 Land Use Plan (LUP) map. The CDMP application seeks to re-designate the subject property from “Low Density Residential” (6 to 13 dwelling units per gross acre) to “Business and Office”. The CDMP amendment would be subject to the Board’s acceptance of a proffered Declaration of Restrictions (CDMP covenant) requiring among other things, that the subject parcel be developed as an office building and that the applicant will provide the necessary buffers between the subject property and the adjacent residential uses as reasonably required by Miami-Dade County during Site Plan review. Approval of this zoning application is contingent on the approval of the CDMP amendment. Staff further notes that there were no plans submitted for the subject application. Therefore, a zoning covenant is being proffered by the applicant that, among other things, would restrict the building height to a maximum of two (2) stories not exceeding 35 feet.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	RU-3B; vacant parcel	Business and Office (Subject to approval of the concurrent CDMP amendment)
North	RU-3B; duplex	Low Density Residential (2.5 to 6 du/a)
South	BU-1A; warehouse	Low Density Residential (2.5 to 6 du/a)
East	RU-3B, single-family residence	Low Density Residential (2.5 to 6 du/a)
West	North-South Expressway (I-95)	Transportation (Row, Rail, Metrorail, Etc.)

NEIGHBORHOOD COMPATIBILITY:

The ±0.16-acre currently vacant subject property is located at 9557 NW 6 Avenue. The area surrounding the subject parcel consists of properties zoned RU-3B developed as single-family and duplex residences to the north and east while the lot to the south is zoned BU-1A and is currently developed as a warehouse. Staff notes that a service station, and commercial use properties that are zoned BU-1A are located further to the south of the subject parcel across from NW 95 Terrace. Additionally, the entrance ramp to Interstate I95 northbound is located to the west of the subject parcel.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to develop the site with an office use building to service the existing warehouse located to the south of the subject parcel. Based on

memoranda from the departments reviewing this application, the additional impacts will be minimal and will not cause their facilities and services to operate below their adopted levels of service standards. The Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) state in their memorandum that the application meets traffic concurrency criteria, does not exceed the acceptable Level of Service (LOS) on the neighboring roadways and will generate 11 PM daily peak hour vehicle trips. Staff notes that approval of this application may bring additional noise into the neighborhood and could have aural and visual impacts on the residential properties to the north and to the east of the subject site.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

As previously mentioned, the subject property is the subject of a small-scale CDMP amendment application (CDMP20230019) being processed concurrently with this zoning application, pursuant to Section 2-116.1(5)(d)(e) of the Code of Miami-Dade County. The concurrent CDMP application is slated to be heard by the Board of County Commissioners, prior to the zoning hearing application. The CDMP application seeks to re-designate the subject parcel and the parcel immediately to the south consisting of approximately 0.48 total gross acres from "Low Density Residential" to "Business and Office". The **Business and Office** category *accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices.*

The purpose of the BU-1A, zoning district is to provide for retail and service convenience facilities which satisfy the essential and frequent needs of the adjacent residential neighborhood as well as the more specialized commercial facilities which may serve several neighborhoods. The BU-1A zoning district allows all uses permitted under the BU-1, Neighborhood Business, zoning district. Such uses under said commercial districts include, but are not limited to, office, retail stores and groceries, etc. The applicant's intent for the rezoning is to develop the site with a proposed office building to serve the administrative needs of the existing 7,670 square feet warehouse currently located on the southern portion of the site. As part of the small-scale CDMP amendment the applicant has proffered a Declaration of Restrictions covering and running with the Property that restricts the use of the subject property to office. Said CDMP covenant also mandates for the applicant to provide the necessary buffers between the proposed office building and the adjacent residential uses as reasonably consistent with the dissimilar use buffer requirements in the Miami-Dade County Code.

The CDMP Land Use Element **Objective LU-4**, states that Miami-Dade County shall, by the year 2030, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community. Staff opines that the proposed development would be consistent with CDMP policies that require the County to accommodate projected population or economic growth, and that development be prioritized on parcels that are compatible with abutting and nearby land uses. Staff opines that the proposed development under BU-1A zoning districts will not have a significant visual impact on the surrounding properties and would be **compatible** with the area based on the criteria set forth in the CDMP Land Use Element policies to appropriately increasing residential densities and intensities of development within the UDB. The rezoning of the property will act as a reasonable transition between the higher intensity projects located to the south that include, but are not limited to, warehouse for the printing of promotional items as well as the wholesale and retail distribution and a service station and the existing residential homes to the north and east.

Therefore, subject to the Board's approval of the CDMP small-scale amendment to allow the redesignation of the subject property to Business and Office, staff opines that the proposed

rezoning to BU-1A in order to develop the property as office would be **consistent** with the CDMP Land Use Element interpretative text for the Business and Office use. Staff further opines that approval of the application will not create any significant impacts which will disrupt or degrade the safety and tranquility of the neighboring properties and would be **compatible** with the surrounding area based on the Zoning Analysis below.

ZONING ANALYSIS:

The applicant seeks approval of a request for a district boundary change from RU-3B, Bungalow Court District to BU-1A, Limited Business District. When the request to rezone the 0.16-acre parcel to BU-1A is analyzed under Section 33-311, District Boundary Change staff opines that the request would be **compatible** with the surrounding area when considering the necessity and reasonableness in relation to the present and future development of the area concerned. Section 33-311 of the Code states that the purpose of the Code is to provide a comprehensive plan and design to among other things, lessen congestion on the highways and promote convenience and general welfare, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses. Staff supports the district boundary change and opines that for the reasons explained in the Comprehensive Development Master Plan Analysis section, the request for a zone change on the subject property in order to develop the site with an office building to service the existing warehouse located on the adjacent parcel, as allowed under the conditions and limitations contained within the CDMP covenant, would be **consistent** with the Business and Office designation of the parcel on the CDMP Land Use Plan map, and would be **compatible** with the existing developments along NW 95TH Terrace that includes warehouse, service station and an office building.

Staff notes that the ±0.16-acre vacant parcel is located immediately adjacent to the I-95 northbound entrance ramp which staff is of the opinion is not ideally suited for residential due to inadequate setbacks from roadway, traffic and noise. Therefore, staff opines that the BU-1A zoning change for the development of an office building will create a harmonious transition between the existing single-family residence and duplex located along the north and east of the subject site and the existing BU-1A zoning district located to the south of the subject site currently use as a warehouse for the printing of promotional items as well as the wholesale and retail distribution. In addition, staff research of the area found similar approvals for BU-1A zoning in the surrounding area. These approvals include, but are not limited to, the previously mentioned property immediately to the south located at 585 NW 95 TER which pursuant to Resolution No. Z-178-80 received approval of the District Boundary Change from RU-3B to BU-1A along with variance to permit additional Floor Area Ratio (FAR) and less parking spaces than required by code. Staff notes that although no site plans were submitted for this application, at the time of permitting the property would have to comply with the BU-1A zoning district requirements, which require the development to be compatible with the adjacent uses through the implementation of adequate buffering, site planning, setbacks and/or design features. Staff further notes that the CDMP covenant for the re-designation of the subject site to 'Business and Office', had restricted the use of the subject property to office and that the applicant shall provide the necessary buffers between the Property and the adjacent residential uses as reasonably required by Miami-Dade County during Site Plan review. Additionally, as previously mentioned, the applicant has voluntarily proffered a Zoning Declaration of Restrictions, which restricts the height of the proposed development to (2)-stories not exceeding 35 feet.

Staff notes that based on the memoranda submitted by other departments reviewing the application, approval of the application will not cause their facilities and services to operate below their adopted levels of service standards. Staff notes that the Platting and Traffic Review Section

of the Department of Regulatory and Economic Resources (RER), does not object to the application and indicate in their memorandum, dated November 13, 2023, that the application meets the traffic concurrency criteria because it lies within the urban infill area where traffic concurrency does not apply and generates approximately 11 PM peak hour vehicle trips. Further, the Division of Environmental Resources Management (DERM) of the Department of Regulatory and Economic Resources, in their memorandum dated February 8, 2024, indicate that the application meets all applicable LOS standards for an initial development order as specified in the adopted CDMP for potable water service, wastewater disposal, and flood protection. In addition, the memoranda submitted by the Miami-Dade Fire Rescue Department and the Water and Sewer Department indicate no objection to the application as well. Based on the aforementioned department memoranda, staff opines that approval of the applicant's request for a proposed rezoning of the parcel will not unduly burden the abutting roadways, will not have an unfavorable impact on the environmental resources of the County, or cause undue or excessive burden on public facilities. As such, staff opines that approval of the request to rezone the subject parcel to BU-1A, subject to the proffered covenant, would be **compatible** with the surrounding neighborhood, when considering the necessity and reasonableness of the rezoning in relation to the present and future development of the area. **Therefore, staff recommends approval of the request for a district boundary change to BU-1A, Limited Business District, under Section 33-311, District Boundary Change, subject to the Board's acceptance of the proffered covenant.**

ACCESS, CIRCULATION AND PARKING: N/A

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

RECOMMENDATION:

Approval, subject to the Board's acceptance of the proffered covenant (Subject to approval of the concurrent CDMP amendment Application No. CDMP20230019 and it becoming effective).

CONDITIONS FOR APPROVAL: None.

ES:JB:JR:EA



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

ZONING RECOMMENDATION ADDENDUM

585 NW 95 TER LLC
PH: Z23-412

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resources Management (RER)	<i>No objection</i>
Platting and Traffic Review Section (RER)	<i>No objection</i>
Miami-Dade Fire Rescue (MDFR)	<i>No objection</i>
Water and Sewer Department (WASD)	<i>No objection</i>
Building and Neighborhood Compliance (BNC)	<i>No objection</i>
<i>*Subject to conditions in their memorandum.</i>	

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

Business and Office (Pg. I-40)	<i>This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.</i>
Uses and Zoning Not Specifically Depicted (Pg. I-33)	<i>Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the parcel exists, including all the provisions for density averaging and definition of gross density.</i>
Policy LU-4A (Page I-9)	<i>When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.</i>
Policy LU-4D (Page. I-8)	<i>Uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the complementary elements and buffer any potentially incompatible elements.</i>

ZONING RECOMMENDATION ADDENDUM

585 NW 95 TER LLC
PH: Z23-412

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311 District Boundary Change	<p>(A) <i>The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.</i></p> <p>(F) Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which:</p> <ol style="list-style-type: none">(1) <i>The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;</i>(2) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;</i>(3) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;</i>(4) <i>The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;</i>(5) <i>The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.</i>
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Building and Neighborhood Compliance

ENFORCEMENT HISTORY

585 NW 95 TERR LLC/FABER, SYLVAIN 9557 NW 6 AVE
MIAMI-DADE COUNTY, FLORIDA.

APPLICANT

ADDRESS

PENDING

Z2023000412

DATE

HEARING NUMBER

FOLIO No: 30-3101-007-0860

REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:

July 9, 2024

NEIGHBORHOOD REGULATIONS:

There are no open/closed cases in CMS.

BUILDING SUPPORT REGULATIONS:

There are no open/closed cases in BSS.

VIOLATOR:

585 NW 95 TERR LLC/ FABER, SYLVAIN

OUTSTANDING LIENS AND FINES:


There are no outstanding liens or fines.

Memorandum



Date: July 9, 2024

To: Lourdes M. Gomez, AICP, Director
Department of Regulatory and Economic Resources

From: Lisa M. Spadafina, RER Assistant Director 
Division of Environmental Resources Management

Subject: Z2023000412-4th Review
585 NW 95 Terr LLC
9557 NW 6th Avenue
DBC from RU-3B to BU-1A to develop an office building
(RU-3B and BU-1A) (0.16 Acres)
01-53-41

The Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) has reviewed the above referenced zoning application for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) for potable water service and wastewater disposal. Based on the information provided, this zoning application is approved pursuant to section 24-43.1 of the Code.

Potable Water Supply

Pursuant to the Code and based on the letter of intent and the requested district boundary change, the property is located within feasible distance to connect to public water. Therefore, the future development shall connect to public water in accordance with the Code. Please note that this development will need to obtain a water extension permit prior to DERM approval of future development orders.

Be advised that the required water main extension permit is issued by the Florida Department of Health. Civil drawings for the water main extension will need to be approved by the Miami-Dade Water and Sewer Department and the Environmental Permitting Section of RER.

In accordance with section 24-43.4(2)(b)(iii) of the Code the property has submitted a covenant running with the land in favor of Miami-Dade County acknowledging that the property shall be required to connect to the applicable public infrastructure as a condition of any building permit for development on the property or portion thereof.

Existing public water services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Conditions of Approval: None

Wastewater Disposal

Pursuant to the Code and based on the letter of intent, the property is not within feasible distance to connect to public sanitary sewers. Consequently, the property would have to be served by an Onsite Sewage Treatment and Disposal System (OSTDS) as a means for the disposal of domestic liquid waste.

Section 24-43.1(6) of the Code states no County or municipal officer, agent, employee, or Board shall approve, grant or issue any building permit, certificate of use and occupancy, municipal occupational license, platting action (final plat, waiver of plat or equivalent municipal platting action) or zoning action (district boundary change, unusual use, use variance or equivalent municipal zoning action) for any nonresidential land use served or to be served by any liquid waste storage, disposal or treatment method other than utility sanitary sewers or any source of potable water supply other than a utility water main without obtaining the prior written approval of the Director.

Pursuant to section 24-43.1(6)(a) of the Code, non-residential uses connected to public water and not connected to public sewer are allowed if the Director determines, among other conditions, that the existing or requested nonresidential land use for the property is served or to be served by a public water main and is not one or more of the nonresidential land uses permitted under the following Miami-Dade County zoning classifications:

- i. BU-1A (excluding those land uses permitted by BU-1),
- ii. BU-2 (excluding those land uses permitted by BU-1),
- iii. BU-3 (excluding those land uses permitted by BU-1),
- iv. IU-1 (excluding commercial vehicle storage facilities with approved groundwater monitoring),
- v. IU-2 (excluding commercial vehicle storage facilities with approved groundwater monitoring),
- vi. IU-3 (excluding commercial vehicle storage facilities with approved groundwater monitoring),
- vii. IU-C (excluding commercial vehicle storage facilities with approved groundwater monitoring),

Per section 33-238(24) of the Code, the proposed office use is a use allowed under BU-1 and therefore complies with section 24-43.1(6)(a) of the Code.

Pursuant to section 24-43.1(4)(b) of the Code the maximum sewage loading shall not exceed 1,500 gallons per day per acre (gpd/Ac) for non-residential properties served by an OSTDS in conjunction with a public water supply. According to the information provided, the proposed development complies with the sewage loading requirements of the Code.

Pursuant to section 24-43.1(a)(iii) of the Code, the Director shall issue written approval for a non-residential public water and OSTDS if the only liquid to be generated, disposed of, discharged, or stored on the property is domestic sewage discharged into an OSTDS. The proposed use, an office building, is not expected to generate, dispose of, discharge, or store hazardous waste. Therefore, the property complies with section 24-43.1(a)(iii) of the Code.

In accordance with section 24-43.1(4)(a) of the Code, the property has submitted a covenant running with the land in favor of Miami-Dade County acknowledging that the only liquid waste, less and except the exclusions contained therein, which shall be generated, disposed of, discharged, or stored on the property shall be domestic sewage discharged into an OSTDS.

Conditions of Approval: None

Stormwater Management

Stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage system. Drainage plans shall provide for full on-site retention of the stormwater runoff generated by a 5-year / 1-day storm event.

Site grading and development plans shall comply with the requirements of Chapter 11C of the Code, as well as with all state and federal criteria, and shall not cause flooding of adjacent properties.

Any proposed development shall comply with county and federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP subject to compliance with the conditions required for this proposed development order.

Conditions of Approval: None

Tree Preservation

An aerial review of the subject properties indicates the presence of tree resources. The subject application was reviewed to determine whether the proposed request is in accordance with the specimen tree protection standards contained in section 24-49.2 of the Code; however, no information regarding these tree resources was submitted with this application. A Miami-Dade County Tree Permit is required prior to the removal and/or relocation of any tree that is subject to the tree preservation and protection provisions of the Code. Projects and permits shall comply with the requirements of sections 24-49.2 and 24-49.4 of the Code, including the specimen tree standards. The applicant is advised that a tree survey that includes a tree disposition table will be required during the tree removal permit application process.

The subject application, which requests a district boundary change from RU-3B to BU-1A could result in tree removal/relocation activity to trees. Because the subject application does not include a proposed site plan, it cannot be determined at this time whether the applicant's future plans for the property, which are yet to be submitted--would comply with specimen tree standards. DERM approval of the district boundary change shall not be interpreted as DERM approval of removal or relocation of tree resources.

In accordance with section 24-49.9 of the Code, all plants prohibited by Miami-Dade County shall be removed from all portions of the property prior to development, or redevelopment and developed parcels shall be maintained to prevent the growth or accumulation of prohibited species. Please contact Jackelyn Alberdi at Jackelyn.Alberdi@miamidade.gov for additional information or concerns regarding this review.

Conditions of Approval: None

Enforcement History

There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property. There are no outstanding DERM liens or fines for the subject property.

Concurrency Review Summary

A concurrency review has been conducted for this application and DERM 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. This concurrency approval is valid only for this initial development order. Pursuant to Chapter 33G of the Code, a final concurrency statement will be issued at the time of final development order.

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

cc: Eric Silva, Department of Regulatory and Economic Resources

Memorandum



Date: July 1, 2024

To: Eric Silva, AICP, Assistant Director
Department of Regulatory and Economic Resources

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

Subject: Z2023000412
Name: 585 NW 95 Ter LLC
Location: North of NW 95 Street and East of NW 6 Avenue
Section 01 Township 53 South Range 41 East

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

This land **requires** platting in accordance with Chapter 28 of the Miami-Dade County Code. Any right-of-way dedications per Miami-Dade Chapter 33-133 and Chapter 28 and/or improvements required will be accomplished thru the recording of a plat.

This application meets the traffic concurrency criteria because it lies within the urban infill area where traffic concurrency does not apply. It will generate approximately **11 PM** peak hour vehicle trips.

The request herein, constitutes an Initial Development Order only, and one or more traffic concurrency determinations will subsequently be required before development will be permitted.

Notes: PM =Post Meridiem

The PM peak hour refers to the highest hour of vehicle trips generated during the afternoon peak hours of 4-6 PM

Standard Conditions:

- During the platting and/or permitting process, applicant must submit paving, grading and pavement marking plans to the Department of Regulatory and Economic Resources Platting Section for review. The set of plans shall be signed and sealed by an engineer in compliance with the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways as well as County Standards. Additional improvements may be required once the detailed set of plans are submitted to this Section.
- All landscaping, walls, fences, entrance features, etc. will be subject to the Safe Sight Distance Triangle as per Section 33-11 of the Miami-Dade County Code and G5.3 of the Public Works and Waste Management Department Manual.

Memorandum



Date: July 01, 2024

To: Nathan M. Kogon, Assistant Director
Regulatory and Economic Resources

From: Alejandro G Cuello, Principal Planner
Miami-Dade Fire Rescue Department

Subject: Z2023000412

The Miami-Dade Fire Rescue Department has **no objection** to request for zoning designation change from RU-38 (Bungalow Court District) to BU-IA (Limited Business District) uploaded to “EnerGov” on 10/11/2023. Any future site plans will need separate approval.

MDFR’s review of this zoning application is limited to assessing fire department access and does not effectuate an approval of the building design. The future building’s design must be in compliance with the applicable requirements for the proposed use:

Florida State Statue Chapter 633 (Fire Prevention & Control)
Florida Administrative Code 69A
Florida Fire Prevention Code (NFPA 1 and NFPA 101 (2018 edition))
Applicable adopted NFPA Standards
County Code Chapter 14

For additional information, please contact acuello@miamidade.gov or call 305-775-3357.

Memorandum



Date: April 30, 2024

To: Eric Silva, Assistant Director
Department of Regulatory and Economic Resources

From: *Jerry Bell*
Jerry Bell, AICP, Assistant Director for Planning
Department of Regulatory and Economic Resources

Subject: Z2023000412 – 585 NW 95 TER, LLC

Location/Folio	9557 NW 6 Avenue Folio: 30-3101-007-0860
Acreage	±0.16 acres
Current Land Use	"Low Density Residential"
Proposed Land Use	"Business and Office"
Existing Zoning	RU-3B (Bungalow Court District)
Zoning Request	BU-1A (Limited Business District)
Project Description	Development of the Property with an 3,650 sq. ft. office building
Concurrent Application	CDMP CDMP20230019 / With a proffered covenant

Staff Comments:

The Planning Division has reviewed the subject zoning application for consistency with the Comprehensive Development Master Plan (CDMP) and offers the following comments:

- Applicant is seeking to rezone the property from RU-3B to BU-1A to allow for the development of a 3,650 sq. ft. office building.
- The applicant has a concurrent CDMP application (CDMP20230019) that addresses a larger ±0.482-acre property encompassing the Subject Property and the BU-1A zoned parcel to the south that is developed with an existing warehouse structure.
- The concurrent CDMP application proposes to redesignate the site from "Low Density Residential" to "Business and Office" and includes a proffered covenant that :
 - Restricts office use on the northern parcel, and an existing warehouse use consisting of approximately 7,670 square feet on the southern parcel.
 - Commits to provide a buffer between the Subject Property and the adjacent residential uses.

Concurrent CDMP/Zoning Process

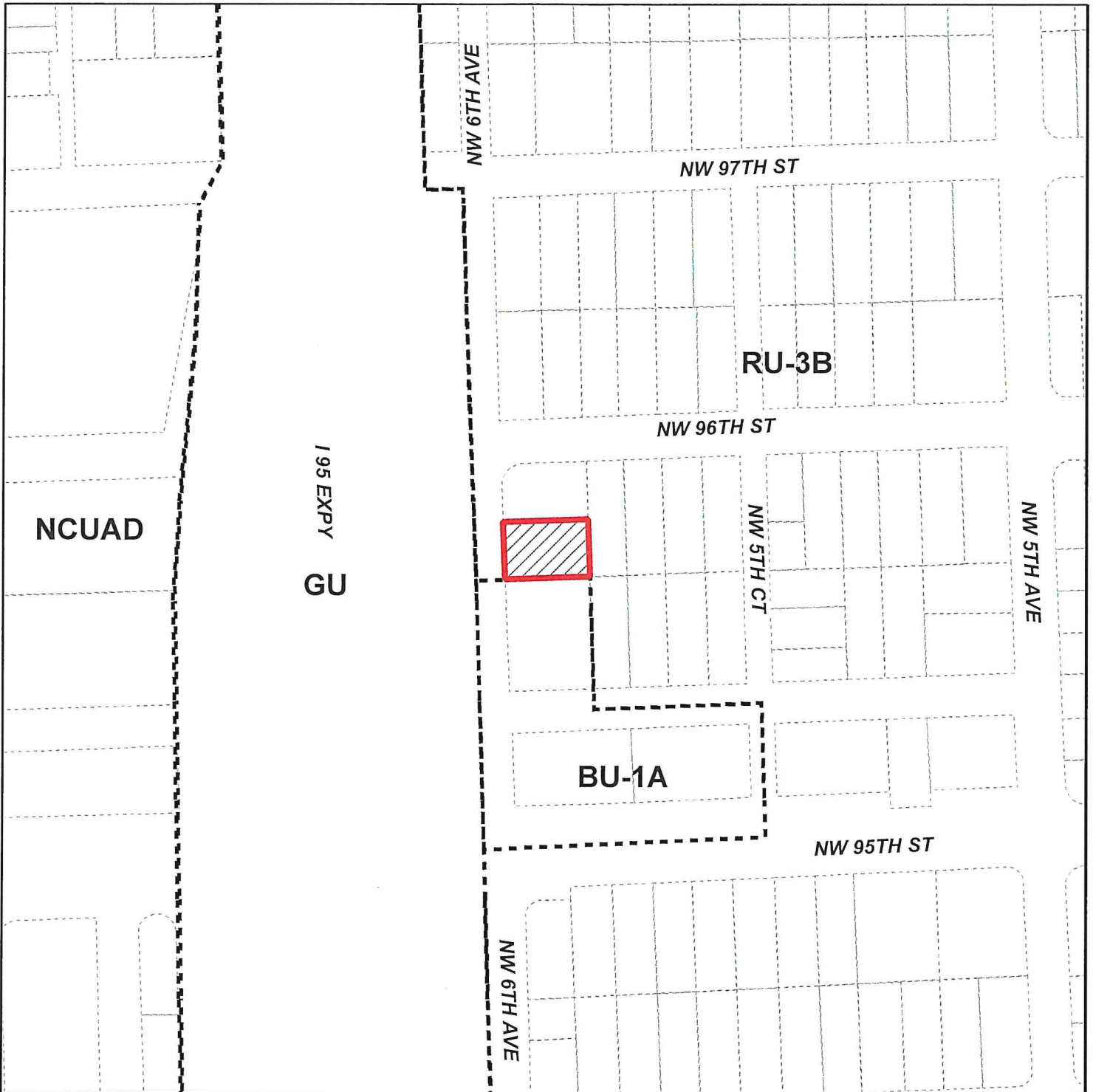
- The public hearing for concurrent CDMP/Zoning applications must be scheduled on the same date.

- Approval of the zoning application is contingent upon the CDMP amendment application becoming effective.
 - A CDMP application becomes effective after it has been adopted by the BCC and the 30-day challenge period expires without a petition being filed.
- If timely challenged, an amendment does not become effective until the State Land Planning Agency or Administrative Commission issues a Final Order determining the adopted amendment to be in compliance with state law.

The Planning Division has reviewed the subject special exception application for consistency with the Comprehensive Development Master Plan (CDMP) and finds the zoning request consistent should the CDMP request be adopted.

If you have any questions, please contact me or Garrett Rowe, Chief, in the Department's Metropolitan Planning Section at 305-375-2835.

JB:GAR:RD:CD





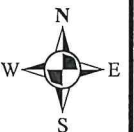
MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2023000412

Section: 01 Township: 53 Range: 41
 Applicant: 585 NW 95 TERR LLC
 Zoning Board: C8
 Commission District: 3
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

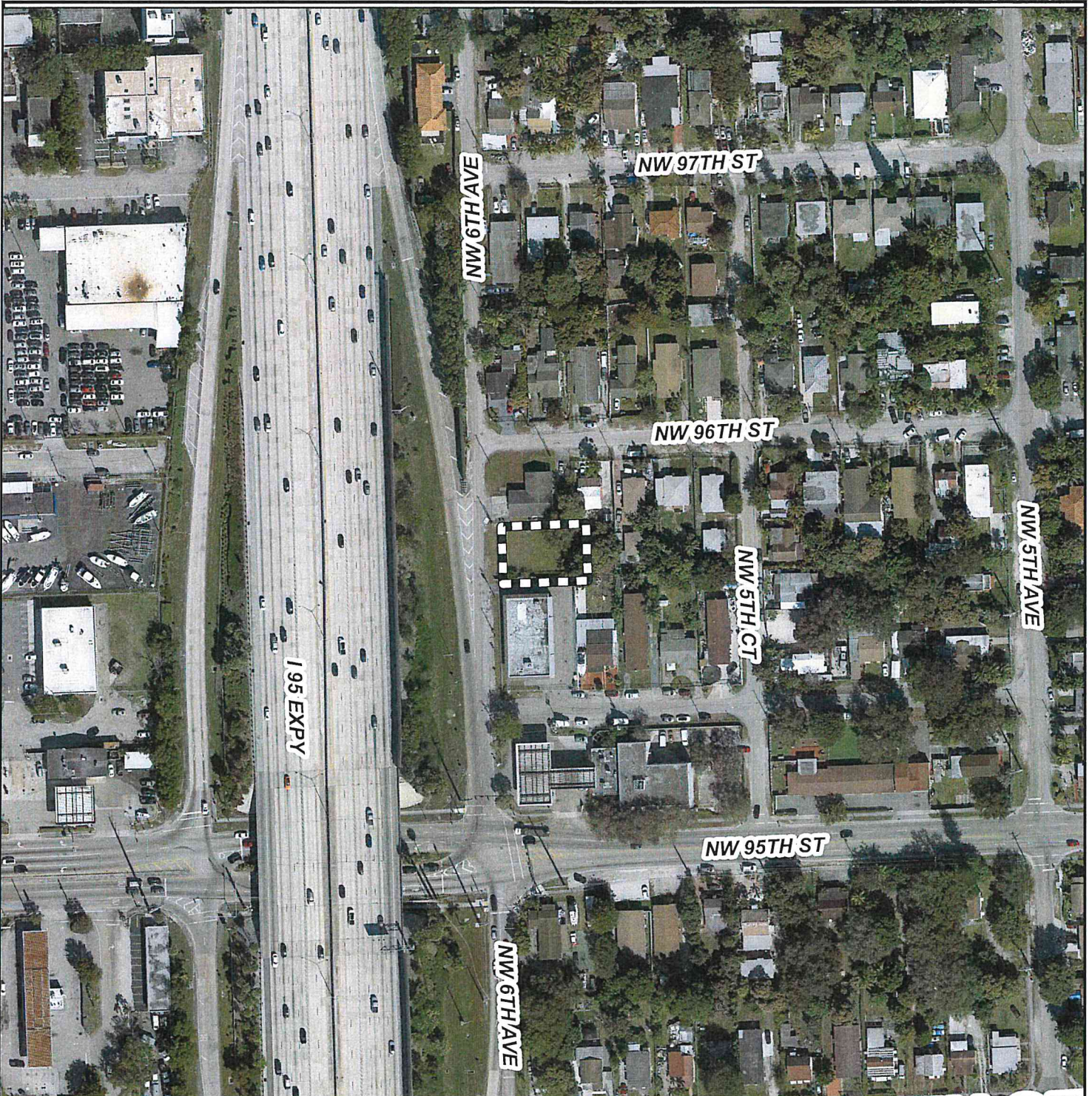
Legend

-  Subject Property Case
-  Zoning




SKETCH CREATED ON: Friday, October 13, 2023

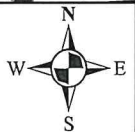
REVISION	DATE	BY
		19



MIAMI-DADE COUNTY
AERIAL YEAR 2021

Process Number
Z2023000412

Legend
 Subject Property

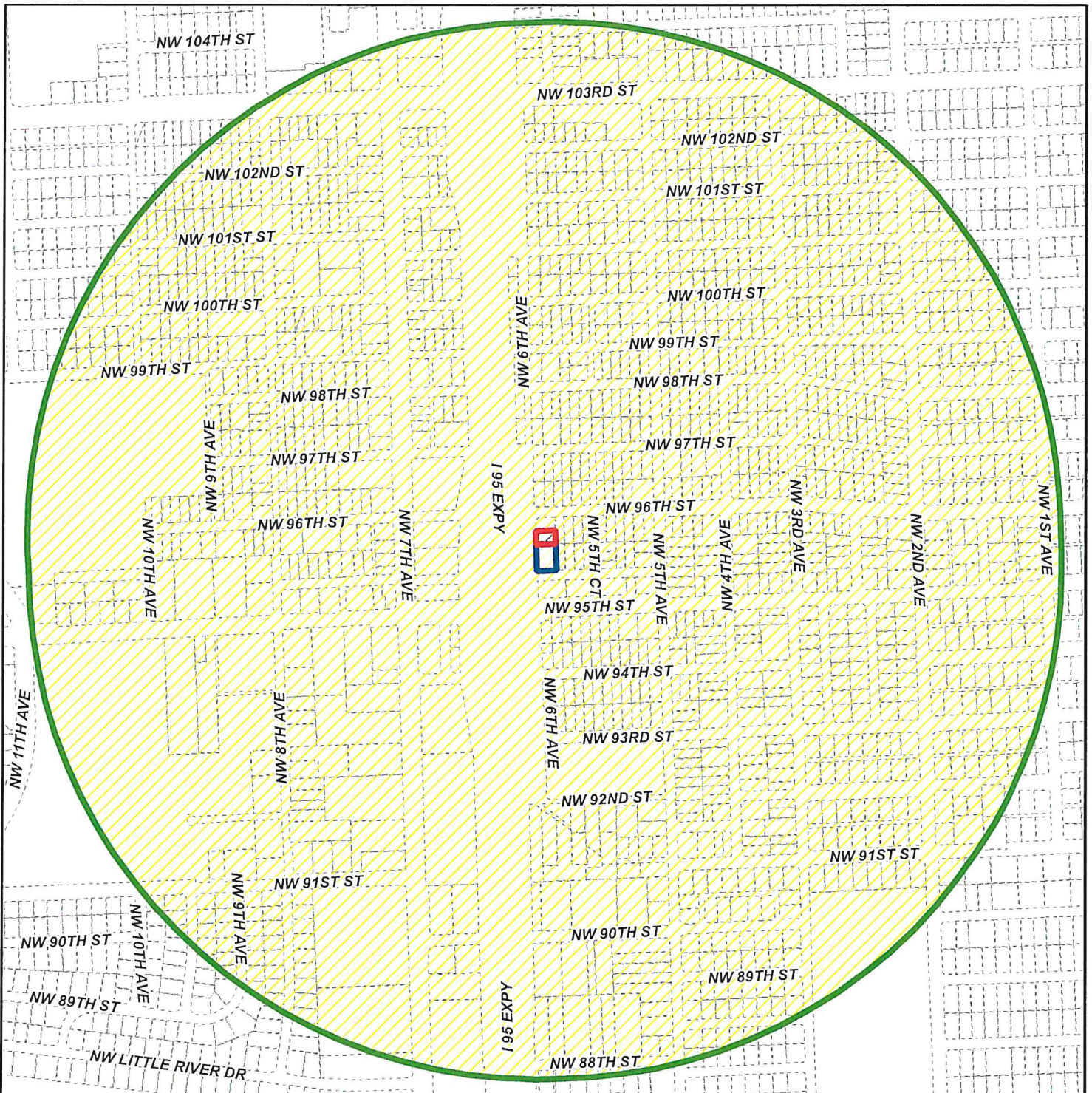


Section: 01 Township: 53 Range: 41
Applicant: 585 NW 95 TERR LLC
Zoning Board: C8
Commission District: 3
Drafter ID: EDUARDO CESPEDES
Scale: NTS



SKETCH CREATED ON: Friday, October 13, 2023

REVISION	DATE	BY
		26



MIAMI-DADE COUNTY **RADIUS MAP**

Section: 01 Township: 53 Range: 41
Applicant: 585 NW 95 TERR LLC
Zoning Board: C8
Commission District: 3
Drafter ID: EDUARDO CESPEDES
Scale: NTS

Process Number
Z2023000412
RADIUS: 2640

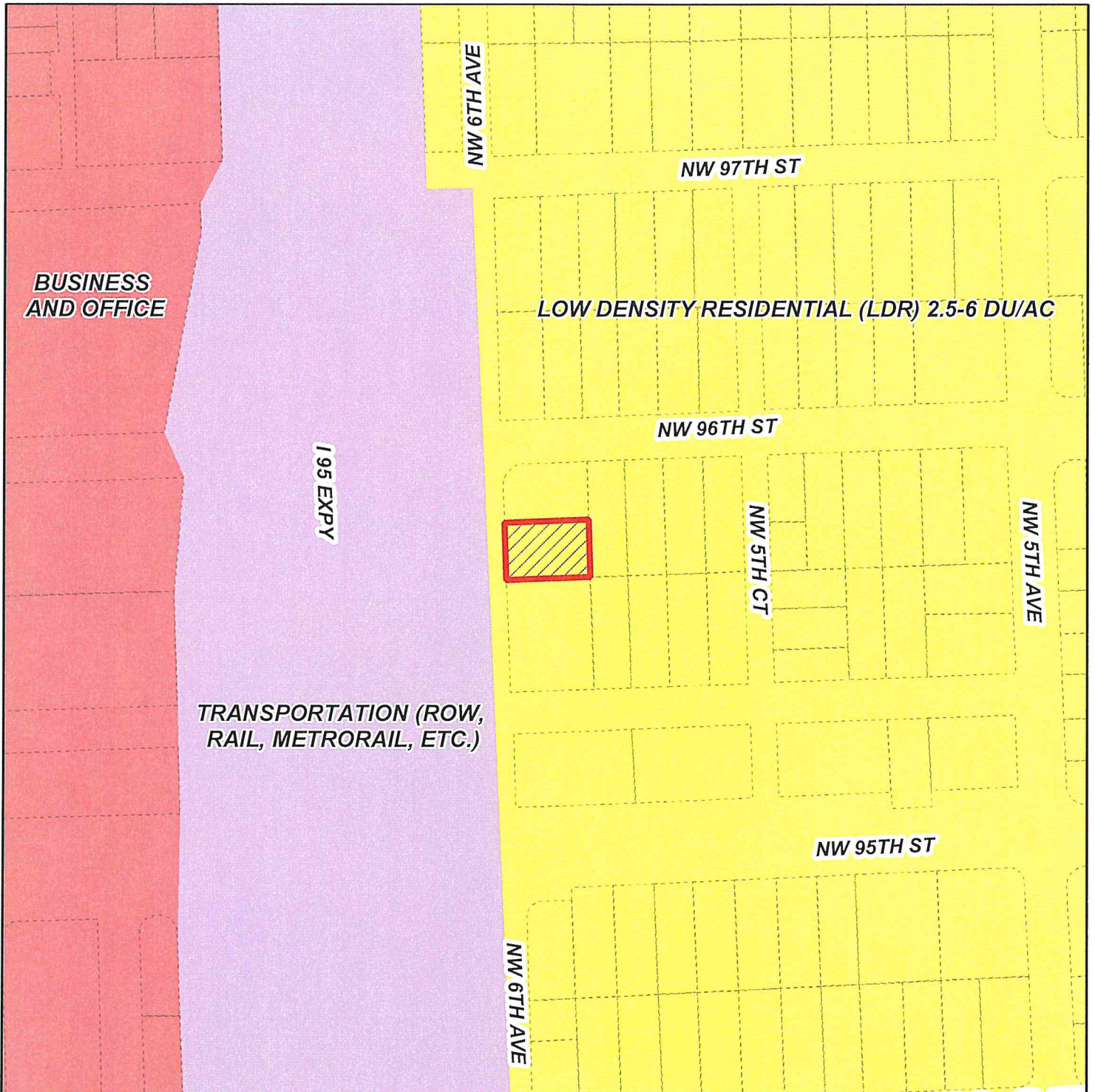
Legend

-  Subject Property
-  Contiguous Properties
-  Buffer
-  Property Boundaries



SKETCH CREATED ON: Friday, October 13, 2023

REVISION	DATE	BY
		21



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2023000412

Section: 01 Township: 53 Range: 41
 Applicant: 585 NW 95 TERR LLC
 Zoning Board: C8
 Commission District: 3
 Drafter ID: EDUARDO CESPEDES
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Friday, October 13, 2023

REVISION	DATE	BY
		22

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MIAMI-DADE COUNTY
PROCESS NO.: Z23-412
DATE: OCT 11 2023
BY: GONGOL

Disclosure of Interest

This form or a facsimile must be filed by all applicants having an ownership interest in any real property covered by an application to amend the Land Use Plan map. Submit this form with your application. Attach additional sheets where necessary.

1. APPLICANT (S) NAME AND ADDRESS:

APPLICANT A: 585 NW 95 TER, LLC; 585 NW 95thTerrace, Miami, FL 33150

APPLICANT B:

APPLICANT C:

APPLICANT D:

APPLICANT E:

APPLICANT F:

APPLICANT G:

Use the above alphabetical designation for applicants in completing Sections 2 and 3, below

- 2. PROPERTY DESCRIPTION:** Provide the following information for all properties in the application area and indicate those properties in which the applicant has an interest. Complete information must be provided for each parcel.

	APPLICANT	OWNER OF RECORD	FOLIO NUMBER	SIZE IN ACRES
A	585 NW 95 TER, LLC;	585 NW 95 TER, LLC;	30-3101-007-0960	
	585 NW 95 TER, LLC;	585 NW 95 TER, LLC;	30-3101-007-0860	

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MIAMI-DADE COUNTY

PROCESS NO.: Z23-412

DATE: OCT 11 2023

BY: GONGOL

3. For each applicant, check the appropriate column to indicate the NATURE OF THE APPLICANT'S INTEREST in the property identified in Section 2 above.

APPLICANT	OWNER	LESSEE	CONTRACTOR FOR PURCHASE	OTHER (Attach Explanation)
A	585 NW 95 TER, LLC;			

4. DISCLOSURE OF APPLICANT'S INTEREST: Complete all appropriate sections and indicate N/A for each section that is not applicable.

- a. If the applicant is an **INDIVIDUAL** (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.

INDIVIDUAL'S NAME AND ADDRESS	PERCENTAGE OF INTEREST
N/A	

- b. If the applicant is a **CORPORATION**, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders, consist of another corporation (s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

CORPORATION NAME: N/A

NAME, ADDRESS, AND OFFICE (if applicable)	PERCENTAGE OF STOCK

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MIAMI-DADE COUNTY

PROCESS NO.: Z23-412

DATE: OCT 11 2023

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- c. If the applicant is a **TRUSTEE**, list the trustee's name, the name and address of the beneficiaries of the trust, and the percentage of interest held by each. [Note: where the beneficiary/beneficiaries consist of corporation(s), partnership(s), or other similar entities, further disclosure shall be required which discloses the identity of the individual (s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

TRUSTEES NAME: N/A

BENEFICIARY'S NAME AND ADDRESS

PERCENTAGE OF
INTEREST

- d. If the applicant is a **PARTNERSHIP or LIMITED PARTNERSHIP**, list the name of the partnership, the name and address of the principals of the partnership, including general and limited partners and the percentage of interest held by each partner. [Note: where the partner (s) consist of another partnership(s), corporation (s) trust (s) or other similar entities, further disclosure shall be required which discloses the identity of the individual (s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

PARTNERSHIP NAME: 585 NW 95 TER, LLC;

NAME AND ADDRESS OF PARTNERS

PERCENTAGE OF
INTEREST

Sylvain P. Faber 585 NW 95 Terrace, Miami, FL 33150

50%

Victoria Newton-Dunn 585 NW 95 Terrace, Miami, FL 33150

50%

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MIAMI-DADE COUNTY
PROCESS NO.: Z23-412
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BY: GONGOL

- e. If the applicant is party to a **CONTRACT FOR PURCHASE**, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

NAME AND ADDRESS

PERCENTAGE OF
INTEREST

N/A

Date of Contract:

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

5. **DISCLOSURE OF OWNER'S INTEREST:** Complete only if an entity other than the applicant is the owner of record as shown on 2.a., above.

- a. If the owner is an **INDIVIDUAL** (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.

INDIVIDUAL'S NAME AND ADDRESS

PERCENTAGE OF
INTEREST

N/A

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MIAMI-DADE COUNTY
PROCESS NO.: Z23-412

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BY: GONGOL

- b. If the owner is a **CORPORATION**, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders consist of another corporation(s), trustee(s) partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

CORPORATION NAME: N/A

<u>NAME, ADDRESS, AND OFFICE (if applicable)</u>	<u>PERCENTAGE OF STOCK</u>
<hr/>	
<hr/>	
<hr/>	
<hr/>	

- c. If the owner is a **TRUSTEE**, and list the trustee's name, the name and address of the beneficiaries of the trust and the percentage of interest held by each. [Note: where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

TRUSTEE'S NAME: N/A

<u>BENEFICIARY'S NAME AND ADDRESS</u>	<u>PERCENTAGE OF INTEREST</u>
<hr/>	
<hr/>	
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<hr/>	

- d. If the owner is a **PARTNERSHIP or LIMITED PARTNERSHIP**, list the name of the partnership, the name and address of the principals of the partnership, including general and limited partners, and the percentage of interest held by each. [Note: where the partner(s) consist of another partnership(s), corporation(s) trust(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

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MIAMI-DADE COUNTY
PROCESS NO.: Z23-412

DATE: OCT 11 2023

BY: GONGOL

PARTNERSHIP NAME: N/A

NAME AND ADDRESS OF PARTNERS

PERCENTAGE OF
OWNERSHIP

- e. If the owner is party to a **CONTRACT FOR PURCHASE**, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

NAME, ADDRESS, AND OFFICE (if applicable)

PERCENTAGE OF
INTEREST

N/A

Date of Contract: _____

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

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of the final public hearing, a supplemental disclosure of interest shall be filed.

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BY: GONGOL

**ENTITIES REGULARLY TRADED ON AN ESTABLISHED SECURITIES, PENSION FUNDS OR
PENSION TRUSTS OF MORE THAN FIVE THOUSAND (5,000) OWNERSHIP INTERESTS**

Disclosure shall not be required of any entity, the equity interest in which are regularly traded on an established securities market in the United States or other country; or pension funds or pension trusts of more than five thousand (5,000) ownership interests; 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 each level of ownership, and no one pension or entity holds more than a total of five (5) percent of the ownership interest in the partnership, corporation or trust; or of any entity, the ownership interest of which are held in a partnership, corporation or trust consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in 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.

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MIAMI-DADE COUNTY
PROCESS NO.: Z23-412
DATE: OCT 11 2023
BY: GONGOL

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

Applicant's Signature and Printed Name
(Complete one signature page per applicant)

Signature

Printed Name Sylvain P. Faber

Signature

Victoria Newton-Dunn

State of Florida

County of Miami-Dade

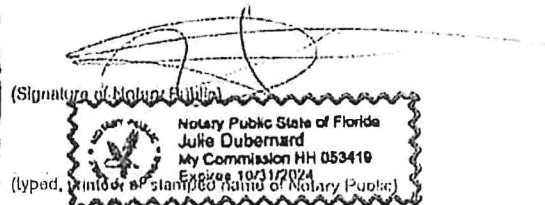
Sworn to (or affirmed) and subscribed before me by means of (how the individual appeared check one): (how the individual appeared check one):

☒ physical presence ☐ online notarization this 26 day of September, 2023.
(date) (month) (year)

by Sylvain Faber and Victoria Newton-Dunn
(name of individual swearing or affirming)

as: HGR for SSS NW BSTER, LLC
(type of authority, e.g., Officer, Attorney-in-Fact) (Name of party on behalf of whom executed)

Individual identified by: ☒ personal knowledge ☐ satisfactory evidence
(type)



(Affix Florida Notary Seal above)

My Commission Expires: 10/31/2024

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MIAMI-DADE COUNTY
PROCESS NO.: Z23-412
DATE: OCT 11 2023
BY: GONGOL

(Space reserved for Clerk)

OWNERSHIP AFFIDAVIT FOR ~~CORPORATION~~ LIMITED LIABILITY COMPANY

STATE OF Florida

Public Hearing No. _____

COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared Sylvain P. Faber and Victoria Newton-Dunn and
_____, hereinafter the Affiant(s), who being first duly sworn by me, on
oath, deposes and says:

1. Affiant is the president, vice-president or CEO of the Managers ~~Corporation~~ xxxxx Company
with the following address: 585 NW 85th Terrace, Miami, FL 33150
2. The Corporation owns the property, which is the subject of the proposed hearing.
3. The subject property is legally described as: The South 70 feet of Lots 1 and 2, Block 30, FIRST ADDITION
TO PINWOOD PARK, according to the Plat thereof as recorded in Plat Book 6, Page 112, of the Public Records of
Miami-Dade County, Florida.
4. Affiant is legally authorized to file this application for public hearing.
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of
voiding of any zoning granted at public hearing.

Witnesses:

Linda Christian
Signature

LINDA CHRISTIAN
Print Name

Myrtha Noel
Signature

Myrtha Noel
Print Name

Sylvain P. Faber
Affiant's signature

Sylvain P. Faber

Print Name

Victoria Newton-Dunn
Signature

Victoria Newton-Dunn

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MIAMI-DADE COUNTY

PROCESS NO.: Z23-412

DATE: OCT 11 2023

BY: GONGOL

(Space reserved for Clerk)

Sworn to and subscribed before me on the 6th day of October, 2023

Affiant is personally known to me or has produced _____
identification. as

Linda Christian
Notary Public Signature

LINDA CHRISTIAN
Print Name

State of Florida

My Commission Expires:



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MIAMI-DADE COUNTY
PROCESS NO.: Z23-412

DATE: OCT 11 2023

BY: GONGOL

LEGAL DESCRIPTION

EXHIBIT "A"

The South 70 feet of Lots 1 and 2, Block 30, FIRST ADDITION TO PINEWOOD PARK,
according to the Plat thereof as recorded in Plat Book 6, Page(s) 112, of the Public Records of
Miami-Dade County, Florida.

Parcel Identification Number 30-3101-007-0860

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MIAMI-DADE COUNTY
PROCESS NO.: Z23-412

DATE: OCT 11 2023

BY: GONGOL

LEGAL DESCRIPTION

EXHIBIT "B"

Lots 11 and 12, Block 30, FIRST ADDITION TO PINEWOOD PARK, according to the Plat thereof as recorded in Plat Book 6, Page(s) 112, of the Public Records of Miami-Dade County, Florida.

Parcel Identification Number 30-3101-007-0960

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MIAMI-DADE COUNTY
PROCESS NO.: Z23-412

DATE: MAR 25 2024

BY: GONGOL

This instrument prepared by:

Maria A. Gralia, Esq.
Stearns Weaver Miller
Weissler Alhadeff & Sitterson, P.A.
150 West Flagler Street
Suite 2200 – Museum Tower
Miami, Florida 33130

Reserved for Recording

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned 585 NW 95th TER, LLC, a Florida limited liability company (“585”), (hereinafter referred to as the “Owner”) holds fee simple title to the land in Miami-Dade County, Florida, described in Exhibit “A” attached hereto, and hereinafter called the “Property” which is supported by the Opinion of Title; and

WHEREAS, the Owner has applied for an amendment to the Miami-Dade County Comprehensive Development Master Plan (the “CDMP”) in the October 2023 Cycle and said amendment is identified as Application No. CDMP20230019 (the “Application”); and

WHEREAS, the Owner has applied for a district boundary change to re-designate the Property from RU-3B “Bungalow Court District” to BU-1A “Limited Business District” and said application is identified as Application No. Z2023000412.

NOW THEREFORE, in order to assure Miami-Dade County that the representations made by the owner during consideration, of the Application will be abided by, the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

(1) Owner agrees to restrict the use of the Property to (i) office use, and (ii) an existing warehouse use.

(2) Owner agrees to restrict the height of the office building to two (2) stories not exceeding 35 feet.

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MIAMI-DADE COUNTY

PROCESS NO.: Z23-412

(3) Owner will provide the necessary buffers between the Property and the adjacent residential uses as reasonably required by Miami-Dade County during Site Plan review.

DATE: MAR 25 2024

BY: GONGOL

MISCELLANEOUS

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 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 Miami-Dade County and the public welfare. The Owner, and their heirs, successors and assign, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

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 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.

Modification, Amendment, Release. This Declaration of Restrictions may be modified, amended or released as to the Property, or any portion thereof, by written instrument executed by the, then owner(s) of the Property, including joinders of all mortgagees, provided that the same is also approved by the Board of County Commissioners of Miami-Dade County, Florida. Any such modification, amendment or release shall be subject to the provisions governing amendments to Comprehensive Plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation that may, from time to time, govern amendments to the Comprehensive Plan (hereinafter "Chapter 163"). Such modification, amendment or release shall also be subject to the provisions governing amendments to the CDMP as set forth in Section 2-116.1 of the Code of Miami-Dade County, or successor regulations governing modifications to the CDMP. In the event that the Property is incorporated within a new municipality or annexed into an existing municipality, and the successor municipality amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Miami-Dade County Code, then modifications, amendments or releases of this Declaration shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan, or in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163, and by the provisions for the adoption of zoning district boundary changes. It is provided, however, that in the event that the successor municipality approves a modification or deletion of this Declaration of Restrictions, such modification or

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MIAMI-DADE COUNTY

PROCESS NO.: Z23-412

DATE: MAR 25 2024

BY: GONGOL

deletion shall not be effective until approved by the Board of County Commissioners, in accordance with applicable procedures. Should this Declaration be so modified, amended, or released, the Director of the Department of Regulatory and Economic Resources or the executive officer of a successor department, or in the absence of such Director or executive officer, by his or her assistant in charge of this office in his/her absence, shall execute a written instrument effectuating and acknowledging such modification, amendment or release.

Enforcement. Enforcement shall be by action against any parties or persons 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.

County Inspections. 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.

Authorization for Miami-Dade County for successor municipality 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 (or successor municipality) 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.

Election of Remedies. All rights, remedies and privileges granted herewith 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.

Presumption of Compliance. Where construction had occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County (or successor municipality), and inspections made and approval of occupancy given by the County (or successor municipality), 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.

Severability. Invalidity 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

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MIAMI-DADE COUNTY

PROCESS NO: Z23-412

DATE: MAR 25 2024

BY: GONGOL

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

Recordation and Effective Date. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owner following the approval of the Application by the Board of County Commissioners. 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 of the Department of Regulatory and Economic Resources 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.

Acceptance of Declaration. The Owner acknowledges that 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 retains the full power and authority to deny each such application in whole or in part and decline to accept any conveyance.

Owner. The term Owner shall include all heirs, assigns, and successors in interest.

[Execution Pages Follow]

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MIAMI-DADE COUNTY

Signed, witnessed, executed and acknowledged on this ____ day of _____, 2022, PROCESS NO.: Z23-412
DATE: MAR 25 2024

IN WITNESS WHEREOF, 585 NW 95 TER, LLC, a Florida limited liability company
has caused these presents to be signed in its name by its proper officials. BY: GONGOL

Witnesses:

585 NW 95 TER, LLC, a Florida limited
liability company

Print Name:

585 N.W. 95th Terrace
Miami, FL 33150

Address:

By: _____

Sylvain P. Faber
Manager/Member

Print Name:

Address:

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of physical presence [] or
online notarization [] by Sylvain P. Faber the Manager/Member of 585 NW 95 TER, LLC, a
Florida limited liability company, on behalf of the LLC.

He is personally known to me or has produced _____, as identification.

Witness my signature and official seal this ____ day of _____, 202__, in the County and
State aforesaid.

Notary Public, State of Florida

Print Name

My Commission Expires:

RECEIVED

MIAMI-DADE COUNTY

Signed, witnessed, executed and acknowledged on this ____ day of _____, 202____,
PROCESS NO.: Z23-412
DATE: MAR 25 2024

IN WITNESS WHEREOF, 585 NW 95 TER, LLC, a Florida limited liability company
has caused these presents to be signed in its name by its proper officials.
BY: GONGOL

Witnesses:

585 NW 95 TER, LLC, a Florida limited
liability company

Print Name:

585 N.W. 95th Terrace
Miami, FL 33150

Address:

By: _____
Victoria Newton Dunn
Manager/Member

Print Name:

Address:

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of physical presence [] or
online notarization [] by Victoria Newton Dunn the Manager/Member of 585 NW 95 TER,
LLC, a Florida limited liability company, on behalf of the LLC.

She is personally known to me or has produced _____, as identification.

Witness my signature and official seal this ____ day of _____ 202____, in the County
and State aforesaid.

Notary Public, State of Florida

Print Name

My Commission Expires:

RECEIVED

MIAMI-DADE COUNTY
PROCESS NO.: Z23-412

DATE: MAR 25 2024

BY: GONGOL

EXHIBIT "A"

LEGAL DESCRIPTION

Lots 11 and 12, Block 30, FIRST ADDITION TO PINEWOOD PARK, according to the Plat thereof, recorded in Plat Book 6, Page 112, of the Public Records of Miami-Dade County, Florida.

AND

The South 70 feet of Lots 1 and 2, Block 30, FIRST ADDITION TO PINEWOOD PARK, according to the Plat thereof, recorded in Plat Book 6, Page 112 of the Public Records of Miami-Dade County, Florida.

RECEIVED

MIAMI-DADE COUNTY

PROCESS NO.: Z23-412
(Space reserved for Clerk)

DATE: MAR 25 2024

BY: GONGOL

JOINDER AND CONSENT BY MORTGAGEE

The undersigned BANK OF AMERICA, N.A., a national banking association, and Mortgagee under that certain mortgage from 585 NW 95 TER, LLC, a Florida limited liability company, dated the 4th day of November, 2016, and recorded on November 9, 2016, in Official Records Book 30301, Page 4181, of the Public Records of Miami-Dade County, Florida, covering a portion of the property more particularly described below, does hereby acknowledge that the terms of this agreement are and shall be binding upon the undersigned and its successors in title.

Lots 11 and 12, Block 30, FIRST ADDITION TO PINEWOOD PARK, according to the Plat thereof, recorded in Plat Book 6, Page 112, of the Public Records of Miami-Dade County, Florida.

IN WITNESS WHEREOF, these presents have been executed this ____ day of _____, 202_.

Witnesses:

Signature

Print Name

Signature

Print Name

BANK OF AMERICA, N.A., national
banking association

By: _____

Print Name: _____

RECEIVED

MIAMI-DADE COUNTY

PROCESS NO.: Z23-412

DATE: MAR 25 2024

BY: GONGOL

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by _____, the _____ of Bank of America, N.A., a national banking association, on behalf of the association. He/She is personally known to me or has produced _____ as identification.

Witness my signature and official seal this ____ day of _____, 202_, in the County and State aforesaid.

Notary Public- State of _____

Print Name: _____

My Commission Expires:

OPINION OF TITLE

TO: MIAMI-DADE COUNTY

With the understanding that this Opinion of Title is furnished to Miami-Dade County, as inducement for acceptance of covenant running with the land in favor of Miami-Dade County, for a zoning action, it is hereby certified that I have examined Fidelity National Title Insurance Company Property Information Report No. 11353548, covering the period from the beginning to August 25, 2023 at 11:00 PM; and Fidelity National Title Insurance Company Property Information Report No. 11353548 Update covering the period from August 25, 2023 at 11:00 PM to November 14, 2023 at 11:00 PM; and Fidelity National Title Insurance Company Property Information Report 2nd Update covering the period from November 4, 2023 at 11:00 PM, to December 11, 2023 at 11:00 PM, inclusive of the real property described on Exhibit "A" (the "Property") attached hereto. I know of no reason that this Title Report is inaccurate or incomplete.

See Exhibit "A" attached hereto and incorporated herein

I am of the opinion, based on my review of the Title Report that on the last mentioned date, fee simple title to the above described real property was vested in:

Fee Simple: 585 NW 95 TER, LLC, a Florida limited liability company

Sylvain P. Faber, and Victoria Newton-Dunn, as Managers/Members of the company, are authorized to sign on behalf of the company.

Subject to the following encumbrances, liens, and other exceptions (If "none", please indicate):

1. RECORDED MORTGAGES:

Mortgage, Assignment of Rents, Security Agreement and Fixture Filing in favor of Bank of America, N.A., a national banking association, dated November 4, 2016, recorded on November 9, 2016, in Official Records Book 30301, Page 4181, as affected by Subordination Agreement, dated November 4, 2016, recorded November 9, 2016, in Official Records Book 30301, Page 4201.

2. RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGEMENTS: NONE

3. GENERAL EXCEPTIONS:

- (a) Taxes for the year in which this opinion is rendered and subsequent years.
- (b) Rights of parties in possession other than the above owner.

- (c) Facts that would be disclosed by an accurate survey.
- (d) Any unrecorded labor, mechanics or materialmen's liens.
- (e) Zoning and other restrictions imposed by governmental authority.

4. SPECIAL EXCEPTIONS:

- (a) Violation dated March 1, 2022, recorded in Official Records Book 33096, page 788, of the Public Records of Miami-Dade County, Florida.
- (b) Notice of Commencement recorded on November 22, 2023, in Official Records Book 33980, page 2847, of the Public Records of Miami-Dade County.

I HEREBY CERTIFY that I have reviewed all the aforementioned encumbrances and exceptions and that none of them hinder or affect the recording or enforcement of the recordable instrument.

Therefore, it is my opinion that the following party(ies) must join in the agreement in order to make the agreement a valid and binding covenant on the lands described herein:

Name	Interest	Special Exception Number
585 NW 95 TER, LLC	Fee Simple	n/a
Bank of America, N.A.	Mortgagee	n/a

The following is a description of the aforementioned Title Evidence and its continuations:

Number	Company Certifying	No. of Entries	Period Covered
11353548	Fidelity National Title Insurance Company	3	Beginning to August 25, 2023
11353548	Fidelity National Title Insurance Company	0	August 25, 2023 to November 14, 2023
11353548	Fidelity National Title Insurance Company	1	November 4, 2023 to December 11, 2023

I HEREBY CERTIFY that the legal description contained in this Opinion of Title coincides with, and is the same as, the legal description in the proffered, recordable agreement.

I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice in the State of Florida and a member in good standing of the Florida Bar.

Respectfully submitted this 8th day of January, 2024.

STEARNS WEAVER MILLER
WEISSLER ALHADEFF &
SITTERSON, P.A.

By: Maria A. Gralia
Maria A. Gralia, Esq.
Florida Bar No 178225
150 West Flagler Street
Museum Tower-Suite 2200
Miami, Florida 33130

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

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 8 day of JANUARY, 2024 by Maria A. Gralia, Esq., who is personally known to me.

- () Took an oath
() did not take an oath

Notary Public

CHRISTINA POU
Print Name



My Commission Expires:

EXHIBIT "A"

LEGAL DESCRIPTION

Lots 11 and 12, Block 30, FIRST ADDITION TO PINWOOD PARK, according to the Plat thereof as recorded in Plat Book 6, Page(s) 112, of the Public Records of Miami-Dade County, Florida.

Parcel Identification Number 30-3101-007-0960

a/k/a 585 NW 95th Terrace, Miami, FL 33150

and

The South 70 feet of Lots 1 and 2, Block 30, FIRST ADDITION TO PINWOOD PARK, according to the Plat thereof as recorded in Plat Book 6, Page(s) 112, of the Public Records of Miami-Dade County, Florida.

Parcel Identification Number 30-3101-007-0860

a/k/a 9557 NW 6th Avenue, Miami, FL 33150

RECEIVED

MIAMI-DADE COUNTY
PROCESS NO.: Z23-412
DATE: OCT 11 2023
BY: GONGOL

NW 16TH AVE

Folio:
3031010070860

Folio:
3031010070960

NW 95TH TER