



VILLAGE OF PALMETTO BAY

September 29, 2015

Mark Brenchley
DJR Realty LLC
Palmetto Bay, FL 33157

Re: 16501 South Dixie Highway – Requested variance from Section 30-90.17(i) to increase the number of permitted attached wall signs from three to four .

Dear Mr. Brenchley,

In compliance with Section 30-30.11(d), of the Village's Land Development Code, staff's analysis of the zoning application request, VPB-15-008, is hereby issued and provided to you, at least twenty (20) days prior to the hearing scheduled for October 19, 2015. The documentation submitted pursuant to the zoning application request can be found in the back-up portion of the Village's Memorandum.

Pursuant to Section 30-30.12(a), all responses to staff's report, your list of expert witnesses and their qualifications, and any other supplemental information pertinent to your request and to be presented at the hearing, must be filed with the Planning and Zoning Department fifteen (15) days prior to the hearing. The deadline for filing such information is October 5, 2015. Section 30-30.12 is attached herein to provide a complete description of all necessary submittal requirements. Any information submitted after October 5, 2015, may only be considered during the hearing at the discretion of the Mayor and Village Council by voice vote.

Sincerely,

Darby P. Delsalle, AICP
Planning and Zoning Director

STAFF REPORT

DJR REALITY LLC (DADELAND DODGE)

VPB-15-008



VILLAGE OF PALMETTO BAY
FLORIDA
ZONING ANALYSIS

FILE: VPB-15-008

HEARING DATE: 10/19/2015

APPLICANT: DJR Realty, LLC
(Dadeland Dodge)

COUNCIL DIST.: 2

A. GENERAL INFORMATION

REQUEST: The applicant, DJR Realty LLC (Dadeland Dodge), is requesting a variance from Section 30-90.17(i) to increase the number of permitted attached signs from three to four.

ADDRESS: 16501 South Dixie Highway

FOLIO #: 33-5028-062-0020

LOT SIZE: 4.39 acres approximately

B. BACKGROUND

In 1985 the County Commission approved the creation of an auto dealership at this location. The use has been consistent since that approval. Dadeland Dodge is the current tenant. The property is a large parcel located along South Dixie Highway and is developed with a 30,337 square foot commercial building with permits for one detached monument and three existing wall signs (the maximum permitted by the current code).

Currently the facility is looking to upgrade the service area and is seeking to replace the existing (unpermitted) painted wall signs with individual cut channel letter signs. As a result of this improvement the applicant is seeking to add a fourth attached wall sign. The proposed sign is to be located on a wall which is set back 270 feet from the street and is above the existing service area of the dealership. It should be noted the request does not exceed the maximum total wall sign area permitted by Code. The total amount of signage is determined by the overall street frontage. Based on the frontage the site would be permitted 374 square feet of wall signage. The existing total of wall signage is 192 square feet. The requested (4th wall sign) 176 square foot wall sign would bring the overall site total to 368 square feet, still below the overall permitted amount of 374 square feet.

Please note the applicant's Letter of Intent claims that the existing painted wall signs were originally permitted in 1998 by permit #98-010414. That permit was in fact issued

for a free standing “coming soon” sign (Exhibit A). There is no other documentation confirming the painted wall signs were previously permitted.

C. ZONING HEARING HISTORY

On December 28, 1954, the Dade County Board of County Commissioners pursuant to **Resolution No. 7815** approved a time extension for plans associated with a plot plan.

On August 28, 1980, the Metropolitan Dade county Zoning Appeals Board pursuant to **Resolution No. 4-ZAB-333-80** approved an unusual use and special exception for a YMCA use.

On October 28, 1980, the Dade County Board of County Commissioners pursuant to **Resolution No. Z-255-80** approved an unusual use and special exception for a YMCA use.

On December 19, 1985, the Dade County Board of County Commissioners pursuant to **Resolution No. Z-291-85** approved a district boundary change from, BU-1A, RU-2, and AU, to BU-3 and BU-1A and a use variance to allow the storage of vehicles in a BU-1a zone.

On November 30, 1988, the Dade County Board of County Commissioners pursuant to **Resolution No. Z-251-88** denied an application for a non-use variance of sign regulations.

On August 20, 2009, the Mayor and Village Council of the Village of Palmetto Bay pursuant to **Ordinance No. 09-17**, rezoned the land from BU-3 and BU-1A, to B-2 and B-1 respectively as part of the Villages comprehensive effort to rezone all land to its newly adopted Land Development Regulations¹.

D. NEIGHBORHOOD CHARACTERISTICS

ZONING

Subject Property:

B-2; Business District Special, & B-1 Business District Limited

Surrounding Properties

NORTH: B-2; Business District Special

SOUTH: B-2; Business District Special

EAST: R-1; Single Family Residential

WEST: N/A Dixie Highway

¹ Ordinance 09-17 is not provided in the History Attachment to this report as it is voluminous and merely reflects current code. The notation is provided simply to indicate the rezoning action taken by Miami-Dade County in 1985 does not reflect the property’s current zoning designation.

E. SITE AND BUILDINGS

| | |
|----------------------------|----------------|
| Site Plan Review: | N/A |
| Scale/Utilization of Site: | Not Acceptable |
| Location of Building(s): | N/A |
| Compatibility: | Not Acceptable |

F. ANALYSIS

The following is a review of the request pursuant to the Village's variance criteria found at Section 30-30.6(e), of the Land Development Code. The Background Section of this report is hereby incorporated by reference into this analysis.

Criteria 1 That the variance is in fact a variance allowed in this Division and is within the province of Village Council.

Analysis: Pursuant to Section 30-30.6(b), of the Code, a variance may be requested for setback lines; lot width; street frontage; lot depth; lot coverage; landscape or open space requirements; height limitations; yard regulations; fence and wall regulations; signs; parking; and flood regulations approved under Section 30-100.6, of the Code of Ordinances, and other matters specifically permitted as variances pursuant to this Division. The request is for the addition of one wall sign.

Finding: Consistent

Criteria 2 Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

Analysis: The property is a large commercial lot with over three hundred feet of street frontage. Accordingly, they are permitted to have three wall signs totaling 374 square feet. The location currently has three wall signs totaling 192 square feet. The sign requirements of the district are intended to not only control the maximum amount of sign area, but to also control the overall number of signs with the intent to reduce visual cluttering of commercial sites. This request appears to be contrary to that intent.

Finding: Inconsistent

Criteria 3 That the special conditions and circumstances do not result from the actions of the applicant.

Analysis: Please see Criteria 2. The site currently has the maximum number of permitted signs, and there does not seem to be anything peculiar to the property that would justify additional signage.

Finding: Inconsistent

Criteria 4 That granting of the variance requested will not confer on the applicant any special privilege that is denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.

Analysis: Granting of the request would provide this business location with special privileges. Other properties of similar size within the district are required to adhere to the three wall sign maximum. If approved, this site would be inconsistent with the other commercial locations in the immediate area with similar property configurations.

Finding: Inconsistent

Criteria 5 Financial difficulties or economic hardship shall not be a factor for determining whether a variance should be granted.

Analysis: Financial or economic hardships have not been considered in reviewing this application.

Finding: Consistent

Criteria 6 That literal interpretation of the provisions of Chapter 30 would deprive the applicants of rights commonly enjoyed by other properties in the same zoning district under the terms of Chapter 30 and would work unnecessary and undue hardship on the applicant. The purchase of property which has an illegal nonconformity with Chapter 30 shall not be considered a hardship for the granting of a variance, nor shall conditions peculiar to the property owner be considered.

Analysis: Please see Criteria 3 and 4. The literal interpretation of Chapter 30 would not deprive the applicant of other rights which have been afforded other commercial properties in the area.

Finding: Inconsistent

Criteria 7 That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

Analysis: Please see Criteria 3, 4 and 6. Given that the location already has three signs, there appears to be no need for a variance.

Finding: Inconsistent

Criteria 8 That the grant of the variance will be in harmony with the general intent and purpose of the Comprehensive Plan and Chapter 30, and that the variance

will not be injurious to the area involved or otherwise detrimental to the public welfare.

Analysis: Please see criteria 4, the proposal is not consistent with chapter 30. The Comprehensive Plan does not deal specifically with signage issues and therefore is silent to the request.

Finding: Inconsistent

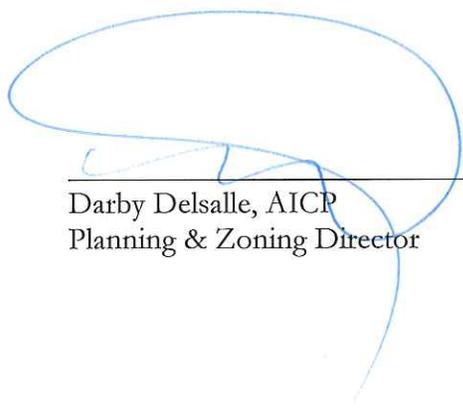
Criteria 9 In granting any variance, Village Council may prescribe appropriate conditions to mitigate the proposed variance and to ensure safeguards in conformity with the Comprehensive Plan and Chapter 30 or any other duly enacted ordinance. Violation of conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and shall nullify the variance development approval.

Analysis: The intent of this criterion is to provide the Council with an opportunity to recommend any conditions based on their evaluation and understating of the technical and non-technical aspects of the application. Should the Mayor and Council be inclined to approve the request with conditions, they should provide clear guidance to mitigate the potential impacts created by the proposed variances. In addition, the Council can recommend conditions to ensure compliance with the Comprehensive Plan, Chapter 30 of the Land Development Code or any duly enacted ordinance. The Council's suggestions are intended to provide conditions that would augment or revise the conditions that may be proposed by the Planning Department.

Finding: As determined by the Mayor and Council

H. RECOMMENDATION

Staff recommends denial.



Darby Delsalle, AICP
Planning & Zoning Director

EXHIBIT "A"

DJR REALITY LLC (DADELAND DODGE)

VPB-15-008

METRO DADE COUNTY

PERMIT NUMBER

PERMIT #: 98 - 010414

LABEL #: 5 98014682

ADDRESS

9

METROPOLITAN DADE COUNTY • DEPARTMENT OF PLANNING DEVELOPMENT AND REGULATION

111 N.W. 1 STREET, SUITE #1010, MIAMI, FLORIDA 33128-1974

PERMIT APPLICATION

(Please fill out completely)

998014682

IF SUBSIDIARY OR REVISION PROVIDE MASTER PERMIT NUMBER HERE

| | | | | |
|--|---|--|--|--|
| LOCATION OF IMPROVEMENTS | Job Address <u>16501 S Dixie Highway</u> | | CONTRACTOR INFORMATION | Contractor No. <u>CBC015480</u> |
| | Folio <u>30-5028-062-0020</u> | | | Qualifier S.S. <u>362-23-7808</u> |
| TYPE OF IMPROVEMENTS | Lot _____ Block _____ | | OWNER'S NAME | Contractors Name <u>GSD Contracting, Inc.</u> |
| | Subdivision <u>Miami Acura</u> PBpg <u>130/39</u> | | | Qualifier Name <u>Gregory C. DeJohn</u> |
| PERMIT TYPE | CHANGE TO AN EXISTING PERMIT | <input checked="" type="checkbox"/> Building Category* <u>51</u> <input type="checkbox"/> Electrical <input type="checkbox"/> Mechanical <input type="checkbox"/> Plumbing <input type="checkbox"/> LPGX | <input type="checkbox"/> Chg Contractor <input type="checkbox"/> Renewal <input type="checkbox"/> Revision <input type="checkbox"/> Extension <input type="checkbox"/> Supplement <input type="checkbox"/> Reinspection | Address <u>4675 Anglers Avenue</u> |
| | | | | City <u>Ft Lauderdale</u> Sta <u>FL</u> Zip <u>33312</u> |
| PERSON TO PICK UP PLANS | Metes and bounds <u>Tract B & N 5,200' of Tract A</u> | | ARCHITECT ENGINEER | City <u>Brighton</u> Sta <u>MT</u> Zip <u>48114-9229</u> |
| | <input type="checkbox"/> New Construction on : <input type="checkbox"/> Enclosure <input type="checkbox"/> Vacant Land : <input type="checkbox"/> Repair <input type="checkbox"/> Alteration Interior : <input type="checkbox"/> Repair Due to Fire <input type="checkbox"/> Alteration Exterior : <input type="checkbox"/> Demolish <input type="checkbox"/> Relocation of Structure : <input type="checkbox"/> Shell Only <input type="checkbox"/> Foundation Only : <input type="checkbox"/> Addition Attached <input type="checkbox"/> : <input type="checkbox"/> Addition Detached | | | Owner <u>Chrysler Realty Corp</u> |
| BONDING | Name <u>Phyllis Kiziah</u> | | MORTGAGE LENDER | Address <u>2289 Parmalee Ln</u> |
| | Address <u>11951 SW 18 Court</u> | | | City <u>Brighton</u> Sta <u>MT</u> Zip <u>48114-9229</u> |
| City <u>Davie</u> Sta <u>FL</u> Zip <u>33325</u> | | Phone <u>(954) 475-8764/bpr: 231-1226</u> | | Phone <u>*810) 229-8639</u> |
| Name _____ | | Name _____ | | Social Security _____ - _____ - _____ |
| Address _____ | | Address _____ | | |
| City _____ Sta _____ Zip _____ | | City _____ Sta _____ Zip _____ | | |
| Phone _____ | | Phone _____ | | |

123.01-52 4/96

*See reverse side for Building Category

Application is hereby made to obtain a permit to do work and installation as indicated. I certify that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that separate permits are required for ELECTRICAL, PLUMBING, SIGNS, POOLS, MECHANICAL, WINDOW or ROOFING WORK and there may be additional permits required from other governmental entities.

OWNER'S AFFIDAVIT: I certify that all of the foregoing information is accurate.

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOU PAYING TWICE FOR WORK DONE ON THIS PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR ATTORNEY OR LENDER BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

Signature of Owner or Owner Agent _____
 PRINT NAME Guy V. DeJohn
 STATE OF FLORIDA COUNTY OF DADE
 Sworn to and subscribed before me this 22 day of October 1997
 by Patricia E. Salmon
 Notary Public, State of Florida
 Commission No. CC 589234
 (SEAL) My Commission Exp. 09/29/2000
 Personally known _____
 or Produced Identification _____
 Type of Identification Produced _____

Signature of Qualifier _____
 PRINT NAME Gregory C. DeJohn
 Sworn to and subscribed before me this 22 day of October 1997
 by Patricia E. Salmon
 Notary Public, State of Florida
 Commission No. CC 589234
 (SEAL) My Commission Exp. 09/29/2000
 Personally known _____
 or Produced Identification _____
 Type of Identification Produced _____

16501 S DIXIE HWY

59801468Z

S 28 T 55 R 40
30.5028 .062.0020

Application for Sign Permit — Class **A** B - C

(All signs shall conform to the Regulation of Metropolitan Dade County Building & Zoning Dept.)

Street Address 16501 S DIXIE HWY

Legal Description TRACT B & NEB' TRACT A MIAMI ACURA SUB PB 130-39
Lot _____ Block _____ Subdivision MIAMI ACURA SUB 130-39

Size 4 X 10 Detached Wall _____ Projecting _____ Roof _____ Cantilever _____
Area 40 Sq. Ft. Neon _____ Painted _____ Wood Metal _____ Other _____
Setbacks 7'4" from C/L of U.S. #1 Ave., _____ from C/L CENTER OF SITE St.

ATTN: TODD 954-901-4222

Sign Owner GSD CONTRACTING INC Address 4075 ANGLER'S AVENUE
Sign Erector GSD CONTRACTING INC Address FT. LAUDERDALE, FL. 33312.
Copy FUTURE HOME OF DADELAND PODDIE - GENERAL CONTRACTOR - ARCHITECT

Comments NO-ELEC / WOOD / 3-POSTS

There is no Class "C" sign within N/A ft. Total No. Signs ONE (1)
Zone BU-2 Fee 85.00 Renewal Fee 85.00 Permit No. _____ Date _____
Signed _____ Date of Application _____

Approvals: Permit _____ Date _____ Inspection _____ Date _____
123.05-14 SEND RENEWAL; GSD CONTRACTING INC
ATTN: TODD
4075 ANGLER'S AVE FT. LAUDERDALE, FL. 33312

CERTIFIED TRUE COPY OF THE ORIGINAL DOCUMENT ON FILE WITH MIAMI-DADE COUNTY DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES
RECORDS CUSTODIAN
7-28-15
DATE

OFFICE

10'-0"

Future Home of... **DADELAND DODGE**

GENERAL CONTRACTOR:



"Building Trust"
(954) 961-4222
CBC 015480

ARCHITECT:

Architecture 6400 inc.
(954) 776-9180

4'-0"

OFFICE

RECEIVED TRUE COPY OF THE ORIGINAL
DOCUMENT FILE WITH MIAMI-DADE
AND ECONOMIC DEVELOPMENT REGULATORY
RECORDS DIVISION
DATE 7-28-05

DADELAND DODGE

CONTRACTOR

ARCHITECTURE

10'-0"

Future Home of...

DADELAND DODGE

GENERAL CONTRACTOR

GSD CONTRACTING INC.

"Building Trust"
(954) 961-4222
CFC 10218

ARCHITECT

Architecture 6400 inc.
(954) 776-9180

RECEIVED

OCT 27 1997

GSD CONTRACTING INC.

4'-0"

4'-0"

2'-0"

4x4x10
PT POST

3/4" Plywood
SIGN

MEP subject

OFFICE

COMPACTED
DPT
RECORDS CUSTODIAN

CERTIFIED TRUE COPY OF THE ORIGINAL
DOCUMENT ON FILE WITH MIAMI-DADE
COUNTY DEPARTMENT OF REGULATORY
AND ECONOMIC RESOURCES

DATE 10-28-97

598014682

598014682

Phyllis

**OFFICE COPY
NOTICE
SEPARATE PERMIT
REQUIRED FOR
ROOFING, PLUMBING,
ELECTRICAL AND
MECHANICAL WORK**
DATE _____

98-010414

| DEPT. OF PLANNING, DEVELOPMENT AND REGULATION | |
|--|---------------|
| THIS COPY OF PLANS MUST BE AVAILABLE ON BUILDING SITE OR NO INSPECTION WILL BE GIVEN | |
| SECTION | APPROVED DATE |
| ZONING | 10/30/97 |
| PLANNING | |
| PUBLIC WORKS | |
| TREES | |
| DERM | |
| HRS | |
| FIRE FIGHTING | |
| ELECTRICAL | |
| PLUMBING | |
| FIRE | |
| ENERGY | |
| MECHANICAL | |
| HANDICAPPED | |
| BLDG | 10/31/97 |
| STRUCTURAL | |
| SHOP DRAWINGS | |
| OWNER'S BOOK | |

Subject to all applicable codes, rules and regulations of the County of Miami-Dade, Florida, and the State of Florida, and all other applicable laws, ordinances, rules and regulations of other governmental entities, including but not limited to, state agencies, or federal or

NOTICE: In addition to the above, the applicant must also file the following with the Department of Planning, Development and Regulation: a copy of the final plat of subdivision, if applicable, and a copy of the final plat of subdivision, if applicable, from other governmental entities, including but not limited to, state agencies, or federal or

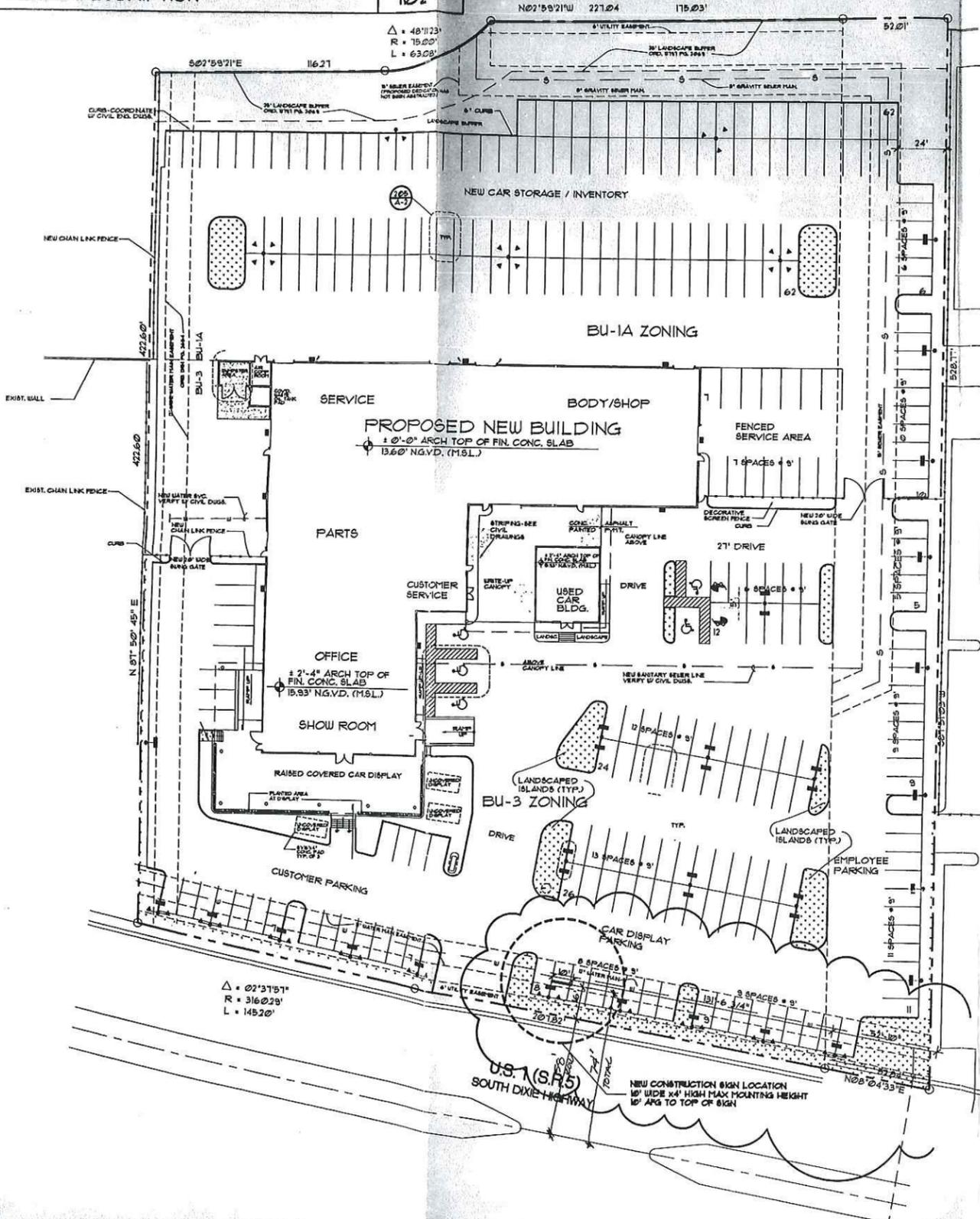
OFFICE

CERTIFIED TRUE COPY OF THE ORIGINAL DOCUMENT ON FILE WITH MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ECONOMIC RESOURCES
RECORDS CUSTODIAN
10-28-15

TRACT "B" AND THE NORTH 52.00 FEET OF TRACT "A" MIAMI ACURA SUBDIVISION
 ACCORDING TO THE PLAN THEREOF AS RECORDED IN PLAT BOOK 130
 AT PAGE 38 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; SAID
 LANDS CONTAINING 4.397 ACRES MORE OR LESS

LEGAL DESCRIPTION

102



SITE PLAN- PROPOSED CONSTRUCTION SIGN LOCATION

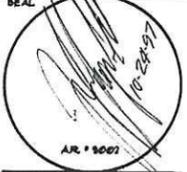
SCALE: 1" = 30'-0"

RECEIVED
Zoning Department
 7/28/2015
 Village of Palmetto Bay
 Building & Zoning Department
 By: *[Signature]*

CERTIFIED TRUE COPY OF THE ORIGINAL
DOCUMENT ON FILE WITH MIAMI-DADE
COUNTY DEPARTMENT OF REGULATORY
AND ECONOMIC RESOURCES
[Signature] - 7-28-15
 DATE
 RECORDS CUSTODIAN

OFFICE
 598014682

| |
|------------|
| REVISIONS: |
| |
| |
| |

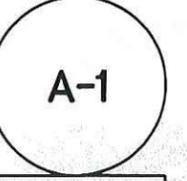


CONSULTANT

Architecture 6400 inc.
 A Division of Stiles Corporation
 6400 North Andrews Avenue
 Fort Lauderdale, Florida
 33309
 305 - 776 - 9180

CONSTRUCTION SIGN FOR
DADELAND DODGE
 16501 S. DIXIE HWY.
 DADE COUNTY, FL.

SITE PLAN



PROJECT NO.
 13161
 DRAWN BY:
 GL, JAP, WJ, NAB, LEK
 CHECKED BY:
 JLP
 DATE:
 10/24/11
 13161ADUS

RECEIVED
 OCT 27 1997
 GSD CONTRACTING INC.

101

PROJECT DATA

103

T:\BACKUP\73161\13161\13161.DWG PLO OCT 24 14:56:44 1997 GL

RESOLUTION

DJR REALITY LLC (DADELAND DODGE)

VPB-15-008

1 RESOLUTION NO. _____

2
3 ZONING APPLICATION VPB-15-008

4
5 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE
6 VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO A
7 VARIANCE FROM SECTION 30-90.17(i), TO INCREASE THE
8 MAXIMUM NUMBER OF PERMITTED WALL SIGNS FROM THREE
9 (3) TO FOUR (4) FOR THE PROPERTY LOCATED AT 16501 SOUTH
10 DIXIE HIGHWAY; AND PROVIDING AN EFFECTIVE DATE

11
12 WHEREAS, the Applicant, DJR Realty LLC (Dadeland Dodge) made an application for a
13 variance to increase the maximum number of permitted wall signs from three (3) to four (4), for
14 their property located at 16501 South Dixie Highway, bearing property identification number 33-
15 5028-062-0020; and

16
17 WHEREAS, the Village Council of the Village of Palmetto Bay conducted a quasi-judicial
18 hearing on the application at Village Hall, 9705 East Hibiscus Street, on October 19, 2015; and

19
20 WHEREAS, the Mayor and Village Council finds, based on substantial competent evidence
21 in the record, that the application for the variance is not consistent with the applicable Land
22 Development Regulations; and

23
24 WHEREAS, based on the foregoing finding, the Mayor and Village Council determined to
25 not grant the application, as provided in this resolution.

26
27 NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE
28 COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

29
30 Section 1. A public hearing on the present application was held on October 19, 2015, in
31 accordance with the Village's "Quasi-judicial Hearing Procedures". Pursuant to the testimony and
32 evidence presented during the hearing, the Village Council makes the following findings of fact,
33 conclusions of law, and final order.

34
35 Section 2. Findings of fact.

- 36
37 a. That the property is located at 16501 South Dixie Highway, bearing the property
38 identification number 33-5028-062-0020.
39
40 b. After hearing testimony from staff, the applicant, the applicant's experts, and the public,
41 the Village Council found the variance request is not consistent with the variance criteria
42 at Section 30-30.6(e), of the Village's Land Development Code.
43

- 1 c. The Village adopts and incorporates by reference the Planning & Zoning Department
2 staff report, which expert report is considered competent substantial evidence.
3
4 d. The Village Council did not have any substantive disclosures regarding ex-parte
5 communications and the applicant did not raise any objections as to the form or content
6 of any disclosures by the Council.
7

8 Section 3. Conclusions of law.
9

10 The requested variance was reviewed pursuant to Section 30-30.6(e) of the Village's Land
11 Development Regulations and was found to be inconsistent.
12

13 Section 4. Order.
14

15 The Village Council denies the setback variance request for the property located at 16501
16 South Dixie Highway bearing the property identification number 33-5028-062-0020, as inconsistent
17 with Section 30-30.6(e) of the Village's Land Development Regulations.
18

19 This is a final order.
20

21 Section 5. Record.
22

23 The record shall consist of the notice of hearing, the applications, documents submitted by
24 the applicant and the applicants' representatives to the Village of Palmetto Bay Planning and Zoning
25 Department in connection with the applications, the County recommendation and attached cover
26 sheet and documents, the testimony of sworn witnesses and documents presented at the quasi-
27 judicial hearing, and the tape and minutes of the hearing. The record shall be maintained by the
28 Village Clerk.
29

30 Section 6. This resolution shall take effect immediately upon approval.
31

32 PASSED and ADOPTED this _____ day of October, 2015.
33
34

35 Attest:

36 _____
37 Meighan Alexander
38 Village Clerk

39 _____
40 Eugene Flinn
41 Mayor

42 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
43 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:
44

45 _____
46 Dexter W. Lehtinen
47 Village Attorney

1
2 FINAL VOTE AT ADOPTION:
3
4 Council Member Karyn Cunningham _____
5
6 Council Member Tim Schaffer _____
7
8 Council Member Larissa Siegel Lara _____
9
10 Vice-Mayor John DuBois _____
11
12 Mayor Eugene Flinn _____
13

14
15 This Resolution was filed in the Office of the Village Clerk on this ____ day of _____, 2015.
16

17
18 _____
19 Meighan Alexander
20 Village Clerk
21
22

ZONING HISTORY

DJR REALITY LLC (DADELAND DODGE)

VPB-15-008

RESOLUTION NO. 7815

The following resolution was offered by Commissioner Preston B. Bird,
seconded by Commissioner Jesse H. Yarborough, and upon vote duly adopted:

WHEREAS, this Board has heretofore adopted Resolution No. 6812 on the 16th day of March, 1954, approving under certain conditions a change of zone on W. O. Talbott's property located in Section 28, Township 55 South, Range 40 East, a portion of said property having been changed to BU-1A (limited Business) and the remainder to RU-4A (Apartments, Hotels, Bungalow Courts) and one of the conditions of said change was that a plot use plan would be submitted for the approval of the Zoning Director on or before the expiration of six (6) months from the date of said resolution, and

WHEREAS, said W. O. Talbott has submitted the required plot use plan in connection with a proposed service station and has now requested an extension of time for the filing of the plans in connection the proposed RU-4A development and after due and proper consideration had been given to the matter, it appears to this Board that said requested extension of time should be granted;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the time for the submitting of said plans be, and the same is hereby extended to March 16, 1955.

The Zoning Director is hereby directed to make the necessary notations upon the records of the Dade County Planning, Zoning, and Building Department.

PASSED AND ADOPTED THIS 28th day of December, 1954.

HEARD 2-15-54

STATE OF FLORIDA)
) SS
COUNTY OF DADE)

I, E. B. LEATHERMAN, Clerk of the Circuit Court in and for Dade County, Florida, and Ex Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of a resolution adopted by the said Board of County Commissioners at its meeting held on December 28, 19 54, as appears of record in the minutes of said Board of County Commissioners.

IN WITNESS WHEREOF I have hereunto set my hand and official seal on this 3rd day of January, A. D. 19 55.

E. B. LEATHERMAN
Ex Officio Clerk
Board of County Commissioners

S E A L

By 
Deputy Clerk

Board of County Commissioners
Dade County
Florida

RESOLUTION NO. 4-ZAB-333-80

The following resolution was offered by Mrs. R. Jollivette Frazer seconded by Mr. Jose A. Losa and upon poll of members present, the vote was as follows:

| | | | |
|---------------------|--------|-----------------------|--------|
| Theima Damewood | absent | Jose A. Losa | aye |
| Lillian Dickmon | nay | R. Jollivette Frazier | aye |
| Peter Goldring | aye | Margaret C. Nelson | aye |
| Betty S. Page | absent | Murray Sisselman | absent |
| Edward G. Coll, Jr. | aye | | |

WHEREAS, Y.M.C.A. of GREATER MIAMI has applied for the following:

- (1) UNUSUAL USE to permit a recreational facility, to wit: a BMX, non-motorized bicycle course for youth.
- (2) SPECIAL EXCEPTION to permit night lighting for the proposed non-motorized bicycle course.

Plans are on file and may be examined in the Zoning Department entitled "YMCA Site Plan", prepared by Connell Metcalf & Eddy and dated May 14, 1980.

SUBJECT PROPERTY: Tract A and Lots 7 and 8, Block 1, REPLAT OF TALBOTT ESTATES, Plat book 60, Page 49, and the north 500' of the west 174.18' of the NW 1/4, SE 1/4, SW 1/4 and the north 500' of the SW 1/4, SW 1/4 lying east of the east line of State Road #5, all in Section 28, Township 55 South, Range 40 East, Dade County, Florida.

LOCATION: 16625 South Dixie Highway

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested unusual use and special exception would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested unusual use and special exception be and the same are hereby approved, subject to the following conditions:

1. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things, but not be limited thereto, location of building or buildings, type and location of signs, light standards, parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That approval of the plan, the same be substantially in accordance with the plan submitted for the hearing; entitled, "YMCA Site Plan", prepared by Connell Metcalf & Eddy and dated May 14, 1980.
3. That in the approval of said plan, particular attention be given to the type and location of lights so that the same will not be objectionable to the surrounding neighborhood and the traffic on adjacent streets.

3. That in the approval of said plan, particular attention be given to the landscaping of the property in question to establish a screened buffer to the adjacent area.
5. That the use be established and maintained in accordance with the approved plan.
6. That loudspeakers and/or music be of such a type and be so controlled that they do not disturb the residents in the area.
7. That the use be permitted to operate only between the hours of 10:00 A.M. and 11:00 P.M.
8. That the use permit be automatically renewable annually by the Dade County Building and Zoning Department upon compliance with all terms and conditions, and be subject to cancellation upon violation of any of the conditions, or when in the opinion of the Metropolitan Dade County Zoning Appeals Board, after public hearing, it is determined that the use is detrimental and/or incompatible to the surrounding neighborhood.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Dade County Building and Zoning Department, and to issue all permits in accordance with the terms and conditions of this Resolution.

PASSED AND ADOPTED this 27th day of August, 1980.

Heard 8/27/80
Hearing No. 80-8-31
mh
8/29/80

bcc: Hearing File
Tax Assessor
Enforcement Division

August 29, 1980

South Dade YMCA
16625 So. Dixie Highway
Miami, FL 33157

Re: Hearing No. 80-8-31; Section 28-55-40
Requested unusual use and special exception

Gentlemen:

Enclosed herewith is a copy of Resolution No. 4-ZAB-333-80, adopted by the Metropolitan Dade County Zoning Appeals Board, approving your application concerning the above subject matter.

Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required. The required plot use plan should be submitted to this office in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

It is necessary that you apply for a Certificate of Use and Occupancy at the Zoning Information Counter of the Building and Zoning Department in order to meet the requirements of the approved Resolution. It is then automatically renewable annually by this Department.

You are hereby advised that the decision of the Zoning Appeals Board may be appealed by an aggrieved party (within 14 days) or by the Directors of the Dade County Building and Zoning Department and Planning Department (within 18 days), as is provided in Chapter 33-313 of the Code of Metropolitan Dade County, Florida; and that no permits or Certificate of Use and Occupancy can be issued until the appeal periods have expired, and only if no appeal has been filed. Application for necessary permits and/or Certificate of Use and Occupancy should be made with this Department. The deadline for an appeal by the applicant and/or an aggrieved party is September 12, 1980.

Very truly yours,

Chester C. Czebrinski
Assistant Director

C.C.

RESOLUTION NO. Z-255-80

The following resolution was offered by Commissioner Clara Oesterle, seconded by Commissioner William G. Oliver, and upon poll of members present the vote was as follows:

| | | | |
|-----------------------|--------|--------------------|--------|
| Barbara M. Carey | aye | Harvey Ruvin | absent |
| Clara Oesterle | aye | Barry D. Schreiber | aye |
| William G. Oliver | aye | Ruth Shack | aye |
| Beverly B. Phillips | aye | Stephen P. Clark | aye |
| James F. Redford, Jr. | absent | | |

WHEREAS, Y.M.C.A. of GREATER MIAMI had applied for the following:

- (1) UNUSUAL USE to permit a recreational facility, to wit: a BMX, non-motorized bicycle course for youth.
- (2) SPECIAL EXCEPTION to permit night lighting for the proposed non-motorized bicycle course.

Plans are on file and may be examined in the Zoning Department entitled "YMCA Site Plan", prepared by Connell Metcalf & Eddy and dated May 14, 1980.

SUBJECT PROPERTY: Tract A and Lots 7 and 8, Block 1, REPLAT OF TALBOTT ESTATES, Plat book 60, Page 49, and the north 500' of the west 174.18' of the NW 1/4, SE 1/4, SW 1/4 and the north 500' of the SW 1/4, SW 1/4 lying east of the east line of State Road #5, all in Section 28, Township 55 South, Range 40 East, Dade County, Florida.

LOCATION: 16625 South Dixie Highway, and

WHEREAS, a public hearing of the Board of County Commissioners, Dade County, Florida, was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and upon due and proper consideration having been given to the matter, it was the opinion of the Zoning Appeals Board that the requested unusual use and special exception would be compatible with the area and its development and would conform with with the requirements and intent of the Zoning Procedure Ordinance and approved the requests, subject to conditions, and

WHEREAS, Robert Butcher appealed the decision of the Zoning Appeals Board to this Board, and after a 15-day notice of the time and place of the meeting of this Board was published as required by the Zoning Procedure Ordinance a hearing was held by this Board, at which time the applicant had indicated no desire for the night lighting, and after reviewing the record and decision of the Zoning Appeals Board and after having given an opportunity for interested parties to be heard, it is the opinion of this Board that the grounds and reasons specified for the reversal of the ruling made by the Zoning Appeals Board were insufficient to merit a reversal of the decision;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that Item No. 2 requesting special exception for night lighting

Z-255-80

be and the same is hereby dismissed from the agenda;

BE IT FURTHER RESOLVED that the decision of the Zoning Appeals Board be and the same is hereby sustained and the requested unusual use to permit a recreational facility be and the same is hereby approved, subject to the following conditions:

1. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things, but not be limited thereto, location of building or buildings, type and location of signs, light standards, parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That approval of the plan, the same be substantially in accordance with the plan submitted for the hearing entitled, "YMCA Site Plan", prepared by Connell Metcalf & Eddy and dated May 14, 1980.
3. That in the approval of said plan, particular attention be given to the landscaping of the property in question to establish a screened buffer to the adjacent area.
4. That the use be established and maintained in accordance with the approved plan.
5. That loudspeakers and/or music be of such a type and be so controlled that they do not disturb the residents in the area.
6. That the use be permitted to operate only between the hours of 10:00 A.M. and 11:00 P.M.
7. That the use permit be automatically renewable annually by the Dade County Building and Zoning Department upon compliance with all terms and conditions, and be subject to cancellation upon violation of any of the conditions, or when in the opinion of the Metropolitan Dade County Zoning Appeals Board, after public hearing, it is determined that the use is detrimental and/or incompatible to the surrounding neighborhood.

The Zoning Director is hereby directed to make the necessary changes and notations upon the records of the Dade County Building and Zoning Department, and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 23rd day of October, 1980.

Heard October, 1980
No. 80-10-CC-5
vp
10/24/80

DADE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS
Richard P. Brinker, Clerk

By RAYMOND REED
Deputy Clerk

This resolution transmitted to the Clerk of the Board of County Commissioners on the 28th day of October, 1980.

The following resolution was offered by Commissioner Clara Oesterle, seconded by Commissioner Beverly B. Phillips and upon poll of members present the vote was as follows:

| | | | |
|-----------------------|--------|-----------------------|--------|
| Barbara M. Carey | absent | Barry D. Schreiber | aye |
| Clara Oesterle | aye | Sherman S. Winn | aye |
| Beverly B. Phillips. | aye | Jorge (George) Valdes | absent |
| James F. Redford, Jr. | aye | Stephen P. Clark | aye |
| Harvey Ruvin | aye | | |

WHEREAS, JEAN McARTHUR DAVIS, TRUSTEE, had applied for the following:

- (1) A district boundary change from BU-1A (Limited Business), RU-2 (Two Family Residential) and AU (Agricultural) to BU-3 (Liberal Business).

ON THE FOLLOWING:

Tract "A", Lots 7 and 8, Block 1, and Lots 8, 9 and 10, Block 2, REPLAT OF TALBOTT ESTATES, Plat book 60, Page 49 AND:

The north 500' of the west 174.18' of the NW 1/4 of the SE 1/4 of the SW 1/4; less the north 100' thereof & less the east 150' thereof,

AND:

The north 500' of the NE 1/4 of the SW 1/4 of the SW 1/4 lying east of the east line of State Road No. 5; less the north 100' thereof;

All of the above lying in Section 28, Township 55 South, Range 40 East.

- (2) A district boundary change from RU-2 (Two Family Residential) and AU (Agricultural) to BU-1A (Limited Business).

- (3) USE VARIANCE to permit storage of vehicles in the BU-1A zone.

REQUESTS #2 AND #3 ON THE FOLLOWING:

The east 150' of the north 500' of the west 174.18' of the NW 1/4 of the SE 1/4 of the SW 1/4 of Section 28, Township 55 South, Range 40 East; less the north 100' thereof.

Plans are on file and may be examined in the Zoning Department entitled: "Acura Dealership for Stanley Bastacky", as prepared by Architecknics, dated 8-1-85, and consisting of 3 pages:

LOCATION: Lying east of State Road No. 5 and approximately 100' south of S.W. 164 Street, and

WHEREAS, a public hearing of the Board of County Commissioners, Dade County, Florida, was advertised and held, as required by law, and all interested parties concerned in the matter were heard, at which time the applicant proffered a Declaration of Restrictive Covenants which among other things provided that the property will be developed substantially in accordance with the plan submitted for the hearing, which limited the stories to be constructed on the subject property, provided for landscaping and restricted the uses in the BU-3 district and upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary changes to BU-3 and BU-1A would be compatible with the neighborhood and area concerned and would not be in conflict with the

principles and intent of the plan for the development of Dade County, Florida and should be approved subject to conditions and that the requested use variance would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance and should be approved subject to conditions and that the proffered Declaration of Restrictive Covenants should be accepted; said Covenants shall be put in proper recordable form within 30 days from the date of this Resolution;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the requested district boundary changes to BU-3 and BU-1A be and the same are hereby approved and said property is hereby zoned accordingly, subject to the following conditions:

1. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things but be not limited thereto, location of building or buildings, type and location of signs, light standards, parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That the use be established and maintained in accordance with the approved plan.

BE IT FURTHER RESOLVED that the requested use variance be and the same is hereby approved;

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Metropolitan Dade County, Florida, the County hereby accepts the proffered Declaration of Restrictive Covenants and exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

The Zoning Director is hereby directed to make the necessary changes and notations upon the maps and records of the Dade County Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 19th day of December, 1985.

December, 1985
No. 85-12-CC-20
mr
1/2/86

DADE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS
Richard P. Brinker, Clerk

By RAYMOND REED
Deputy Clerk

This resolution transmitted to the Clerk of the Board of County Commissioners on the 21st day of January 1986.

RESOLUTION NO. Z-291-85

The following resolution was offered by Commissioner Clara Oesterle, seconded by Commissioner Beverly B. Phillips and upon poll of members present the vote was as follows:

| | | | |
|-----------------------|--------|-----------------------|--------|
| Barbara M. Carey | absent | Barry D. Schreiber | aye |
| Clara Oesterle | aye | Sherman S. Winn | aye |
| Beverly B. Phillips | aye | Jorge (George) Valdes | absent |
| James F. Redford, Jr. | aye | Stephen P. Clark | aye |
| Harvey Ruvin | aye | | |

WHEREAS, JEAN McARTHUR DAVIS, TRUSTEE, had applied for the following:

- (1) A district boundary change from BU-1A (Limited Business), RU-2 (Two Family Residential) and AU (Agricultural) to BU-3 (Liberal Business).

ON THE FOLLOWING:

Tract "A", Lots 7 and 8, Block 1, and Lots 8, 9 and 10, Block 2, REPLAT OF TALBOTT ESTATES, Plat book 60, Page 49

AND:

The north 500' of the west 174.18' of the NW 1/4 of the SE 1/4 of the SW 1/4; less the north 100' thereof & less the east 150' thereof,

AND:

The north 500' of the NE 1/4 of the SW 1/4 of the SW 1/4 lying east of the east line of State Road No. 5; less the north 100' thereof;

All of the above lying in Section 28, Township 55 South, Range 40 East.

- (2) A district boundary change from RU-2 (Two Family Residential) and AU (Agricultural) to BU-1A (Limited Business).
- (3) USE VARIANCE to permit storage of vehicles in the BU-1A zone.

REQUESTS #2 AND #3 ON THE FOLLOWING:

The east 150' of the north 500' of the west 174.18' of the NW 1/4 of the SE 1/4 of the SW 1/4 of Section 28, Township 55 South, Range 40 East; less the north 100' thereof.

Plans are on file and may be examined in the Zoning Department entitled "Acura Dealership for Stanley Bastacky", as prepared by Architecnics, dated 8-1-85, and consisting of 3 pages.

LOCATION: Lying east of State Road No. 5 and approximately 100' south of S.W. 164 Street, and

WHEREAS, a public hearing of the Board of County Commissioners, Dade County, Florida, was advertised and held, as required by law, and all interested parties concerned in the matter were heard, at which time the applicant proffered a Declaration of Restrictive Covenants which among other things provided that the property will be developed substantially in accordance with the plan submitted for the hearing, which limited the stories to be constructed on the subject property, provided for landscaping and restricted the uses in the BU-3 district and upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary changes to BU-3 and BU-1A would be compatible with the neighborhood and area concerned and would not be in conflict with the

principles and intent of the plan for the development of Dade County, Florida and should be approved subject to conditions and that the requested use variance would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance and should be approved subject to conditions and that the proffered Declaration of Restrictive Covenants should be accepted; said Covenants shall be put in proper recordable form within 30 days from the date of this Resolution;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the requested district boundary changes to BU-3 and BU-1A be and the same are hereby approved and said property is hereby zoned accordingly, subject to the following conditions:

1. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things but be not limited thereto, location of building or buildings, type and location of signs, light standards, parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That the use be established and maintained in accordance with the approved plan.

BE IT FURTHER RESOLVED that the requested use variance be and the same is hereby approved;

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Metropolitan Dade County, Florida, the County hereby accepts the proffered Declaration of Restrictive Covenants and exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

The Zoning Director is hereby directed to make the necessary changes and notations upon the maps and records of the Dade County Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 19th day of December, 1985.

December, 1985
No. 85-12-CC-20
mr
1/2/86

DADE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS
Richard P. Brinker, Clerk

By _____
Deputy Clerk

This resolution transmitted to the Clerk of the Board of County Commissioners on the 21st day of January 1986.

935 FEB 20 PM 1:24

86R054779

12797, 2169

DECLARATION OF RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS:

THAT the undersigned, being the owner, or having some right, title or interest in the following-described property, lying, being and situated in Dade County, Florida, to-wit:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A"

in order to assure the County Commission of Dade County, Florida, that the representations made to it by the owner will be abided by, voluntarily makes the following Declaration of Restrictive Covenants covering and running with the above-described real property:

1. That said property shall be developed substantially in accordance with the spirit and intent of the Plan previously submitted, prepared by ARCHITEKNICS, Architects and Planners, entitled "ACURA DEALERSHIP FOR STANLEY BASTACKY", and dated 8/1/85.

2. Notwithstanding the BU-3 zoning classification applicable to a portion of subject property, the only uses to be permitted within such BU-3 area will be:

(a) The uses permitted in the BU-1, BU-1A and BU-2 classifications, together with:

(b) Automobile and truck services and facilities including:

- (1) Open-lot car sales;
- (2) Open-lot car rentals;
- (3) Automobile parts, second-hand, from store building only; and
- (4) Automobile body and top work and painting.

(c) Garage and mechanical service:

(d) Engines, gas, gasoline, steam and oil; sales and

service:

(e) Glass installation;

(f) Boat sales.

3. No height within the BU-3 portion of subject property will exceed six (6) stories. No buildings within the BU-1A portion of the property exceeding two (2) stories may be constructed within

This Instrument Prepared By:
ROBERT H. TRAURIG
GREENBERG, TRAURIG, ASKEW, ET AL
1401 Brickell Avenue, PH-1
Miami, Florida 33131
(305) 579-0700

21

Jun-11-97 11:47A Marc [redacted] et Bowles, H & H

P.05

17797-2070

150 feet of the East property line, and no structures except a wall at the property line may be constructed within the East 50 feet of subject property.

4. A continuous five (5) foot high wall will be constructed on the East property line, with a 25 ft. landscaped strip with curbing contiguous to and immediately West of such wall.

5. Prior to the issuance of any building permits within subject property, the owner, her heirs or assigns, will submit to the Dade County Planning Department for its review and approval a landscape plan which indicates the type and size of plant materials to be installed, and the installation thereof must be completed at the Easterly end of any portion of the property, for which a Certificate of Occupancy is sought prior to the issuance of such Certificate of Occupancy. If development within the property occurs in stages, the required landscaping may be installed in stages contiguous to the developed area, but prior to the issuance of any Certificate of Occupancy for structures within a portion of the property (e.g., the Southerly 200 ft. to accommodate the automobile dealership), the landscaping and wall must be complete on the Easterly end of the portion of the property for which such Certificate of Occupancy is sought.

6. 10 ft. to 12 ft. high shade trees shall be planted within the 25 ft. landscape strip no farther apart than 25 ft.

7. As further part of this Agreement, it is hereby understood and agreed that any official inspector of the Dade County Building and Zoning Department, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and investigating 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.

8. These restrictions during their lifetime shall be for the benefit of, and a limitation upon, all present and future owners of the real property and for the public welfare.

9. This Agreement on the part of the owner shall constitute a covenant running with the land and may be recorded in the public records of Dade County, Florida, and shall remain in full force

1279: 2:71

and effect and be binding upon the undersigned, and her heirs, successors and assigns until such time as the same is modified or released.

10. These covenants shall be binding on all parties and all persons claiming under them for a period of 30 years from the date these covenants are recorded, after which time they shall be extended automatically for successive periods of ten (10) years.

11. This Declaration of Restrictive Covenants 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 of the fee-simple title to the lands to be affected by such modification, amendment or release, provided that the same is also approved by the Board of County Commissioners or the Zoning Appeals Board of Metropolitan Dade County, Florida (whichever by law has jurisdiction over such matters) after public hearing.

12. Should this Declaration of Restrictive Covenants be so modified, amended or released, the Director of the Metropolitan Dade County Building and Zoning Department, or his successor, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

13. Enforcement shall be by action at law or in equity against any parties or persons violating, or attempting to violate, any covenants, either to restrain violation or to recover damages. The prevailing party in the action, or suit, 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.

14. Invalidation of any one of these covenants, by judgment or Court, in no wise shall affect any of the other provisions which shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned has set her hand and seal this 20th day of January, 1986.

Signed, sealed and delivered in the presence of:

Mary Kaye
Donald B. Edwards

Jean McArthur Davis
JEAN McARTHUR DAVIS, TRUSTEE
FOR NANCY JEAN DAVIS and LINDA DAVIS, n/k/a LINDA DAVIS LASKIN

RESOLUTION NO. Z-291-85

The following resolution was offered by Commissioner Clara Oesterle, seconded by Commissioner Beverly B. Phillips and upon poll of members present the vote was as follows:

| | | | |
|-----------------------|--------|-----------------------|--------|
| Barbara M. Carey | absent | Barry D. Schreiber | aye |
| Clara Oesterle | aye | Sherman S. Winn | aye |
| Beverly B. Phillips | aye | Jorge (George) Valdes | absent |
| James F. Redford, Jr. | aye | Stephen P. Clark | aye |
| Harvey Ruvin | aye | | |

WHEREAS, JEAN M^CARTHUR DAVIS, TRUSTEE, had applied for the following:

- (1) A district boundary change from BU-1A (Limited Business), RU-2 (Two Family Residential) and AU (Agricultural) to BU-3 (Liberal Business).

ON THE FOLLOWING:

Tract "A", Lots 7 and 8, Block 1, and Lots 8, 9 and 10, Block 2, REPLAT OF TALBOTT ESTATES, Plat book 60, Page 49

AND:

The north 500' of the west 174.18' of the NW 1/4 of the SE 1/4 of the SW 1/4; less the north 100' thereof & less the east 150' thereof,

AND:

The north 500' of the NE 1/4 of the SW 1/4 of the SW 1/4 lying east of the east line of State Road No. 5; less the north 100' thereof;

All of the above lying in Section 28, Township 55 South, Range 40 East.

- (2) A district boundary change from RU-2 (Two Family Residential) and AU (Agricultural) to BU-1A (Limited Business).
- (3) USE VARIANCE to permit storage of vehicles in the BU-1A zone.

REQUESTS #2 AND #3 ON THE FOLLOWING:

The east 150' of the north 500' of the west 174.18' of the NW 1/4 of the SE 1/4 of the SW 1/4 of Section 28, Township 55 South, Range 40 East; less the north 100' thereof.

Plans are on file and may be examined in the Zoning Department entitled "Acura Dealership for Stanley Bastacky", as prepared by Architecknics, dated 8-1-85, and consisting of 3 pages.

LOCATION: Lying east of State Road No. 5 and approximately 100' south of S.W. 164 Street, and

WHEREAS, a public hearing of the Board of County Commissioners, Dade County, Florida, was advertised and held, as required by law, and all interested parties concerned in the matter were heard, at which time the applicant proffered a Declaration of Restrictive Covenants which among other things provided that the property will be developed substantially in accordance with the plan submitted for the hearing, which limited the stories to be constructed on the subject property, provided for landscaping and restricted the uses in the BU-3 district and upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary changes to BU-3 and BU-1A would be compatible with the neighborhood and area concerned and would not be in conflict with the

principles and intent of the plan for the development of Dade County, Florida and should be approved subject to conditions and that the requested use variance would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance and should be approved subject to conditions and that the proffered Declaration of Restrictive Covenants should be accepted; said Covenants shall be put in proper recordable form within 30 days from the date of this Resolution;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the requested district boundary changes to BU-3 and BU-1A be and the same are hereby approved and said property is hereby zoned accordingly, subject to the following conditions:

1. That a plot use plan be submitted to and meet with the approval of the Zoning Director; said plan to include among other things but be not limited thereto, location of building or buildings, type and location of signs, light standards, parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That the use be established and maintained in accordance with the approved plan.

BE IT FURTHER RESOLVED that the requested use variance be and the same is hereby approved;

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Metropolitan Dade County, Florida, the County hereby accepts the proffered Declaration of Restrictive Covenants and exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

The Zoning Director is hereby directed to make the necessary changes and notations upon the maps and records of the Dade County Building and Zoning Department and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 19th day of December, 1985.

December, 1985
No. 85-12-GC-20
mr
1/2/86

DADE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS
Richard P. Brinker, Clerk

By _____
Deputy Clerk

This resolution transmitted to the Clerk of the Board of County Commissioners on the 21st day of January 1986.

This instrument was prepared by:
Name: Joseph G. Goldstein, Esq.
Greenberg, Traurig, Hoffman,
Lipoff, Rosen & Quentel, P.A.
1221 Brickell Avenue
Miami, Florida 33131

(Space reserved for
Clerk)

DECLARATION OF RESTRICTIONS

KNOW ALL BY THESE PRESENTS that the undersigned, Owner of the following described property (the "Property"), lying, being and situated in Dade County, Florida, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO

NOW, THEREFORE, IN ORDER TO ASSURE the Dade County Zoning Appeals Board (the "Zoning Appeals Board") and the residents of that area bounded by S.W. 93rd Avenue on the East, S.W. 164th Street on the North, S.W. 167th Street on the South, and 93rd Place and the theoretical extension thereof to the West (the "Surrounding Residential Area") that the representations made to it by the Owner during its consideration of Public Hearing No. 96-534 (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) Use of Property

1. A paint and body shop shall not be operated on the property. The Owner shall not file an application with Dade County to request a paint and body shop.
2. The Applicant shall, in accordance with the terms of this subparagraph, donate the sum of \$6,000.00 ("donation") to the Dade County Tree Trust Fund for the purpose of providing trees within the Surrounding Residential Area, as defined herein. The donation shall be made within sixty (60) days after the Application is approved by the Board and the expiration of the appeal period therefrom.

(2) Miscellaneous.

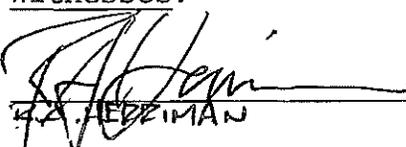
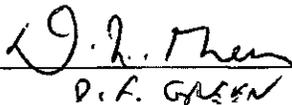
- a) County Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of the Dade County Department of Planning, Development and Regulation, or its agents duly authorized, may have the privilege at any time during normal working hours of entering 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.

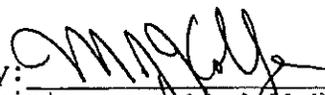
- b) Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and shall be recorded in the public records of Dade County, Florida, subject to the terms of subparagraph 2(h) herein, and shall remain in full force and effect and be binding 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 public welfare.
- c) Term. This Declaration is to run with the land and shall be binding upon all parties and all persons claiming under it for an initial 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 Dade County.
- d) Modification, Amendment, Release. Subject to the provisions of this paragraph, 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 all the Property provided that the same is also approved by:
- i) the owners of no less than twenty-nine (29) of those fifty-six (56) residential lots located in the Surrounding Residential Area; and
 - ii) the Board of County Commissioners or the Zoning Appeals Board of Metropolitan Dade County, Florida, whichever by law has jurisdiction over such matters, or such successor entities as are delegated the power to modify, amend, or release restrictions, after public hearing.

Should this Declaration of Restrictions be so modified, amended or released, the Director of the Dade County Department of Planning, Development and Regulation, or the executive officer of the successor of such Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

- 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 or in equity or both.
- f) Severability. Invalidation of any one of these covenants, by judgment of Court in no way shall affect any of the other provisions which shall remain in full force and effect.
- g) Effective Date. These Covenants shall become effective following adoption by the Zoning Appeals Board of a resolution approving the Application, and the expiration of the appeal period from such approval if no appeal is filed. If an appeal of such approval is filed, then these covenants shall be null and void.
- h) Recording. This Declaration shall be filed of record in the public records of Dade County, Florida at the cost of the Owner following adoption by the Zoning Appeals Board of a resolution approving the Application and the expiration of the appeal period from such approval if no appeal is filed. If an appeal of such approval is filed, then this Declaration shall not be filed of record.

Signed, witnessed, executed and acknowledged this 30th day of June, 1997.

Witnesses:

 F. A. HEPPIMAN

 D. F. GREEN

Chrysler Realty Corporation
 By: 
 Print name: M. J. Kolkjen
 Its: Vice President

STATE OF MICHIGAN)
) SS:
COUNTY OF OAKLAND)

I hereby certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared M. J. Kolhjen, as Vice President of Chrysler Realty Corporation, in whose name the foregoing instrument was executed and that he/she severally acknowledged the same for such corporation, freely and voluntarily, under authority vested in them by said corporation and I either personally know said party or relied upon the following form of identification of the above-named party and that an oath was not taken: _____

[NOTARIAL SEAL]

Notary: Shirley Pranger
Print Name: _____
Notary Public, State of _____
My commission expires: _____

SHIRLEY PRANGER
Notary Public, Macomb County, MI
Acting in Oakland County, MI
My Commission Expires: 6/15/2000

EXHIBIT A

Tract "B" and the North 52 feet of Tract "A", MIAMI ACURA
SUBDIVISION, according to the Plat thereof recorded in Plat Book
130, Page 39 of the Public Records of Dade County, Florida.

PROPOSED CONDITIONS TO CHRYSLER REALTY CORP.

Application P.H. No. 96-534

1. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit; said plan to include among other things but not be limited thereto, location of structure or structures, display area, types, sizes and location of signs, light standards, off-street parking area, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Proposed New Dealership for Dadeland Dodge," as prepared by Architecture 6400, Inc., consisting of seven sheets A-1 dated rev. 6-26-97, Sheets A-3, A-4 dated rev. 6-26-97, A-10 dated rev. 6-26-97, and A-11 dated 10-11-96, LSI dated last revised 6-19-97 and IRI dated last revised 6-26-97.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant obtain a Certificate of Use and Occupancy from the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
5. That no stringer lights, pennants, mobile or stationary visual devices, except as permitted under point of sale sign regulations, shall be used or displayed.
6. That the use of outdoor loudspeakers shall be prohibited.
7. That ingress/egress be strictly prohibited from S.W. 93rd Place.
8. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use and Occupancy.
9. A double row of trees, a minimum of 16 feet in height at time of planting, shall be installed along the rear (east) property line.
10. In the event of a hurricane or any other natural disaster, the landscaping shall be replanted to a height and density no less than that provided in the landscape plans and these conditions.
11. No cellular or radio towers shall be permitted on the property.
12. No building height on the entire property shall exceed thirty (30') feet and one story, and no permanent or temporary building or structure, including awnings and/or canopies, shall be erected in the BU-1A portion of the property.
13. All automobile repair or automobile service or "dealer prep" shall take place within the dealership structure.

14. Test driving of any vehicles shall be prohibited on the residential streets east of Dixie Highway. All cars being test driven shall have a tag identifying the vehicle as being from the subject dealership.
15. All lighting for the parking lots and the dealership shall be directed away from the residential neighborhood to the east in accordance with Section 33-4.1 of the Dade County Code.
16. There shall be no barbed and/or concertina wire on the property.
17. The hours of operation for the dealership shall be limited to 7:00 a.m. to 10:00 p.m. During the hours of operation of the dealership, repair and service of automobiles may only take place between 8:00 a.m. and 6:00 p.m.
18. Off loading of vehicles shall only take place during the hours of operation, and may not take place on residential streets east of Dixie Highway.
19. No multi-story parking structure shall be constructed on the property.
20. The dealership building shall have no doors, windows, or similar openings in the eastern wall of the building, except for a personnel door and such emergency exit(s) as may be required by applicable law.
21. The applicant shall advise customers and employees of the dealership that such customers and employees are not to park on the public right-of-way or private property along the residential streets abutting the dealership. Employees shall not park on the public right-of-way or private property along the residential streets abutting the dealership.
22. The rear landscaped buffer shall be maintained on the same schedule as the greenbelt adjacent to U.S. 1.
23. A paint and body shop shall not be operated on the property.

198 FEB 20 PM 1: 24

86 054779 28-55-46

OFF REC 12797 PG 2069

DECLARATION OF RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS:

THAT the undersigned, being the owner, or having some right, title or interest in the following-described property, lying, being and situated in Dade County, Florida, to-wit:

SEE LEGAL DESCRIPTION ATTACHED HERETO
AS EXHIBIT "A"

in order to assure the County Commission of Dade County, Florida, that the representations made to it by the owner will be abided by, voluntarily makes the following Declaration of Restrictive Covenants covering and running with the above-described real property:

1. That said property shall be developed substantially in accordance with the spirit and intent of the Plan previously submitted, prepared by ARCHITEKNICS, Architects and Planners, entitled "ACURA DEALERSHIP FOR STANLEY BASTACKY", and dated 8/1/85.

2. Notwithstanding the BU-3 zoning classification applicable to a portion of subject property, the only uses to be permitted within such BU-3 area will be:

(a) The uses permitted in the BU-1, BU-1A and BU-2 classifications, together with:

(b) Automobile and truck services and facilities including:

(1) Open-lot car sales;

(2) Open-lot car rentals;

(3) Automobile parts, second-hand, from store building only; and

(4) Automobile body and top work and painting.

(c) Garage and mechanical service;

(d) Engines, gas, gasoline, steam and oil; sales and service;

(e) Glass installation;

(f) Boat sales.

3. No height within the BU-3 portion of subject property will exceed six (6) stories. No buildings within the BU-1A portion of the property exceeding two (2) stories may be constructed within

This Instrument Prepared By:
ROBERT H. TRAURIG
GREENBERG, TRAURIG, ASKEW, ET AL
1401 Brickell Avenue, PH-1
Miami, Florida 33131

91-

150 feet of the East property line, and no structures except a wall at the property line may be constructed within the East 50 feet of subject property.

4. A continuous five (5) foot high wall will be constructed on the East property line, with a 25 ft. landscaped strip with curbing contiguous to and immediately West of such wall.

5. Prior to the issuance of any building permits within subject property, the owner, her heirs or assigns, will submit to the Dade County Planning Department for its review and approval a landscape plan which indicates the type and size of plant materials to be installed, and the installation thereof must be completed at the Easterly end of any portion of the property, for which a Certificate of Occupancy is sought prior to the issuance of such Certificate of Occupancy. If development within the property occurs in stages, the required landscaping may be installed in stages contiguous to the developed area, but prior to the issuance of any Certificate of Occupancy for structures within a portion of the property (e.g., the Southerly 200 ft. to accommodate the automobile dealership), the landscaping and wall must be complete on the Easterly end of the portion of the property for which such Certificate of Occupancy is sought.

6. 10 ft. to 12 ft. high shade trees shall be planted within the 25 ft. landscape strip no farther apart than 25 ft.

7. As further part of this Agreement, it is hereby understood and agreed that any official inspector of the Dade County Building and Zoning Department, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and investigating 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.

8. These restrictions during their lifetime shall be for the benefit of, and a limitation upon, all present and future owners of the real property and for the public welfare.

9. This Agreement on the part of the owner shall constitute a covenant running with the land and may be recorded in the public records of Dade County, Florida, and shall remain in full force

and effect and be binding upon the undersigned, and her heirs, successors and assigns until such time as the same is modified or released.

10. These covenants shall be binding on all parties and all persons claiming under them for a period of 30 years from the date these covenants are recorded, after which time they shall be extended automatically for successive periods of ten (10) years.

11. This Declaration of Restrictive Covenants 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 of the fee-simple title to the lands to be affected by such modification, amendment or release, provided that the same is also approved by the Board of County Commissioners or the Zoning Appeals Board of Metropolitan Dade County, Florida (whichever by law has jurisdiction over such matters) after public hearing.

12. Should this Declaration of Restrictive Covenants be so modified, amended or released, the Director of the Metropolitan Dade County Building and Zoning Department, or his successor, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

13. Enforcement shall be by action at law or in equity against any parties or persons violating, or attempting to violate, any covenants, either to restrain violation or to recover damages. The prevailing party in the action, or suit, 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.

14. Invalidation of any one of these covenants, by judgment or Court, in no wise shall affect any of the other provisions which shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned has set her hand and seal this 20th day of January, 1986.

Signed, sealed and delivered in the presence of:

Ernie Kage
Donald B. [Signature]

Jean McArthur Davis, Trustee
JEAN MCARTHUR DAVIS, TRUSTEE
FOR NANCY JEAN DAVIS and LINDA DAVIS, n/k/a LINDA DAVIS LASKIN

28-55-40

EXHIBIT "A"

LEGAL DESCRIPTION

Tract "A", Lots 7 and 8, Block 1, and Lots 8, 9 and 10, Block 2, REPLAT OF TALBOTT ESTATES (Plat Book 60, Page 49), and

The North 500 feet of the West 174.18 feet of the N. W. 1/4 of the S. E. 1/4 of the S. W. 1/4; less the North 100 feet thereof & less the East 150 ft. thereof, and

The North 500 feet of the N. E. 1/4 of the S. W. 1/4 of the S. W. 1/4 lying East of the East line of State Road No. 5; less the North 100 feet thereof;

All of the above lying in Section 28, Township 55 South, Range 40 East, Dade County, Florida, containing 7.724 acres, more or less,

AND:

The East 150 feet of the North 500 feet of the West 174.18 feet of the N.W. 1/4 of the S.E. 1/4 of the S.W. 1/4; less the North 100 feet thereof.

RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA
BOOKS VERIFIED
RICHARD F. BRYNKEN
CLERK CIRCUIT COURT

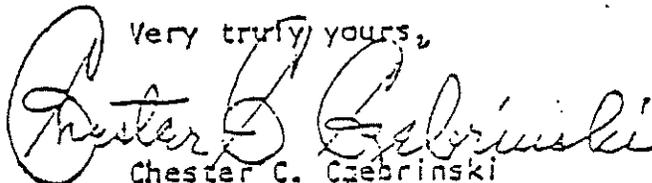
Date: 1/23/86.

TO: Maps & Plats Section, Supv.
Zoning Information, Supv.
Zoning Plans Processors, Supv.
Enforcement Section

Re: Hearing No. 85-12-CC-20
Section 28-55-40
Applicant Jean McArthur Davis, Trustee

Agreement required by Resolution No. Z-291-85 has been received and is being recorded.

Very truly yours,


Chester C. Czebrinski
Assistant Director

CCC/vp

cc: Hearing File ✓

RESOLUTION NO. Z-251-88

The following resolution was offered by Commissioner Sherman S. Winn, seconded by Commissioner Beverly B. Phillips, and upon poll of members present the vote was as follows:

| | | | |
|-----------------------|--------|-----------------------|--------|
| Barbara M. Carey | absent | Barry D. Schreiber | absent |
| Clara Osterle | absent | Jorge (George) Valdes | aye |
| Beverly B. Phillips | aye | Sherman S. Winn | aye |
| James F. Redford, Jr. | absent | Stephen P. Clark | aye |
| Harvey Ruvin | aye | | |

WHEREAS, STANLEY N. BASTACKY, had applied for the following:

NON-USE VARIANCE OF SIGN REGULATIONS prohibiting pennants, banners, streamers and other types of attention attractors including massed flags; to vary same to permit one 2' X 30' banner stretched between two light poles, four 3' X 5' "Acura" flags attached to light poles, two 3' X 10' "used car" flags attached to light poles, twelve 3' X 5' free-standing flags, and five massed "American" flags attached to light poles.

Plans are on file and may be examined in the Zoning Department entitled "Miami Acura, Miami, Florida," as prepared by Architeknic, Architects and Planners, dated 5-4-88. Plans may be modified at public hearing.

SUBJECT PROPERTY: Tracts "A" and "B", MIAMI ACURA SUBDIVISION, Plat book 130, Page 39.

LOCATION: 16601 South Dixie Highway, Dade County, Florida, and

WHEREAS, a public hearing of the Metropolitan Dade County Zoning Appeals Board was advertised and held, as required by law, and all interested parties concerned in the matter were heard, and upon due and proper consideration having been given to the matter, it was the opinion of the Zoning Appeals Board that the requested non-use variance would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance and denied the request without prejudice, and

WHEREAS, STANLEY N. BASTACKY, the applicant, appealed the decision of the Zoning Appeals Board to this Board, and after a 15-day notice of the time and place of the meeting of this Board was published as required by the Zoning Procedure Ordinance a hearing was held by this Board, and after reviewing the record and decision of the Zoning Appeals Board and after having given an opportunity for interested parties to be heard, it is the opinion of this Board that the grounds and reasons specified for the reversal of the ruling made by the Zoning Appeals Board were insufficient to merit a reversal of the decision;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Dade County, Florida, that the decision of the Zoning Appeals Board be and the same is hereby sustained and the requested application be and same is hereby denied without prejudice;

The Zoning Director is hereby directed to make the necessary notations upon the records of the Dade County Building and Zoning Department.

PASSED AND ADOPTED this 6th day of October, 1988.

August, 1988
No. 88-8-44
11/18/88
mr

DADE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By Richard P. Brinker, Clerk
Deputy Clerk

This resolution transmitted to the Clerk of the Board of County Commissioners on the 30th day of NOVEMBER, 1988.

METROPOLITAN DADE COUNTY, FLORIDA



METRO-DADE CENTER

BUILDING & ZONING DEPARTMENT
METRO-DADE CENTER
111 N.W. FIRST STREET
SUITE 1010
MIAMI, FLORIDA 33128-1974
(305) 375-2500

November 30, 1988

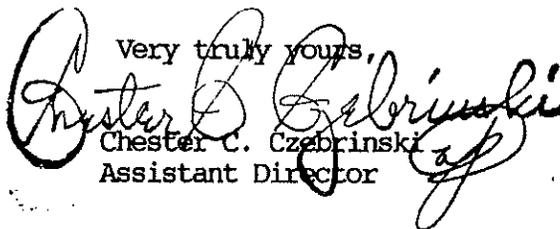
Stanley N. Bastacky
16601 S. Dixie Highway
Miami, FL 33157

Re: Hearing No. 88-8-44; 16601 South Dixie Highway

Dear Sir:

Enclosed, herewith, is a copy of Resolution No. Z-251-88, adopted by the Board of County Commissioners, which sustained the decision of the Zoning Appeals Board and denied without prejudice your requested application on the above-described property.

Very truly yours,

A large, handwritten signature in cursive script that reads "Chester C. Czebrinski". The signature is written in dark ink and is positioned over the typed name and title of the signatory.

Chester C. Czebrinski
Assistant Director

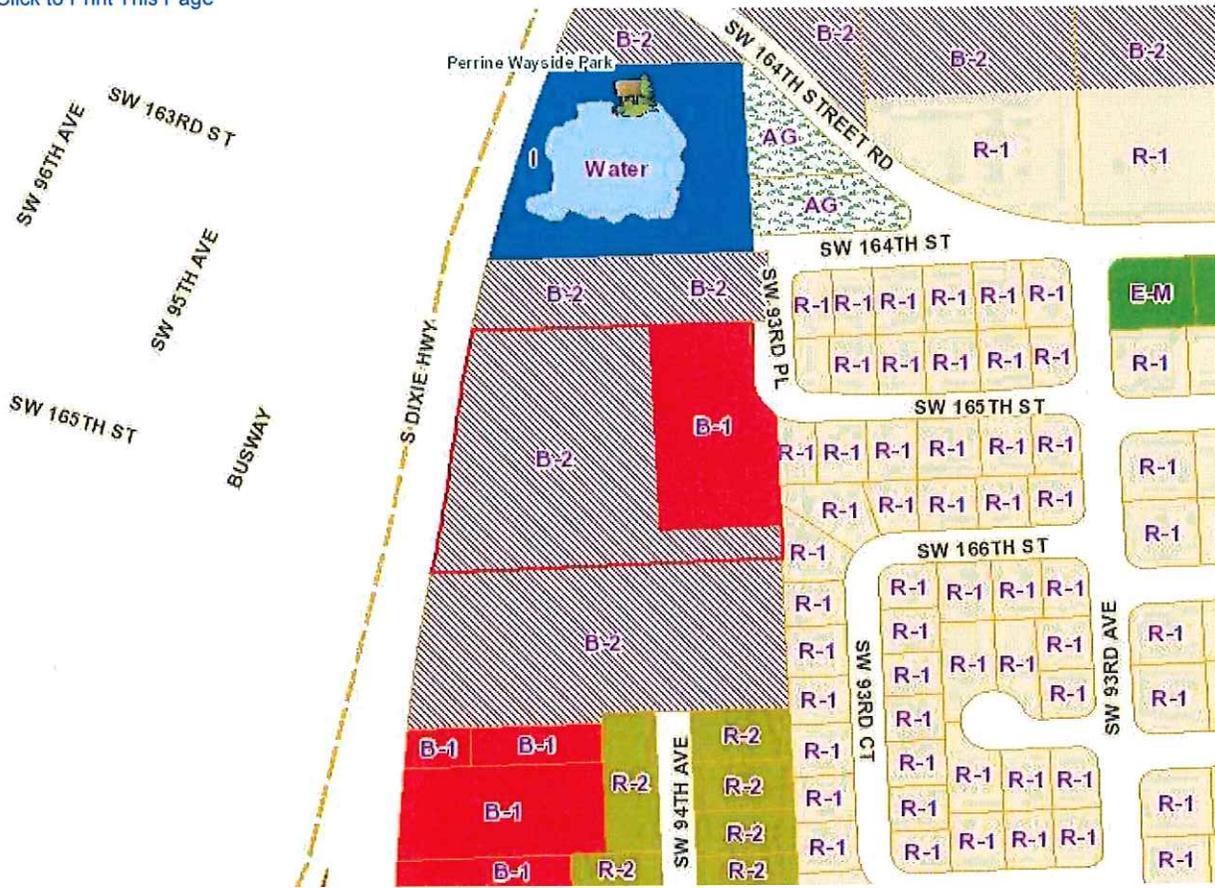
CCC/mr
Enclosure

cc: Reginal H. Mattox
4665 Ponce de Leon Blvd.
Coral Gables, FL 33146

ZONING & LAND USE MAPS

DJR REALITY LLC (DADELAND DODGE)
VPB-15-008

[Click to Print This Page](#)



| Summary Details: | |
|------------------|--|
| Folio: | 3350280620020 |
| Site Address: | 16501 S DIXIE HWY Virtual Earth Street View County Permits by Address Open County Permits by Address Property Appraiser Zillow |
| Mailing Address: | DJR RLTY LLC 16501 S DIXIE HWY MIAMI, FL 331573443 |

| Property Information: | |
|-----------------------|--|
| Beds/Baths: | 0/0 |
| Floors: | 1 |
| Living Units: | 0 |
| Adj Sq Footage: | 30377 |
| Lot Size: | 4.39 ACRES |
| Year Built: | 1999 |
| Legal Description: | MIAMI ACURA SUBPB 130-39TR B & N52FT OF TR ALOT SIZE 191326 SQ FTOR 17120-3637 & 3694 0396 1F/A/U 30-5028-062-0020 VIEW PLAT 130-39 Deed: 17120-3637 |

| Sale Information: | | | |
|-------------------|------------|-----|-----|
| Sale Date: | 3/1996 | 0/0 | 0/0 |
| Sale Amount: | 2650000 | 0 | 0 |
| Sale O/R: | 17120-3637 | | |

| Assessment Information: | | |
|-------------------------|---------|---------|
| Year: | 2015 | 2014 |
| Land Value: | 3826520 | 3826520 |
| Building Value: | 1798530 | 1760048 |
| Market Value: | 5625050 | 5586568 |
| Assessed Value: | 5625050 | 5586568 |
| Homestead Exemption: | 0 | 0 |
| Senior Exemption: | 0 | 0 |
| Agricultural Exemption: | 0 | 0 |
| Widow Exemption: | 0 | 0 |
| Disabled Exemption: | 0 | 0 |
| Veteran Exemption: | 0 | 0 |

[Click to Print This Page](#)



| Summary Details: | |
|------------------|---|
| Folio: | 3350280620020 |
| Site Address: | 16501 S DIXIE HWY Virtual Earth Street View County Permits by Address Open County Permits by Address Property Appraiser Zillow |
| Mailing Address: | DJR RLTY LLC 16501 S DIXIE HWY MIAMI, FL 331573443 |

| Property Information: | |
|-----------------------|--|
| Beds/Baths: | 0/0 |
| Floors: | 1 |
| Living Units: | 0 |
| Adj Sq Footage: | 30377 |
| Lot Size: | 4.39 ACRES |
| Year Built: | 1999 |
| Legal Description: | MIAMI ACURA SUBPB 130-39TR B & N52FT OF TR ALOT SIZE 191326 SQ FTOR 17120-3637 & 3694 0396 1F/A/U 30-5028-062-0020 VIEW PLAT 130-39 Deed: 17120-3637 |

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| Homestead Exemption: | 0 | 0 |
| Senior Exemption: | 0 | 0 |
| Agricultural Exemption: | 0 | 0 |
| Widow Exemption: | 0 | 0 |
| Disabled Exemption: | 0 | 0 |
| Veteran Exemption: | 0 | 0 |

POSTING & MAILING

DJR REALITY LLC (DADELAND DODGE)
VPB-15-008



VILLAGE OF PALMETTO BAY NOTICE OF ZONING PUBLIC HEARING

The Village of Palmetto Bay shall conduct a zoning public hearing on Monday, October 19, 2015, at 7:00 p.m. Discussion and public input will be welcomed concerning the following hearing item which may be of interest to your immediate neighborhood.

The following item is being considered pursuant to Division 30-30.6(b) of the Village's Land Development Code:

Applicant: DJR Realty LLC (Dadeland Dodge) (VPB-15-008)
Folio: 33-5028-062-0020
Location: 16501 S. Dixie Highway, Palmetto Bay, FL 33157
Zoned: B-1, B-2
Request: Variance to permit additional wall signage.

PLANS ARE ON FILE FOR THE ABOVE APPLICATION AND MAY BE EXAMINED IN THE DEPARTMENT OF PLANNING AND ZONING AT VILLAGE HALL. PLANS MAY BE MODIFIED AT THE PUBLIC HEARING.

The hearing shall be held at the Council Chambers located within Village Hall, 9705 East Hibiscus Street, Palmetto Bay, FL 33157. Any meeting may be opened and/ or continued, under such circumstances, additional legal notice would not be provided. Any person may contact Village Hall at (305) 259-1234 for additional information.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation (or hearing impaired) to participate in this proceeding or to review any documents relative thereto should contact the Village for assistance at (305) 259-1234 no later than four (4) days prior to the proceedings.



**VILLAGE OF PALMETTO BAY
NOTICE OF PUBLIC HEARING**

HEARING NUMBER: VPB-15-008
APPLICANT NAME: DJR Realty LLC (Dadeland Dodge)
FOLIO: 33-5028-062-0020
ZONED: B-1 & B-2

PROJECT LOCATION: 16501 SOUTH DIXIE HIGHWAY, PALMETTO BAY, FL 33157

REQUEST: Variance to permit additional wall signage.

PLANS ARE ON FILE AND MAY BE EXAMINED IN THE DEPARTMENT OF PLANNING AND ZONING AT VILLAGE HALL. PLANS MAY BE MODIFIED BEFORE AND DURING THE PUBLIC HEARING.

A PUBLIC HEARING WILL BE HELD MONDAY, OCTOBER 19, 2015, AT 7:00 PM AT THE COUNCIL CHAMBERS LOCATED WITHIN VILLAGE HALL, 9705 EAST HIBISCUS STREET, PALMETTO BAY, FL 33157.

YOU ARE NOT REQUIRED TO RESPOND TO THIS NOTICE: However, objections or waivers of objection may be made in person at the hearing or filed in writing prior to the hearing date with the Department of Planning and Zoning. Any meeting may be opened and continued, and under such circumstances, additional legal notice would be provided. Any person may contact Village Hall at (305) 259-1234 for additional information. Please call the Village Clerk for ADA needs (or hearing impaired) no later than four (4) days prior to the proceedings.

**VILLAGE OF PALMETTO BAY
NOTICE OF PUBLIC HEARING**

HEARING NUMBER: VPB-15-008
APPLICANT NAME: DJR Realty LLC (Dadeland Dodge)
FOLIO: 33-5028-062-0020
ZONED: B-1 & B-2

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**VILLAGE OF PALMETTO BAY
NOTICE OF PUBLIC HEARING**

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APPLICANT NAME: DJR Realty LLC (Dadeland Dodge)
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ZONED: B-1 & B-2

PROJECT LOCATION: 16501 SOUTH DIXIE HIGHWAY, PALMETTO BAY, FL 33157

REQUEST: Variance to permit additional wall signage.

PLANS ARE ON FILE AND MAY BE EXAMINED IN THE DEPARTMENT OF PLANNING AND ZONING AT VILLAGE HALL. PLANS MAY BE MODIFIED BEFORE AND DURING THE PUBLIC HEARING.

A PUBLIC HEARING WILL BE HELD MONDAY, OCTOBER 19, 2015, AT 7:00 PM AT THE COUNCIL CHAMBERS LOCATED WITHIN VILLAGE HALL, 9705 EAST HIBISCUS STREET, PALMETTO BAY, FL 33157.

YOU ARE NOT REQUIRED TO RESPOND TO THIS NOTICE: However, objections or waivers of objection may be made in person at the hearing or filed in writing prior to the hearing date with the Department of Planning and Zoning. Any meeting may be opened and continued, and under such circumstances, additional legal notice would be provided. Any person may contact Village Hall at (305) 259-1234 for additional information. Please call the Village Clerk for ADA needs (or hearing impaired) no later than four (4) days prior to the proceedings.

**VILLAGE OF PALMETTO BAY
NOTICE OF PUBLIC HEARING**

HEARING NUMBER: VPB-15-008
APPLICANT NAME: DJR Realty LLC (Dadeland Dodge)
FOLIO: 33-5028-062-0020
ZONED: B-1 & B-2

PROJECT LOCATION: 16501 SOUTH DIXIE HIGHWAY, PALMETTO BAY, FL 33157

REQUEST: Variance to permit additional wall signage.

PLANS ARE ON FILE AND MAY BE EXAMINED IN THE DEPARTMENT OF PLANNING AND ZONING AT VILLAGE HALL. PLANS MAY BE MODIFIED BEFORE AND DURING THE PUBLIC HEARING.

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APPLICATION

DJR REALITY LLC (DADELAND DODGE)

VPB-15-008

RECEIVED
Zoning Department

7/17/2015

Village of Palmetto Bay
Building & Zoning Department

By: 

Letter of Intent

Variance Request Dadeland Chrysler Dodge Jeep 16501 South Dixie Highway, Palmetto Bay, Florida

After a major exterior renovation and enhancement, the Dadeland Chrysler Dodge Jeep dealership wishes to complete exterior enhancements by installing new wall signs on the recessed façade of the service and pre-owned cars portion of the building. This recessed façade is setback behind the building front some 90 feet and setback some 270 feet from the right travel lane of Dixie Highway.

Scope of Sign Project

The new signage is replacing much larger and less attractive previous signs but basically identifies similar uses and services. (See attached photographs.) The signs were installed on the building prior to the dealership opening in 1999. At the time the parcel was in unincorporated Miami-Dade County. Based on what permit records could be found, the current management of the dealership believes that the signs were permitted under the general building permit #010414 issued in 1998 by Miami Dade County. The property was included in the incorporation of the Village of Palmetto Bay on September 10, 2002 and the now non-conforming signs had been maintained up to 2015 when the building was undergoing renovation.

This new wall sign will be considered one sign and will contain the following sign copy: **Service**, the **MOPAR** parts branding, **EXPRESSLANE** and **Pre-Owned**. The four separate signs will be installed on a single attractive wall colored sign panel similar to the two signs on the leading façade of the dealership that contains the name brands: Chrysler and Dodge and Jeep and Ram. (See attached photographs).

The existing Dadeland sign, which is the third sign on the leading facade contains channel letters installed directly to the exterior wall and not installed on a panel. These combined signs were recently added to the leading façade along with a new and attractive entrance tower which reduced sign proliferation and increased architectural aesthetics and visual order.

Requested Variance and Relevant Sign Ordinance subsection

In order to ameliorate the zoning hardship of a significant building setback (and

the visibility of a sign thereon) which is much greater than neighboring commercial properties, the variance requested proposes increasing the number of attached signs from three to four. The sign tables listed in Sec. 30-90.17 (i) *Permanent point of sale signs in business zoning districts*, limit the number of signs on parcels over 300 feet of frontage to four – one detached and three attached which is what currently exists.

Considering the large building elevation width of 243.3 feet and height of 23'4", the maximum allowable sign area pursuant to the same sub-section above is 374 square feet.

The calculation of the building facade follows:

$$243.3' \times 15' = 3649.5 \text{ SF} \times 10\% = 364.95 \text{ SF}$$

$$218.30 \times 8.3' \text{ (the building height is 23'4")} \times .5\% = 9 \text{ SF}$$

$$\text{Allowable sign area } 364.95 \text{ SF} + 9 \text{ SF} = 373.95 \text{ SF or rounded } 374 \text{ SF.}$$

A variance to the maximum allowable sign area will not be required. The actual area of the proposed four individual messages when combined as one sign is 80.4 SF (2' high by 41.2' long). The typical wall colored mounting panel will measure 4' by 44' and if measured to outside of panel the square foot area is 176. From the sign book and field calculations of the existing signs on the front elevations the following sign areas are determined:

Jeep RAM; 81.64 SF

Chrysler DODGE 82.40 SF

Dadeland 28.43 SF

Total existing 192.47 SF

Proposed sign 176.00 SF

Total of all signs 368.47 SF per ordinance allowable sign area is 374.SF

Variance Justification and Findings of fact

The following relevant factors are proffered for the review of this variance request:

1. The variance is not listed as prohibited under Sec. 30-30.6 Variances and is allowed within the province of the village council.
2. As mentioned previously, this fourth sign replaces previous signs that were much larger and less attractive and whose appearance could be considered "busy." The significant and extensive parcel frontage width of 404.11 feet has only one principal access allowing both ingress and egress. The proposed fourth sign, although it is setback 270 feet from Dixie Highway, is critical to the identification of use and services and is directly visible from this principal ingress access/driveway.

3. Existence of special conditions and circumstances is especially evident because of the significant building setback of approximately 270 feet creates a visibility hardship for the motoring public on Dixie Highway who are looking for the garage and used car sales services identified by said sign. Typical commercial building setbacks of 30 to 60 feet allow easy sign visibility and identification of products and services. Such ease of identification allows the motoring public to readily ascertain location of desired services without slowing or stopping traffic which would otherwise endanger public safety. The size of the proposed sign will not exceed the village's reasonable sign area criteria and will only be visible from the principal ingress access once the public enters the property seeking to identify desired services.
4. The substantial setback for the service department and pre-owned cars office was appropriate at the time of construction and remains so today. When it was constructed, the Miami-Dade sign code permitted wall signage as evidenced by the permit record and photographs. Now the Village of Palmetto Bay has imposed a more rigorous and limiting sign code that has created a special condition, said condition is not a result of the actions of the current applicant who desires to continue the directional and informational signage essential to the reasonable use of the dealership and property.
5. The granting of the variance will not confer upon the applicant a special privilege that is denied by Chapter 30 to other lands in the same zoning district. Sign non conformities are addressed in Chapter 30 and the continuation or expansion of the same require variance consideration.
6. The variance is not driven by financial or economic hardships.
7. The variance, if granted is the minimum variance that will make possible the reasonable use as well as the attractiveness of the land and the building.
8. The variance if granted will be in harmony with the stated Purpose and Intent of the sign code, this proposed sign provides for enhancement of public safety and ease of identification of business and uses. Additionally, the remote location of the proposed sign also contributes to the purpose and intent of the sign ordinance by reducing the visual impact of overall project signage. The sign is not easily seen by the public from Dixie Highway and is therefore "out of sight-out of mind." The sign code seeks to reduce the visual clutter of signs "which impair visual qualities of the village which is essential to general welfare and economic viability." The sign certainly will contribute to the economic viability of the dealership and will better and reasonably inform the public of the respective use and services available at the site.

e-Permitting

Search:



miamidade.gov



Resident

Visitor

Business

Employee

MIAMI-DADE

Permit History Inquiry

| | | | |
|--------------------------------|-----------------------------|-------------------------|------------|
| Permit Number: | 1998010414 | Issue Date: | 10/31/1997 |
| Process Number: | S1998014682 | CO/CC Release Date: | |
| Permit Type: | BLDG | Master Permit Number: | 0 |
| Building Code: | SFBC | Bldg CO Release Date: | |
| Categories: | SIGN (NON ELEC) | | |
| Address: | 16501 S DIXIE HWY | | |
| Owner's Name: | TIGER INTERNATIONAL MGT INC | | |
| Folio Number: | 33-5028-062-0020 | | |
| Proposed Use: | RETAIL SALES | | |
| Contractor: | CBC015480 | G S D CONTRACTING INC | |
| Tradesman: | DEJOHN GREGORY | | |
| Permit expired (Y/N): | | Expiration Date: | |
| New Issue Date: | | Revision Date: | |
| Extension Date: | | Last Inspection Date: | |
| Inspection Type: | | Inspection Disposition: | |
| Request Date: | | Inspection Date: | |
| Last Approved Inspection Date: | | | |
| Inspection Comments: | | | |

*PERMIT REVOKE/CANCEL * "OUT OF JURISDICTION SEE PALMETTO BAY. SR #33521 "

[BLDG Home Page](#) | [BLDG Main Menu](#) | [BLDG Permit Menu](#) | [BLDG Plans Processing Menu](#) | [Inspection Types](#) | [Address Format](#)

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E-mail your comments, questions and suggestions to [Webmaster](#)

This page was last edited on: February 23, 2004

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VPB-15-008



RECEIVED
SEC: TWP: RGE:
Zoning Department
7/17/2015
Village of Palmetto Bay
Building & Zoning Department
By: *[Signature]*

ZONING HEARING (ZH) APPLICATION
Village of Palmetto Bay, Department of Planning and Zoning

LIST ALL FOLIO #S: _____ 33-5028-062-0020 _____ Date Received _____

1. NAME OF APPLICANT (Owner(s) of record of the property or lessee. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).

DJR Realty LLC

2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:

Mailing Address: 16501 S. Dixie Hwy
City: Palmetto Bay State: FL Zip: 33157 Phone#: 305-278-9994

3. OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:

Owner's Name (Provide name of ALL owners): DJR Realty LLC

City: Palmetto Bay State: FL Zip: 33157 Phone#: 305-278-9994

4. CONTACT PERSON'S INFORMATION:

Name: Company: Mark Brenchley, Mark Brenchley Planning Consultants
City: Clermont State: FL Zip: 34711 Cell Phone#: 435-512-6833
Phone#: _____ Fax#: _____ E-mail: wcfpermits.markb@gmail.com

5. LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION

(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, range. If the application contains multiple rezoning requests, a legal description for each requested zone must be provided. Attach separate sheets as needed and clearly label (identify) each legal description attached. In addition to paper version it is requested that lengthy metes and bounds descriptions be provided on diskette or compact disc in Microsoft Word or compatible software.)
See EXHIBIT A (legal description) Also Location sketch

6. ADDRESS OR LOCATION OF PROPERTY (For location, use description such as NE corner of, etc.)

16501 S. Dixie Hwy. Palmetto Bay, Florida

7. SIZE OF PROPERTY (in acres): 4.39 ac (divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property acquired leased: 06/1996 **9. Lease term:** N/A years
(month & year)

10. IS CONTIGUOUS PROPERTY OWNED BY THE SUBJECT PROPERTY OWNER(S)? yes
 no If yes, provide complete legal description of said contiguous property.

11. Is there an option to purchase or lease the subject property or property contiguous thereto? no yes (If yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form)

12. PRESENT ZONING CLASSIFICATION: B-2

13. APPLICATION REQUESTS (Check all that apply and describe nature of the request in space provided)

District Boundary(zone) Changes [Zone(s) requested]: _____
 (Provide a separate legal description for each zone requested)

Unusual Use: _____

Use Variance: _____

Non-Use Variance: Wall sign variance

Alternative Site Development: Option: _____

Special Exception: _____

Modification of previous resolution/plan: _____

Modification of Declaration or Covenant: _____

14. Has a public hearing been held on this property within the eighteen (18) months? no yes.
 If yes, provide applicant's name, date, purpose and result of hearing, and resolution number:

15. Is this application a result of a violation notice? no yes. If yes, give name to whom the violation notice was served: and describe the violation:

16. Describe structures on the property: Dadeland Dodge Auto dealership showroom with vehicle maintenance facilities

17. Is there any existing use on the property? no yes. If yes, what use and when established? Dadeland Dodge (auto sales dealership)
 Use: automotive sales Year: 1999

Planning Staff Use Only

| | | |
|--------------------|---------------------------------|-------------|
| Base Fee | Reviewed and Accepted by | Date |
| Receipt No. | Deemed Complete By | Date |

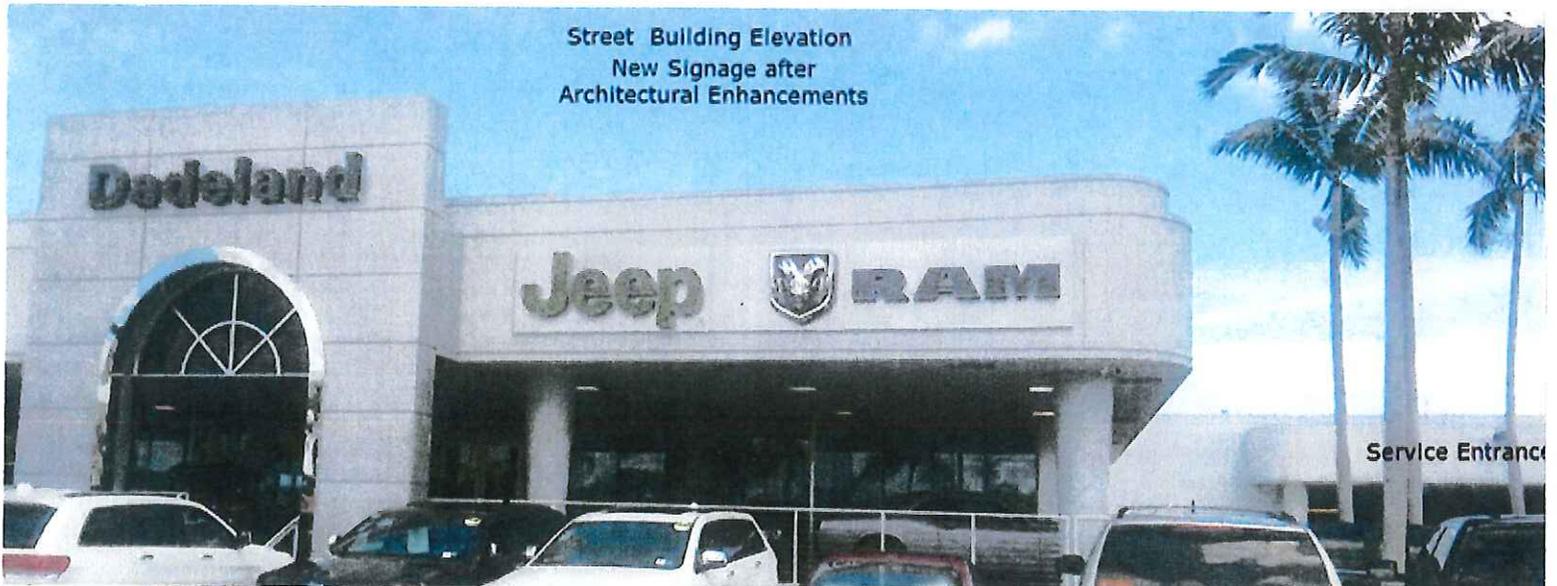
Photographs of Existing Building Elevations Form ZH-0107-02



Existing Service Department
Pre-Owned Cars Sales
Office



Service Department/Used Cars
Previous Signage (removed)



Street Building Elevation
New Signage after
Architectural Enhancements

Service Entrance

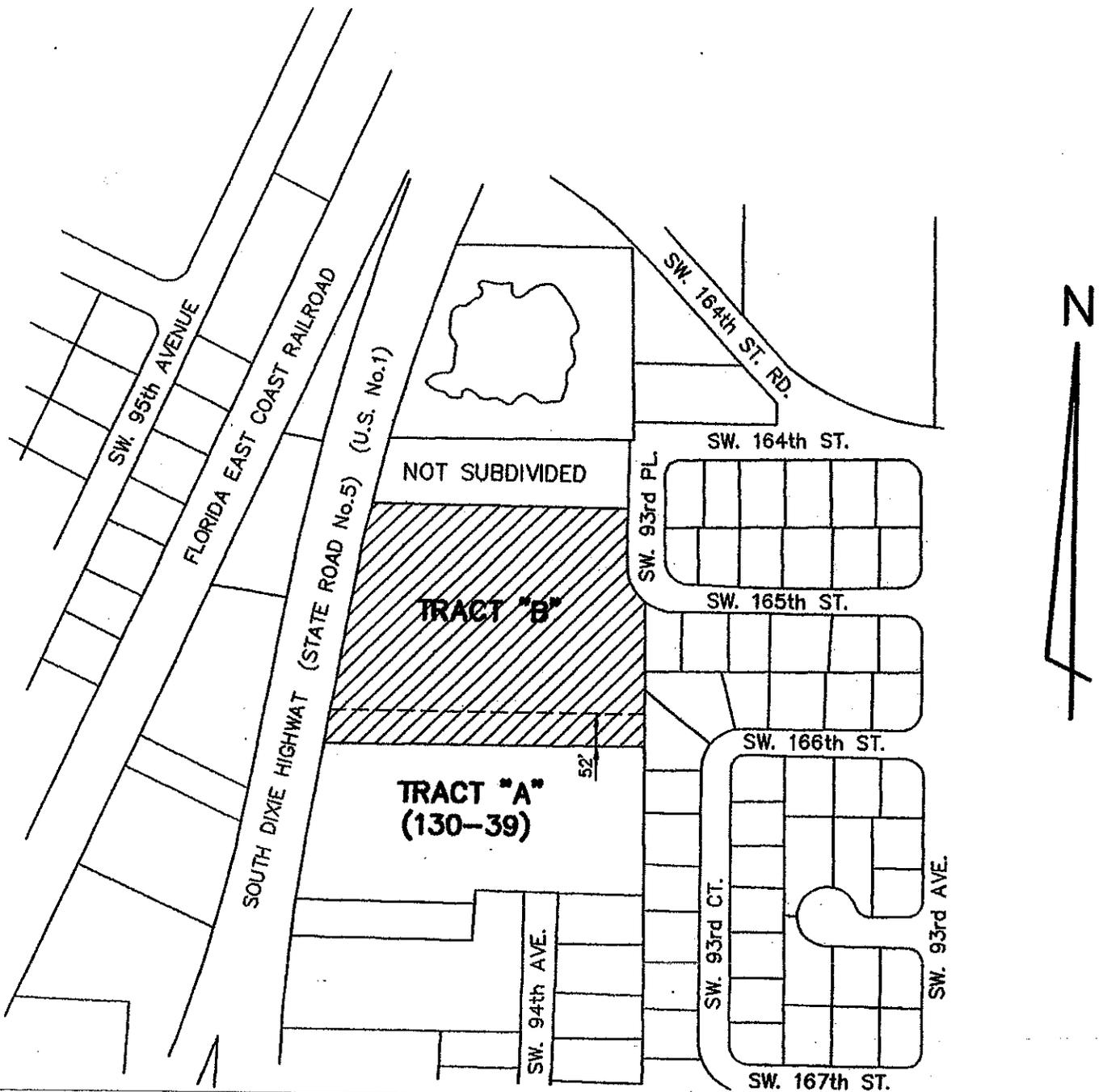
EXHIBIT A

Property Address: 16501 South Dixie Highway, Palmetto Bay, Florida 33157

Legal description

Tract "B", and the north 52 feet of Tract "A" of Miami Acura Subdivision according to the plat thereof, as recorded in Plat Book 130 at page 39 of the Public Records of Miami-Dade County, Florida.

Location Sketch (not to scale)



APPLICANT'S AFFIDAVIT

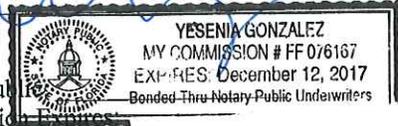
The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

OWNER OR TENANT AFFIDAVIT

(I)(WE), Jay Rivchin, being first duly sworn, depose and say that (I am) (we are) owner tenant of the property described and which is the subject matter of the proposed hearing.

Signature

Signature



Sworn to and subscribed to before me this 11 day of April, 2015.

Notary Public
Commission Expires

CORPORATION AFFIDAVIT

(I) (WE), _____, being first duly sworn, depose and say that (I am) (we are) the President Vice-President Secretary Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the owner tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: _____

Authorized Signature

Office Held

(Corp. Seal)

Sworn to and subscribed to before me This _____ day of _____, _____.

Notary Public: _____
Commission Expires: _____

PARTNERSHIP AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am) (we are) partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the owner tenant of the property described herein which is the subject matter of the proposed hearing.

By _____ %

By _____ %

By _____ %

By _____ %

Sworn to and subscribed to before me This _____ day of _____, _____.

Notary Public: _____
Commission Expires: _____

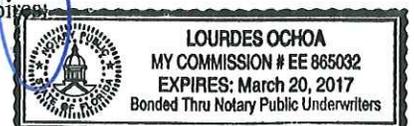
ATTORNEY AFFIDAVIT

I, Kenneth L. Paretti, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

Signature

Notary Public
Commission Expires

Sworn to and subscribed to before me This 22 day of April, 2015.



RESPONSIBILITIES OF THE APPLICANT AFFIDAVIT

I AM AWARE THAT:

1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique zoning hearing applications which may affect the scheduling and outcome of my hearing. These reviews may require additional hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Public Works conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property and I am responsible for paying the additional radius mailing costs. In addition to mailing costs, I am responsible for additional fees related to application changes, plan revisions, deferrals, re-advertising, etc., that may be incurred. I understand that fees must be paid promptly. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. Refunds must be requested in writing.
3. The Florida Building code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and a building permit will probably be required. I am responsible for obtaining any required permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use (C.U.) must be obtained for the use of the property after it has been approved at Zoning Hearing. Failure to obtain the required permits and/or C.U., Certificates of Completion (C.C.) or Certificate of Occupancy (C.O.) will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3rd District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Plan (CP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.
5. Any covenant to be proffered must be submitted to the Village Attorney, on County form, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. Village Attorney can advise as to additional requirements applicable to foreign corporations. Documents submitted to the Village Attorney must carry a cover letter indicating subject matter, application number and hearing date. Village Attorney may be reached at (305) 854-5353.

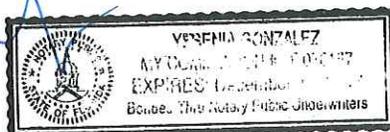
(Applicant's Signature)

Jay Richey
(Print Name)

Sworn to and subscribed before me this 16 day of April, 2015. Affiant is personally known to me or has produced _____ as identification.

(Notary Public)

My commission expires 12/12/2015



AGENT AUTHORIZATION FORM

I, we DJK Realty, LLC, as the owners of real property located at 16501 South Dixie Highway, Palmetto Bay, Florida, folio #33-5028-062-0020 do hereby authorize Mark Brenchley to execute any applications and documents necessary to affect the variance application approval requested to the Village of Palmetto Bay, Florida and to appear on my/our behalf before any administrative or legislative body considering this application and to act in all respects as our agent in matters pertaining to the application.

Signature

Printed name

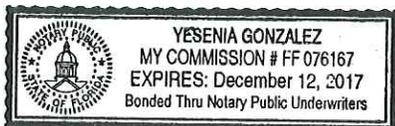
Date

STATE OF FLORIDA

County of miami-dade

I certify that the foregoing instrument was acknowledged before me this 16 day of April, 2015 by _____ . He/she is personally known to me or has produced _____ as identification and did/did not take an oath.

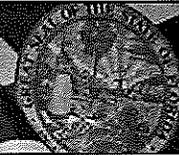
Witness my hand and official seal in the county and state above on the 16 day of April, in the year 2015.



Signature of Notary Public

Notary Public for the State of Florida

My Commission Expires: 12/12/17

**FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS****Detail by Officer/Registered Agent Name****Florida Limited Liability Company**

DJR REALTY, LLC

Filing Information

| | |
|-----------------------------|---------------------|
| Document Number | L04000091105 |
| FEI/EIN Number | 810665668 |
| Date Filed | 12/16/2004 |
| State | FL |
| Status | ACTIVE |
| Last Event | CANCEL ADM DISS/REV |
| Event Date Filed | 03/23/2010 |
| Event Effective Date | NONE |

Principal Address16501 S DIXIE HIGHWAY
MIAMI, FL 33157

Changed: 03/23/2010

Mailing Address16501 S DIXIE HIGHWAY
MIAMI, FL 33157

Changed: 03/23/2010

Registered Agent Name & AddressADAMS, QUINTON & PARETTI, P.A.
80 SW 8 STREET
SUITE 2150
MIAMI, FL 33130

Name Changed: 03/23/2010

Address Changed: 03/23/2010

Authorized Person(s) Detail**Name & Address**

Title MGRM

RIVCHIN, JAMES

16501 S DIXIE HIGHWAY
MIAMI, FL 33157

Title VP

Travaline, Greg D
16501 S DIXIE HIGHWAY
MIAMI, FL 33157

Annual Reports

| Report Year | Filed Date |
|--------------------|-------------------|
| 2013 | 04/26/2013 |
| 2014 | 02/13/2014 |
| 2015 | 01/13/2015 |

Document Images

| | |
|---|--|
| 01/13/2015 -- ANNUAL REPORT | View image in PDF format |
| 02/13/2014 -- ANNUAL REPORT | View image in PDF format |
| 04/26/2013 -- ANNUAL REPORT | View image in PDF format |
| 01/19/2012 -- ANNUAL REPORT | View image in PDF format |
| 03/30/2011 -- ANNUAL REPORT | View image in PDF format |
| 03/23/2010 -- REINSTATEMENT | View image in PDF format |
| 02/06/2008 -- REINSTATEMENT | View image in PDF format |
| 03/19/2006 -- ANNUAL REPORT | View image in PDF format |
| 04/27/2005 -- ANNUAL REPORT | View image in PDF format |
| 12/16/2004 -- Florida Limited Liability | View image in PDF format |

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State of Florida, Department of State



Address Owner Name Subdivision Name Folio

SEARCH:

16501 south dixie highway, Miami florida



[Back to Search Results](#)

Suite

PROPERTY INFORMATION

Folio: 33-5028-062-0020

Sub-Division:
MIAMI ACURA SUB

Property Address
16501 S DIXIE HWY
Palmetto Bay , FL 33157-3443

Owner
DJR RLTY LLC

Mailing Address
16501 S DIXIE HWY
MIAMI , FL 33157-3443

Primary Zone
6200 COMMERCIAL - ARTERIAL

Primary Land Use
2719 AUTOMOTIVE OR MARINE : AUTOMOTIVE OR MARINE

Beds / Baths / Half 0 / 0 / 0

Floors 1

Living Units 0

Actual Area 30,377 Sq.Ft

Living Area

Adjusted Area 34,858 Sq.Ft

Lot Size 191,326 Sq.Ft

Year Built 1999





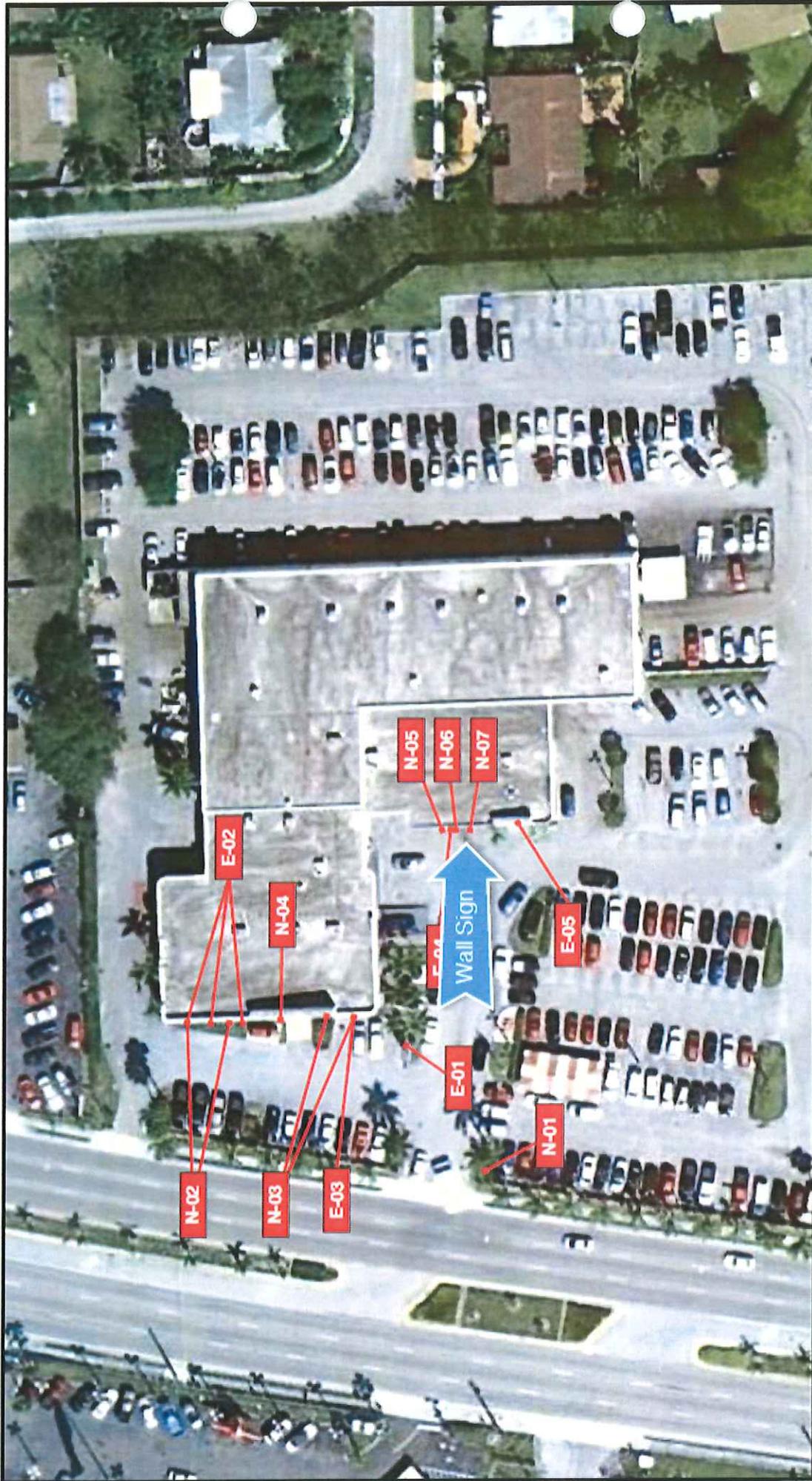
DODGE

Jeep



RAM

INVENTORY / SITE PLAN

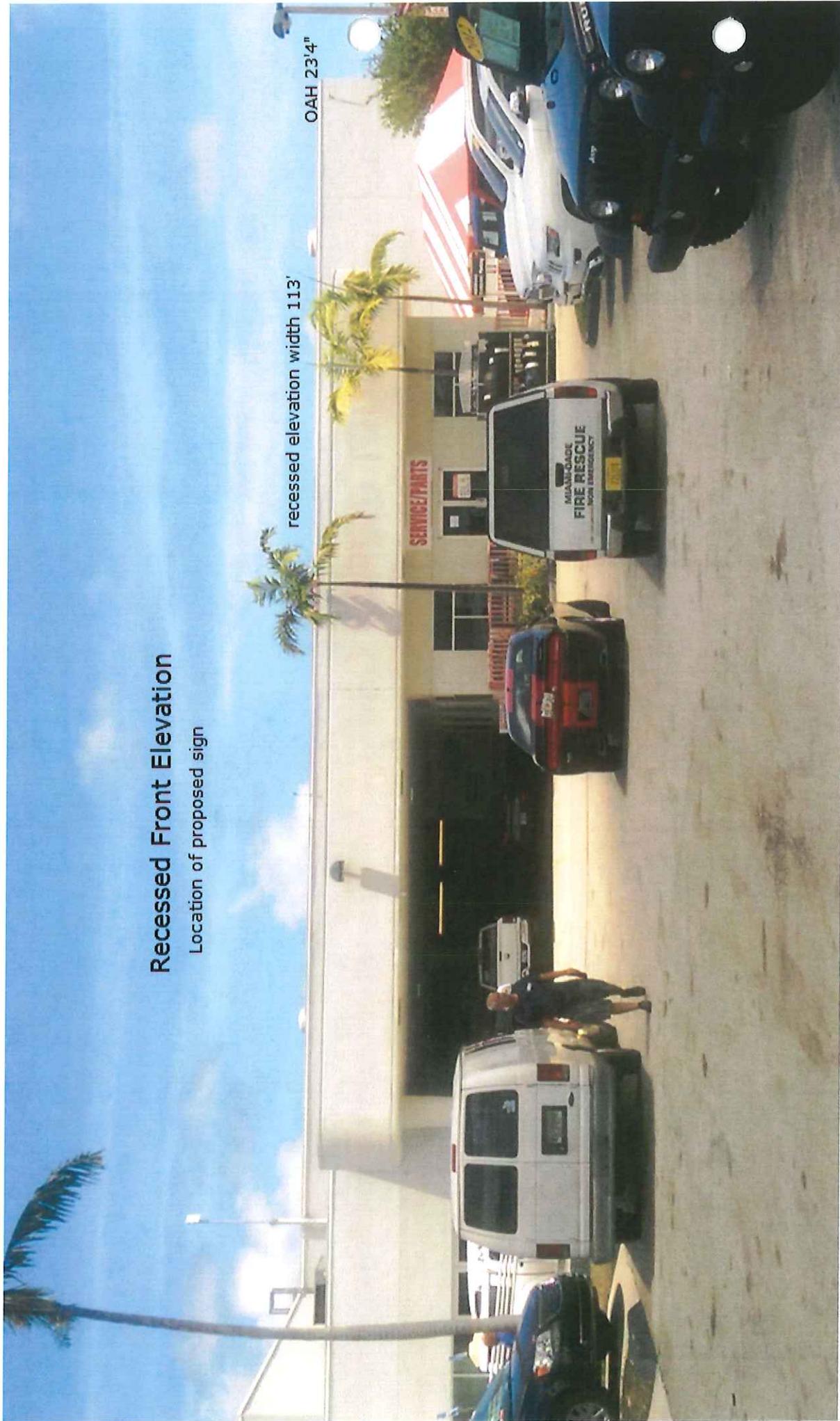


Recessed Front Elevation

Location of proposed sign

recessed elevation width 113'

OAH 23'4"



108'-0"

Front Elevation and existing signs

~57'-0"

~11'-0"

12'-0"

12'-0"

~11'-0"

20'-0"

3'-0 1/2"

3'-0 1/2"

~31'-0"

~3'-6 1/4"

~3'-6 1/4"

~3'-6 1/4"

12'-0"

8'-5 3/8"

82.40 SF

CHRYSLER

28.43 SF

Alaidd

81.64 SF

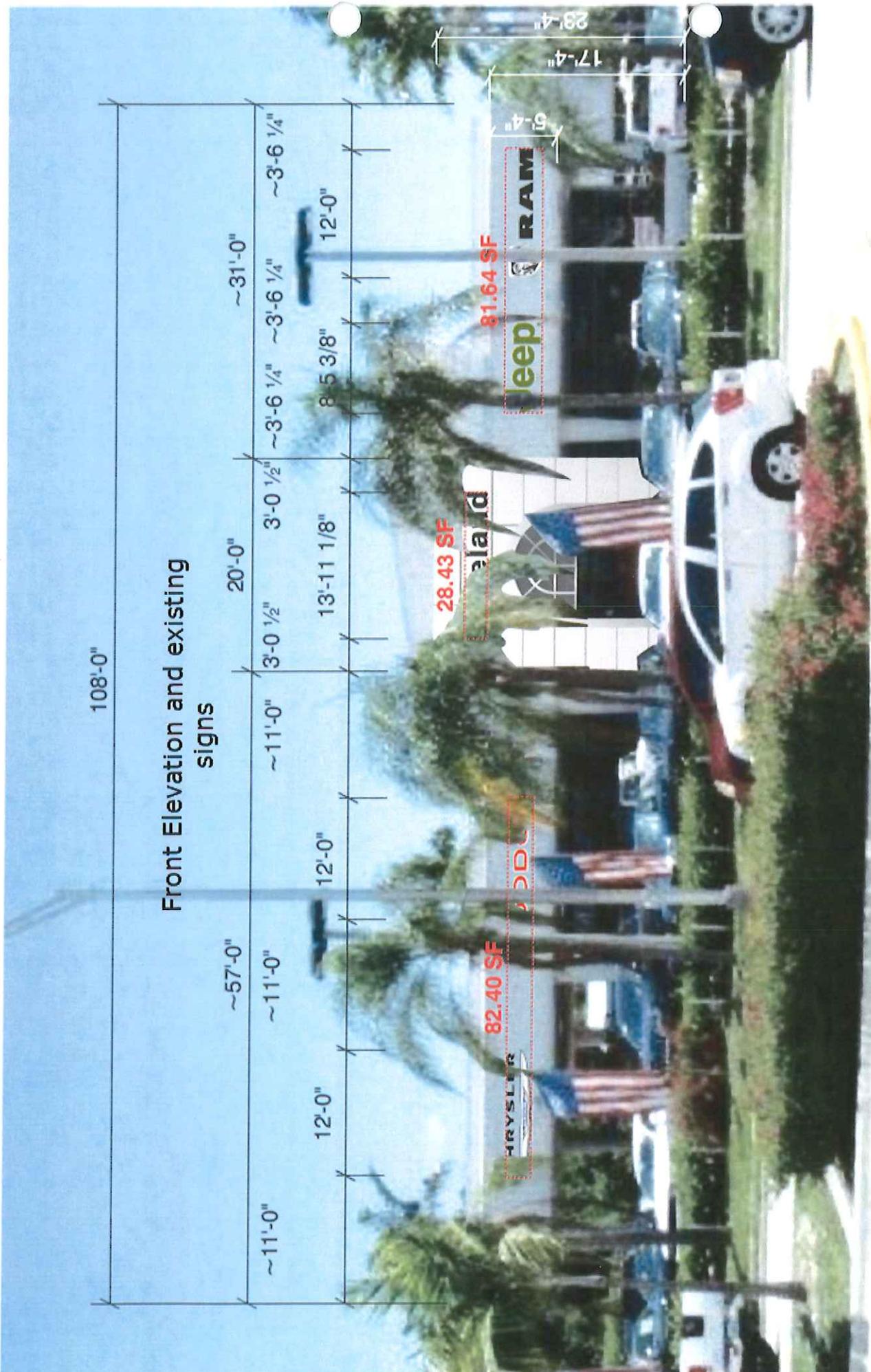
Jeep

RAM

5'-4"

17'-4"

28'-4"



PLANS

DJR REALITY LLC (DADELAND DODGE)

VPB-15-008



Front Elevation Previous Signage



Proposed Variance Sign on Recessed Elevation Only

7'5"

2'6"

7'8"

16'8"

Service



EXPRESSLANE

Pre-Owned

44'

Proposed Directional/Informational Wall Sign

Scale 3/8" = 1'0" (11X17 sheet format)

RECEIVED
 Zoning Department
 7/17/2015
 Village Building & Department

Dadeland Chrysler Dodge Jeep

Dadeland Chrysler Dodge 16501 S. Dixie Highway Variance wall sign application and sign plans prepared by Mark Brenchley, Consulting Planner, West Central Florida Permits, 27500-B Dayflower Blvd. Wesley Chapel, FL. 33544, 435-512-6833 with sign specifications and images provided by Principle Signs.