



VILLAGE OF PALMETTO BAY

October 27, 2015

Michael W. Sontag
15912 SW 92nd Ave
Palmetto Bay FL, 33157

Re: Zoning application VPB-15-013

Dear Mr. Sontag:

In compliance with Section 30-30.11(d), of the Village's Land Development Code, staff's analysis of the zoning application request, VPB-15-013, is hereby issued and provided to you, at least twenty (20) days prior to the hearing scheduled for November 16, 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 November 2, 2015. Section 30-30.12 is attached herein to provide a complete description of all necessary submittal requirements. Any information submitted after November 1, 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

MICHAEL W. SONTAG, INC.

VPB-15-013



Village of Palmetto Bay

ZONING ANALYSIS

FILE : VPB-15-013

HEARING DATE: 11/16/2015

APPLICANT: Michael W. Sontag, Inc.

COUNCIL DISTRICT: 2

A. GENERAL INFORMATION

REQUEST: Deletion of a covenant proviso of a resolution modifying a condition of a rezoning approval tying the property to a specified list of permitted/prohibited uses.

ADDRESS: 8950 SW 152nd Street, Palmetto Bay, Florida 33157

FOLIO #: 33-5028-000-0080, 33-5028-000-0070

LOT SIZE: 152,024 sq. ft. (3.49 Acres) Consisting of two lots

B. BACKGROUND

In 2001, the property was the subject of a zoning application before the Miami-Dade County Zoning Appeals Board 13. The application included a request to change the zoning from RU-2, Two Family Residential District and EU-1, Single-Family One Acre Estate District, to RU-5A, Semi-Professional District of the Miami-Dade County zoning code. At the time, the property owner proffered a declaration of restrictions (Exhibit A) with their amended application that provided, among other things, limitations on the use of the property in excess of those required by the RU-5A district. The resolution (CZAB 13-6-01) authorizing the rezoning included language within the "whereas" clauses acknowledging receipt of the declaration. Nowhere does the resolution require it. Regardless, the declaration (Official Record, Book 19805, Pages 3959-3975) was worded in such a way that any modification thereto would require approval of Miami-Dade County. Because of incorporation, the Village of Palmetto Bay is now the successor to that authority. It is worth noting that in 2009, the Village rezoned the property to R-5, which is the equivalent of the County's RU-5A zoning.

The current property owner is seeking four (4) modifications to the declaration. The first request pertains to condition 1, Use Limitations, whereas the remaining three pertain to condition 3, Additional Site Plan Features. First, the existing language limits: a) chiropodists, b) chiropractors, c) dentists, d) medical doctors, e) opticians, f) optometrists, and g) osteopathic physicians to only 50% of the building area. The applicant is requesting those

items be stricken. The second modification requires notification to any tenets of the property that parking is not permitted within the swale area of SW 152 Street and SW 89 Court. The third modification requires the property owner to continuously maintain the fence and landscaping along SW 89 Court. The fourth modification prohibits the property owner from locating a vehicular or pedestrian access point along SW 89 Court.

The declaration requires the property owner to notify the Alliance of Coral Reef Estates Homeowners Association (ACRE) 30 days prior to applying to the government for any change to the declaration. The applicant has reached out to ACRE in advance of the formal application and ACRE has agreed to waive the 30 day requirement. The representation made to staff at the time of this report by both the applicant and ACRE is one of support for the proposed changes.

As part of their application, the property owner submitted a "1st Amendment to the Declaration of Restrictions". If it is the desire of the Mayor and Village Council to authorize the modification of the declaration, then the proposed amended declaration must be recorded in the public record of Miami-Dade County.

C. ZONING HEARING HISTORY:

On May 12, 1965, the Dade County Zoning Appeals Board, pursuant to **Resolution 3-ZAB-176-65**, recommended approval of rezoning from to RU-2.

On February 11, 1970, the Dade County Zoning Appeals Board, pursuant to **Resolution 4-ZAB-91-70**, approved an unusual use variance permit to permit a directory assistance telephone operating center.

On December 09, 1970, the Dade County Zoning Appeals Board, pursuant to **Resolution 4-ZAB-602-70**, approved a special use permit to allow a directory assistance telephone operating center. This item was reheard due to a flaw in the advertisement.

On April 18, 2001, the Dade County Zoning Appeals Board, pursuant to **Resolution CZAB13-6-01**, approved a rezoning from RU-2 & EU-1 to RU-5A, a special exception to permit office use development, an unusual use permit to allow a directory assistance telephone operating center, a variance to waive a five foot wall requirement, and a variance from the landscape requirements to permit a lawn area of 33,742 sq feet.

D. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE DESIGNATION

Subject Property:

R-5; Semi Professional Office District

Office and Residential

Surrounding Properties:

NORTH:

R-1; Single Family Residential

Business and Office

E-M; Estate Modified Single Family Residential

Low Density Residential

EAST:

E-M; Estate Modified

Estate Density Residential

E-1; Estate Single Family

Estate Density Residential

SOUTH:

E-M; Estate Modified

Estate Density Residential

R-4L; Limited Apartment Housing District

Medium Density Residential

WEST:

R-5; Semi Professional Office District

Business and Office

B-1; Office District

Business and Office

E. ANALYSIS

SUBSECTION 1 – DELETION/MODIFICATION OF
RESOLUTIONS AND DECLARATION OF RESTRICTIONS

The following is a review of the request to delete the declaration of restrictions pursuant to the Village's criteria, found at Section 30-30.9(c) of the Land Development Code. The Background Section and the Zoning History Section of this report are hereby incorporated by reference into this analysis.

Criteria (1) The extent to which the Village, the Applicant and the Applicant's predecessor(s) in title are responsible for the failure of the covenant to be timely recorded (if applicable), including whether the failure to record the covenant is a result of clerical or other error.

Analysis: The resolution from 2001 was properly adopted and the declaration of restrictions recorded on May 09, 2001, was timely recorded and there were no apparent errors therein applicable to the Applicant's request.

Finding: Not applicable.

Criteria (2) Whether there was an intent to deceive or mislead the Village in connection with the prior resolution containing the covenant proviso.

Analysis: See Background section of this report. There appears to be no intent to deceive or mislead the Village on behalf of the Applicant in connection with the prior resolution containing the requirement to record the covenant. The applicant has reached out to ACRE and it is the understanding of village staff that the parties are in agreement with the application.

Finding: Complies.

Criteria (3) Any detriment which the granting of the application may cause to the Village, or the public, including the area affected. The consideration of detriment shall include, but not be limited to (a) whether granting relief will impair the Village's ability to obtain compliance with the covenant proviso by the Applicant or other property owners to the extent that the covenant proviso may remain in effect after a revision; and (b) whether the Applicant will proffer a new, recordable covenant addressing the concerns that were to have been addressed by the prior covenant.

Analysis: See Background Section of this report. The declaration of restrictions was established to tie the proposed development to specific uses at the location. The Applicant wished to be able to lease the property for medical uses consistent with the underlying zoning. Representations made to staff reflect that ACRE has agreed to the applicant's request.

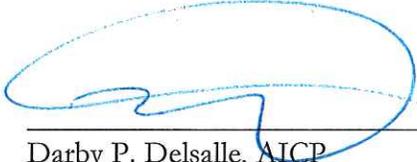
Finding: Complies.

G. FINANCIAL IMPLICATIONS

There appear to be no financial implication with the request.

H. RECOMMENDATION

Staff recommends approval upon the condition of recording the "1st Amendment to Declaration of Restrictions".



Darby P. Delsalle, AICP
Director of Planning & Zoning

EXHIBIT "A"

MICHAEL W. SONTAG, INC.
VPB-15-013

This instrument was prepared by:
Name: Joseph G. Goldstein, Esq.
Address: Akerman Senterfitt & Eidson, P.A.
One Southeast Third Avenue
Miami, Florida 33131-1714

01R400403 2001 JUL 30 11:53

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned J.T. WATTERS, J.R. W.N. WATTERS, HELEN NEWTON WATTERS, THAD WEST WATTERS, JOSEPH ROBERT WATTERS, and EDWIN COLE WATTERS (the "Owners") as the fee simple title holders to the land in Miami-Dade County, Florida, (the "County") described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion attached as Exhibit "B," and

WHEREAS, the Owners have filed a zoning application with the Miami-Dade County Department of Planning and Zoning under Public Hearing No. Z00-197 (the "Application"); and

IN ORDER TO ASSURE the Alliance of Coral Reef Estates Homeowners Association ("ACRE") and other non-affiliated neighboring owners within a three hundred (300) foot radius of the Property ("Non-Affiliated Neighbors"), that the representations made by the Owners during consideration of the Application will be abided by the Owners, their successors, and assigns freely, voluntarily and without duress, the Owners make the following Declaration of Restrictions ("Declaration") covering and running with the Property:

1. Use Limitations.

Except as may be modified pursuant to the provisions of paragraph 4 below, the use of the Property shall be limited to: 1) those uses permitted in the RU-5A zoning district as of the date of this declaration; and 2) the existing public utility facility. Notwithstanding the foregoing, the Owners agree that the Property shall not be used for any of the following uses (collectively, the "Prohibited Uses"):

- a) Insurance adjusters performing on-site vehicle inspections,
- b) Banks (traditional retail banking)
- c) Day nursery, kindergarten and/or afterschool care

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(Public Hearing)

78-

- d) Detective agencies and investigative services
- e) Public libraries
- f) Social service bureau
- g) Guidance or counseling services (group)
- h) Psychiatric services (group counseling)

Moreover, the Owners further agree that no more than 50% of gross area within the existing building on the Property shall be used for any of the following uses, either separately or in combination (collectively, the "Restricted Uses"):

- a) Chiropractors
- b) Chiropractors
- c) Dentists
- d) Medical doctors
- e) Opticians
- f) Optometrists
- g) Osteopathic Physicians
- h) Psychiatric services (individual or family counseling)

Owners agree that it shall be their responsibility to demonstrate that this requirement has been complied with. Owners shall provide to the County an affidavit setting forth the gross area devoted to any of the Restricted Uses, separately or in combination, prior to requesting a Certificate of Occupancy for any new Restricted Use.

2. Site Plan.

Except as may be modified pursuant to the provisions of paragraph 4 below, the Property shall be developed substantially in accordance with that plan presented at hearing entitled, "Proposal For: Investment Management Assoc.," as prepared by Michael Alan Fine, Architect, P.A., dated received on December 1, 2000 on Sheet A-2; entitled "Investment Management Associates," as prepared by Sackman and Partners, dated April 10, 2001 on Sheet A-1; and Sheet L-1, prepared by Kimberly Moyer, ASLA, Landscape Architecture, dated revised April 3, 2001, for a total of 3 sheets (the "Site Plan").

3. Additional Site Plan Features.

In an effort to minimize impact to the surrounding areas, the Owners agree to:

(Public Hearing)

- a) Owners agree to request from the Miami-Dade County Public Works Department the placement of "No Parking" signs in the swale areas of the Property, in accordance with the applicable regulations, not later than 145 days following the effective date of this Declaration.
- b) Construct a six (6) foot masonry wall, painted a neutral (beige/cream) color and situated inside of the tree/hedge line along that portion of the southern boundary adjoining the property legally described as the east 155 feet of south 132 feet of the west 1/2 of the northeast 1/4, of the northwest 1/4, of the northeast 1/4, less the east 25 feet thereof, of section 28, township 55 south, page 40 east, line being as situated in Miami-Dade County. Wall type shall be as already selected by the residential property owner. The wall shall be installed and receive a final inspection from the County not later than 145 days following the effective date of this Declaration.
- c) Owners shall not provide receptacles for biohazardous or other medical wastes and/or samples outside of the existing building; or, if such is not practicable, such receptacles may be provided only within the designated and buffered area as depicted on the Site Plan.
- d) Locations for solid waste dumpsters shall be as depicted on the Site Plan.
- e) Owners will provide plantings, shrubs, or bushes that will overflow the wall on 89th Court as depicted on the Site Plan.

4. **Consent Prior to Filing Application for Zoning Public Hearing.**

For a period of ten (10) years following the effective date of this instrument, the Owners agree that they shall not seek or request any of the following modifications to the site plan or resolution approving the Application unless or until they first obtain the consent of the Board of ACRE and a majority of the Non-Affiliated Neighbors prior to requesting such modification to the site plan or zoning resolution: any modification which would require a public hearing and which would result in any of the following:

- a) an increase in the height of the existing building; or
- b) a change in the footprint of the existing building or the boundaries of the site plan; or
- c) a modification of the Prohibited Uses and/or Restricted Uses set forth in paragraph 1 herein

The three modifications described in subparagraphs a), b), and c) above shall be collectively referred to as the "Restricted Modifications." After the expiration of the ten (10) year period, the Owners agree that they shall provide notice to the board of ACRE

not less than thirty (30) days prior to filing or granting consent to file any such application for public hearing, said notice to be given in accordance with the provisions of paragraph 5 below. Owners further agree that the property shall never be dedicated to any of the Prohibited Uses set forth above. In the event that the Owners file an application for public hearing, it is expressly understood and acknowledged that both ACRE and the Non-Affiliated Neighbors remain free to challenge any such application.

Further, the Owners agree that they will not acquire the parcel of land east of, and adjacent to the Property, more particularly described in Exhibit "C," in contemplation of site plan expansion.

5. Notice.

Any notices required or permitted to be given under this Declaration shall be in writing and shall be deemed to have been given if delivered by hand, sent by recognized overnight courier (such as Federal Express) or mailed by certified or registered mail, return receipt requested; in a postage prepaid envelope, and addressed as follows:

If to ACRE at:

ACRE
c/o Mr. Charles Latshaw
8825 S.W. 154th Terrace
Miami, Florida 33157

With a copy to:

Shubin & Bass, P.A.
46 S.W. 1st Street
Suite 300
Miami, Florida 33130
Attn: Jeffrey S. Bass, Esq.

If to Owners at:

Watters Investments, L.P.
c/o Syntec Industries, Inc.
P.O. Box 5695
Rome, GA 30162
Attn: Mr. Tom Watters

With a copy to:

Akerman Senterfitt & Eidson
SunTrust International Center
One Southeast Third Avenue
Miami, Florida 33131-1714

Attn: Joseph G. Goldstein, Esq.

and

Bilzin Sumberg Dunn Price & Axelrod LLP
200 S. Biscayne Blvd., Suite 2500
Miami, FL 33131
Facsimile No. (305) 374-7593
Attn: Charles H. Ratner, Esq.

If to County at:

Director
Department of Planning and Zoning
Miami-Dade County
111 N.W. First Street
Miami, Florida 33131

With a copy to:

Legal Counsel
Department of Planning and Zoning
Miami-Dade County
111 N.W. First Street
Miami, Florida 33131

Notices personally delivered or sent by overnight courier or facsimile (with receipt for transmission) shall be deemed given on the date of delivery and notices mailed in accordance with the foregoing shall be deemed given three (3) days after deposit in the U.S. mails.

6. **Covenant Running with the Land.**

This Declaration on the part of the Owners shall constitute a covenant running with the land and may be recorded, at Owners' expense, in the public records of the County, and shall remain in full force and effect and be binding upon the undersigned Owners, 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.

7. Term.

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

8. Modification, Amendment, Release of Declaration.

This Declaration 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) the Property, including joinders of their mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of the County, whichever by law has jurisdiction over such matters, after public hearing; and provided further that any proposed modification or amendment which is a Restricted Modification and which is requested during the ten (10) year period described in paragraph 4 herein is also approved by the Board of ACRE, or their successor organization, and a majority of the Non-Affiliated Neighbors.

Should this Declaration be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, 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.

9. Enforcement.

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

10. Authorization for Miami-Dade County to Withhold Permits and Inspections.

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

11. Presumption of Compliance.

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

12. Election of Remedies.

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

13. Severability.

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

14. Effective Date

This Declaration shall become effective upon the adoption by the Miami-Dade County Board of County Commissioners or Community Zoning Appeals Board of a final resolution approving the application and the expiration of the appropriate appeal period therefrom.

15. Recording.

This Declaration shall be filed of record in the public records of the County, at the cost to the Owner, following the effective date.

Declaration of Restrictions

Signed, sealed, executed and acknowledged this 17 day of

April, 2001.

WITNESSES:

BY: J.T. WATTERS, JR.

By: Judy K. Spaldley
By: Greg Lute

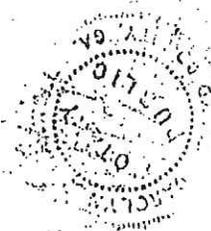
J.T. Watters Jr.

STATE OF FLORIDA

SS:)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me on this 17 day of April, 2001, by J.T. WATTERS, JR., who is personally known to me and did take an oath.

Carolyn E. Maxwell
Print Name: CAROLYN E. MAXWELL
Notary Public:
Commission No:



My commission expires: 3/23/02

WITNESSES:

BY: W.N. WATTERS.

By: Judy K. Spaldley
By: Greg Lute

W.N. Watters
ATTY. IN FACT
FOR W.N. WATTERS

STATE OF FLORIDA

SS:)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 17 day of April, 2001, by J.T. WATTERS as attorney in fact for W.N. WATTERS

Carolyn E. Maxwell
Print Name: CAROLYN E. MAXWELL
Notary Public:
Commission No:

My commission expires: 3/23/02

Declaration of Restrictions

OFF REC 19805 PG. 3968

WITNESSES:

BY: HELEN NEWTON WATTERS

By: Judy K. Spaldley

By: Shay Lutes

Helen Newton Watters
ATTY IN FACT for
HELEN NEWTON WATTERS

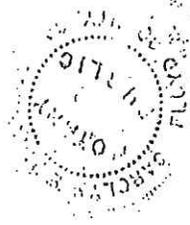
STATE OF FLORIDA

SS:)
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 17 day of April, 2001, by J.T. WATTERS as attorney in fact for HELEN NEWTON WATTERS.

Carolyn E. Maxwell
Print Name: CARDYNN E. MAXWELL
Notary Public:
Commission No:

My commission expires: 3/23/02



WITNESSES:

BY: THAD WEST WATTERS.

By: Judy K. Spaldley

By: Shay Lutes

Thad West Watters
ATTY IN FACT for

STATE OF FLORIDA

SS:)
COUNTY OF MIAMI-DADE)

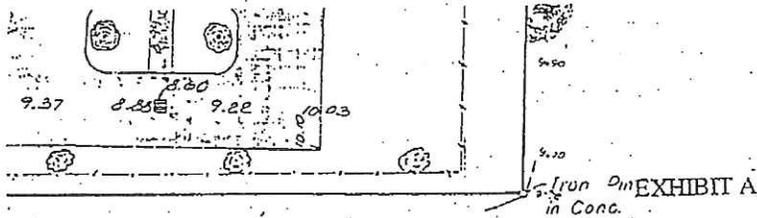
The foregoing instrument was acknowledged before me this 17 day of April, 2001 by J.T. WATTERS as attorney in fact for THAD WEST WATTERS.

Carolyn E. Maxwell
Print Name: CARDYNN E. MAXWELL
Notary Public:
Commission No:

My commission expires: 3/23/02

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(Public Hearing)



LEGAL DESCRIPTION

The West 1/2 of the NE 1/4 of the NW 1/4 of the NE 1/4, less the South 132 feet thereof of Sec. 28, Twp 55S, Rge 40 E, less the North 40 feet and the East 25 feet AND less the area bounded by the South line of said North 40 feet and bounded by the West line of said East 25 feet and bounded by a 25 foot radius arc concave to the Southwest, said arc being tangent to both last described lines.

Note The South 5 feet of the said North 40 feet less the East 25 feet thereof AND the area bounded by the West line of said 25 feet and bounded by the South line of said North 40 feet and bounded by a 25 foot radius a.c. concave to the Southwest, said arc being tangent to both last described lines, were conveyed in a Right-of-Way Deed to DADE COUNTY, FLORIDA by SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY executed by J.S. Stone, Vice-President Operations, and attested by Clinch G. Marsworthy, III, Asst Secretary, dated, 7-22-70

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY That the property shown on this sketch was surveyed under my direction, that the title lines and walls of the buildings are as shown hereon and that there are no encroachments upon the property.

VERIFIED
BY *[Signature]* 1/30/01



[Signature]
Robert S Harris
Registered Land Surveyor No. 1869
State of Florida
POST, BUCKLEY, MCONEY AND SCHUH, Inc.
Consulting Engineers and Surveyors
1490 W. 49th Place
Hialeah, Florida

EXHIBIT B
OPINION OF TITLE

TO: MIAMI-DADE COUNTY

With the understanding that this Opinion of Title is furnished to MIAMI-DADE COUNTY, FLORIDA; as inducement for acceptance of a Declaration of Restrictions covering the real property hereinafter described, it is hereby certified that I have examined Chicago Title Insurance Company Report To Agents on Status of Title bearing an effective date of January 25, 2001 at 11:00 pm ("Title Commitment") together with a Title Affidavit of Owner dated February 7, 2001 signed by Joseph Thomas Watters, Jr., and Attorney's Title Insurance Information Data Systems title printout effective from January 25, 2001 at 11:00 P.M. through April 2, 2001 at 11:00 p.m., all with respect to the property legally described on Exhibit "A" attached hereto.

Based solely on the foregoing title evidence, it is the opinion of the undersigned that on the last mentioned date, the fee simple title to the above-described real property was vested in:

J. Tom Watters, Jr. as to an undivided one-sixth (1/6) interest; William N. Watters as to an undivided one-sixth (1/6) interest; Thad West Watters as to an undivided one-sixth (1/6) interest; Joseph Robert Watters as to an undivided one-sixth (1/6) interest; Edwin Cole Watters as to an undivided one-sixth (1/6) interest; and Helen N. Watters, in her individual capacity, as to an undivided one-sixth interest.

Subject to the following encumbrances, liens and other exceptions:

1. RECORDED MORTGAGES:

NONE

2. RECORDED MECHANICS LIENS, CONTRACT LIENS & JUDGMENTS:

NONE

3. GENERAL EXCEPTIONS:

- a. Taxes for 2001 and subsequent years.
- b. Matters which a current and accurate survey or visual inspection of the subject property would reveal.

- c. Mechanics' or materialmen's liens which are not disclosed of record.
- d. Unrecorded easements and rights of parties in possession.
- e. Any claim that any portion of said lands are sovereignty lands of the State of Florida, including submerged, filled or artificially exposed lands accreted to such lands.
- f. Riparian and littoral rights.
- g. Any lien provided by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority for unpaid service charges for service by any water system, sewer system or gas system serving the lands described herein.

4. SPECIAL EXCEPTIONS:

- a. Easements granted to Florida Power & Light Company, recorded in Official Records Book 4619, Page 350, Official Records Book 7272, Page 328, and in Official Records Book 7272, Page 331, all of the Public Records of Miami-Dade County, Florida.

NOTE: Limited Power of Attorney made by Helen Newton Watters, William Newton Watters, Thad West Watters, Joseph Robert Watters and Edwin Cole Watters in favor of Joseph Thomas Watters recorded February 2, 2001 in Official Records Book 19494, Page 3386 in the Public Records of Miami-Dade County, Florida.

Therefore, it is the Opinion of the undersigned that the following parties must join in the agreement in order to make the agreement a valid and binding covenant on the lands described herein.

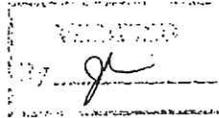
NAME	INTEREST	SPECIAL EXCEPTION NUMBER
J. Tom Watters, Jr.	undivided 1/6	N/A
William N. Watters	undivided 1/6	N/A
Thad West Watters	undivided 1/6	N/A
Joseph Robert Watters	undivided 1/6	N/A
Edwin Cole Watters	undivided 1/6	N/A
Helen N. Watters	undivided 1/6	N/A

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

EXHIBIT "A"

The West one-half (W-1/2) of the Northeast one-quarter (NE-1/4) of the Northwest one-quarter (NW-1/4) of the Northeast one-quarter (NE-1/4) of Section 28, Township 55 South, Range 40 East, Dade County, Florida, LESS AND EXCEPTING THEREFROM the Southerly 132 feet thereof, the Northerly 40 feet thereof, and the Easterly 25 feet thereof, and a triangular area bounded by the South line of said North 40 feet and bounded by the West line of said East 25 feet and bounded by a 25-foot radius arc concave to the Southwest, said arc being tangent to both last described lines.

All of said lands situate, lying and being in Miami-Dade County, Florida.



RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA
RECORD VERIFIED
HARVEY RUVIN
CLERK CIRCUIT COURT

RESOLUTION

MICHAEL W. SONTAG, INC.

VPB-15-013

1 RESOLUTION NO _____
2

3 ZONING APPLICATION VPB-15-013
4

5 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE
6 VILLAGE OF PALMETTO BAY, FLORIDA; RELATING TO ZONING;
7 AUTHORIZING MODIFICATION OF A COVENANT PROVISIO,
8 REMOVING RESTRICTIONS TO THE PROPERTY LOCATED AT 8950
9 SW 152 STREET PERTAINING TO SPECIFIC MEDICAL USES; AND
10 PROVIDING AN EFFECTIVE DATE.
11

12
13 WHEREAS, on April 18, 2001, the Miami-Dade Zoning Appeals Board 13 approved
14 resolution CZAB 13-6-01, approving, among other items, the rezoning of 8950 SW 152 Street from
15 RU-2 and EU-1, to RU-5A;
16

17 WHEREAS, that resolution included language accepting but not requiring a declaration of
18 restrictions which, among other things, placed certain restrictions with regard to permitted uses at
19 the property;
20

21 WHEREAS, on May 9, 2001, that declaration of restrictions was recorded at Official
22 Record, Book 19805, Pages 3959-3975;
23

24 WHEREAS, in 2009, the Village of Palmetto Bay adopted its own zoning map which
25 aligned those lands zoned RU-5A under Miami-Dade County's Code, to the Village's zoning
26 designation of R-5, which action included the property in question;
27

28 WHEREAS, the new owners of the property are requesting a modification to the
29 declaration of restrictions removing certain medical uses from the limited usage provisions provided
30 therein and to provide additional protections to the adjacent neighborhood;
31

32 WHEREAS, the modification of the self-imposed declaration of restriction requires the
33 approval of the local governing body, the Village of Palmetto Bay;
34

35 WHEREAS, pursuant to the declaration, the applicant must first notify the Alliance of
36 Coral Reef Estates Homeowners Association (ACRE) 30 days prior to applying for a modification,
37 however ACRE provided documentation of no objection to allow application prior to expiration of
38 the full 30 days;
39

40 WHEREAS, the requested modification is consistent with the R-5 zoning and is agreeable
41 to ACRE;
42

43 WHEREAS, the Mayor and Village Council authorize amending the previous declaration of
44 restriction, as more particularly provided at Attachment A, to permit medical uses while providing
45 for additional protections to the adjacent neighborhood.

1
2 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE**
3 **COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**
4

5 **Section 1.** Hearings on the present application were held on November 16, 2015, in
6 accordance with section 2-105, of the Village's Code of Ordinances. Pursuant to the hearing, the
7 Mayor and Village Council make the following findings of fact, and conclusions of law.
8

9 **Section 2.** Findings of fact.

- 10
11 1. The subject properties are located at 8950 SW 152nd Street
12
13 2. The above whereas clauses incorporated herein are true.
14
15 3. The rules that govern the deletion are principally at Section 30-30.9(c). After hearing
16 the Applicant and applicant's experts, the Village Council found the request consistent with those
17 standards.
18
19 4. The Village Council accepts the findings of staff as so presented in the written
20 analysis and as presented at the hearing as it relates to compliance with the Village's Code.
21
22 5. The Village adopts and incorporates by reference the Planning & Zoning
23 Department staff report, which expert report is considered competent substantial evidence.
24
25 6. The Village Council did not have any substantive disclosures regarding ex-parte
26 communications and the applicant did not raise any objections as to the form or content of any
27 disclosures by the Council.
28

29 **Section 3.** Conclusions of law.

- 30
31 1. The Application is in compliance with the adopted 2009, Village of Palmetto Bay
32 Comprehensive Plan and Future Land Use Map.
33
34 2. The standard of review for the deletion is found at 30-30.9(c) of the Village of
35 Palmetto Bay's Land Development Code. The Applicant's request is in compliance with the
36 applicable standards.
37

38 **Section 4.** Order.

39
40 The Village Council, pursuant to Section 30-30.9(c), of the Land Development Code,
41 approves the request to modify the declaration of restriction recorded at Official Record, Book
42 19805, Pages 3959-3975, with the proposed declaration of restriction provided herein at Attachment
43 A.
44

1 The applicant shall be required to record in the public record the proposed declaration of
2 restriction provided at Attachment A of this resolution within 60 days of the effective date of this
3 order.

4
5 This is a final order.

6
7 **Section 5.** Record.

8
9 The record shall consist of the notice of hearing, the application, documents submitted by
10 the Applicant and the Applicant's representatives to the Village of Palmetto Bay Planning and
11 Zoning Department in connection with the application, the Village's recommendation and attached
12 cover sheet and documents, the testimony of sworn witnesses and documents presented at the
13 quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be maintained by
14 the Village Clerk.

15
16 **Section 6.** This resolution shall take effect immediately upon approval.

17
18 PASSED and ADOPTED this _____ day of November, 2015.

19
20
21 Attest: _____
22 Meighan Alexander Eugene Flinn
23 Village Clerk Mayor

24
25
26 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
27 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

28
29
30
31 _____
32 Dexter W. Lehtinen
33 Village Attorney

34
35 FINAL VOTE AT ADOPTION:

36
37 Council Member Katryn Cunningham _____

38
39 Council Member Tim Schaffer _____

40
41 Council Member Larissa Siegel Lara _____

42
43 Vice-Mayor John DuBois _____

44
45 Mayor Eugene Flinn _____

1
2
3
4
5
6

This Resolution was filed in the Office of the City Clerk on this ____ day of November, 2015.

Meighan Alexander
Village Clerk

ATTACHMENT "A"

MICHAEL W. SONTAG, INC.

VPB-15-013

This instrument prepared by:

When recorded, return to:

(Space Reserved for Clerk of Court)

(Space Above For Recorder's Use Only)

1ST AMENDMENT TO DECLARATION OF
RESTRICTIONS

WHEREAS, Michael W. Sontag, Inc. (the "Owner") is the owner of the following described real property (the "Property"), lying, being and situated in the Village of Palmetto Bay, Miami-Dade County, Florida, and legally described as:

SEE EXHIBIT "A"

and located at 8950 S.W. 152 Street, Village of Palmetto Bay, Florida; and

WHEREAS, on July 30, 2002, a Declaration of Restrictions was recorded in the Official Records Book of Miami-Dade County at 19805, Page 3959 as a condition of zoning approval for a proposed commercial development on the Property (the "Declaration"); and

WHEREAS, the Owner desires to amend the list of Restricted Uses on the Property and to include additional restrictions to address concerns raised by the surrounding neighbors; and

WHEREAS, as such, it is necessary to amend the Declaration and execute this 1st Amendment to Declaration of Restrictions. (the "1st Amendment").

NOW THEREFORE, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owner hereby agrees as follows:

1. The above recitals are true and correct, and are hereby incorporated by reference.
2. The Declaration is hereby amended as follows:

Paragraph 1, "Use Limitations" of the Declaration, is amended by modifying the Restricted Uses and deleting the uses "a) Chiropractors, b) Chiropractors, Dentists, d) Medical doctors, e) Opticians, f) Optometrists, and g) Osteopathic Physicians.;"

Paragraph 3, Additional "Site Plan Features" of the Declaration, is amended by modifying subparagraph "a)" to include the following restriction: "The Owner agrees to notify tenants of the Property that there shall be no parking in swale of S.W. 152 Street or S.W. 89 Court.;"

Paragraph 3, Additional "Site Plan Features" of the Declaration, is amended by modifying subparagraph "e)" to include the following restriction: The Owner shall continuously maintain the existing fence and wall as well as the plantings, shrubs, or bushes planted along S.W. 89th Court and along the southern boundary of the Property.;" and

Paragraph 3, Additional "Site Plan Features" of the Declaration, is amended by creating subparagraph "f)," which provides: The Owner agrees that there shall be no curb cut or any other vehicular or pedestrian access onto S.W. 89th Court.

3. The Declaration, as amended by this 1st Amendment, remains in full force and effect in accordance with the terms and provisions thereof. All other terms, covenants, and conditions of the Declaration not otherwise amended are hereby confirmed and ratified.

IN WITNESS WHEREOF, Grantor has executed this Declaration this 13 of

Oct, 2015.

WITNESSES:

MICHAEL W. SONTAG, INC.

Noelle Granthyplos

Print Name:

By:

Michael W. Sontag
Michael W. Sontag, President

Print Name:

EXHIBIT "A"

Legal Description of Property

PAGE

PAGE 2

Exhibit "A"

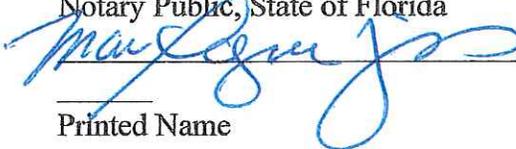
The West one-half (W 1/2) of the Northeast one-quarter (NE 1/4) of the Northwest one-quarter (NW 1/4) of the Northeast one-quarter (NE 1/4) of Section 28, Township 55 South, Range 40 East, Miami-Dade County, Florida, LESS AND EXCEPTING THEREFROM the Southerly 132 feet thereof, the Northerly 40 feet thereof, and the Easterly 25 feet thereof, and a triangular area bounded by the South line of said North 40 feet and bounded by the West line of said East 25 feet and bounded by a 25 foot radius arc concave to the Southwest, said arc being tangent to both last described lines.

All of said lands situate, lying and being in Miami-Dade County, Florida.

STATE OF FLORIDA)
)ss.
COUNTY OF MIAMI-DADE)

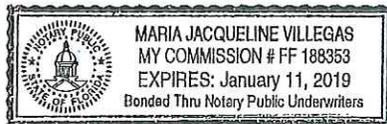
The foregoing instrument was acknowledged before me this 13 day of oct.,
2015, by Michael W. Sontag, as President, of Miami W. Sontag, Inc., a Florida
Corporation. He is personally known to me or has produced a driver's license as
identification.

Notary Public, State of Florida



Printed Name

My Commission Expires:



ZONING HISTORY

MICHAEL W. SONTAG, INC.

VPB-15-013

RESOLUTION NO. CZAB13-6-01

WHEREAS, J. T. WATTERS, JR. & W. N. WATTERS applied for the following:

- (1) RU-2 & EU-1 to RU-5A
- (2) SPECIAL EXCEPTION to permit site plan approval of an office use development and the continued use of an existing public utility facility; to wit: a directory assistance telephone-operating center.
- (3) UNUSUAL USE to permit the continued use of an existing public utility facility; to wit: a directory assistance telephone-operating center.
- (4) NON-USE VARIANCE OF ZONING REGULATIONS requiring a decorative wall of masonry, reinforced concrete, pre-cast concrete, wood fence, or other like material that will be compatible with the main structure, at least 5' in height along the interior side and rear property lines where the subject property abuts RU-4L and EU-M districts; to waive same.
- (5) NON-USE VARIANCE OF LANDSCAPING REGULATIONS to permit a maximum lawn area of 33,742 sq. ft. (11,411 sq. ft. permitted).

Plans are on file and may be examined in the Zoning Department entitled "Proposal For: Investment Management Assoc.," as prepared by Michael Alan Fine, Architect, P. A., dated stamped received on December 1, 2000 on Sheets A-1 and A-2, dated stamped received on December 13, 2000 on Sheet L-1, for a total of 3 sheets. Plans are on file and may be modified at public hearing.

SUBJECT PROPERTY: The west ½ of the NE ¼ of the NW ¼ of the NE ¼, less the south 132' thereof of Section 28, Township 55 South, Range 40 East, less the north 40' and the east 25' and less the area bounded by the south line of said north 40' and bounded by the west line of said east 25' and bounded by a 25' radius arc, concave to the Southwest, said arc being tangent to both last described lines. **NOTE:** The south 5' of the said north 40' less the east 25' thereof **AND:** the area bounded by the west line of said 25' and bounded by the south line of said north 40' and bounded by a 25' radius arc, concave to the Southwest, said arc being tangent to both last described lines.

LOCATION: 8950 S.W. 152 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 13 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant submitted revised plans entitled "Proposal For: Investment Management Assoc.," as prepared by Michael Alan Fine, Architect, P. A., dated received on December 1, 2000 on

Sheet A-2; entitled "Investment Management Associates," as prepared by Sackman and Partners, dated April 10, 2001 on Sheet A-1; and Sheet L-1, prepared by Kimberly Moyer, ASLA, Landscape Architecture, dated revised April 3, 2001, for a total of 3 sheets, and at which time the applicant proffered a Declaration of Restrictions which among other things provided for

1. The use of the Property shall be limited to: 1) those uses permitted in the RU-5A zoning district as of the date of this declaration; and 2) the existing public utility facility. Notwithstanding the foregoing, the Owners agree that the Property shall not be used for any of the following uses:
 - a) Insurance adjusters performing on-site vehicle inspections,
 - b) Banks (traditional retail banking)
 - c) Day nursery, kindergarten and/or afterschool care
 - d) Detective agencies and investigative services
 - e) Public libraries
 - f) Social service bureau
 - g) Guidance or counseling services (group)
 - h) Psychiatric services (group counseling)
2. Moreover, the Owners further agree that no more than 50% of gross area within the existing building on the Property shall be used for any of the following uses, either separately or in combination:
 - a) Chiropractors
 - b) Chiropractors
 - c) Dentist
 - d) Medical Doctors
 - e) Opticians
 - f) Optometrists
 - g) Osteopathic Physicians

BE IT FURTHER RESOLVED that the special exception (Item #2), unusual use (Item #3), non-use variance of zoning regulations (Item #4), and non-use variance of landscaping regulations (Item #5) be and the same are hereby approved, subject to the following conditions:

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 and/or Certificate of Use and Occupancy; said plan to include among other things but not be limited thereto, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, 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 "Proposal For: Investment Management Assoc.," as prepared by Michael Alan Fine, Architect, P. A., dated received on December 1, 2000 on Sheet A-2; entitled "Investment Management Associates," as prepared by Sackman and Partners, dated April 10, 2001 on Sheet A-1; and Sheet L-1, prepared by Kimberly Moyer, ASLA, Landscape Architecture, dated revised April 3, 2001, for a total of 3 sheets.
3. That the use be established and maintained in accordance with the approved plan.
4. 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.
5. 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.
6. That the applicant comply with all applicable conditions and requirements of the Department of Environmental Resources Management (DERM) as contained in their memorandum pertaining to this application.
8. That the applicant comply with all applicable conditions and requirements of the Public works Department as contained in their memorandum pertaining to this application.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

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

PASSED AND ADOPTED this 18th day of April, 2001.

Hearing No. 01-2-CZ13-2
mc

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Mario Cepero, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Secretary of the Miami-Dade County Community Zoning Appeals Board 13, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB13-6-01 adopted by said Community Zoning Appeals Board at its meeting held on the 18th day of April, 2001.

IN WITNESS WHEREOF, I have hereunto set my hand on this 11th day of July, 2001.



Mario Cepero, Deputy Clerk
Miami-Dade County Department of Planning and Zoning

SEAL



MIAMI-DADE COUNTY, FLORIDA



STEPHEN P. CLARK CENTER

DIRECT DIAL: (305) 375-3075
DIRECT FAX: (305) 375-1239

DEPARTMENT OF PLANNING AND ZONING
111 NW FIRST STREET
SUITE 1110
MIAMI FLORIDA 33128-1974
(305) 375-2800
FAX (305) 375-2795

July 11, 2001

J. T. Watters, Jr. & W. N. Watters
c/o Joseph G. Goldstein, Esq.
Akerman Senterfitt & Eidson, P.A.
SunTrust International Center, 28th Floor
One Southeast Third Avenue
Miami, Florida 33131-1714

Re: Hearing No. 01-2-CZ13-2
Location: 8950 S.W. 152 Street

Dear Applicant:

Enclosed herewith is Resolution No. CZAB13-6-01, adopted by the Miami-Dade County Community Zoning Appeals Board 13, which accepted your Declaration of Restrictions, approved your district boundary change to RU-5A and approved the balance of your application on the above described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required.

Once the use has been established, failure to maintain compliance with any of the required conditions will result in the immediate issuance of a civil violation notice for each condition violated. Each ticket issued will require payment of a daily monetary fine in the amount of \$500.00.

If there are any anticipated changes from the plan submitted for the hearing, a plot use plan should be submitted to this department in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

Application for necessary permits and/or Certificate of Use and Occupancy permits should be made with this Department, or the Building Department as appropriate. At time of permit application you must provide a copy of this resolution. Additionally, please be advised that pursuant to Section 307 of the South Florida Building Code, construction permits must be obtained and final inspection approvals received for all construction work done or required prior to issuance of the Certificate of Use and Occupancy. This is required pursuant to Section 33-8 of the Zoning Code and may also appear as a condition of the Resolution. Payment of the Certificate of Use and Occupancy may also be subject to annual renewal by this Department.

Sincerely,

A handwritten signature in black ink, appearing to read "Mario Cepero", written over a horizontal line.

Mario Cepero
Deputy Clerk

Enclosures

RESOLUTION NO. 4-ZAB-602-70

The following resolution was offered by Mr. William L. Flynn,
seconded by Mr. Roger Shaw, and upon poll of members present,
the vote was as follows:

Irene Faugno	aye	Betty S. Page	aye
William L. Flynn	aye	Carlos Salman	aye
Steven J. Green	absent	Robert W. Shaughnessy	aye
Sam Jacobson	absent	Roger Shaw	aye

WHEREAS, Director, Dade County Building and Zoning Department, has applied for an UNUSUAL USE to permit a public utility facility, to wit: A directory assistance telephone operating center. Purpose of request is to correct Resolution No. 4-ZAB-91-70, previously approved by the Dade County Zoning Appeals Board on February 11, 1970. Due to a typographical error a portion of the legal description for the subject property was incorrectly advertised. ON $W\frac{1}{2}$ $NE\frac{1}{4}$ $NW\frac{1}{4}$ $NE\frac{1}{4}$ of Section 28, Township 55 South, Range 40 East, less S. 132' thereof. SW corner of SW 152 St. (Coral Reef Dr.) and SW 89 Court, Dade County, Florida, and

WHEREAS, an inspection of the subject property was made and 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 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 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 in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Miami D. A., Southern Bell", prepared by Reynolds, Smith and Hills, Architects, Engineers, Planners, dated 12-4-69 and last revised 12-22-69, except that the access to the rear parking area shall be provided to Coral Reef Drive along the West boundary of the property, and no entrances or exits to be permitted on the East, with intensive landscaping on the East to conceal the parking area and automobiles.

28-55-40
IV-29
Item No. 70-605

3. That the use be established and maintained in accordance with the approved plan.
4. That the dedication of rights-of-way shall be made in accordance with Sec. 33-133 of the Code of Metropolitan Dade County unless the Director of Public Works deems such are not necessary or requires a lesser amount. Improvements shall be made of such rights-of-way, in order to comply with and in accordance with the requirements of the manual of Public Works construction, as may be deemed lacking, desirable and necessary by the Public Works Director.

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 9th day of December, 1970.

Heard 12/9/70
No. 70-12-58
12/22/70
hf

December 22, 1970

Southern Bell Tel.&Tel. Co.
Attn.Mr. Ray Starling, Gen.Equip.&Bldg.Engin., Rm.310
P. O. Box 1471
Miami, Fla.

RE: Director, Dade County Building & Zoning Department; request for unusual use for public utility facility - purpose: to correct Ess.4-ZAB-91-70. Sec. 28-55-40. Hrg. 70-12-58.

Enclosed herewith is a copy of Resolution No. 4-ZAB-602-70, 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 for approval before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

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 has been 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 should be made with this department. The appeal period commences to run two days after the adoption date of the Resolution.

Very truly yours,

METROPOLITAN DADE COUNTY
BUILDING AND ZONING DEPARTMENT

CCC/hf
Enc. -Cert.c.res.

Chester C. Czebrinski
Assistant Director

bec: Director of Public Works
Hrg. file 70-12-58 for Director (Cert.c.res.)
Mr. Bryan

Director, Dade County
Building & Zoning Dept.

Hearing 70-12-58. Resolution 4-ZAB-602-70.

Mr. Flynn: I make a motion the application be approved.

Chairman Faugno: Motion by Mr. Flynn that the application be approved, seconded by Mr. Shaw. All those opposed please raise their right hand. Motion carries six to zero. (Mr. Green and Mr. Jacobson being excused.)

Director, Dade County
Building & Zoning Dept.

Hearing 70-12-59. Resolution 4-ZAB-603-70.

Mr. Flynn: I make a motion to approve.

Chairman Faugno: Motion by Mr. Flynn that the application be approved, seconded by Mr. Shaw. All those opposed raise their right hand. Motion carries seven to zero. (Mr. Green excused.)

Star Island
Development Co.

Hearing 70-12-60. Resolution 4-ZAB-604-70.

Mr. Shaw: I make a motion that the application be approved, using as a basis of the motion both the Planning and Zoning Directors' recommendations.

Chairman Faugno: Motion by Mr. Shaw that--to adopt the recommendations of both departments for approval, seconded by Mr. Flynn. All those opposed raise their right hand. Motion carries seven to zero. (Mr. Green excused.)

Equitable Life
Assurance Society
Of United States

Hearing 70-12-61. Resolution 4-ZAB-605-70.

Mr. Flynn: Ready for a motion? Madam Chairman: I make a motion approving this application in its entirety, as recommended by both departments, due to the usual conditions.

Mr. Jacobson: Second.

Chairman Faugno: Motion by Mr. Flynn, adopting the recommendations of both departments for approval, seconded by Mr. Jacobson. All those opposed raise their right hand. Motion carries seven to zero. (Mr. Green excused.)

Cape Florida Club,
Inc.

Hearing 70-12-62. Resolution 4-ZAB-606-70.

Mr. Jacobson: Since I made the previous motion, I would like to make this motion today--that we withdraw without prejudice Items One, Two, Three, and Four, and approve Item Five, as we are just accomplishing what we set out to do in the first place. All we are doing now is setting the record straight.

Chairman Faugno: Motion by Mr. Jacobson--

Mr. Salman: I second.

Chairman Faugno: Was that without prejudice of Items One, Two, Three, and Four? All right, motion by Mr. Jacobson to approve Item Number Five, seconded by Mr. Salman.

Mr. Richmond: Madam Chairman, before you go forward, the first four variances are not before the Board. They have already been withdrawn without prejudice.

Chairman Faugno: All right, motion Mr. Jacobson, seconded by Mr. Salman. Call the roll, please.

Mr. Shaughnessy: Abstain. I didn't hear all the hearing.

Chairman Faugno: Mr. Shaughnessy, I believe you voted the last time, and this is the same testimony that you heard last month. He had nothing new to add--same hearing.

RESOLUTION NO. 4-ZAB-91-70

The following resolution was offered by Mr. Robert W. Shaughnessy,
seconded by Mr. M. B. Monsalvatge, and upon poll of members present,
the vote was as follows:

Irene Faugno	aye	Betty S. Page	nay
William L. Flynn	abstain	Robert W. Shaughnessy	aye
Steven J. Green	absent	Roger Shaw	absent
M. B. Monsalvatge	aye	Leonard Levenstein	nay

WHEREAS, Johnny M. Jackson, et al, have applied for an UNUSUAL USE to permit a public utility facility, to wit: A directory assistance telephone operating center, ON $W\frac{1}{2}$ of $W\frac{1}{2}$ of $NE\frac{1}{4}$ of $NE\frac{1}{4}$ of $NE\frac{1}{4}$, less S. 396' of Section 28, Township 55 South, Range 40 East. $E\frac{1}{2}$ of $W\frac{1}{2}$ of $NE\frac{1}{4}$ of $NW\frac{1}{4}$ of $NE\frac{1}{4}$, less S. 396' of Sec. 28-55-40. N. 132' of S. 395' of $W\frac{1}{2}$ of $NE\frac{1}{4}$ of $NW\frac{1}{4}$ of $NE\frac{1}{4}$ of Sec. 28-55-40. N. 132' of S. 264' of $W\frac{1}{2}$ of $ND\frac{1}{4}$ of $NW\frac{1}{4}$ of $NE\frac{1}{4}$, Sec. 28-55-40. 8950 SW 152 St. (Coral Reef Dr.), Dade County, Florida, and

WHEREAS, an inspection of the subject property was made and 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 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 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 in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "Miami D. A., Southern Bell", prepared by Reynolds, Smith and Hills, Architects, Engineers, Planners, dated 12-4-69 and last revised 12-22-69, except that the access to the rear parking area shall be provided to Coral Reef Drive along the West boundary of the property, and no entrances or exits to be permitted on the East, with intensive landscaping on the East to conceal the parking area and automobiles.

28-55-40
IV-29
Item No. 70-33

3. That the use be established and maintained in accordance with the approved plan.
4. Dedication of rights-of-way as may be deemed lacking, desirable and necessary, in the opinion of the Director of Public Works and Zoning Director, shall be made; and improvement shall be made of such rights-of-way as may be required by the Director of Public Works.

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 11th day of February, 1970.

Heard 2/11/70
No. 70-2-59
2/25/70
hf

February 26, 1970

Johnny M. Jackson, et al - (This is same as address on application -
o/o Southern Bell Telephone & Telegraph Co. But - returned. (Carbon C. delivered
P. O. Box 1471 Miami, Fla. I phoned - + am re-addressing to INCLUDE -
ATTENTION: Mr. Ray Starling, Gen. Equipment & Bldg. Eng. (C.K.)

RE: Johnny M. Jackson, et al; request for unusual use for public utility facility
to wit: A directory assistance telephone operating center; 8950 SW 152 St.
Hrg. 70-2-59. lit

Enclosed herewith is a copy of Resolution No. 4-ZAB-91-70, adopted by the
Metropolitan Dade County Zoning Appeals Board, approving your application con-
cerning 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 for approval before any
detailed plans are prepared, inasmuch as building permits will not be issued
prior to the approval of said plan.

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 has been 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 should be made with this
department. The appeal period commences to run two days after the adoption
date of the Resolution.

Very truly yours,

METROPOLITAN DADE COUNTY
BUILDING AND ZONING DEPARTMENT

CCC
Enc.

Chester C. Czebrinski
Assistant Director

cc: Southern Bell Telephone & Telegraph Company
Attention General Equipment & Building Engineer
245 NE First St., Mr. 310, Miami

bcc: Public Works Director

Hrg. file
Mr. Bryan

Mr. Shaughnessy: I will amend my motion to 30 days.

Chairman Levenstein: Let the record reflect -- because we are doing something out of order -- let the record reflect that the applicant as well as Colonel Kava, on behalf of the objectors have agreed and condescended to a hearing on a motion, or accepting a motion by the Chair for a 30-day deferral. All right, do we have a second to Mr. Shaughnessy's motion?

Mr. Flynn: I will second that.

Chairman Levenstein: All opposed please raise their right hand. Motion carries six to zero. (Messrs. Green and Shaw being excused.) Please leave quietly.

Mr. Czebrinski: That will be March the 11th, some time after 2:00 p.m. There will be no further notice.

Destinatona Campground,
Inc.

Hearing 70-2-56. Resolution 4-ZAB-89-70.

Mr. Shaughnessy: I move approval.

Mrs. Page: I second.

Chairman Levenstein: Motion by Mr. Shaughnessy for approval of the application, adopting the recommendations of both departments. Any conditions here, Chet?

Mr. Czebrinski: Usual conditions.

Chairman Levenstein: Subject to the usual conditions, s econded by Mr. Flynn. All opposed signify by raising their right hand. Motion carries five to zero. (Messrs. Green, Shaw, and Mrs. Faugno being excused.)

George C. Snowden

Hearing 70-2-58. Resolution 4-ZAB-90-70.

Mrs. Page: Mr. Chairman, in view of what I have seen, the plot plan, and the names there that Mr. Snowden has, and the people that are not objecting, I feel that the applicant's request should be approved.

Mr. Monsalvatge: Second.

Chairman Levenstein: Motion by Mrs. Page for approval of the application, seconded by Mr. Shaughnessy. Call the roll, please. (Roll call) Motion carries five to zero. (Messrs. Green, Shaw, and Mrs. Faugno being excused.)

↓
Johnny M. Jackson,
et al

Hearing 70-2-59. Resolution 4-ZAB-91-70.

Mr. Shaughnessy: I move approval, based on the Zoning Department's recommendation.

Mr. Monsalvatge: Second.

Chairman Levenstein: Motion by Mr. Shaughnessy, seconded by Mr. Monsalvatge, that the application be approved, adopting the recommendations of the Zoning Director. Call the roll. (Roll call)

Mr. Flynn: I will abstain, sir.

Chairman Levenstein: What have you got?

Mr. Czebrinski: Three for, two against.

Chairman Levenstein: Three for and two opposed -- all right, motion carries. (Mrs. Faugno, Messrs. Monsalvatge and Shaughnessy voting for the motion; Mrs. Page and Mr. Levenstein voting against the motion; Mr. Flynn abstaining; Messrs. Green and Shaw being excused.)

RESOLUTION NO. 3-ZAB-176-65

The following resolution was offered by Mr. H. H. Wood, seconded by Mr. Gordon Severud, and upon poll of members present, the vote was as follows:

Neal Adams	Aye	Thomas H. Walker, Jr.	Aye
John Darling	Nay	H. H. Wood	Aye
Frank P. Reynolds	Absent	Andrew Lee	Nay
Gordon Severud	Aye		

WHEREAS, Johnny Mac Jackson has applied for the following:

A district boundary change from EU-1 (One-acre estates) 15,000 c.f., to RU-4M (Modified Apartment House), AND

SPECIAL EXCEPTION to permit a multiple family housing project, all according to plans submitted with the application and on file in the Zoning Department, AND

VARIANCE of parking requirements to permit 20 of the required off-street parking spaces in setback area of proposed SW 90 Ave.

SUBJECT PROPERTY: $W\frac{1}{2}$ $W\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, less S. 396' thereof, in Section 28, Township 55 South, Range 40 East. 8990 SW 152 Street (Coral Reef Drive), Dade County, Florida, and

WHEREAS, an inspection of the subject property was made and 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 district boundary change to RU-4M would be incompatible with the principles and intent of the plan for the development of Dade County, Florida; and that the requested special exception and variance would not be compatible with the area and its development and 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; but the Board is of the opinion that a district boundary change to RU-2 (Two-Family Residential) 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;

NOW THEREFORE BE IT RESOLVED by the Metropolitan Dade County Zoning Appeals Board that the requested district boundary change to RU-4M be and the same is hereby recommended for denial by the Board of County Commissioners of Dade County, Florida, and that the

28-55-40
IV-29
Item No. 65-146

requested special exception and variance be and the same are hereby denied; and

BE IT FURTHER RESOLVED by the Metropolitan Dade County Zoning Appeals Board that a district boundary change to RU-2 be and the same is hereby recommended for approval by the Board of County Commissioners of Dade County, Florida,

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 12th day of May, 1965.

Heard 5/12/65
No. 65-5-39
5/21/65
blf

May 21, 1965

Mr. Johnny Mac Jackson
7601 S. W. 99 Court
Miami, Florida

Re: Johnny Mac Jackson
DISTRICT BOUNDARY CHANGE & SPECIAL EXCEPTION & VARIANCE
Section 28-55-40
Hearing No. 65-5-39

Dear Mr. Jackson:

Enclosed herewith is a copy of Resolution No. 3-EAB-176-65, adopted by the Metropolitan Dade County Zoning Appeals Board, concerning your application in reference to the above subject matter.

You are hereby advised that the Zoning Appeals Board recommendation for approval of the district boundary change has already been scheduled for final action by the Board of County Commissioners, as was noted in the courtesy notice, to RU-2, but for denial of requested change to RU-4M.

If you are dissatisfied with the decision of the Zoning Appeals Board concerning denial of the balance of the application, the same may be appealed, as has been provided in the Zoning Procedure Ordinance (61-30).

Very truly yours,

METROPOLITAN DADE COUNTY
BUILDING AND ZONING DEPT.

CCC/blf
Enc.

cc: Mr. Dayton
Hearing File

Chester C. Czebrinski
Assistant Director

Mr. Reed: There is no question but that the landscaping would be completed in 60 days. I do not understand that 30 or 60 days means that the certificate of occupancy will not be issued.

Chairman Lee: No.

Mr. Czebrinski: It is conditioned upon the landscaping being completed within 60 days.

Chairman Lee: If you can complete it before that, it is fine. Any further discussion on the motion? Those opposed to the motion please signify by raising their right hand.

Whereupon the motion carried by a vote of 7-0.

Luther F. Chester Hearing No. 65-5-37 Resolution No. 3-ZAB-174-65

Mr. Reynolds: I make a motion we approve it.

Mr. Wood: I second it.

Chairman Lee: Motion by Mr. Reynolds and seconded by Mr. Wood for approval. Any discussion on the motion?

Mr. Czebrinski: To include the conditions, but not the cancellation clause, is that right?

Mr. Reynolds: I do not think with such as investor in an AU area the cancellation clause is necessary.

Chairman Lee: Any discussion on the motion? Those opposed to the motion please signify by raising the right hand. Carried seven to zero for approval without any cancellation clause.

William E. Rheney Hearing No. 65-5-38 Resolution No. 3-ZAB-175-65

Mr. Severud: I move the Board to consider approval

Mr. Wood: I will second it.

Chairman Lee: Motion by Mr. Severud and seconded by Mr. Wood for approval. Any discussion on the motion? Those opposed to the motion please signify by raising the right hand.

Whereupon the motion carried by a vote of 5-1, with Mr. Walker voting against the motion and Mr. Reynolds being absent.

Johnny Mac Jackson Hearing No. 65-5-39 Resolution No. 3-ZAB-176-65

Mr. Wood: I would offer a motion that the land be rezoned for RU-2, creating a buffer zone between the EU-1 presently in the area and the business zone presently in the area.

Chairman Lee: I think the application calls also for a special exception and a variance.

Mr. Wood: Would that special exception apply to RU-2?

Chairman Lee: And I do not think you need the variance for the RU-2. Your motion is for lesser density, for RU-2, and to deny the balance of the application.

Mr. Wood: Yes.

Chairman Lee: Do I hear a second to that?

Mr. Severud: I will second it.

Mr. Donegan: One thing, I think the property between this and the highway is still single residences.

Chairman Lee: Any discussion on the motion? Those opposed to the motion please signify by raising the right hand. Motion to rezone to RU-2 approved four to two.

Whereupon the motion was carried by a vote of 4-2; Mr. Adams, Mr. Severud, Mr. Walker and Mr. Wood voting for the motion; Mr. Darling and Chairman Lee voting against the motion; Mr. Reynolds being absent.

The Applicant: I would rather not have it zoned RU-2.

Chairman Lee: This will go before the County Commission and you can appear there and explain what you need.

George T. Hester Hearing No. 65-5-41 Resolution No. 3-ZAB-177-65

Mr. Severud: I believe that this application will be compatible with the area and I, therefore, recommend approval.

Mr. Darling: I second it.

Chairman Lee: Motion by Mr. Severud for approval of the application is seconded by Mr. Darling. Any discussion on the motion? Those opposed to the motion please signify by raising their right hand.

Whereupon the motion carried by a vote of 6-0; Mr. Reynolds being absent.

Mattie Morrison Hearing No. 65-5-42 Resolution No. 3-ZAB-178-65

Mr. Adams: I make a motion the application be approved.

Mr. Darling: I second it.

Chairman Lee: Motion by Mr. Adams for approval and seconded by Mr. Darling. Any discussion on the motion? Those opposed to the motion please signify by raising the right hand.

Whereupon the motion carried by a vote of 6-0; Mr. Reynolds being absent.

Williamson, Crane & Dozier Hearing No. 65-5-43 Resolution No. 3-ZAB-179-65

Mr. Walker: I move for approval of the application subject to the plot use plan submitted to the Department, with emphasis on wall and landscaping to beautify and screen the storage and parking areas

Mr. Wood: I second it.

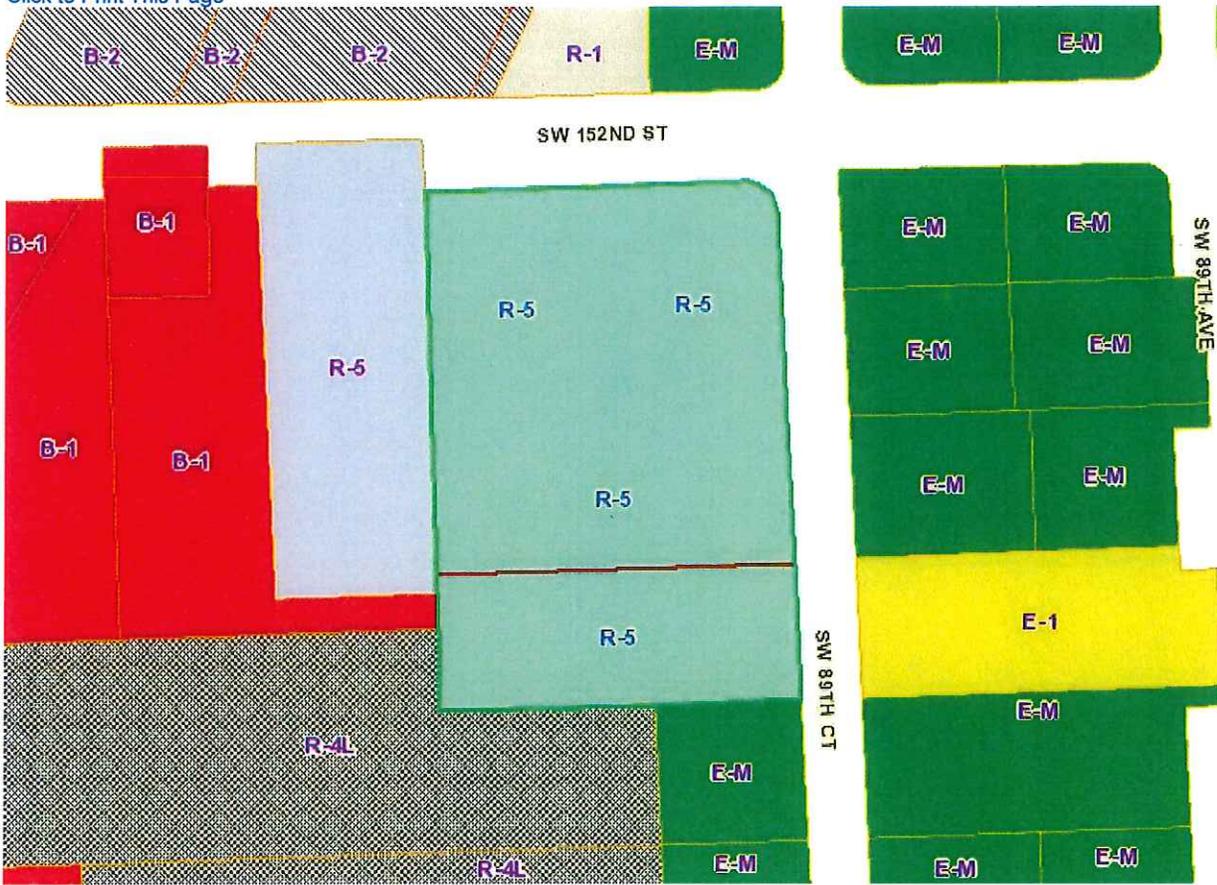
Chairman Lee: Motion by Mr. Walker and seconded by Mr. Wood to approve the application. Any discussion on the motion? Those not in favor of the motion please signify by raising the right hand.

Whereupon the motion carried by a vote of 6-0; Mr. Reynolds being absent.

ZONING & LAND USE MAPS

MICHAEL W. SONTAG, INC.
VPB-15-013

[Click to Print This Page](#)



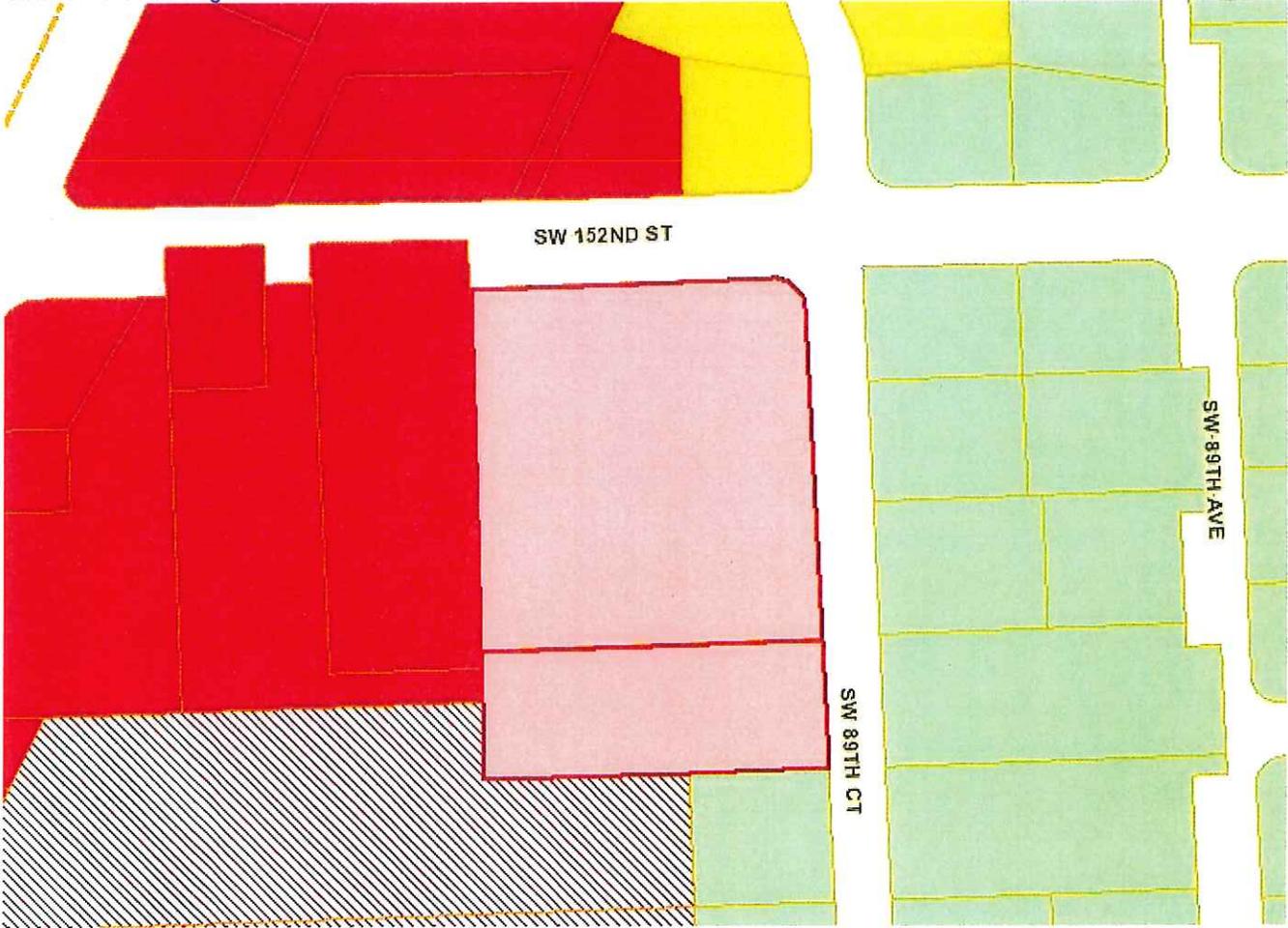
Summary Details:	
Folio:	3350280000080
Site Address:	8950 SW 152 ST Virtual Earth Street View County Permits by Address Open County Permits by Address Property Appraiser Zillow
Mailing Address:	MICHAEL W SONTAG INC 15912 SW 92 AVE MIAMI, FL 331571842

Property Information:	
Beds/Baths:	0/0
Floors:	1
Living Units:	0
Adj Sq Footage:	23842
Lot Size:	2.49 ACRES
Year Built:	1970
Legal Description:	28 55 40 2.49 ACW1/2 OF NE1/4 OF NW1/4 OF NE1/4LESS S264FT & LESS N40FT & LESSE25FT THEREOFLOT SIZE 108580 SQUARE FEETOR 20613-0807 0602 1 Deed: 20613-0807

Sale Information:			
Sale Date:	6/2002	0/0	0/0
Sale Amount:	1455000	0	0
Sale O/R:	20613-0807		

Assessment Information:		
Year:	2015	2014
Land Value:	2171600	2171600
Building Value:	1754318	1727029
Market Value:	3925918	3898629
Assessed Value:	3656136	3323760
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](#)



POSTING & MAILING

MICHAEL W. SONTAG, INC.
VPB-15-013

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

HEARING NUMBER: VPB-15-013
APPLICANT NAME: Michael W. Sontag, INC.
FOLIO: 33-5028-000-0080, 33-5028-000-0070

PROJECT LOCATION: 8950 SW 152nd Street, Palmetto Bay, Florida 33157

REQUEST: The following item is being considered pursuant to Division 30-30.9(c) of the Village's Land Development Code. Deletion of a covenant proviso of resolution modifying a condition of a rezoning approval tying the properties to a specified list of permitted/prohibited uses.

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, November 16, 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-15-013
APPLICANT NAME: Michael W. Sontag, INC.
FOLIO: 33-5028-000-0080, 33-5028-000-0070

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NOTICE OF PUBLIC HEARING**

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

HEARING NUMBER: VPB-15-013
APPLICANT NAME: Michael W. Sontag, INC.
FOLIO: 33-5028-000-0080, 33-5028-000-0070

PROJECT LOCATION: 8950 SW 152nd Street, Palmetto Bay, Florida 33157

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A PUBLIC HEARING WILL BE HELD Monday, November 16, 2015, AT 7:00 PM AT THE COUNCIL CHAMBERS LOCATED WITHIN VILLAGE HALL, 9705 EAST HIBISCUS STREET, PALMETTO BAY, FL 33157.

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ZONING HEARING
 PERTAINING TO THIS PROPERTY TO BE
 HELD AT THE CITY OF PALMETTO BAY
 ADDRESS: 18180 SW 11th St, Palmetto Bay, FL 33157

305-238-1971
 11111 11111 11111

VIA A.G.C. OF PALMETTO BAY
 ADVANCEMENT OF PLANNING AND ZONING



18180

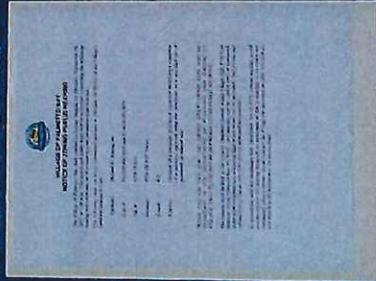


ZONING HEARING

PERTAINING TO THIS PROPERTY TO BE HELD AT

VILLAGE HALL
ADDRESS 9705 EAST HIBISCUS STREET

PURPOSE OF HEARING:



DATE: 11/16

TIME: 7:00 PM

HEARING No: VPB-15-013

FOR FURTHER DETAILS CALL:
305-259-1271

VILLAGE OF PALMETTO BAY
DEPARTMENT OF
PLANNING AND ZONING



VILLAGE OF PALMETTO BAY NOTICE OF ZONING PUBLIC HEARING

The Village of Palmetto Bay shall conduct a Zoning hearing on Monday, November 16, 2015, at 7:00 p.m. Discussion and public input will be welcomed concerning the following hearing items that may be of interest to your immediate neighborhood.

The following items are being considered pursuant to Division 30-30.9(c) of the Village's Land Development Code:

Applicant: Michael W. Sontag, Inc.
Folio# 33-5028-000-0080 and 33-5028-000-0070
File # VPB-15-013
Location: 8950 SW 152nd Street,
Zoned: R-5
Request: Deletion of a covenant proviso of resolution modifying a condition of a rezoning approval tying the properties to a specified list of permitted/prohibited uses.

PLANS ARE ON FILE FOR THE ABOVE APPLICATIONS 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.

APPLICATION

MICHAEL W. SONTAG, INC.

VPB-15-013

RECEIVED
Zoning Department

10.8.2015

Village of Palmetto Bay
Building & Zoning Department

By: 

October 8, 2015

Mr. Darby Delsalle
Village Director of Planning and Zoning
Village Hall
9705 East Hibiscus Street
Palmetto Bay, FL 33157

Re: Letter of Intent/1st Amendment to Declaration of Restrictions/ 8950 S.W. 152nd Street, Village of Palmetto Bay, FL 33157 (the "Property")

Dear Darby,

On the behalf of Michael W. Sontag, Inc., (the "Sontag") we respectfully submit this Letter of Intent accompanying our zoning hearing application, which is filed in accordance with the Village of Palmetto Bay's (the "Village") rules and regulations for filing such applications.

Sontag proposes a 1st Amendment to the Declaration of Restrictions recorded at OR Book 19805, Page 3959 (the "Declaration"). By way of background, in 2001, Miami-Dade County required, as part of a public hearing application, that the previous owner of the Property prohibit and restrict certain uses on the Property that would have been otherwise permitted by right.

Since acquiring the Property in 2002, Sontag has attempted to lease the Property consistent with the Declaration. However, unfortunately, the Declaration has proven to be too burdensome, and the Property has been vacant or partially vacant for several years. In addition, we believe that there have been several changed circumstances since execution of the Declaration that would give rise to an amendment to the Declaration. These changes include, but are not limited to, incorporation of the Village, the adoption of the Village's own zoning regulations and zoning map, a shift in the marketplace towards more medical or personal service uses, and a change in ownership of the Property. Based upon the foregoing, Sontag desires to seek a 1st Amendment to the Declaration, which removes "medical uses" from the list of restricted uses within the Declaration.

In addition, please be advised, that pursuant to Paragraph 4 of the Declaration, notice of this application has been provided to the Alliance of Coral Reef Estates Homeowners Association (ACRE). Furthermore, Sontag has gone above and beyond the requirements of the Declaration and has met with ACRE to discuss any potential concerns they may have with the application. During this meeting, Sontag agreed to include additional restrictions on the Property to address their concerns regarding this application. These additional restrictions are shown in the enclosed draft of the 1st Amendment to Declaration, which ACRE has conceptually supported.

We submit that the requested approval is consistent with the provisions of the Village's Comprehensive Plan and Zoning Code. Thank you for your consideration of this application. We

look forward to your favorable review. If we can provide you with additional information or documents, please do not hesitate to contact me at (786) 525-5892.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Sontag", written in a cursive style.

Michael Sontag

VPB-15-013



SEC. RECEIVED TWP. RGE.
Zoning Department

10.8.2015

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: 33-5028-000-0070/33-5028-000-0080 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).

Michael W Sontag INC

2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:

Mailing Address: 15912 SW 92 AVE
City: Palmetto Bay State: FL Zip: 33157 Phone#: 786 525 5892

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

Owner's Name (Provide name of ALL owners): Michael W Sontag INC
15912 SW 92 AVE
City: Palmetto Bay State: FL Zip: 33157 Phone#: 786 525 5892

4. CONTACT PERSON'S INFORMATION:

Name: Company: Michael W Sontag INC
City: Palmetto Bay State: FL Zip: 33157 Cell Phone#: 786 525 5892
Phone#: 786 525 5892 Fax#: E-mail: msontag@domatic.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" attached.

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

8950 SW 152 Street
Palmetto Bay, FL 33157

7. SIZE OF PROPERTY (in acres): 3.5 (divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property acquired leased: 8/2002 **9. Lease term:** years
(month & year)

RECEIVED
Planning Department

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: R-5

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: _____

Alternative Site Development: Option: _____

Special Exception: _____

Modification of previous resolution/plan: _____

Modification of Declaration or Covenant: See Exhibit "B"

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: single story structure

17. Is there any existing use on the property? no yes. If yes, what use and when established?

Use: office use Year: 2005

Planning Staff Use Only

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

PHOTOGRAPHS

FRONT ELEVATION

SIDE ELEVATION



REAR ELEVATION

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), _____, 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 _____ day of _____, _____.

Notary Public: _____
Commission Expires: _____

CORPORATION AFFIDAVIT

(I) (WE), Michael W. Santiago, 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: Veronica Diaz

Michael W. Santiago
Authorized Signature

(Corp. Seal)



Pres.
Notary Public: _____
Commission Expires: _____

Sworn to and subscribed to before me
This 5th day of October, 2015.

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, _____, 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

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

Notary Public: _____
Commission Expires: _____

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: Michael W Sontag INC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Michael Sontag</u>	<u>100%</u>
<u>15912 SW 92 Ave</u>	<u></u>
<u>Palmetto Bay, FL</u>	<u></u>
<u>33157</u>	<u></u>

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

TRUST/ESTATE NAME: _____

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

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

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

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

**OWNERSHIP AFFIDAVIT
FOR
INDIVIDUAL**

STATE OF _____
COUNTY OF _____

Public Hearing No. _____

Before me, the undersigned authority, personally appeared _____
_____ hereinafter the Affiant, who being first duly sworn by me, on oath, deposes
and says:

1. Affiant is the fee owner of the property that is the subject of the proposed hearing.
2. The subject property is legally described as:

3. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

Signature

Affiant's signature

Print Name

Print Name

Signature

Print Name

Sworn to and subscribed before me on the ____ day of _____ 20____.

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

Notary

(Stamp/Seal)
Commission Expires:

OWNERSHIP AFFIDAVIT
FOR
CORPORATION

STATE OF _____
COUNTY OF _____

Public Hearing No. _____

Before me, the undersigned authority, personally appeared Michael W Sontag
hereinafter the Affiant(s), who being first duly sworn by me, on oath, deposes
and says:

1. Affiant is the president, vice-president or CEO of the Corporation, with the following address:
15912 SW 92 Ave Palmetto Bay, FL 33157
2. The Corporation owns the property which is the subject of the proposed hearing.
3. The subject property is legally described as:
See Exhibit "A"
4. Affiant is legally authorized to file this application for public hearing.
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

Noelle Giannakopoulos
Signature

Noelle Giannakopoulos
Print Name

Kim Rogers
Signature

Kirsten Rogers
Print Name

Michael W Sontag
Affiant's signature

Michael W. Sontag
Print Name

Sworn to and subscribed before me on the 8th day of October 2015.

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

Notary
Veronica Diaz
(Stamp/Seal)
Commission Expires:



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)

Michael W. Smitag
(Print Name)

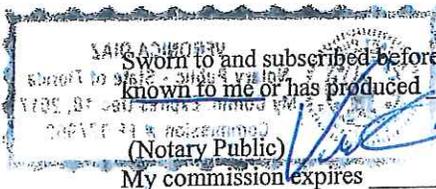


Exhibit "A"

The West one-half (W 1/2) of the Northeast one-quarter (NE 1/4) of the Northwest one-quarter (NW 1/4) of the Northeast one-quarter (NE 1/4) of Section 28, Township 55 South, Range 40 East, Miami-Dade County, Florida, LESS AND EXCEPTING THEREFROM the Southerly 132 feet thereof, the Northerly 40 feet thereof, and the Easterly 25 feet thereof, and a triangular area bounded by the South line of said North 40 feet and bounded by the West line of said East 25 feet and bounded by a 25 foot radius arc concave to the Southwest, said arc being tangent to both last described lines.

All of said lands situate, lying and being in Miami-Dade County, Florida.

LEGEND:

-  EXISTING CONCRETE FLOOR
-  EXISTING WALLS
-  EXISTING DOOR SWING

104. EXISTING CONCRETE FLOOR
 102. EXISTING WALLS
 100. EXISTING DOOR SWING

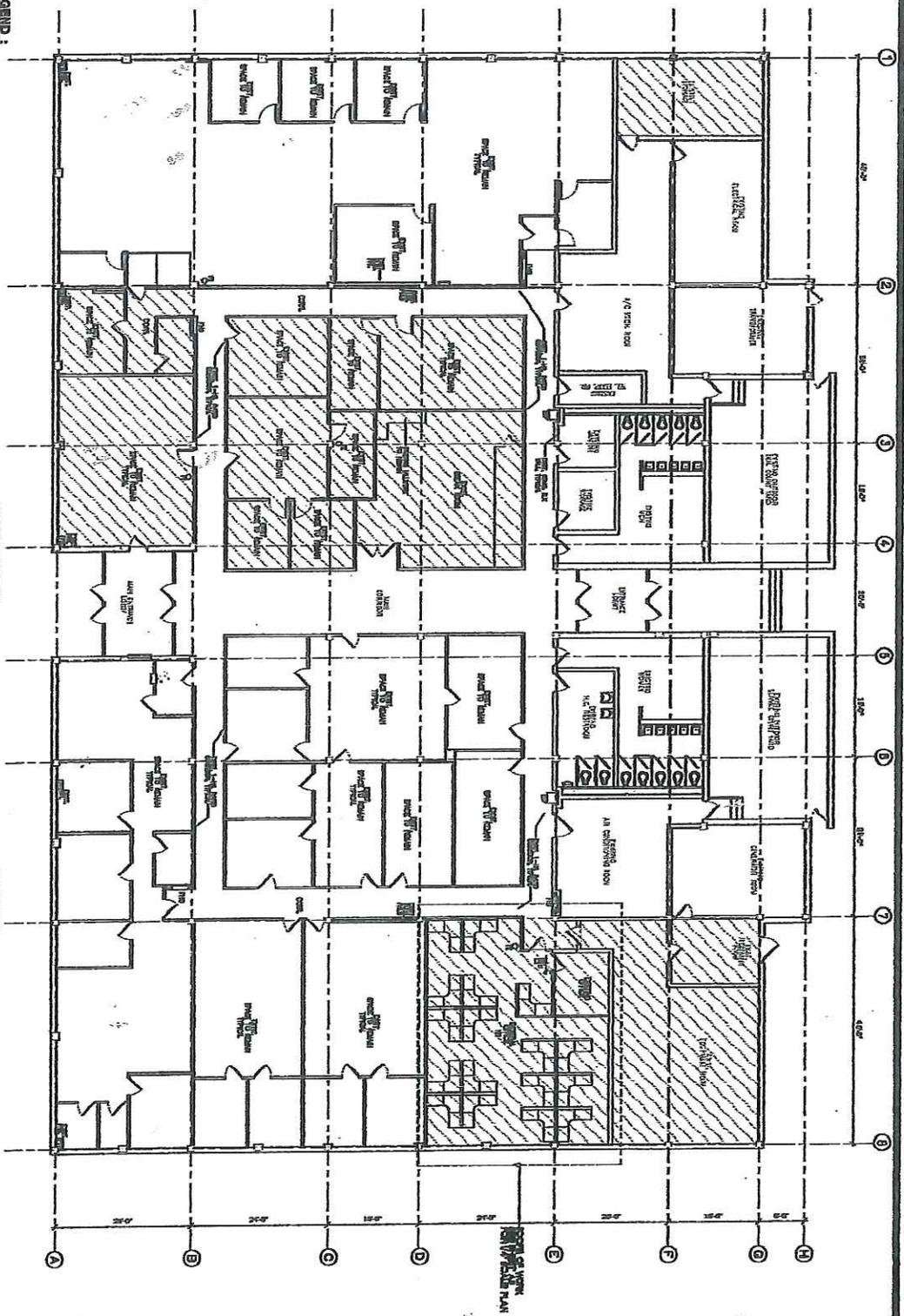
NOTES:

1. ALL WORK SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE BUILDING CODES AND ALL APPLICABLE REGULATIONS.
2. ALL WORK SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE BUILDING CODES AND ALL APPLICABLE REGULATIONS.
3. ALL WORK SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE BUILDING CODES AND ALL APPLICABLE REGULATIONS.

GENERAL NOTES:

1. ALL WORK SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE BUILDING CODES AND ALL APPLICABLE REGULATIONS.
2. ALL WORK SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE BUILDING CODES AND ALL APPLICABLE REGULATIONS.
3. ALL WORK SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE BUILDING CODES AND ALL APPLICABLE REGULATIONS.

FLOOR PLAN



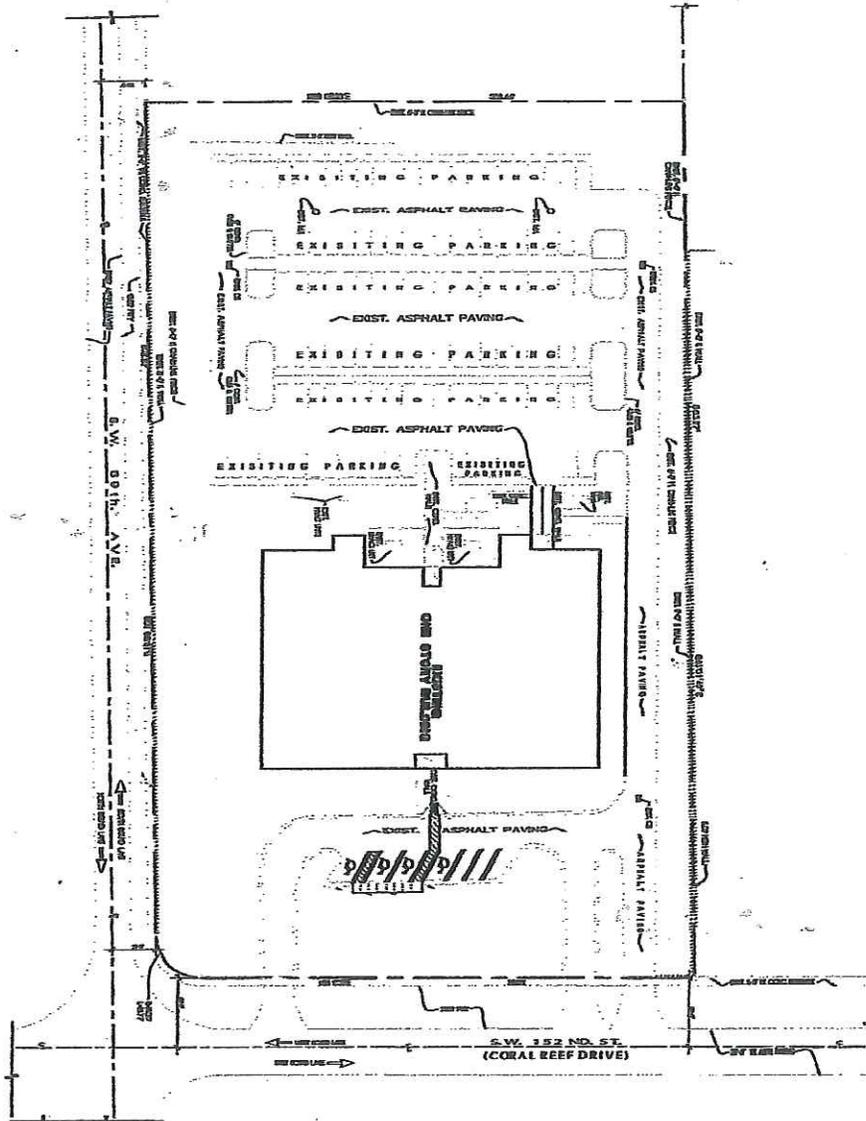
A-2

10/1/2018

10/1/2018

10/1/2018

REMODELING FOR:
Jackson South Community Hospital
 8550 S.W. 152ND STREET
 MIAMI, FLORIDA



SITE PLAN



Legal Description:
 The land is located in Block 10 of the 100th Street Subdivision, City of Miami, Florida, as shown on the plat of the 100th Street Subdivision, recorded in Public Record No. 100-100,000, at the County of Miami, State of Florida. The land is bounded on the north by the 100th Street Subdivision, on the south by the 100th Street Subdivision, on the east by the 100th Street Subdivision, and on the west by the 100th Street Subdivision. The land is bounded on the north by the 100th Street Subdivision, on the south by the 100th Street Subdivision, on the east by the 100th Street Subdivision, and on the west by the 100th Street Subdivision.

A-1

OFFICE BUILDING

8950 S.W. 152ND STREET
 MIAMI, FLORIDA

From: Noelle Giannakopoulos nellyg@me.com
Subject:
Date: October 8, 2015 at 2:53 PM
To: My Number Number noelle@domatic.com



Sent from my iPhone

From: **Noelle Giannakopoulos** nellyg@me.com 
Subject:
Date: October 8, 2015 at 2:52 PM
To: My Number Number noelle@domainic.com



Sent from my iPhone

From: Noelle Giannakopoulos nellyg@me.com
Subject:
Date: October 8, 2015 at 2:53 PM
To: My Number Number noelle@domatic.com



Sent from my iPhone

Darby Delsalle

From: Charles Latshaw <clatshaw1@yahoo.com>
Sent: Wednesday, October 14, 2015 1:39 PM
To: Darby Delsalle; Scott Silver
Subject: ACRE AUTHORIZATION RE: Sontag Property -Confirmation Requested)

Darby,

ACRE retained the services of Scott Silver to represent our interests in the pending request for a public hearing regarding the Declaration of Restrictions on Mr. Sontag's property located at 8950 SW 152nd Street in Palmetto Bay. Mr. Silver has participated in the negotiations with Mr. Sontag and the drafting of the final Amendments to the Declarations. He is authorized, and we (ACRE) agree to allowing Mr. Sontag to file his request for public hearing at this time, and are waiving the requirement (in this instance) of submitting the request in less than the 30 days from the notification to ACRE.

This will facilitate Mr. Sontag in getting the Amendments in front of Village Staff for review.

Please confirm receipt of this note and let me know if you have any questions.

Regards,

Chuck Latshaw
President - A.C.R.E. (Alliance of Coral Reef Estates Homeowners Association)
305-766-2835
Clatshaw1@yahoo.com

Subject: Re: 8950 SW 152 Street

Based upon the attached proposed revision to the covenant, the ACRE neighbors consent to the early filing. What I have attached is the product of some back and forth between ACRE and the owner and we are pleased to inform you that ACRE agrees to this revision.



SILVERGARVETT

ATTORNEYS AT LAW

Scott A. Silver, Esq.

Silver & Garvett, P.A.

18001 Old Cutler Road, Suite 600

Miami, Florida 33157

Phone: (305) 377-8802

— (305) 377-8801

PROPOSED DECLARATION OF RESTRICTIONS

MICHAEL W. SONTAG, INC.
VPB-15-013

This instrument prepared by:

When recorded, return to:

(Space Reserved for Clerk of Court)

(Space Above For Recorder's Use Only)

1ST AMENDMENT TO DECLARATION OF
RESTRICTIONS

WHEREAS, Michael W. Sontag, Inc. (the "Owner") is the owner of the following described real property (the "Property"), lying, being and situated in the Village of Palmetto Bay, Miami-Dade County, Florida, and legally described as:

SEE EXHIBIT "A"

and located at 8950 S.W. 152 Street, Village of Palmetto Bay, Florida; and

WHEREAS, on July 30, 2002, a Declaration of Restrictions was recorded in the Official Records Book of Miami-Dade County at 19805, Page 3959 as a condition of zoning approval for a proposed commercial development on the Property (the "Declaration"); and

WHEREAS, the Owner desires to amend the list of Restricted Uses on the Property and to include additional restrictions to address concerns raised by the surrounding neighbors; and

WHEREAS, as such, it is necessary to amend the Declaration and execute this 1st Amendment to Declaration of Restrictions. (the "1st Amendment").

NOW THEREFORE, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owner hereby agrees as follows:

1. The above recitals are true and correct, and are hereby incorporated by reference.
2. The Declaration is hereby amended as follows:

Paragraph 1, "Use Limitations" of the Declaration, is amended by modifying the Restricted Uses and deleting the uses "a) Chiropodists, b) Chiropractors, Dentists, d) Medical doctors, e) Opticians, f) Optometrists, and g) Osteopathic Physicians.;"

Paragraph 3, Additional "Site Plan Features" of the Declaration, is amended by modifying subparagraph "a)" to include the following restriction: "The Owner agrees to notify tenants of the Property that there shall be no parking in swale of S.W. 152 Street or S.W. 89 Court.;"

Paragraph 3, Additional "Site Plan Features" of the Declaration, is amended by modifying subparagraph "e)" to include the following restriction: The Owner shall continuously maintain the existing fence and wall as well as the plantings, shrubs, or bushes planted along S.W. 89th Court and along the southern boundary of the Property.;; and

Paragraph 3, Additional "Site Plan Features" of the Declaration, is amended by creating subparagraph "f)," which provides: The Owner agrees that there shall be no curb cut or any other vehicular or pedestrian access onto S.W. 89th Court.

3. The Declaration, as amended by this 1st Amendment, remains in full force and effect in accordance with the terms and provisions thereof. All other terms, covenants, and conditions of the Declaration not otherwise amended are hereby confirmed and ratified.

IN WITNESS WHEREOF, Grantor has executed this Declaration this 13 of

Oct, 2015.

WITNESSES:

MICHAEL W. SONTAG, INC.

Noelle Grunkeplas

Print Name:

By:

Michael W. Sontag
Michael W. Sontag, President

Print Name:

EXHIBIT "A"

Legal Description of Property

PAGE

PAGE 2

Exhibit "A"

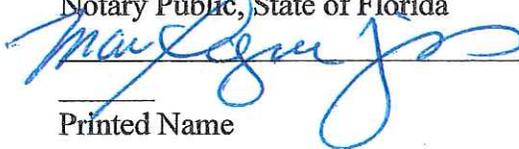
The West one-half (W 1/2) of the Northeast one-quarter (NE 1/4) of the Northwest one-quarter (NW 1/4) of the Northeast one-quarter (NE 1/4) of Section 28, Township 55 South, Range 40 East, Miami-Dade County, Florida, LESS AND EXCEPTING THEREFROM the Southerly 132 feet thereof, the Northerly 40 feet thereof, and the Easterly 25 feet thereof, and a triangular area bounded by the South line of said North 40 feet and bounded by the West line of said East 25 feet and bounded by a 25 foot radius arc concave to the Southwest, said arc being tangent to both last described lines.

All of said lands situate, lying and being in Miami-Dade County, Florida.

STATE OF FLORIDA)
)ss.
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 13 day of Oct., 2015, by Michael W. Sontag, as President, of Miami W. Sontag, Inc., a Florida Corporation. He is personally known to me or has produced a driver's license as identification.

Notary Public, State of Florida



Printed Name

My Commission Expires:

