

RESOLUTION No. 2008-14-701-Z-75

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION SUBMITTED BY ENTERPRISE LEASING COMPANY FOR A SPECIAL EXCEPTION IN ACCORDANCE WITH SECTION 33-247(A) OF THE ZONING CODE FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF NORTHWEST 199<sup>TH</sup> STREET AND NORTHWEST 27<sup>TH</sup> AVENUE, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; APPROVING A SPECIAL EXCEPTION IN ACCORDANCE WITH SECTION 33-247(4) OF THE ZONING CODE TO ALLOW AN AUTOMOBILE RENTAL AGENCY IN A BU-1A ZONING DISTRICT; WAIVING SECTION 33-247(4)(B) OF THE ZONING CODE REQUIRING A DECORATIVE MASONRY WALL AT LEAST FIVE (5) FEET IN HEIGHT TO ENCLOSE A VEHICLE STORAGE AREA; PROVIDING FOR A DECLARATION OF RESTRICTIVE COVENANTS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Enterprise Leasing Company ("Applicant"), owns certain property located at the Southwest corner of Northwest 199<sup>th</sup> Street and Northwest 27<sup>th</sup> Avenue, more particularly described on Exhibit "A" attached hereto ("Property"), and

WHEREAS, the Applicant seeks the following approvals:

1. A special exception to permit an automobile rental agency in a BU-1A zoning district.
2. A waiver of Section 33-247(4)(b) requiring that a minimum five (5) foot masonry wall enclose the storage area of the vehicles.

WHEREAS, the City Council held a public hearing on the application on February 6, 2008, and

WHEREAS, the City's Planning & Zoning staff has made a determination that the application is consistent with the Comprehensive Development Master Plan, and

WHEREAS, the City's Planning & Zoning staff recommends approval of the application subject to certain conditions, and

WHEREAS, the City Council considered the testimony of the Applicant, if any,  
and

WHEREAS, the City Council also considered the testimony of the City's Planning  
& Zoning staff, and the Staff Report attached hereto as Exhibit "B," incorporated herein  
by reference,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY  
OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas  
paragraphs are hereby ratified and confirmed as being true, and the same are hereby  
made a specific part of this Resolution.

Section 2. APPROVAL: The City Council of the City of Miami Gardens,  
hereby approves the application submitted by the Applicant as follows:

1. A special exception to permit an automobile rental agency in a BU-1A zoning district.
2. A waiver of Section 33-247(4)(b) requiring that a minimum five (5) foot masonry wall enclose the storage area of the vehicles.

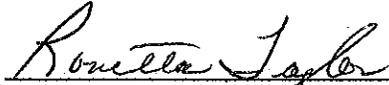
Section 3. DECLARATION: The City Council of the City of Miami Gardens  
hereby accepts that Declaration of Restrictive Covenants attached hereto as Exhibit "C."

Section 4. EFFECTIVE DATE: This Resolution shall take effect immediately  
upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI  
GARDENS AT ITS REGULAR MEETING HELD ON FEBRUARY 6, 2008.

  
SHIRLEY GIBSON, MAYOR

ATTEST:

  
RONETTA TAYLOR, CMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ.  
City Attorney

SPONSORED BY: DANNY CREW, CITY MANAGER

MOVED BY: Vice Mayor Watson  
SECONDED BY: Councilman Bratton

VOTE: 5-2

Mayor Shirley Gibson	<u>  x  </u> (Yes)	<u>    </u> (No)
Vice Mayor Barbara Watson	<u>    </u> (Yes)	<u>  x  </u> (No)
Councilman Melvin L. Bratton	<u>  x  </u> (Yes)	<u>    </u> (No)
Councilman Oscar Braynon, II	<u>  x  </u> (Yes)	<u>    </u> (No)
Councilman Aaron Campbell	<u>  x  </u> (Yes)	<u>    </u> (No)
Councilwoman Sharon Pritchett	<u>    </u> (Yes)	<u>  x  </u> (No)
Councilman André Williams	<u>  x  </u> (Yes)	<u>    </u> (No)

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# City of Miami Gardens

1515-200 NW 167<sup>th</sup> Street  
Miami Gardens, Florida 33169



Mayor Shirley Gibson  
Vice Mayor Barbara Watson  
Councilman Melvin L. Bratton  
Councilman Aaron Campbell Jr.  
Councilwoman Sharon Pritchett  
Councilman Oscar Braynon II  
Councilman André Williams

## Agenda Cover Page –Enterprise Leasing Company PH-2007-0020

Date: February 6, 2008

Fiscal Impact: No  Yes

(If yes, explain in Staff Summary)

Funding Source:

Contract/P.O. Requirement: Yes  No

Sponsor Name/Department: Development Services Director via City Manager

Public hearing

Ordinance

1st Reading

Advertising requirement: Yes  No

Quasi-Judicial

Resolution

2nd Reading

### RESOLUTION No. 2007-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING THE APPLICATION SUBMITTED BY ENTERPRISE LEASING COMPANY FOR A SPECIAL EXCEPTION IN ACCORDANCE WITH SECTION 33-247(A) OF THE ZONING CODE FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF NORTHWEST 199<sup>TH</sup> STREET AND NORTHWEST 27<sup>TH</sup> AVENUE, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; APPROVING A SPECIAL EXCEPTION IN ACCORDANCE WITH SECTION 33-247(4) OF THE ZONING CODE TO ALLOW AN AUTOMOBILE RENTAL AGENCY IN A BU-1A ZONING DISTRICT; WAIVING SECTION 33-247(4)(B) OF THE ZONING CODE REQUIRING A DECORATIVE MASONRY WALL AT LEAST FIVE (5) FEET IN HEIGHT TO ENCLOSE A VEHICLE STORAGE AREA; PROVIDING FOR A DECLARATION OF RESTRICTIVE COVENANTS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

### ATTACHMENTS:

**RESOLUTION**

**EXHIBIT "A" LEGAL DESCRIPTION**

**EXHIBIT "C" DECLARATION OF RESTRICTIVE COVENANTS**

**EXHIBIT "B" STAFF RECOMMENDATION**

**10-B) PUBLIC HEARING  
SPECIAL EXCEPTION APPLICATION  
SUBMITTED BY: ENTERPRISE  
LEASING COMPANY**

Enterprise Leasing Company

PH-2007-000020: - Special Exception to allow a vehicle rental agency in a BU-1A Zone

Page 3 of 23

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**Main Retail Building-Stadium Corners**

That portion of Tract "A" of STADIUM CORNERS, according to the plot thereof, as recorded in Plat Book 157, at Page 89 of the Public Records of Miami-Dade County, Florida more particularly described as follows:

Begin at the Southeast corner of said Tract "A"; thence N02°46'25"W along the East line of said Tract "A" for a distance of 500.13 feet to a point; thence S87°13'55"W at right angle to the last described course for a distance of 365.00 feet to the West line of said tract "A": thence S02°48'25"E along the West line of said tract "A" for a distance of 500.00 feet to the Southwest corner of sold Tract "A"; thence N87°14'51"E along the South line of sold tract "A" for a distance of 365.00 feet to the Point Of Beginning.

less

That portion of Tract "A" of Stadium Corners, according to the plat thereof, as recorded in Plat Book 157 at page 89 of the Public Records of Miami-Dade County, Florida, more particularly described as follows:

Begin at the S.E corner of sold Tract "A"; thence S87°14'51"W along the South line of sold Tract "A" for a distance of 365.00 feet to the Southwest corner of said Tract "A"; thence N02°45'25"W along the West line of said Tract "A" also being the East right-of-way line of N.W 27<sup>th</sup> Court for a distance of 35.00 feet; thence N87°14'51"E for a distance of 365.00 feet to a point on the East line of said Tract "A" also being the Westerly right-of-way line of N.W. 27<sup>th</sup> Avenue; thence S02°46'25"E along said line for a distance of 35.00 feet to the Point Of Beginning.

less

That portion of Tract "A" of Stadium Corners, according to the plat thereof, as recorded in Plat Book 157 at Page 89 of the Public

**EXHIBIT "C"**  
**DECLARATION OF**  
**RESTRICTIVE COVENANTS**

Return to: (enclose self-addressed stamped envelope)

**Name: Ronetta Taylor, City Clerk**

**Address:**

City of Miami Gardens  
1515-200 N.W. 167<sup>th</sup> Street  
Miami Gardens, Florida 33169

**This Instrument Prepared by:**

Sonja K. Dickens, Esquire  
Arnstein & Lehr, LLP  
200 East Las Olas Blvd., Suite 1700  
Fort Lauderdale, Florida 33301

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR PROCESSING DATA

### DECLARATION OF RESTRICTIONS

WHEREAS, Enterprise Leasing Company ("Applicant") owns certain property located at the Southwest corner of Northwest 199<sup>th</sup> Street and Northwest 27<sup>th</sup> Avenue, more particularly described on Exhibit "A," attached hereto, and

WHEREAS, the Applicant filed an Application with the City of Miami Gardens for:

1. A special exception to permit an automobile rental agency in a BU-1A zoning district.
2. A waiver of Section 33-247(4)(b) requiring that a minimum five (5) foot masonry wall enclose the storage area of the vehicles.

IN ORDER TO ASSURE the City of Miami Gardens that the representations made by the Applicant will be abided by, the Applicant, subject only to conditions contained herein, freely, voluntarily and without duress, makes the following Declaration of Restrictions covering and running with the Property:

1. **Site Plan.** That a site plan be submitted to and meet with the approval of the City upon the submittal of an application for a building permit and/or Certificate of Use and Occupancy; said plan to include among other things, location of structure(s), the type(s), size(s) and location of sign(s), lighting standards, off-street parking areas, exit and entrance drive(s), perimeter walls or fences and the landscaping details.

2. **Submitted Plans.** That the plans submitted for building permit, and/or Certificate of Use and Occupancy, be substantially in compliance with that submitted for the public hearing and consisting of the following: Plans prepared by Witkin Design Group, labeled "Stadium Corners", dated 05/17/05, revised 08/21/07, consisting of sheets L-1, L-2.
3. **Use.** That the special exception use shall only be applicable to the approximately 3,650 square feet of commercial floor area, designated as Bay 11 on the submitted plans.
4. **Number of Rental Vehicles.** The total number of rental vehicles stored on site at any one time shall be limited to a maximum of eight (8).
5. **Vehicle Preparation and Washing.** That on-site washing, detailing, or vacuuming of vehicles shall be prohibited.
6. **Outdoor Paging.** That use of an outdoor paging or speaker system shall be prohibited.
7. **Vehicle Repair.** That any repair of the vehicles on the premises shall be prohibited.
8. **Storage of Vehicles.** All rental vehicles shall be stored in the parking area to the rear of the building and shall be parked in properly striped spaces accordingly. Signage designating the parking spaces as reserved for Enterprise Rent-a-Car shall not exceed one (1) square foot in size. No signage shall be permitted in or on the vehicles.
9. **City Inspection.** As further part of this Declaration, it is hereby understood and agreed that any official inspector of the City, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.
10. **Covenant Running With The Land.** This Declaration on the part of the Applicant shall constitute a covenant running with the land and shall remain in full force and effect and be binding upon the Applicant, and his 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.
11. **Term.** This Declaration is to run with the land and shall be binding on all parties

and all persons claiming from the date this Declaration is recorded. This Declaration shall be in effect for a period of thirty (30) years from the date of recordation in the public records of Miami-Dade County, Florida, after which time it shall be automatically extended for periods of ten (10) years. This Declaration may be modified, amended or released as to the Property or any portion thereof by a written instrument executed by the then Applicant(s) of the Property, and applicable mortgagees, if any, provided that same is approved by the City Council after public hearing. In such event, the Mayor or City Manager shall execute a written instrument suitable for recordation acknowledging such modification, amendment or release.

12. **Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the City, or other procedure permitted under the City's Code, whichever by law has jurisdiction over such matters, after public hearing.
13. **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 judge to be reasonable for attorney fees. This enforcement provision shall be in addition to any other remedies available at law or in equity. Jurisdiction shall be proper in Miami-Dade County.
14. **Authorization for Miami Gardens to Withhold Permits and Inspections.** In the event the terms of this Declaration are not complied with, in addition to any other remedies available, the City 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.
15. **Executed Copy to be provided to the City. Executed Copy to be provided to the City Clerk.** The Applicant shall be fully responsible for providing to the City Clerk an original and fully executed copy of the Declaration of Restrictions within thirty (30) days of the approval of this request by the City Council, unless an appeal is filed or otherwise the Director, for good cause shown, grants a time extension. If this is not accomplished, the approval shall become null and void. If circumstances prevent the Applicant from complying with this timeframe condition, the Applicant may request, in writing, an extension of said thirty-day timeframe in writing to the Development Services Director, who is authorized to take such action upon the request to approve, disapprove or approve with conditions such request.
16. **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.

17. **Recording**. The City, at Applicant's expense following the approval of the same by the City of Miami Gardens, shall file this Declaration of record in the Public Records of Miami-Dade County, Florida.
18. **Acceptance of Declaration**. Applicant acknowledges that acceptance of this Declaration does not obligate the City in any manner, nor does it entitle Applicant to a favorable recommendation or approval of any application, zoning or otherwise, and the City Council retains its full power and authority to deny each such application in whole or in part, and to decline to accept any conveyance.
19. **Applicant**. The term Applicant shall include the Applicant, and its heirs, successors and assigns.
20. **Waiver**. Each and every covenant and agreement contained herein shall be for any and all purposes hereof construed as separate and independent and the breach of any covenant by any party shall not release or discharge such party from its obligations hereunder. No delay or omission by any party to exercise its rights accruing upon any noncompliance or failure of performance by any party shall impair any such right or be construed to be a waiver thereof. A waiver by any party hereto of any of the covenants, conditions or agreements to be performed by any other party shall not be construed to be a waiver of any succeeding breach or of any other covenants, conditions or agreements contained herein.
21. **Severability**. All rights, powers and remedies provided herein may be exercised only to the extent that the exercise thereof does not violate any then applicable law and shall be limited to the extent necessary to render the real covenants herein valid and enforceable. If any term, provision, covenant or agreement contained herein or the application thereof to any person, entity or circumstance shall be held to be invalid, illegal or unenforceable, the validity of the remaining terms, provisions, covenants or agreements or the application of such term, provision, covenant or agreement to persons, entities or circumstances other than those to which it is held invalid or unenforceable shall not be affected thereby.
22. **Entire Agreement**. This Agreement and the exhibits attached hereto contain the entire agreement between the parties hereto with respect to the subject matter hereof. This Agreement and exhibits supersede any prior correspondence, memoranda or agreements in total hereto.

23. **Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, and all of which, when taken together, shall constitute one and the same document.

**(SIGNATURE PAGE TO FOLLOW)**

**IN WITNESS WHEREOF**, Applicant has executed this Declaration.

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_

BY ITS:  
PRESIDENT

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

**ACCEPTANCE**

The City of Miami Gardens, hereby accepts this Declaration of Restrictions hereby made by \_\_\_\_\_.

Attest:

\_\_\_\_\_  
City Clerk

CITY OF MIAMI GARDENS, FLORIDA

By: \_\_\_\_\_  
Mayor Shirley S. Gibson

Date: \_\_\_\_\_

**EXHIBIT "B"**  
**STAFF RECOMMENDATION**

**EXHIBIT "B"**  
**STAFF RECOMMEDATION**

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**APPLICATION INFORMATION:**

Applicant: Enterprise Leasing Company  
Agent: Corey W. O’Gorman  
Location: 19674 N.W. 27<sup>th</sup> Avenue (Stadium Corners)  
Land Area: ± 9.59 Acres.  
Future Land Use: Commerce  
Existing Zoning: BU-1A, Limited Business District  
Requested Action(s):

1. SPECIAL EXCEPTION to permit an automobile rental agency in a BU-1A zoning district.
2. WAIVER of Section 33-247(4)(b) requiring that a minimum five (5) foot masonry wall enclose the storage area of the vehicles.

**RECOMMENDATION:**

Recommend approval of the Resolution subject to the following conditions:

1. Submitted Plans: That the plans submitted for building permit, and/or Certificate of Use and Occupancy, be substantially in compliance with that submitted for the public hearing and consisting of the following: Plans prepared by Witkin Design Group, labeled “Stadium Corners”, dated 05/17/05, revised 08/21/07, consisting of sheets L-1, L-2.
2. Use: That the special exception use shall only be applicable to the approximately 3,650 square feet of commercial floor area, designated as Bay 11 on the submitted plans.
3. Number of Rental Vehicles: The total number of rental vehicles stored on site at any one time shall be limited to a maximum of eight (8).
4. Vehicle Preparation and Washing: The on-site washing, detailing, or vacuuming of vehicles shall be prohibited.
5. Outdoor Paging: The use of an outdoor paging or speaker system shall be prohibited.
6. Vehicle Repair: The repair or service of the vehicles on-site shall be prohibited.
7. Storage of Vehicles: All rental vehicles shall be stored in the parking area to the rear of the building and shall be parked in properly striped spaces accordingly. Signage designating the parking spaces as reserved for Enterprise Rent-a-Car shall not exceed one (1) square feet in size. No signage shall be permitted in or on the vehicles.

**REVIEW AND ANALYSIS**

**Neighborhood Land Use Characteristics**

<b>Property</b>	<b>Zoning</b>	<b>Existing Use</b>	<b>Future Land Use</b>
Site	BU-1A, Limited Business District	Stadium Corners Shopping Center *	Commerce
North	BU-1A, Limited Business District	Denny's Restaurant	Commerce
South	BU-1A, Limited Business District	Vacant (Future Badcock Furniture)	Commerce
East	BU-2, Special Business District	Future Home Depot & Playa Plaza	Commerce
West	RU-TH, Townhouse District	Townhouse Development	Neighborhood

\*Under construction.

The subject property is a 3,650 square feet commercial space end unit (Bay 11) located at the north end of the shopping center. The shopping center site comprises approximately ten (10) acres and is located on the west side of N.W. 27<sup>th</sup> Avenue, north of N.W. 191<sup>st</sup> Street and south of N.W. 199<sup>th</sup> Street (Honey Hills Drive). The property is being developed as a shopping center, known as Stadium Corners, which will include a Wachovia Bank, an Office Depot Center, a Family Dollar store, as well as a Goodwill Store, among other retail uses consistent with the underlying BU-1A zoning for the property. While the parcels to the south are undeveloped, the properties to the north feature a mixture commercial uses, included, but not limited to, a Hess gas station, a Denny's restaurant, and a Pollo Tropical restaurant. The properties to the east, across from N.W. 27<sup>th</sup> Avenue are zoned BU-2 and are developed with a 30-acre Wal-Mart Super Center, and a 18-acre plus vacant parcel that is proposed to be developed with a Home Depot home improvement retail center, some retail stores and a restaurant. The properties to the west, across from N.W. 27<sup>th</sup> Court, are zoned RU-TH and developed with a townhomes development.

**Zoning History**

The subject property is the middle tract of the overall 20-acre tract located at the southwest corner of N.W. 27<sup>th</sup> Avenue and N.W. 199<sup>th</sup> Street. The parent tract was the subject of three (3) separate zoning applications while it was under the jurisdiction of Miami-Dade County:

Resolution No. C-ZAB4-9-00 rezoned the northern portion of the tract to BU-1A, Limited Business District, and tied this portion to site plan. At that time, a Declaration of Restrictive Covenants (attached) in Lieu of Unity of Title was accepted by the County and recorded on Official Records Book 19489 at page 0725 of the Public Records of Miami-Dade County.

Miami-Dade County Zoning Appeals Board 4 passed adopted Resolutions C-ZAB4-1-03 and C-ZAB4-2-03, which rezoned the southern portion as well as the middle portion of the parent tract to BU-1A without being tied to site plans. These resolutions also approved several non-use variances for the property, including but not limited to, the waiver of the required five (5) foot high masonry wall along the west property line abutting the RU-TH zoning district in lieu of a five (5) foot high chain link fence on a landscaped berm.

After the City's incorporation, several administrative zoning applications were filed and approved for the shopping center site; two (2) Administrative Site Plan Approvals, a Substantial Compliance Approval, and a Administrative Modification with no New Adverse Impacts.

**Project/Background Information:**

The applicant, Enterprise Rent-a-Car, is proposes to operate a automobile rental agency in approximately 3,650 square feet of commercial floor space in the shopping center known as Stadium Corners, located at the South West corner of N.W. 199 Street and N.W. 27 Avenue.

The automobile rental agency have up to eight (8) vehicles at any one time stored in the parking area to the rear of the premises.

Based on the 3,650 square feet of the commercial area, the agency has fifteen (15) parking spaces designated for its' use as calculated in accordance to Section 33-124(h) requiring one space per 250 square feet of floor area.

The BU-1A zoning on the property allows an automobile rental agency upon public hearing approval and regulates such as follows:

- "4) Automobile and light truck, new sales agency or rental shall be permitted only upon approval after public hearing and subject to the following conditions:*
- (a) That a continuous, densely planted greenbelt of not less than fifteen (15) feet in width, penetrated only at points approved by the Director and the Director of the Public Works Department for ingress or egress to the property, shall be provided along all property lines abutting public rights-of-way or properties zoned residential. Said greenbelt shall have shade trees planted at a maximum spacing of thirty (30) feet on center. The shade trees shall have a minimum caliper of two and one-half (2 1/2) inches at time of planting.*
  - (b) That a decorative masonry wall at least five (5) feet in height shall enclose the vehicle storage area and repair area approved through public hearing. The placement of said wall and openings through same shall comply with the requirements contained elsewhere in this article.*
  - (c) That all outdoor paging or speaker systems are expressly prohibited.*
  - (d) That no repair work of any type is permitted on premises unless approved after public hearing.*
  - (e) That accessory used vehicle sales shall be permitted providing said vehicles are late model and in operable condition.*
  - (f) That the applicant obtain a certificate of use and occupancy which shall be automatically renewable yearly upon compliance with all terms and conditions applicable."*

### **Consistency with Comprehensive Development Master Plan**

The subject parcel is designated Commerce on the adopted 2006-2016 Land Use Plan (LUP) Map of the Future Land Use Element (FLUE) of the Comprehensive Development Master Plan (CDMP) of the City of Miami Gardens.

Objective 1.3 states:

*“The Commerce designation is intended for planned urban commercial, urban industrial, urban cultural and economic hubs. The Commerce areas shall include existing and planned activity centers that are primarily located along the City’s three major roadway corridors.”*

The proposed automobile rental agency is typical commercial activity conducted in shopping centers and commercial areas. The proposed use will be located within a shopping center located ideally on N.W. 27 Avenue, a major of roadway corridor for the City.

### **Conclusion:**

The proposed automotive rental agency in the shopping center is consistent with objectives and policies of the City’s CDMP.

### **Consistency with Section 33-311(3) Criteria for granting Special Exception**

Section 33-311(A)(3) Special Exceptions (for all applications other than public charter schools), Unusual and New Uses Criteria states:

*“The City Council may approve an application for a special exception and/or unusual use upon showing that it would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, or other such facilities which have been constructed or which are planned and budgeted for construction; is accessible by private or public roads, streets or highways; and would not provoke excessive overcrowding or concentration of people or population, when considering the compatibility of the applied for exception or use with such area and its development.”*

The proposed automobile rental agency will not affect existing or proposed on-site improvements, as required by the approved development plans for this shopping center, including, but not limited to, driveway access and parking configurations. The relatively low intensity of the use (up to 8 rental vehicles) will not generate excessive traffic or noise. In addition, the use will not alter the look and design of any existing or proposed structures on the property, nor does it affect adjacent uses in an adverse manner.

The waiver of the required five (5) foot high decorative masonry wall enclosing the storage area of the vehicles is necessary due to the granting of a non-use variances by previous Resolutions waiving the requirement of the five (5) foot wall along the perimeter of the property abutting the RU-TH district to the west. This previous waiver allowed for the construction of a five (5) foot

high chain link fence with a berm and landscaping. Since the applicant approval is conditioned on the storage of the vehicles being limited to the rear (west side) of the property the requirement of the five (5) foot high masonry wall to enclose the storage area of the vehicles specific to the automotive rental agency is precluded by the previous approval. The condition requiring the vehicles to be stored in the designated parking areas at the rear of the property and the relatively small number of vehicles (8) will have an insignificant impact on the adjacent properties and in character with the primary shopping center use on the property.

**Conclusion;**

The special exception request is consistent with criteria set forth in Section 33-311(A)(3) for the approval of automobile rental agency.

**ADDITIONAL INFORMATION**

**Anticipated Facilities Impact**

**General:** Concurrency determinations are not finalized during the zoning approval process.

**Public Water:** The site is already connected to central water services through Miami-Dade County's Water and Sewer Department (WASD).

**Wastewater Disposal:** The site is already connected to central water services through Miami-Dade County's Water and Sewer Department (WASD).

**Drainage/Water Management:** Per code requirements, all stormwater runoff must be retained on site utilizing properly designed infiltration or seepage type systems. Drainage must be provided for the 5-year storm event with full on-site retention of a 25-year/3-day storm. Pollution control devices shall be required at all drainage inlet structures. Site grading and development shall comply with the requirements of Chapter 11C of the Code of Miami-Dade County. Additionally, a Surface Water Management General Permit from DERM shall be required for the construction and operation of the required surface water management.

**Traffic Circulation:** Access to the site is provided from N.W. 27<sup>th</sup> Avenue. The proposed vehicle rental use will not significantly alter the average daily vehicle trips that this shopping center will generate. As such, the traffic impact of this project will have a *de minimus* effect on the area and a Traffic Study is not required.

**Transportation Concurrency Management Areas** - The CDMP establishes 4 (four) Transportation Concurrency Management Areas (TCMA) within the City of Miami Gardens. Per the CDMP's Transportation Element Objective 1.9, the TCMA maintains requires maintenance of an area wide Level of Service for transportation. The project is located in TCMA # 2, which has 2,217 trips available.

**Public Notification/Comments**

In accordance with the Zoning Code, notification of the Applicant's requests was mailed to property owners within a 500-foot radius of the subject site to provide them an opportunity to comment on the application if they so choose. No comments were received from property owners within that radius.

This recommendation to approve the Applicant's request and to accept the proffered declaration of restrictions does not constitute a final development order; one or more concurrency determinations will subsequently be required.

**NOTE: This recommendation to approve this application shall not be construed to be a development order.**

Attachments:

- Public Hearing Checklist
- Letter of Intent
- Hearing Map-Zoning
- Hearing Map-Aerial
- Mailed Notice Affidavit
- Mailed Notice Radius Map
- Resolution No. C-ZAB4-9-00
- Resolution No. C-ZAB4-1-03
- Resolution No. C-ZAB4-2-03
- Submitted Plans
- Transmittal to Applicant

## **PUBLIC HEARING CHECKLIST**



# The City Of Miami Gardens

## Development Services

### Public Hearing Departmental Checklist

#### APPLICATION INFORMATION

Applicant Name: Enterprise Leasing Company

Project Name: Enterprise Leasing Company

Project Location: \_\_\_\_\_

Process Number: PH-2007-000020 Public Hearing Scheduled Date: Feb. 6, 2008

Public Hearing Representative: \_\_\_\_\_

#### APPLICANT'S REQUEST

District Boundary Change  Use Variance  Non-Use Variance  Unusual Use  Special Exception

Small-Scale Amendment  Modification of Resolution  Modification of Declaration or Covenant

#### DEPARTMENT REVIEW

##### Departmental procedures prior to public hearing

Mandatory		If applicable
<input checked="" type="checkbox"/> Completed Application	<input type="checkbox"/> Site Plan Review	<input type="checkbox"/> School Checklist
<input checked="" type="checkbox"/> Letter of Intent	1. Electronic Plans (.pdf & .dwg)	<input type="checkbox"/> School Board Report
<input checked="" type="checkbox"/> Legal Description (electronic)	2. Site Plan	<input type="checkbox"/> Traffic Study
<input checked="" type="checkbox"/> Fees Collected	3. Floor Plan	<input type="checkbox"/> Economic Impact Analysis
<input checked="" type="checkbox"/> 2 Sets of Original Plans	4. Elevation Plan	<input type="checkbox"/> Environmental Impact Statement
<input checked="" type="checkbox"/> 1 set of 8½ x 11 of Plans	5. Landscape Plan	<input type="checkbox"/> Neighborhood Outreach
<input checked="" type="checkbox"/> Digital copies of plans	6. Survey	<input type="checkbox"/> Proffered Community Amenities
<input checked="" type="checkbox"/> Survey	7. Architectural Renderings	<input type="checkbox"/> Liquor Survey

**ADMINISTRATIVE ACTIONS**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> DIC Meeting (if applicable)      | <input checked="" type="checkbox"/> Preliminary Notice       | <input checked="" type="checkbox"/> Posting Signs (Public Works)     |
| <input checked="" type="checkbox"/> Radius Map            | <input checked="" type="checkbox"/> Final Notice             | <input type="checkbox"/> Staff Recommendation                        |
| <input checked="" type="checkbox"/> Zoning Map            | <input checked="" type="checkbox"/> Layman's Notice          | <input checked="" type="checkbox"/> Notify Applicant                 |
| <input checked="" type="checkbox"/> Aerial Map            | <input checked="" type="checkbox"/> Full Legal Advertisement | <input checked="" type="checkbox"/> Proposed Resolution or Ordinance |
| <input type="checkbox"/> Site Visit Date: <u>12/12/07</u> |  |  |
| By: <u>Cyril Saikho</u>                                   |  |  |

**RECOMMENDATION OUTLINE**

**1. Summary**

**2. City Council Action** – (2<sup>nd</sup> reading)

**3. Recommendation**

**4. Review and Analysis**

- Neighborhood Land Use Characteristics
- Land Use Analysis (consistency with CDMP)
- Zoning Analysis (compliance with zoning code)
- Concurrency Analysis (water & sewer, traffic, schools and/or drainage/irrigation)
- Code Enforcement Violation Notice
  - Yes (attached)
  - No

**5. Attachments**

- Letter of Intent
- Zoning Map
- Aerial Map
- Radius Map
- Plans
- School Board Report (if any)
- Traffic Study (if any)
- Economic Analysis (if any)
- Environmental Impact Statement (if any)
- Historical Information - (if any)
  - Declaration of Restriction
  - Unity of Title
  - Resolution
- Proposed Resolution or Ordinance
- Proffered Declaration of Restrictions

**ZONING AGENDA DECISION**

**Date:**

Action:  Introduction  Deferred  Rescheduled  Resolution  1<sup>st</sup> Reading  2<sup>nd</sup> Reading  
Result:  Approved  Approved with Conditions  Denied

**Date:**

Action:  Introduction  Deferred  Rescheduled  Resolution  1<sup>st</sup> Reading  2<sup>nd</sup> Reading  
Result:  Approved  Approved with Conditions  Denied

**Date:**

Action:  Introduction  Deferred  Rescheduled  Resolution  1<sup>st</sup> Reading  2<sup>nd</sup> Reading  
Result:  Approved  Approved with Conditions  Denied

**Date:**

Action:  Introduction  Deferred  Rescheduled  Resolution  1<sup>st</sup> Reading  2<sup>nd</sup> Reading  
Result:  Approved  Approved with Conditions  Denied

**LETTER OF INTENT**



16250 NW 59th Ave. Suite 208  
Miami Lakes, FL 33014  
786-507-4700  
786-507-3800 Fax  
www.enterprise.com

October 18, 2007

City of Miami Gardens  
Planning & Zoning Department  
1515 NW 167<sup>th</sup> Street, Building 5 Suite 200  
Miami Gardens, FL 33169

Att: Nixon Lebrun, Planner

Re: Special Exception to Allow Rental Car Agency in a BU-1A District  
Stadium Corners – 19674 NW 27<sup>th</sup> Avenue, Miami Gardens  
Enterprise Rent-a-Car

Dear Mr. Lebrun:

The subject application is to allow Enterprise Rent-a-Car to operate a vehicle rental business in space which is presently under construction at the Stadium Corners commercial center on NW 27<sup>th</sup> Avenue in Miami Gardens. As described in the attached executed lease we will be located in the end unit (space number 13) which is also the northernmost 16.6 +/- feet of bay #11 of the attached site plan.

Enterprise Rent-a-Car is strategically located throughout South Florida in locations that are no more than 15 minutes from 90% of the population and as such we serve the residential areas in which we are located. As a small neighborhood retail outlet with only 4 to 5 employees at this location we are able to minimize storage of vehicles and offer "We Pick You Up" service to customers in nearby neighborhoods.

Consequently as noted in the lease and lease attachments we will have only eight (8) parking spaces (located to the rear of the facility) dedicated to our use in which we will allow employees to park and where rental vehicles will be stored. Customers will either park in the front of the building or we will pick them up. Because of its small scale retail nature this use is compatible with the retail orientation of the Stadium Corners project and the other businesses to be located there.



16250 NW 59th Ave. Suite 208  
Miami Lakes, FL 33014  
786-507-4700  
786-507-3800 Fax  
www.enterprise.com

Regarding the conditions specified in Zoning Code Section 33-247(4) for approval of automobile and light truck rental agency in a BU-1A district we respectfully offer the following:

- a. Landscaping for this request will be provided as part of the Stadium Corners project. Therefore no additional landscaping is needed for this proposed use.
- b. Masonry wall enclosure for vehicle storage and repair area – this is not necessary due to the small scale nature of the use and that vehicle repairs will be done remotely, not on site.
- c. There will be no outdoor paging or speaker systems.
- d. No vehicle repair work is requested. However, we will be cleaning and preparing vehicles for customers on-site.
- e. Accessory sale of vehicles is not applicable.
- f. We will obtain a certificate of use and occupancy as required by the City of Miami Gardens.

This request is compatible with the Stadium Corners project and complies with the requirements for approving an automobile and light truck rental agency in a BU-1A district, and as such we respectfully request approval of this application. Attached in support of our request is a completed application, the filing fee, a copy of the Stadium Corners site plan and a copy of the fully executed lease.

Thank you for your consideration and we look forward to a favorable reply.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matthew M. Forbes'.

MATTHEW M. FORBES  
REGIONAL VICE PRESIDENT  
ENTERPRISE LEASING CO.,

## **HEARING MAP-ZONING**



# HEARING MAP: ZONING

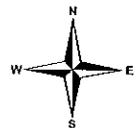


City of Miami Gardens  
 Planning & Zoning Services

 Subject Property    Zoning: BU-1A

**Applicant**  
 Enterprise Leasing Company

**Project Location:**  
 19674 NW 27 AVE  
 Miami Gardens, FL 33056



1 inch equals 450 feet

December 2007

Enterprise Leasing Company

PH-2007-000020: - Special Exception to allow a vehicle rental agency in a BU-1A Zone

Page 16 of 23

## **HEARING MAP- AERIAL**



# HEARING MAP: AERIAL

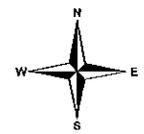


City of Miami Gardens  
Planning & Zoning Services

 Subject Property

**Applicant**  
Enterprise Leasing Company

**Project Location:**  
19674 NW 27 AVE  
Miami Gardens, FL 33056



1 inch equals 200 feet

December 2007

Enterprise Leasing Company

PH-2007-000020: - Special Exception to allow a vehicle rental agency in a BU-1A Zone

Page 17 of 23

## **MAILED NOTICE AFFIDAVIT**



# The City of Miami Gardens

## Development Services Department

### AFFIDAVIT FOR MAILING OF FINAL NOTICES

Re: Hearing No.: PH-2007-000020

Applicant Name: Enterprise Leasing Company

I, as the undersigned individual, do hereby affirm by my signature and date that all of the property owners of record, as reflected on the Miami-Dade County Property Appraiser's tax roll as updated within

500'

1/2 mile

1 mile

minimum radius of the property described in the above-referenced file has been input into the computer system prior to the deadline for the mailing of notices.

Signature: [Signature]

GIS Analyst

Date: 1/7/2008

I, as the undersigned individual, do hereby affirm that on the dated referenced below, the notices corresponding to the property owners as hereby referenced were emailed and/or otherwise delivered to **Post-It Inc. 1480 NE 129<sup>th</sup> Street North Miami, FL. 33161** [info@postitinc.com](mailto:info@postitinc.com) for postmarking and mailing.

Signature: [Signature]

Zoning Technician

Date: 1/7/08

I, as the undersigned individual, do hereby affirm that on the date referenced below, a notice for the aforementioned file was received from and postmarked date: 1/4/08 through the US Postal Service.

Signature: [Signature]

Zoning Administrator

Date: [Signature]

Enterprise Leasing Company

PH-2007-000020: - Special Exception to allow a vehicle rental agency in a BU-1A Zone

Page 18 of 23

## **MAILED NOTICE RADIUS MAP**



**RESOLUTION NO. C-ZAB4-9-00**

4/52/41.

**RESOLUTION NO. CZAB4-9-00**

*WHEREAS*, CNV, LLC applied for the following:

- (1) RU-3M to BU-1A
- (2) SPECIAL EXCEPTION to permit site plan approval for a proposed commercial development.
- (3) NON-USE VARIANCE OF ZONING REGULATIONS requiring a 5' high decorative masonry wall where a business lot abuts a residential zone; to waive same along the rear (south) property line.
- (4) NON-USE VARIANCE OF ZONING REQUIREMENTS to permit a one-way drive with a minimum width of 10' (14' required).
- (5) NON-USE VARIANCE OF SIGN REGULATIONS to permit 7 detached signs (1 detached sign permitted).

A plan is on file and may be examined in the Zoning Department entitled "Stadium Corners," as prepared by Behar, Font & Partners, P.A., dated stamped received March 7, 2000 and consisting of 7 sheets. Plans may be modified at public hearing.

**SUBJECT PROPERTY:** A portion of Tracts 1, 2, 31 and 32 of the PLAT OF MIAMI GARDENS, subdivision of the NE ¼ of Section 4, Township 52 South, Range 41 East, Plat book 2, Page 96, being more particularly described as follows:

Begin at the Northeast corner of the plat of LESLIE ESTATES SECTION SEVEN, Plat book 97, Page 28; said point lying on the south right-of-way line of N.W. 199 Street (Honey Hill Drive) as said street is known on the plat of LESLIE ESTATES SECTION FOUR, Plat book 96, Page 11; said point also lying 415' west of, as measured at right angles to the east line of said NE ¼ of Section 4; thence N87°2'35"E along the said south right-of-way line of N.W. 199th Street (Honey Hill Drive) for 339.92' to a Point of curvature of a circular curve to the right; said point lying on the W/ly right-of-way line of N.W. 27th Avenue, Official Records Book 11542, Page 29; thence to the right, along the said W/ly right-of-way line of N.W. 27th Avenue along said circular curve having for its elements a radius of 25' and a central angle of 90°11'0" for an arc distance of 39.35' to the Point of tangency; said point being 50' west of, as measured at right angle to, the said east line of the NE ¼ of Section 4; thence S2°46'25"E along the said W/ly right-of-way line of N.W. 27th Avenue for 1,145.2' to a point; thence S87°14'51"W for 365' to a point on the east line of said LESLIE ESTATES SECTION SEVEN; thence N2°46'25"W along the east line of said LESLIE ESTATES SECTION SEVEN; also being the east right-of-way line of N.W. 27th Court, as said court is shown on said plat of LESLIE ESTATES SECTION SEVEN, for 1,168.98' to the Point of beginning.

**LOCATION:** The Southwest corner of N.W. 27 Avenue & N.W. 199 Street (Honey Hill Drive), Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Miami-Dade County Community Zoning Appeals Board 4 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 requested permission to withdraw the non-use variace of zoning regulations (Item #4), and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, 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 BU-1A (Item #1) would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the special exception (Item #2) would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance and that the requested special exception (Item #2) would not have an adverse impact upon the public interest and should be approved, but that the non-use variance of zoning regulations (Item #3) and the non-use variance of sign regulations (Item #5) would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and that the withdrawal of the non-use variance of zoning regulations (Item #4) should be granted, and

WHEREAS, a motion to approve Items #1 & 2, deny Items #3 & 5 without prejudice and grant the withdrawal of Item #4 without prejudice was offered by Willie Barnett, seconded by David Lee Faison, Jr., and upon a poll of the members present the vote was as follows:

Willie Barnett	aye	Augustin D. Exposito	absent
Leroy Bradshaw	aye	David Lee Faison, Jr.	aye
Melvin L. Bratton	aye	Paullette Sims Wimberly	aye
	James E. Clausell	nay	

*NOW THEREFORE BE IT RESOLVED* by the Miami-Dade County Community Zoning Appeals Board 4, that the requested district boundary change to BU-1A (Item #1) be and the same is hereby approved and said property is hereby zoned accordingly.

*BE IT FURTHER RESOLVED* that the requested special exception (Item #2) be and the same is 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 "Stadium Corners," as prepared by Behar, Font & Partners, P.A., dated 4/06/00 last revised 9/29/00 and consisting of 7 sheets, except as herein modified as follows:
  - a. That Royal Palms or Canary Date Palms, a minimum of 14' high at the time of planting and spaced a minimum of 20' on center, be planted in the landscape strip along the east side of the property along SW 27 Avenue in lieu of the Dahoon Holly as depicted on the landscaping plan.
  - b. That the garbage dumpsters shall be enclosed with 6' high wood fences and hedging; said hedging shall be planted along the exterior of the wood fence enclosures and shall be a minimum of 3' high at the time of planting and shall be of a type that will grow to a height of 6'.
  - c. That a 5' decorative masonry wall be provided along the rear (south) property line.
  - d. That signage on the property shall comply with code.
  - e. That the drive thru adjacent to the proposed Starbucks be widened to provide two lanes.
  - f. That a 3' high berm with a 5' high chain link fence be provided along the west property line and not exceed 8' feet high as measured from grade.
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.

Corrected: 11-8-00

4-52-41/00-105

Page No. 3

CZAB4-9-00

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 the conditions and requirements of the Public Works Department as contained in their memorandum pertaining to this application.
7. That the applicant comply with all the conditions and requirements of the Department of Environmental Resources Management (DERM) as contained in their memorandum pertaining to this application.
8. That a Covenant in lieu of Unity of Title, in recordable form, be submitted to the Department prior to any type of platting of the subject site or the issuance of any building permits, whichever occurs first.

*BE IT FURTHER RESOLVED* that the requested non-use variance of zoning regulations (Item #3) and the non-use variance of sign regulations (Item #5) be and the same are hereby denied without prejudice.

*BE IT FURTHER RESOLVED*, that the request to withdraw the non-use variance of zoning regulations (Item #4) be and the same is hereby granted and said Item is withdrawn without prejudice.

*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 31st day of October, 2000.

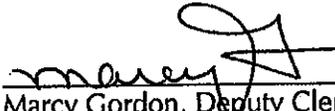
Hearing No. 00-9-CZ4-2  
mc

**STATE OF FLORIDA**

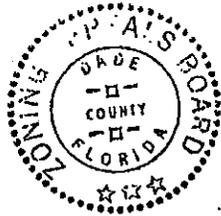
**COUNTY OF MIAMI-DADE**

I, Marcy Gordon, as Deputy Clerk and Legal Counsel for the Miami-Dade County Department of Planning and Zoning as designated by Guillermo E. Olmedillo, Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 4, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB4-9-00 adopted by said Community Zoning Appeals Board at its meeting held on the 24th day of October, 2000.

IN WITNESS WHEREOF, I have hereunto set my hand on this 1st day of November, 2000.

  
\_\_\_\_\_  
Marcy Gordon, Deputy Clerk and Legal Counsel  
Miami-Dade County Department of Planning and Zoning

SEAL



**RESOLUTION NO. C-ZAB4-1-03**

**RESOLUTION NO. CZAB4-1-03**

*WHEREAS*, LEN LLC applied for the following:

RU-3M to BU-1A

**SUBJECT PROPERTY:** That portion of Tracts 31, 32, 33, 34, 63 & 64 of MIAMI GARDENS, Plat book 2, Page 96, lying in the east 415' of the NE ¼ of Section 4, Township 52 South, Range 41 East, less the right-of-way dedicated for N.W. 27 Avenue, and N.W. 191 Street, more particularly described as follows:

Commence at the Southeast corner of Tract " A" of STADIUM CORNERS, Plat book 157, Page 89; thence S2°46' 25"E along the W/ly right-of-way line of N.W. 27<sup>th</sup> Avenue for a distance of 208.07' to the Point of beginning of the following described parcel of land; thence S2°46' 25"E along the W/ly right-of-way line of N.W. 27<sup>th</sup> Avenue, for a distance of 1,171.3' to a point on the north right-of-way line of N.W. 191<sup>st</sup> Street; thence S87°14' 51"W along the north right-of-way line of N.W. 191<sup>st</sup> Street, for a distance of 365' to a point on the east right-of-way line of N.W. 27<sup>th</sup> Court; thence N2°46' 25"W along the east right-of-way line of N.W. 27<sup>th</sup> Court for a distance of 1,171.3' to a point on said east right-of-way line of N.W. 27<sup>th</sup> Avenue; thence S87°14' 51"E for a distance of 365' to the Point of beginning.

**LOCATION:** The Northwest corner of N.W. 191 Street & N.W. 27 Avenue (Unity Boulevard), Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Miami-Dade County Community Zoning Appeals Board 4 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 proffered a Declaration of Restrictions which among other things provided for:

- 1) That this Declaration shall become final and shall be recorded in the Public Records of Miami-Dade County and is conditioned upon the approval of Public Hearing Application No. Z03-014 by the Board of County Commissioners and/or Community Zoning Appeals Board No. 4 of Miami-Dade County, Florida and the expiration of all applicable appeal periods.
- 2) That a 3' high berm with a 5' high chain link fence be provided along the west property line and not exceed 8' high as measured from grade.
- 3) That to the extent consistent with Miami-Dade County Public Works regulations, Royal Palms or Canary Date Palms, a minimum of 14' high at the time of planting and spaced a minimum of 20' on center, shall be planted in the landscape strip along the east side of the property along N.W. 27<sup>th</sup> Avenue.

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, 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 BU-1A would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the proffered Declaration of Restrictions should be accepted, and

WHEREAS, a motion to accept the proffered Declaration of Restrictions and approve the application was offered by James E. Clausell, seconded by Poullette Sims Wimberly, and upon a poll of the members present the vote was as follows:

Willie Barnett	aye	James E. Clausell	aye
Leroy Bradshaw	aye	Augustin D. Exposito	absent
Melvin L. Bratton	aye	Poullette Sims Wimberly	aye
		David Lee Faison, Jr.	aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 4, that the requested district boundary change to BU-1A be and the same is hereby approved and said property is hereby zoned accordingly.

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

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 12<sup>th</sup> day of May 12, 2003.

Hearing No. 03-5-CZ4-3

ej

**STATE OF FLORIDA**

**COUNTY OF MIAMI-DADE**

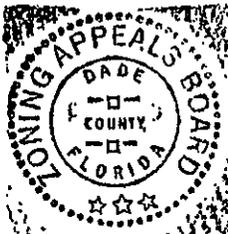
I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board CZAB# 4, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB4-1-03 adopted by said Community Zoning Appeals Board at its meeting held on the 12<sup>th</sup> day of May, 2003.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 9<sup>th</sup> day of June, 2003.



Earl Jones, Deputy Clerk (3230)  
Miami-Dade County Department of Planning and Zoning

**SEAL**





DEPARTMENT OF PLANNING AND ZONING

MAIN OFFICE

111 NW 1 STREET, SUITE 1210  
MIAMI, FLORIDA 33128  
(305) 375-2800

PERMITTING AND INSPECTION OFFICE

11805 S.W. 26 Street  
MIAMI, FLORIDA 33175  
IMPACT FEE SECTION  
(786) 315-2670 • SUITE 145  
ZONING INSPECTION SECTION  
(786) 315-2660 • SUITE 223  
ZONING PERMIT SECTION  
(786) 315-2666 • SUITE 106  
ZONING PLANS PROCESSING SECTION  
(786) 315-2650 • SUITE 113

June 9, 2003

Len LLC  
c/o Brian Adler  
2500 First Union Financial Center  
200 South Biscayne Boulevard  
Miami, FL 33131-2336

Re: Hearing No. 03-5-CZ4-3  
Location: The Northwest corner of N.W. 191 Street & N.W. 27 Avenue  
(Unity Boulevard), Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. CZAB4-1-03, adopted by the Miami-Dade County Community Zoning Appeals Board 4, which accepted your Declaration of Restrictions and which accepted your Declaration of Restrictions and which approved your district boundary change to BU-1A on the above described property.

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.

Sincerely,

Earl Jones  
Deputy Clerk

Enclosures

**RESOLUTION NO. C-ZAB4-2-03**

**RESOLUTION NO. CZAB4-2-03**

*WHEREAS*, CNV LLC applied for the following:

RU-3M to BU-1A

**SUBJECT PROPERTY:** That portion of Tracts 31, 32, 33 & 34 of MIAMI GARDENS SUBDIVISION, Plat book 2, Page 96, lying in the east 415' of the NE ¼ of Section 4, Township 52 South, Range 41 East, less the right-of-way dedicated for N.W. 27<sup>th</sup> Avenue and N.W. 191<sup>st</sup> Street. More particularly described as follows:

Commence at the Southeast corner of Tract " A" of STADIUM CORNERS, Plat book 157, Page 89, thence run S2°46' 25"E, along the W/ly right-of-way line on N.W. 27<sup>th</sup> Avenue, for a distance of 208.07' to a point on said W/ly right-of-way line; thence S87°14' 51"W for a distance of 365' to a point on the east right-of-way line of N.W. 27<sup>th</sup> Court; thence N2°46' 25"W along said east right-of-way line for 208.67' to a point on the Southwest corner of said Tract " A" of STADIUM CORNERS; thence N87°14' 51"E along the south line of said Tract " A" of STADIUM CORNERS for 365' to the Point of beginning.

**LOCATION:** Lying between N.W. 27 Avenue (Unity Boulevard) and N.W. 27 Court on both sides of theoretical N.W. 195 Street, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Miami-Dade County Community Zoning Appeals Board 4 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 proffered a Declaration of Restrictions which among other things provided:

- 1) That this Declaration shall become final and shall be recorded in the Public Records of Miami-Dade County and is conditioned upon the approval of Public Hearing Application No. Z03-050 by the Board of County Commissioners and/or Community Zoning Appeals Board No. 4 of Miami-Dade County, Florida and the expiration of all applicable appeal periods.
- 2) That a 3' high berm with a 5' high chain link fence be provided along the west property line and not exceed 8' high as measured from grade.
- 3) That to the extent consistent with Miami-Dade County Public Works regulations, Royal Palms or Canary Date Palms, a minimum of 14' high at the time of planting and spaced a minimum of 20' on center, shall be planted in the landscape strip along the east side of the property along N.W. 27<sup>th</sup> Avenue.

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, 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 BU-1A would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the proffered Declaration of Restrictions should be accepted, and

WHEREAS, a motion to accept the proffered Declaration of Restrictions and approve the application was offered by James E. Clausell, seconded by Poullette Sims Wimberly, and upon a poll of the members present the vote was as follows:

Willie Barnett	aye	James E. Clausell	aye
Leroy Bradshaw	aye	Augustin D. Exposito	absent
Melvin L. Bratton	aye	Poullette Sims Wimberly	aye
	David Lee Faison, Jr.	aye	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 4, that the requested district boundary change to BU-1A be and the same is hereby approved and said property is hereby zoned accordingly.

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

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 12<sup>th</sup> day of May 12, 2003.

Hearing No. 03-5-CZ4-3

ej

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

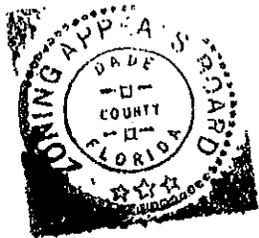
I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board CZAB# 4, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB4-2-03 adopted by said Community Zoning Appeals Board at its meeting held on the 12<sup>th</sup> day of May, 2003.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 16<sup>th</sup> day of June, 2003.



\_\_\_\_\_  
Earl Jones, Deputy Clerk (3230)  
Miami-Dade County Department of Planning and Zoning

SEAL





DEPARTMENT OF PLANNING AND ZONING

MAIN OFFICE

□ 111 NW 1 STREET, SUITE 1210  
MIAMI, FLORIDA 33128  
(305) 375-2800

PERMITTING AND INSPECTION OFFICE

11805 S.W. 26 Street  
MIAMI, FLORIDA 33175

□ IMPACT FEE SECTION  
(786) 315-2670 • SUITE 145

□ ZONING INSPECTION SECTION  
(786) 315-2660 • SUITE 223

□ ZONING PERMIT SECTION  
(786) 315-2666 • SUITE 106

□ ZONING PLANS PROCESSING SECTION  
(786) 315-2650 • SUITE 113

June 18, 2003

CNV LLC  
c/o Brian Adler  
2500 First Union Financial Center  
200 South Biscayne Boulevard  
Miami, FL 33131-2336

Re: Hearing No. 03-5-CZ4-3  
Location: Lying between N.W. 27 Avenue (Unity Boulevard) and  
N.W. 27 Court on both sides of theoretical N.W. 195 Street,  
Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. CZAB4-2-03, adopted by the Miami-Dade County Community Zoning Appeals Board 2, which accepted your Declaration of Restrictions and approved your district boundary change to BU-1A on the above described property.

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.

Sincerely,

Earl Jones  
Deputy Clerk

Enclosures

**SUBMITTED PLANS**





Enterprise Leasing Company

PH-2007-000020: - Special Exception to allow a vehicle rental agency in a BU-1A Zone

Page 23 of 23

## **TRANSMITTAL TO APPLICANT**

PS Form 3800, August 2006  
 Sent to: **Enterprise Leasing Company**  
 Street, Apt. No. or PO Box No. **16250 NW 59th Ave #208**  
 City, State, ZIP+4 **Miami, FL 33014**

7007 1490 0004 9629 1089  
 7007 1490 0004 9629 1089



PLACE STICKER AT TOP OF ENVELOPE OR THE RIGHT OF THE RETURN ADDRESS. FOLD A BOLT TO LINE.  
**CERTIFIED MAIL**

Postage \$	
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	

Postmark Here

**OFFICIAL USE**  
 For delivery information visit our website at www.usps.com.  
**CERTIFIED MAIL™ RECEIPT**  
 U.S. Postal Service  
 (Domestic Mail Only. No Insurance Coverage Provided)

**SENDER: COMPLETE THIS SECTION**

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
**Enterprise Leasing Company**  
**16250 NW 59 Ave.**  
**Suite # 208**  
**Miami, FL 33014**

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee  
 B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Transfer from service label) **7007 1490 0004 9629 1089**

PS Form 3811, February 2004  
 Street, Apt. No.: 8890 West Oakland  
 or PO Box No. Park Blvd., Suite # 201  
 City, State, ZIP+4  
 Sunrise FL 33351

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

**OFFICIAL USE**  
 For delivery information visit our website at www.usps.com  
**U.S. Postal Service**  
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7007 1490 0004 9629 1072  
 7007 1490 0004 9629 1072



PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS FOUND AT BOLTED LINE  
**CERTIFIED MAIL™**

**SENDER: COMPLETE THIS SECTION**

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 Dasset Ltd; DC Associates  
 8890 West Oakland  
 Park Boulevard, suite 201  
 Sunrise, FL 33351

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 X  Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from Item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Transfer from service label) 7007 1490 0004 9629 1072