

Memorandum



Date: December 12, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

Agenda Item No. 5(M)

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

Resolution No. R-1061-23

Subject: Resolution Approving the Waiver of Plat of M&A Brothers Realty, No. 26, Inc.
Filed by M&A Brothers Realty, No. 26, Inc.

Recommendation

The following waiver of plat is submitted for consideration by the Board of County Commissioners (Board) for approval. This waiver of plat for M&A Brothers Realty, No. 26, Inc. is bounded on the north approximately 100 feet south of NW 55 Street, on the east by NW 19 Avenue, on the south by NW 54 Street and on the west approximately 460 feet east of NW 21 Avenue.

The Miami-Dade County Plat Committee recommends approval of this waiver of plat. The Plat Committee is comprised of representatives from:

- Florida Department of Transportation;
- Florida Department of Health;
- Miami-Dade County School Board; and
- Miami-Dade County Departments of Fire Rescue; Parks, Recreation and Open Spaces; Regulatory and Economic Resources; Transportation and Public Works; and Water and Sewer.

Pursuant to Ordinance No. 16-73, this quasi-judicial matter may be submitted directly for placement on the Board's meeting agenda by the Director of the Department of Regulatory and Economic Resources.

A location sketch is attached to this memorandum as Exhibit A.

Legal description of the boundaries of the land is on file with the Department of Regulatory and Economic Resources.

Scope

This waiver of plat is located in Commission District 3, which is represented by Commissioner Keon Hardemon.

Delegation of Authority

There are no delegation requirements with this item.

Fiscal Impact/Funding Source

If this waiver of plat is approved, the fiscal impact to the County would be approximately \$100.00 annually for the maintenance of new roadway construction adjacent to the project. These costs would be covered by the Department of Transportation and Public Works' annual General Fund allocation.

Track Record/Monitor

The Development Services Division within the Department of Regulatory and Economic Resources administers the processing of plats and waivers of plat, and the person responsible for this function is Raul A. Pino, P.L.S.

Background

M&A Brothers Realty, No. 26, Inc. (D-24905)

- Located in Section 15, Township 53 South, Range 41 East.
- Zoning: MCUCD.
- Proposed usage: Convenience store & gas station.
- Number of parcels: One.
- This waiver of plat meets concurrency.
- This plat is determined to be within feasible distance to public water and sewer using the feasible distance requirements in effect prior to the new feasible distance Ordinance No. 22-137. As a condition of this approval, the proposed development is required to connect to public water and public sanitary sewer services.

Developer's Obligation

Mobilization, clearing, maintenance of traffic, paving, sidewalk, valley gutter, drainage, striping, detectable warning surfaces, and monumentation which are bonded under bond number 8377 in the amount of \$17,760.00.



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: December 12, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(M)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ 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(M)
12-12-23

RESOLUTION NO. R-1061-23

RESOLUTION APPROVING THE WAIVER OF PLAT OF M&A BROTHERS REALTY, NO. 26, INC., D-24905, FILED BY M&A BROTHERS REALTY, NO. 26, INC., LOCATED IN THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 53 SOUTH, RANGE 41 EAST (BOUNDED ON THE NORTH APPROXIMATELY 100 FEET SOUTH OF NW 55 STREET, ON THE EAST BY NW 19 AVENUE, ON THE SOUTH BY NW 54 STREET AND ON THE WEST APPROXIMATELY 460 FEET EAST OF NW 21 AVENUE)

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

WHEREAS, M&A Brothers Realty, No. 26, Inc., a Florida for Profit Corporation, has this day presented to this Board a waiver of plat of certain lands lying in Miami-Dade County, Florida, said waiver of plat of the property legally described as Lots 23 and 24 and a portion of Lot 22, in Block 4, of "Belvedere," according to the plat thereof, as recorded in Plat Book 13, at Page 70, of the Public Records of Miami-Dade County, Florida, lying and being in the Southeast 1/4 of Section 15, Township 53 South, Range 41 East, Miami-Dade County, Florida, and it appears that all requirements of law concerning said waiver of plat insofar as the authority of this Board is concerned have been complied with,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that said waiver of plat is hereby approved; that the property has been found to be in compliance with Chapter 28, Subdivisions, of the Miami-Dade County Code; that approval of this waiver of plat is not a waiver of any zoning regulations; and that the requirements of the zoning existing on this land at the time this resolution is approved shall be enforced whether or not the various parcels on this waiver of plat conforms to those requirements.

The foregoing resolution was offered by Commissioner **Eileen Higgins**,
 who moved its adoption. The motion was seconded by Commissioner **Raquel A. Regalado**
 and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	aye		
Anthony Rodríguez, Vice Chairman	aye		
Marleine Bastien	absent	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	aye
Roberto J. Gonzalez	aye	Keon Hardemon	absent
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Kionne L. McGhee	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 12th day of December, 2023. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA
 BY ITS BOARD OF
 COUNTY COMMISSIONERS

JUAN FERNANDEZ-BARQUIN, CLERK

By: **Basia Pruna**
 Deputy Clerk

Approved by County Attorney as
 to form and legal sufficiency.

Lauren E. Morse