



RESOLUTION # 2016-58

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI RE-AFFIRMING THE CITY'S MUNICIPAL JURISDICTION AND SOVEREIGN AUTHORITY OVER ITS LOCAL ROADS WITHIN MUNICIPAL BOUNDARIES BY REAFFIRMING CITY RESOLUTION NUMBER 97-11, PROVIDING FOR A TRANSMITTAL OF SAID RESOLUTION TO MIAMI DADE COUNTY PUBLIC WORKS DEPARTMENT, PROVIDING FOR RECORDING OF SAID RESOLUTION, PROVIDING FOR EFFECTIVE DATE.

Whereas, on March 19th, 1997 the City of West Miami passed and adopted Resolution #97-11 titled, RESOLUTION OF THE CITY OF WEST MIAMI REAFFIRMING MUNICIPAL JURISDICTION AND AUTHORITY OVER ITS LOCAL ROADS WITHIN MUNICIPAL BOUNDARIES AND PROVIDING FOR EFFECTIVE DATE (attached as Exhibit A); and

Whereas, Resolution #97-11 urged Miami Dade County to repeal all ordinances or sections thereof to convey jurisdiction over municipal roads to the county, and

Whereas, Resolution 97-11 declared that the City of West Miami by and through its City Commission that the City Retain municipal jurisdiction and authority as set forth under Florida Statutes; and

Whereas, The City of West Miami approved Resolution #93-5 and Resolution #92-01 (which was recorded with the Miami Dade County Clerk of the Courts under Recording #93R297339 - Recorded June 15th, 1993) authorizing a Special Use Permit for Planned Development Index Number 9301 to construct a planned development within the City of West Miami City limits under the authority granted by Zoning Ordinance #282 of the City of West Miami which involved a "T" or partial street closure; for the safety and the wellbeing of both automotive and pedestrian traffic as recited by the Resolution approving the Special Use Permit for Planned Development; and

Whereas, the City recently approved a Special Use Permit for Planned Development for 6320 SW 8th Street, applicant; 6320 HOLDINGS, LLC that included a Street closure for SW 63 Ave encompassing a portion of SW 63 Avenue where the City of West Miami granted the "vacation of the Street" for the safety and welfare of the community; and

Whereas, Miami Dade County rendered a determination letter to 6320 HOLDINGS dated August 10th, 2016; that states that “MDC is not in favor of this proposed road closure in proximity to one of the most congested corridors in Miami Dade as it may have adverse traffic impacts” which clearly contrasts the intent of City of West Miami Resolution #97-11; and

Whereas, Miami Dade County references the Miami Dade county Traffic Flow Modifications)/Street Closures(s) Procedure; Public Works Department; Traffic Engineering Division; Revised January 2009 “Procedural Manual”, which clearly has not proven that it has sole jurisdiction of street closures or partial street closures for “local” roads located within municipalities; and

Whereas, Miami Dade County has failed to respect the approval by the City of West Miami under **Resolution #2016-17** (passed and adopted on April 20th, 2016) with respect to the street closure application by 6320 HOLDINGS LLC but has ignored and/or approved other streets (i.e., SW 21 Street between 66th and 67th Avenue and SW 12 Street between 66th and 67th Avenue) closures of our local streets;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI THAT:

Section 1. The City Reaffirms City of West Miami Resolution #97-11 executed by the West Miami City Commission; and

Section 2. The City of West Miami urges officials of Miami Dade County to retract the August 10th, 2016 letter to 6320 HOLDINGS, LLC until such time that they enact or produce the Statute and or County Ordinance providing sole jurisdiction to Miami Dade county over local municipal roads; and

Section 3. The City of West Miami urges Miami Dade County to leave municipal matters to incorporated cities under their municipal jurisdiction and authority

Section 4. The City of West Miami instructs the City Clerk to file and record this resolution with the Miami Dade County Clerk of the Court along with the Exhibits marked as:

- **RESOLUTION 97-11 PASSED AND ADOPTED ON MARCH 19TH, 1997**
- **RESOLUTION 93-5 PASSED AND ADOPTED ON MAY 24TH, 1993**
- **RESOLUTION 92-01 PASSED AND ADOPTED JANUARY 8TH, 1992**
- **AUGUST 10TH, 2016 STREET CLOSURE REQUEST - SW 63RD AVENUE BETWEEN SW 8TH STREET AND 9TH STREET**

Passed and adopted this 14th day of September 2016.


APPROVED:


EDUARDO H. MUÑINA
MAYOR

ATTEST:


YOLANDA AGUILAR ACTING AS EX-OFFICIO
CITY CLERK FOR:
ANNERY GONZALEZ
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:


JOSE A. VILLALOBOS
CITY ATTORNEY

ROLL CALL VOTE:

MAYOR EDUARDO H. MUÑINA YES
VICE MAYOR CANDIDA "CANDY" BLANCA YES
COMMISSIONER JUAN M. BLANES YES
COMMISSIONER RHONDA A. RODRIGUEZ YES
COMMISSIONER LUCIANO L. SUAREZ YES

RESOLUTION # 97-11

RESOLUTION OF THE CITY OF WEST MIAMI, FLORIDA SUPPORTING MUNICIPAL JURISDICTION AND AUTHORITY OVER ITS LOCAL ROADS WITHIN MUNICIPAL BOUNDARIES AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, municipalities have the responsibility of exercising jurisdiction over local roads within their borders in accordance with the laws of the state of Florida, and

WHEREAS, roads that are owned and maintained by municipalities should be subject to regulation a prohibition of traffic in accordance with state and municipal laws, and

WHEREAS, Metro Dade County has adopted an Ordinance which purports to convey exclusive authority over all roads in both unincorporated and incorporated areas to the county itself, and

WHEREAS, the Public Works Department of Metro Dade County has attempted to exercise jurisdiction over local roads within the boundaries of municipalities, and

WHEREAS, in the absence of a substantial showing that a municipal road or traffic regulation creates a significant negative impact upon a county or state roads, there should be no interference by county agencies of departments in city or town's exercise of municipal jurisdiction over roads within its boundaries.

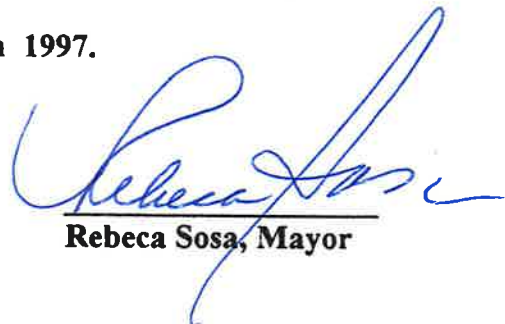
NOW, THEREFORE, BE IT RESOLVED by the authority vested in me, I Rebeca Sosa Mayor of the City of West Miami together with Vice-Mayor Carlos Diaz-Padron and Commissioners Enrique Gonzalez, Purita Martin and Tania Rozio that :

- Section 1. The City of West Miami urges officials of Metro Dade County to repeal all ordinances or sections thereof which purport to convey jurisdiction over municipal roads to the county.
- Section 2. The City of West Miami, by and through its City Commission hereby resolves to retain municipal jurisdiction and authority as set forth under Florida Statutes.
- Section 3. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED THIS 19th day of March 1997.

ATTEST:


Felix Diaz, City Clerk


Rebeca Sosa, Mayor

Approved as to form:

RESOLUTION NO. 93-5

A RESOLUTION OF THE CITY OF WEST MIAMI, FLORIDA, ACTING UNDER THE AUTHORITY OF SECTION 2B OF OFFICIAL ZONING ORDINANCE 282 OF THE CITY OF WEST MIAMI, GRANTING A SPECIAL USE PERMIT FOR PLANNED DEVELOPMENT, INDEX NUMBER 9301, TO CONSTRUCT A PLANNED DEVELOPMENT WITHIN THE CITY; MAKING THE FINDINGS OF FACT SUPPORTING ITS DECISION THAT THE APPLICANT, BY THE GREATER WEIGHT OF COMPETENT EVIDENCE, HAS MET THE STANDARDS SET OUT IN SECTION 2B OF OFFICIAL ZONING ORDINANCE 282 OF THE CITY OF WEST MIAMI, FLORIDA, FOR SUCH PLANNED DEVELOPMENTS SETTING STIPULATIONS, MODIFICATIONS, GUARANTEES, CONDITIONS AND SAFEGUARDS TO THE APPROVAL; DIRECTING THAT CHANGES BE MADE ON THE OFFICIAL ZONING MAP TO REFLECT THE APPROVAL OF APPLICATION SPECIAL USE PERMIT FOR PLANNED DEVELOPMENT, INDEX 9301, STATING THAT THIS RESOLUTION HAS BEEN ADOPTED BY A VOTE OF NOT LESS THAN THREE MEMBERS OF THE CITY COMMISSION AS REQUIRED; AND SETTING AN EFFECTIVE DATE.

WHEREAS, on January 3, 1990, the City Commission of West Miami, Florida, did adopt Section 2B of the Official Zoning Ordinance 282, entitled "Planned Development," and the same being Ordinance No. 90-1 of the City of West Miami; and

WHEREAS, Mr. Dennis Soriano (herein the Applicant), has submitted an application for Special Use Permit for a planned development together with materials in accordance with and under the terms of Section 2B.6 of Zoning Ordinance 282 of the City of West Miami; and

WHEREAS, the Applicant did previously employ experts to make traffic, fire safety, landscape, setback, environmental, recycling, sanitary sewer, potable water, school, lighting, and safety studies on previously approved special use permit for Planned Development Index #1043 for 96 units for said property; and

WHEREAS, said experts did submit reports and recommendations to the City entitled Concept Development Plan Review for The Villas of West Miami Project, etc., June 1991, herein referred to as Consultant's report; which report is incorporated herein by reference, and is received as part of the evidence considered in the making of the following findings except where such reports are in direct conflict with specific provisions in this Resolution, then the specific provisions of this Resolution shall apply.

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WHEREAS, the Director of the West Miami Zoning Department did prepare and submit in writing to appropriate City Staff, Advisory Boards, and the City Commission in March 1993, a written report reviewing the application and other applicable materials, and making a recommendation of approval, subject to certain conditions, as required by Section 2B.6-2 of the Zoning Ordinance of the City of West Miami; and

WHEREAS, said Zoning Department Review and recommendation incorporated herein, by reference, and is received as part of the evidence considered in making the following finds; and

WHEREAS, on March 2, 1993, as required by Section 2B.6-3(3) of the Zoning Ordinance of West Miami, the Planning and Zoning Board of the City of West Miami did hold a Public Hearing on the application, and with notice as required by law, did consider the preliminary development concept plan set out in the application, and did recommend approval of that preliminary development concept plan by a vote of 5/0; and

WHEREAS, on March 2, 1993, as required by Section 2B.6-3(4) of Zoning Ordinance 282, the Planning Board of the City of West Miami did hold a Public Hearing on the application, with notice as required by law, and did recommend to the City Commission of West Miami, by a vote of 5-0, the approval of the application subject to certain conditions, and did recommend the granting of Special Use Permit therefore; and

WHEREAS, the City Commission has given Public Notice of Hearing on the application as required by Section 2B.6-3 of Zoning Ordinance 282 of the City of West Miami; and

WHEREAS, the City Commission held a Public Hearing commencing on the 10th day of March, 1993, as required by Section 2B.6-3(5)(b) of Zoning Ordinance 282 of the City of West Miami; and

WHEREAS, the City Commission has carefully considered the Planning & Zoning Board's recommendation, and the Report of the Director of the Department of Zoning, and has considered and weighed all competent evidence presented; and

WHEREAS, all procedural requirements of the laws of the State of Florida and ordinances, resolutions and regulations of the City of West Miami have been met;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA:

Section 1. Findings of Fact. That the City Commission, sitting in its quasi-judicial capacity, having held a Public Hearing, with notice as required by law, and having considered and weighed all competent evidence and having heard all persons as

required by law, and particularly Section 2B of Zoning Ordinance 282 of West Miami (hereafter Zoning Ordinance), makes the following written findings of fact based upon the greater weight of competent evidence in the context of the general and specific standards and other requirements set out in Section 2B, Planned Development Regulations, of the Zoning Ordinance:

- a. The foregoing recitations, commonly referred to as the "Whereas" clauses, are incorporated herein and adopted and are deemed to be true and correct.
- b. Application Index No. 9301 submitted by the Applicant is one for a Special Use Permit for construction of a Planned Development as set out generally in Section 2B of the Zoning Ordinance and particularly Sections 2B.4 through 2B.4-8.
- c. The property covered by said Application is legally described as follows:

The North 170.00 feet of the Northwest 1/4 of the Southwest 1/4 of the Northwest 1/4, less the South 56.67 feet of the East 144.00 feet in Section 12, Township 54 South, Range 40 East, Dade County, Florida, less the West 35 feet, the North 25 feet, and the East 25 feet thereof, dedicated for street purposes, and in addition thereto less the East 50 feet of applicant's property dedicated for public park purposes making a total of less the East 75 feet thereof for street and public park purposes.

- d. The application conforms to the requirements of Section 2B of the Zoning Ordinance of the City of West Miami, and particularly though not limited thereby, to the requirements of Section 2B.6-2 of the Zoning Ordinance, entitled: "Applications; Materials to be Submitted."
- e. The application meets the definitional requirements for "Planned Development" generally, as set out in Section 2B.2-1 of the Zoning Ordinance, as more fully set forth in the Report of the Director of the Department of Zoning, of the City of West Miami (hereinafter "Director").
- f. The proposed project is consistent with the West Miami Comprehensive Plan as required by Sections 2B.1 and 2B.3 and 2B.4 of the Zoning Ordinance, as more fully set forth in the Director's Report, and City Engineer's Report. Villas of West Miami Concept Development Review Report dated June 26, 1991, prepared by AB2MT Consultants, Inc., hereinafter referred to as Consultant Report.

- g. The existing zoning of the property is Apartments ("A") and Commercial ("C") districts. Under Section 4.26 of the Zoning Ordinance, one apartment unit may be constructed for each 900 square feet of lot area; the applicant may construct 106 apartment units. The proposed plan of the applicant is to build 49 condominium units and therefore is less than that which might otherwise be allowed.
- h. Under Section 2B.3 of the Zoning Ordinance, the Planned Development Regulations of the City of West Miami are declared to govern where there are conflicts between such Planned Development Regulations and general City Zoning, subdivision or other regulations and requirements, and the project as proposed serves public purpose to a degree at least equivalent to general City Zoning subdivision or other regulations.
- i. The proposed Planned Development is so located with respect to rapid rail transit and other mass transit systems, arterial and collector streets, or other transportation facilities as to provide direct access to the proposed development without creating substantial or undue increases in traffic along minor streets in existing or prospective residential neighborhoods outside the development. Based on standard and acceptable expert traffic engineering projects, standards, and methods, the roadways and other improvements, to be installed by the Applicant at his sole cost, meet or exceed the standards set by Section 2B.4-1 of the Zoning Ordinance as more fully set forth in the Director's Report and Consultant's report.
- j. The provision of necessary public utilities, facilities, and services (sanitary sewers, water lines, storm and surface water drainage, other public utilities systems, and installations, streets, rapid rail transit and other public transit, parks, and the like) will not result in higher net public costs than would be the case if the property on which the proposed project is to be erected were to be developed as permitted under the presently existing zoning. The Applicant's assumption of the costs of original public installations are determined to be acceptable in this regard. (Section 2B.4-2 of the Zoning Ordinance).
- k. The overall net tax return to the City upon construction of the Applicant's project will not exceed the costs of public facilities and services required to serve the project, as more fully set forth in the Director's Report.

1. The site is physically suitable for the development proposed (Section 2B.4-3, paragraph 1, of the Zoning Ordinance) as more fully set forth in the Director's Report.
- m. The siting of structures provides necessary protection against adverse relationships to properties in areas surrounding the proposed project. Arrangements have been made, to the maximum extent reasonably feasible, to eliminate or minimize such adverse impacts, and the project will be compatible and harmonious with other development in the area, and the heights proposed in various portions of the project will not unduly and adversely affect surrounding areas and uses. (Section 2B.4-3, the Zoning Ordinance), as more fully set forth in the Director's Report and Consultant's Report.
- n. Ingress and egress to the proposed Planned Development is adequate. This fact has been determined and measured by standard and acceptable expert traffic engineering projections, standards, and methods in relation to: (1) the safety and convenience of vehicles entering and leaving the site; (2) the safety and convenience of pedestrian movement in relation to vehicular and pedestrian traffic; (3) safe access of employees and visitors to, from, and within the site; (4) safe access to, from, and within the site in the event of fire, crime, or other emergency or catastrophe; (5) safe traffic flow and control generally; (6) an appropriate relationship of automotive vehicular traffic flow mass transportation facilities; (7) the design and orientation of automotive and vehicular traffic flow to mass transportation facilities; (8) the design and orientation of automotive and vehicular traffic movements so that such movements and flow will not substantially or unduly intrude on minor streets in residential neighborhoods; and (9) that generally, the safety and convenience of automotive traffic is maximized and the potential automotive-automotive conflicts and automotive-pedestrian conflicts are minimized as more fully set forth in the Director's Report, Consultant's Report; City Police Chief Reports; City Engineer Reports; Metro Dade Fire Department letter dated June 10, 1991, except where such reports are in direct conflict with specific provisions in this Resolution, then the specific provisions of this Resolution shall apply.
- o. Based on standard and acceptable expert traffic engineering projections, adequate provision has been made for off-street parking and off-street loading facilities for the proposed involved, to the end that

residents, employees, and visitors projected to the site will not have to park on City streets or in non-Planned Development parking facilities, nor will the loading and unloading of furniture, goods and products to the site or pickup of furniture, goods and products from the site be done on public streets. The off-street loading and off-street parking arrangements are designed to facilitate pedestrian circulation and internal traffic flow and control, and the arrangements of such facilities are adequate in the event of crime, fire, or other emergency or catastrophe. The arrangements for numbers and location of off-street parking and off-street loading spaces are determined to be satisfactory and to meet such requirements (Section 2B.4-5 of the Zoning Ordinance), as more fully set forth in the Director's Report, Consultant's Report, and City Engineer's Report.

- p. The Applicant's proposals for lighting of the proposed project as modified are determined to meet the requirements of Section 2B.4-7 of the Zoning Ordinance.
- q. The applicant's proposals for the location and treatment of refuse and service areas are determined to meet the requirements of Section 2B.4-6 of the Zoning Ordinance.
- r. Special, surveys, approvals, preliminary approvals, or reports, as required by Section 2B.6-2 (2) of the Zoning Ordinance have been secured and are on file with the Director.
- s. The internal arrangements provided by the Applicant for streets, drives, parking, and service areas meet the standards of accessibility, security, convenience, and safety, as more fully set forth in the Director's Report.
- t. The Applicant's proposed covenant for perpetual operation and maintenance of open space and common facilities, that will be utilized by some or all of the occupants, employees, or visitors to the development, is adequate and gives effective assurances that such common open space and facilities will not in the future become a burden on the taxpayers of the City. The Applicant's proposed covenants are adequate to protect the City against future expense. (Sections 2B.6-2 (6) (7) Zoning Ordinance).

Section 2. Approval of Special Use Permit for Planned Development. The City Commission hereby approves the grant of a Special Use Permit for Application Special Use Permit Index 9301, to authorize the construction of a Planned Development, subject to the conditions and safeguards set out hereinafter in Section 3 of this Resolution. This decision is supported by the

Findings of Fact of Section 1 of this Resolution, which demonstrates that the greater weight of competent evidence establishes that the application meets the standards and requirements of 2B of the Zoning Ordinance.

Section 3. Stipulations, Modifications, Guarantees, Conditions and Safeguards. In its exercise of quasi-judicial authority, the City Commission is authorized by Section 2B.6-3(5) (c, e, & f) of the Zoning Ordinance, to attach stipulations, modifications, guarantees, conditions and safeguards to a grant of Special Use Permit for a Planned Development. The following stipulations, modifications, guarantees, conditions and safeguards are hereby attached to and are made a part of the approval of Application Index 9301 for a Special Use Permit for construction of a Planned Development, and are conditions precedent therefore:

1. The Applicant shall correct and revise the Application for Special Use Permit to reflect all site plan, recommended roadway, or other modifications approved as part of this Special Use Permit for planned development and shall consolidate all original and supplemental information submitted into the revised Planned Development applications, and shall submit the documents to the City of West Miami and Dade County Public Works Department. Applicant shall execute any and all Deeds to the City to correct any error in the existing Dedications for street right-of-way and public park purposes so that there is a total of 75 feet of The North 170.00 feet of the Northwest 1/4 of the Southwest 1/4 of the Northwest 1/4, less the South 56.67 feet of the East 144.00 feet in Section 12, Township 54 South, Range 40 East, Dade County, Florida, less the West 35 feet, the North 25 feet, and the East 25 feet thereof, dedicated for street purposes, and in addition thereto less the East 50 feet of applicant's property dedicated for public park purposes making a total of less the East 75 feet thereof for street and public park purposes. The applicant shall furnish to the City a Survey by a licensed surveyor of the description of the East 75 feet described above for the right-of-way of 25 feet for S.W. 65th Avenue, West Miami, Florida, and the 50 feet width for the public park development to be provided by applicant under this special use approval.
2. The revised application and all maps, plans, documents, stipulations, modifications, guarantees, covenants, agreements, conditions, and safeguards constituting the development plan as approved, shall be marked and identified by the Director and shall be placed on file, as required by Section 2B.6-3(5) (g) of the Zoning Ordinance, in the office of the City Clerk. These

materials shall constitute the regulations for the development approved as Application Index 9301.

All development within the boundaries of the Planned Development as approved shall take place in accordance with such regulations. Deviations in the course of construction from plans or failure to comply with any stipulation, guarantee, safeguard, condition, modification and agreement imposed by the terms of the grant of the Special Use Permit for Planned Development shall constitute a violation of Zoning Ordinance #282 of the City of West Miami, Florida, as amended. In addition, the City may resort to civil remedies to enforce the Special Use Permit for Planned Development as approved by the City Commission, in accordance with 2B.6-3(5) (g) of the Zoning Ordinance.

3. TRAFFIC:

a. Provide "T" turn-around on S.W. 12 Street for East bound traffic. Developer shall submit plan for the turn-around which will include landscaping and break-away barriers for emergency vehicles. Said plan to be approved by City Engineer and Director of Public Works.

b. Widen and improve S.W. 12 Street from S.W. 67th Avenue to S.W. 65th Avenue to include pavement, storm water drainage, curbs, sidewalks, parkways (with landscaping), street lighting and traffic control devices. Plans for same to be prepared by developer and submitted to City Engineer and Public Works Director for approval. Plan will also be forwarded to Dade County for approval of intersection of S.W. 12th Street and S.W. 67th Avenue.

4. LANDSCAPE:

a. Developer shall follow recommendations contained on pages 10 through 15 of the AB2MT Consultants, Inc. report, dated June 1991. Existing tree removal and/or relocation shall be subject to the permitting requirements of Chapter 24, Metropolitan Dade County Code. Developer shall submit a revised landscape plan to include said recommendations and adjustments of landscaping plan related to building placement on property.

b. Use landscaping to conceal parking.

c. Use landscape to discourage off site or right-of-way parking.

d. Use landscaping in buffer zone to lessen impact to single family residents.

e. Assure that relocation of trees is done by professionals and if trees don't survive, they must be replaced by comparable trees. All cost associated with the relocation should be absorbed by the developer.

5. **SETBACKS:**

Applicant shall submit new site plan to include adjustment of buildings on site as per discussion at public hearings on this application.

6. **RECYCLING:**

Applicant shall provide recycling containers in each waste collection area according to plans approved by Public Works Department.

7. **SANITARY SEWER:**

Project shall be connected to City of West Miami Sanitary Sewer System

8. **PARKING:**

a. No boats, trailers, sailboats or recreational vehicles to be allowed on the property.

9. **STORM WATER DRAINAGE (on site):**

Applicant shall provide data on safety factor built into storm water retention plan to City Engineer for approval.

10. **POTABLE WATER DISTRIBUTION SYSTEM AND FIRE FLOW PROTECTION SYSTEM:**

Applicant shall prepare plans and specifications in accordance with September 4, 1991 memorandum from City Engineer, Carlos Penin. Said plans and specifications to be approved by City prior to construction. The Applicant shall at no expense to the City extend City water mains to the site sufficient to provide an adequate supply of potable water and ensure sufficient pressure, flow capacity, and frequency of fire hydrant locations for fire protection.

11. PARK DEVELOPMENT:

a. Applicant shall, at his expense, submit a plan for the improvement of the park area adjacent to the site. The plan shall include, but not be limited to the following items:

1. Sidewalks and pathways
2. Drainage
3. Landscaping (including relocated trees), sod
4. Lighting poles and fixtures
5. Irrigation system
6. Fence
7. Four benches and two swing sets
8. Budget for improvements

b. Developer shall construct park improvements contained in final approved plan and dedicate improvements to City; final plans require City Commission approval before construction.

12. SAFETY:

- a. Impact lighting for crime prevention (perimeter, grounds and parking)
- b. Tamper-proof light fixtures
- c. Dead bolt locks on all doors of resident

13. LIGHTING:

Applicant shall submit a new lighting plan to include entire property in accordance with standards set forth in the City of West Miami Ordinance #88-03, off-street parking lot lighting ordinance as contained in Article IV, Chapter 5, Sections 5-57, through 5-63. Standards contained in this ordinance shall be applied to both parking areas and all other open areas.

14. MISCELLANEOUS CONDITIONS, RESTRICTIONS, LIMITATIONS, GUARANTEES AND SAFEGUARDS:

- a. Applicant shall provide methods of building maintenance.
- b. Applicant shall provide for the immediate removal of graffiti but no later than 15 days from date of graffiti is discovered after diligent surveillance on a continuing basis.
- c. Applicant shall provide a clean site throughout the construction period.
- d. Applicant shall construct a six foot (6') high wall, open (ornamental aluminum inserts), and concrete block walls with painted stucco finish as per

approved plans, within four (4) months of approval of Special Use Permit.

e. Park improvements shall be completed prior to any Certificate of Occupancy or Use is issued.

f. Apartments shall not be used as a "low income housing project" under Dade County HRS, HUD, Plan 8 or any other plan.

g. Applicant shall provide methods to assure no abandoned automobiles are stored on property.

h. Applicant shall provide on-site contact person for condominium development and operation.

i. Applicant shall provide the City with a copy of a written screening policy which assure quality occupants including all current condominium documents and amendments thereto.

j. No storage of items and other personal property including equipment and appliances shall be allowed on balconies or within open areas of property, including parking areas. Laundry shall not be hung on balconies or any open areas of property, including parking areas.

k. Project shall be connected to the City of West Miami Water System for all water service including Fire Flow requirements and potable water system. Required improvements shall be installed by developer.

15. Where estimated dollar costs of improvements to be borne by the Applicant have been set out at a time of approval, and the actual costs at time of construction of such improvements is greater than the dollar amounts specified, the Applicant shall bear such additional costs; and the City shall not be liable for such additional cost.
16. The Applicant shall establish on-site parking policies for such parking facilities. The objective to be reached is to ensure that residents, visitors, and employees of the project will not park on City streets, or in non-project related parking facilities. Such policies shall be subject to the approval of the City Manager, who may delegate this responsibility to the Director. Applicant shall establish one designated parking space per unit with the balance of the parking spaces unassigned for visitor and excess parking.
17. To the end that full traffic and pedestrian flow can be maintained on City right-of-way during the course of construction, the Applicant will submit to and receive the approval of the Police Chief of a traffic maintenance plan for the entire construction period prior to the issuance of any building permits. Such plan shall demonstrate that circulation can be maintained

in relation to the project. If traffic and pedestrian flow cannot be maintained as proposed, then the project shall be changed accordingly.

18. No Certificate of Occupancy shall be issued until a signage plan for automotive vehicles and pedestrians, within and without the project has been approved by the Police Chief and such signs are in place.
19. If required, the Applicant shall obtain a General Permit from the South Florida Water Management District prior to project construction.
20. The Applicant will incorporate all security and life safety measures proposed in the application. Such measures will be in place and operative prior to the issuance of a Certificate of Occupancy.
21. The Applicant shall provide the following:
 - a). Three westernmost drive aisles to be reduced in width by one foot each to create an eight foot setback on the southern portion of the east property line. This change will also create a greater buffer adjacent to the park area.
 - b). Final plan approval for Building Permit shall include a modified trash, garbage and recycling enclosure which will meet or exceed the required standards and shall be approved by the Director of Public Works. An additional enclosure shall be provided for the easternmost units.
 - c). Exterior privacy Fence/Walls facing S.W. 67th Ave., S.W. 12th Street, south property line and property line abutting R-2 zoned property at southeast corner of subject property shall be six feet in height and be of masonry construction with a painted stucco finish on both sides. The balance of the fencing for the project shall be aluminum picket fencing, six feet in height.
 - d). Park area is understood to be a dedicated park area consisting of an area 50' by 88.33' which is in addition to 4.cont'd) 25' right-of-way dedications for S.W. 12th Street and S.W. 65th Avenue from original tract. Applicant shall supply corrected or new survey of tract to include same. City Attorney shall be furnished a copy of same to determine the dedicated park area which has or will be dedicated. Applicant and any lien holder shall execute and record in the Public Records of Dade County, Florida any corrective

instrument required by the City Attorney to effect above.

e). Air conditioner compressor unit shall be located in the individual rear yards of each unit.

f). Miscellaneous Conditions, Restrictions, and Limitations:

1. No sheds or storage containers allowed.
 2. No screen enclosures allowed.
 3. No alterations to exterior architecture to be made.
 4. No spas, hot tubs or swimming pools allowed.
 5. No landscape plantings within rear yard areas of the individual units shall exceed 5' in height.
 6. No exterior antennas or satellite equipment allowed.
 7. No iron bars allowed on windows or doors.
 8. Only fully removable storm shutters with fully removable or permanent decorative tracks will be allowed.
 9. Exterior paint on all buildings and walls shall be uniform and in pastel colors.
 10. No objects of any nature shall be allowed on balconies.
 11. Any rental agreements for individual units shall be for no less than one year periods and shall be written lease agreements.
 12. Stucco Finish on buildings and walls shall be light textured.
 13. Window Frames and trim shall be ESP aluminum.
 14. Mail boxes shall not be visible from public street.
22. Prior to the issuance of the CERTIFICATE OF OCCUPANCY, the Applicant shall record the Covenant for Perpetual Maintenance which shall be a covenant running with the land. Further, the Applicant and the successors, heirs, and assigns of the Applicant, shall comply at all times with the provisions of the Covenant of Perpetual Maintenance submitted as part of the applicant.
23. The Applicant will continue to reimburse the City for costs specifically associated with this development, provided however, that the Applicant shall have the right to review with the City the nature, extent, and cost of any outside consultant work.
24. The Director, under the supervision of the City Manager, is designated as the City Official to monitor compliance with all provisions of the approved Special Use Permit

and Development Order as required by Section 2B. of the Zoning Ordinance and State law. The Applicant will assist in and facilitate the monitoring responsibilities of the Director. The Applicant shall designate a person as a monitor contact for the Director. The Applicant's monitor contact shall be responsible for promptly notifying the Director of any proposed minor changes in the development plans as approved by the grant of Special Use Permit and Development Order. The naming of the Director as the individual to monitor the project is in addition to, and does not replace in any fashion, the normal construction inspection activities of Dade County and other government agencies.

25. In connection with number 24, the Director may require from time to time a written report from the Applicant's monitor contact as to the progress of the development. Such report shall include, but not be limited to, (1) the relation of construction progress to the conditions and safeguards; (2) any problems in relation to the planned development; (3) relation of construction progress to the provision of public facilities and utilities; (4) any particular questions which the Director may wish to have answered. It is understood that the Applicant's monitor contact or the Director will contact one another at any time during the course of construction as the particular problems arise.

Section 4. Official Zoning Map. Within not less than seven (7) working days of the passage of this Resolution, action shall be taken to make the appropriate notations on the Official Zoning Map of the City, as required by Section 2B.5-3.

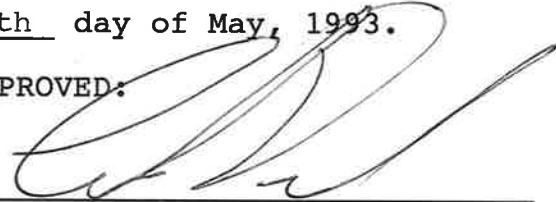
Section 5. Vote. This Resolution has been adopted by not less than three (3) votes of the City Commission, as required by Section 2B. 6-3(5) (c) of the Zoning Ordinance.

Section 6. Recording. This Resolution shall be recorded in the public records of Dade County, Florida within 10 days after passage.

Section 7. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this 24th day of May, 1993.

APPROVED:



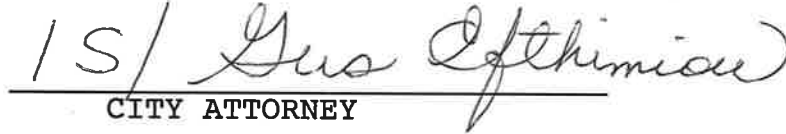
MAYOR

ATTEST:



CITY CLERK

Approved as to form and sufficiency

15/ 

CITY ATTORNEY

Roll call Vote

MAYOR CARLOS DIAZ PADRON	<u>Y</u>
VICE-MAYOR VIVIAN TRIGO	<u>Y</u>
COMMISSIONER PEARL HERBERT	<u>Y</u>
COMMISSIONER REBECA SOSA	<u>Y</u>
COMMISSIONER SERGIO BONICH	<u>Y</u>

RESOLUTION NO. 92-01

A RESOLUTION OF THE CITY OF WEST MIAMI, FLORIDA, ACTING UNDER THE AUTHORITY OF SECTION 2B OF OFFICIAL ZONING ORDINANCE 282 OF THE CITY OF WEST MIAMI, GRANTING A SPECIAL USE PERMIT FOR PLANNED DEVELOPMENT, INDEX NUMBER 1043, TO CONSTRUCT A PLANNED DEVELOPMENT WITH- IN THE CITY; MAKING THE FINDINGS OF FACT SUPPORTING ITS DECISION THAT THE APPLICANT, BY THE GREATER WEIGHT OF COMPETENT EVIDENCE, HAS MET THE STANDARDS SET OUT IN SECTION 2B OF OFFICIAL ZONING ORDINANCE 282 OF THE CITY OF WEST MIAMI, FLORIDA, FOR SUCH PLANNED DEVELOPMENTS SETTING STIPULATIONS, MODIFICATIONS, GUARANTEES, CONDITIONS AND SAFEGUARDS TO THE APPROVAL; DIRECTING THAT CHANGES BE MADE ON THE OFFICIAL ZONING MAP TO REFLECT THE APPROVAL OF APPLICATION SPECIAL USE PERMIT FOR PLANNED DEVELOPMENT, INDEX #1043, STATING THAT THIS RESOLUTION HAS BEEN ADOPTED BY A VOTE OF NOT LESS THAN THREE MEMBERS OF THE CITY COMMISSION AS REQUIRED; AND SETTING AN EFFECTIVE DATE.

WHEREAS, on January 3, 1990, the City Commission of West Miami, Florida, did adopt Section 2B of the Official Zoning Ordinance 282, entitled "Planned Development," the same being Ordinance No. 90-1 of the City of West Miami; and

WHEREAS, Mr. Dennis Soriano and Clara Duffield and Debra Duffield, as Trustees under Duffield Trust Agreement, dated May 18, 1982 (herein the Applicant), have submitted an application for Special Use Permit for a planned development together with materials in accordance with and under the terms of Section 2B.6 of Zoning Ordinance 282 of the City of West Miami; and

WHEREAS, the Applicant did hire experts to make traffic, fire safety, landscape, setback, environmental, recycling, sanitary sewer, potable water, school, lighting, and safety studies on the proposed development; and

WHEREAS, said experts did submit reports and recommendations to the City entitled Concept Development Plan Review for The Villas of West Miami Project, etc., June 1991, herein referred to as Consultant's report; which report is incorporated herein by reference, and is received as part of the evidence considered in the making the following findings;

WHEREAS, the Director of the West Miami Zoning Department did prepare and submit in writing to appropriate City Staff, Advisory Boards, and the City Commission on July 9, 1990, a written report reviewing the application and other applicable materials, and making a recommendation of approval, subject to certain conditions, as required by Section 2B.6-2 of the Zoning Ordinance of the City of West Miami; and

WHEREAS, said Zoning Department Review and recommendation incorporated herein, by reference, and is received as part of the evidence considered in making the following finds; and

WHEREAS, on July 10, 1990, as required by Section 2B.6-3(3) of the Zoning Ordinance of West Miami, the Planning and Zoning Board of the City of West Miami did hold a Public Hearing on the application, and with notice as required by law, did consider the preliminary development concept plan set out in the application, and did recommend approval of that preliminary development concept plan by a vote of 5/0; and

WHEREAS, on July 24, 1990, as required by Section 2B.6-3(4) of Zoning Ordinance 282, the Planning and Zoning Board of the City of West Miami did hold a Public Hearing on the application, with notice as required by law, and did recommend to the City Commission of West Miami, by a vote of 4/1 the approval of the application subject to certain conditions, and did recommend the granting of Special Use Permit therefore; and

WHEREAS, the City Commission has given Public Notice of Hearing on the application as required by Section 2B.6-3 of Zoning Ordinance 282 of the City of West Miami; and

WHEREAS, the City Commission held a Public Hearing commencing on the 29th day of August, 1990, as required by Section 2B.6-3(5)(b) of Zoning Ordinance 282 of the City of West Miami; and

WHEREAS, the City Commission has carefully considered the Planning and Zoning Board's recommendation, and the Report of the Director of the Department of Planning and Zoning, and has considered and weighed all competent evidence presented; and

WHEREAS, all procedural requirements of the laws of the State of Florida and regulations of the City of West Miami have been met;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA:

Section 1. Findings of Fact. That the City Commission, sitting in its quasi-judicial capacity, having held a Public Hearing, with notice as required by law, and having considered and weighed all competent evidence and having heard all persons as required by law, and particularly Section 2B of Zoning Ordinance 282 of West Miami (hereafter Zoning Ordinance), makes the following written findings of fact based upon the greater weight of competent evidence in the context of the general and specific standards and other requirements set out in Section 2B, Planned Development Regulations, of the Zoning Ordinance:

- a. The foregoing recitations, commonly referred to as the "Whereas" clauses, are incorporated herein and

adopted and are deemed to be true and correct.

b. SUPPD Index No. 1043 submitted by the Applicant is one for a Special Use Permit for construction of a Planned Development as set out generally in Section 2B of the Zoning Ordinance and particularly Sections 2B.4 through 2B.4-8.

c. The property covered by said Application is legally described as follows:

The North 170.00 feet of the Northwest 1/4 of the Southwest 1/4 of the Northwest 1/4, less the South 56.67 feet of the East 144.00 feet in Section 12, Township 54 South, Range 40 East, Dade County, Florida, less the West 35 feet, the North 25 feet, and the East 25 feet thereof, dedicated for street purposes, and less the East 50 feet thereof dedicated for public park purpose.

d. The application conforms to the requirements of Section 2B of the Zoning Ordinance of the City of West Miami, and particularly though not limited thereby, to the requirements of Section 2B.6-2 of the Zoning Ordinance, entitled: "Applications; Materials to be Submitted."

e. The application meets the definitional requirements for "Planned Development" generally, as set out in Section 2B.2-1 of the Zoning Ordinance, as more fully set forth in the Report of the Director of the Department of Zoning, of the City of West Miami (hereinafter "Director").

f. The proposed project is consistent with the West Miami Comprehensive Plan as required by Sections 2B.1 and 2B.3 and 2B.4 of the Zoning Ordinance, as more fully set forth in the Director's Report, and City Engineer's Report and the Villas of West Miami Concept Development Review Report dated June 26, 1991, prepared by AB2MT Consultants, Inc., hereinafter referred to as Consultant Report.

g. The existing zoning of the property is Apartments ("A") and Commercial ("C") districts. Under Section 4.26 of the Zoning Ordinance, one apartment unit may be constructed for each 900 square feet of lot area; the applicant may construct 106 apartment units. The proposed plan of the applicant is to build 96 units and therefore is less than that which might otherwise be allowed.

h. Under Section 2B.3 of the Zoning Ordinance, the Planned Development Regulations of the City of West

Miami are declared to govern where there are conflicts between such Planned Development Regulations and general City Zoning, subdivision or other regulations and requirements, and the project as proposed serves public purpose to a degree at least equivalent to general City Zoning subdivision or other regulations.

- i. The proposed Planned Development is so located with respect to rapid rail transit and other mass transit systems, arterial and collector streets, or other transportation facilities as to provide direct access to the proposed development without creating substantial or undue increases in traffic along minor streets in existing or prospective residential neighborhoods outside the development. Based on standard and acceptable expert traffic engineering projects, standards, and methods, the roadways and other improvements, to be installed by the Applicant at his sole cost, meet or exceed the standards set by Section 2B.4-1 of the Zoning Ordinance as more fully set forth in the Director's Report and Consultant's report.
- j. The provision of necessary public utilities, facilities, and services (sanitary sewers, water lines, storm and surface water drainage, other public utilities systems, and installations, streets, rapid rail transit and other public transit, parks, and the like) will not result in higher net public costs than would be the case if the property on which the proposed project is to be erected were to be developed as permitted under the presently existing zoning. The Applicant's assumption of the costs of original public installations are determined to be acceptable in this regard. (Section 2B.4-2 of the Zoning Ordinance).
- k. The overall net tax return to the City upon construction of the Applicant's project will not exceed the costs of public facilities and services required to serve the project, as more fully set forth in the Director's Report.
- l. The site is physically suitable for the development proposed (Section 2B.4-3, paragraph 1, of the Zoning Ordinance) as more fully set forth in the Director's Report.
- m. The siting of structures provides necessary protection against adverse relationships to properties in areas surrounding the proposed project. Arrangements have been made, to the maximum extent reasonably feasible, to eliminate or minimize such

adverse impacts, and the project will be compatible and harmonious with other development in the area, and the heights proposed in various portions of the project will not unduly and adversely affect surrounding areas and uses. (Section 2B.4-3, the Zoning Ordinance), as more fully set forth in the Director's Report and Consultant's Report.

- n. Ingress and egress to the proposed Planned Development is adequate. This fact has been determined and measured by standard and acceptable expert traffic engineering projections, standards, and methods in relation to: (1) the safety and convenience of vehicles entering and leaving the site; (2) the safety and convenience of pedestrian movement in relation to vehicular and pedestrian traffic; (3) safe access of employees and visitors to, from, and within the site; (4) safe access to, from, and within the site in the event of fire, crime, or other emergency or catastrophe; (5) safe traffic flow and control generally; (6) an appropriate relationship of automotive vehicular traffic flow and mass transportation facilities; (7) the design and orientation of automotive and vehicular traffic flow to mass transportation facilities; (8) the design and orientation of automotive and vehicular traffic movements so that such movements and flow will not substantially or unduly intrude on minor streets in residential neighborhoods; and (9) that generally, the safety and convenience of automotive traffic is maximized and the potential automotive-automotive conflicts and automotive-pedestrian conflicts are minimized as more fully set forth in the Director's Report, Consultant's Report; City Police Chief Reports; City Engineer Reports; Metro Dade Fire Department letter dated June 10, 1991.
- o. Based on standard and acceptable expert traffic engineering projections, adequate provision has been made for offstreet parking and offstreet loading facilities for the proposed project involved, to the end that residents, employees, and visitors to the site will not have to park on City streets or in non-Planned Development parking facilities, nor will the loading and unloading of furniture, goods and products to the site or pickup of furniture, goods and products from the site be done on public streets. The offstreet loading and offstreet parking arrangements are designed to facilitate pedestrian circulation and internal traffic flow and control, and the arrangements of such facilities are adequate in the event of crime, fire, or other emergency or catastrophe. The arrangements for numbers and

location of offstreet parking and offstreet loading spaces are determined to be satisfactory and to meet such requirements (Section 2B.4-5 of the Zoning Ordinance), as more fully set forth in the Director's Report, Consultant's Report, and City Engineer's Report.

- p. The Applicant's proposals for signs and lighting of the proposed project as modified are determined to meet the requirements of Section 2B.4-7 of the Zoning Ordinance.
- q. The applicant's proposals for the location and treatment of refuse and service areas are determined to meet the requirements of Section 2B.4-6 of the Zoning Ordinance.
- r. Special surveys, approvals, preliminary approvals, or reports, as required by Section 2B.6-2 (2) of the Zoning Ordinance have been secured and are on file with the Director.
- s. The internal arrangements provided by the Applicant for streets, drives, parking, and service areas meet the standards of accessibility, security, convenience, and safety, as more fully set forth in the Director's Report.
- t. The Applicant's proposed covenant for perpetual operation and maintenance of open space and common facilities, that will be utilized by some or all of the occupants, employees, or visitors to the development, is adequate and gives effective assurances that such common open space and facilities will not in the future become a burden on the taxpayers of the City. The Applicant's proposed covenants are adequate to protect the City against future expense. (Sections 2B.6-2(6)(7) Zoning Ordinance.)

Section 2. Approval of Special Use Permit for Planned Development. The City Commission hereby approves the grant of a Special Use Permit for SUPPD Index #1043, to authorize the construction of a Planned Development, subject to the conditions and safeguards set out hereinafter in Section 3 of this Resolution. This decision is supported by the Findings of Fact of Section 1 of this Resolution, which demonstrate that the greater weight of competent evidence establishes that the application meets the standards and requirements, general and specific, of 2B of the Zoning Ordinance.

Section 3. Stipulations, Modifications, Guarantees, Conditions and Safeguards. In its exercise of quasi-judicial authority, the City Commission is authorized by Section 2B.6-

3(5)(c,e, & f) of the Zoning Ordinance, to attach stipulations, modifications, guarantees, conditions and safeguards to a grant of Special Use Permit for a Planned Development. The following stipulations, modifications, guarantees, conditions and safeguards are hereby attached to and are made a part of the approval of Application Index #1043 for a Special Use Permit for construction of a Planned Development, and are conditions precedent therefore:

1. The Applicant shall correct and revise the Application for Special Use Permit to reflect all site plan, recommended roadway, or other modifications approved as part of this Special Use Permit for planned development and shall consolidate all original and supplemental information submitted into the revised Planned Development applications, and shall submit the documents to the City of West Miami and Dade County Public Works Department.
2. The revised application and all maps, plans, documents, stipulations, modifications, guarantees, covenants, agreements, conditions, and safeguards constituting the development plan as approved, shall be marked and identified by the Director and shall be placed on file, as required by Section 2B.6-3(5)(g) of the Zoning Ordinance, in the Office of the City Clerk. These materials shall constitute the regulations for the development approved as Application Index #1043.

All development within the boundaries of the Planned Development as approved shall take place in accordance with such regulations. Deviations in the course of construction from plans or failure to comply with any stipulation, guarantee, safeguard, condition, modification and agreement imposed by the terms of the grant of the Special Use Permit for Planned Development shall constitute a violation of Zoning Ordinance #282 of the City of West Miami, Florida, as amended. In addition, the City may resort to civil remedies to enforce the Special Use Permit for Planned Development as approved by the City Commission, in accordance with 2B.6-3(5)(g) of the Zoning Ordinance.

3. **TRAFFIC:**

- a. Provide "T" turn-around on S.W. 12 Street for East bound traffic. Developer shall submit plan for the turn-around which will include landscaping and break-away barriers for emergency vehicles.
- b. Widen and improve S.W. 12 Street from S.W. 67th Avenue to S.W. 65th Avenue to include pavement, storm water drainage, curbs, sidewalks, parkways (with

landscaping), street lighting and traffic control devices. Plans for same to be prepared by developer and submitted to City Engineer for approval. Plan will also be forwarded to Dade County for approval of intersection of S.W. 12th Street and S.W. 67th Avenue.

4. FIRE SAFETY:

The ceiling height provided in garage area shall accommodate emergency vehicles as provided in the Dade County Building and Fire Department Regulation. It is understood that the emergency vehicles contemplated are ambulances, fire rescue trucks and vehicles of that nature and not fire trucks and other large emergency type vehicles.

5. LANDSCAPE:

a. Developer shall follow recommendations contained on pages 10 through 15 of the AB2MT Consultants, Inc. report, dated June 1991. Existing tree removal and/or relocation shall be subject to the permitting requirements of Chapter 24, Metropolitan Dade County Code. Developer shall submit a revised landscape plan to include said recommendations and adjustments of landscaping plan related to building placement on property.

b. Add another Geiger tree to landscape.

c. Donate Canary Island Palm tree to City.

d. Use landscaping to conceal parking.

e. Use landscape to discourage off site or right-of-way parking.

f. Use landscaping in buffer zone to lessen impact to single family residents.

g. Vulnerability to graffiti, use Fig Vines like portions of metrorail and/or Bougainvillea (thorn deterrent).

h. Assure that relocation of trees is done by professionals and if trees don't survive, they must be replaced by comparable trees. All cost associated with the relocation should be absorbed by the developer.

7. SETBACKS:

Developer shall submit new site plan to include

adjustment of buildings on site as per discussion at August 20, 1991 public hearing. Specifically, two westernmost pods adjusted to the north (5' south of required setback) with remainder of building adjusted to required setback.

8. RECYCLING:

Developer to provide chutes within the building to accommodate the separation of three recyclables. The three chutes shall deposit in containers which will be sufficient to store a seven day volume of recyclables.

9. SANITARY SEWER: Project shall be connected to City of West Miami Sanitary Sewer System/

10. PARKING:

a. Developer shall provide a revised parking plan to include 8.5' x 18.0' parking spaces.

b. No boats, trailers, sailboats or recreational vehicles to be allowed on the property.

11. BUILDING HEIGHT:

Building height to be reduced to forty (40) feet.

12. STORM WATER DRAINAGE (on site):

Developer shall provide data on safety factor built into storm water retention plan to City Engineer for approval.

13. POTABLE WATER DISTRIBUTION SYSTEM AND FIRE FLOW PROTECTION SYSTEM:

Developer shall prepare plans and specifications in accordance with September 4, 1991 memorandum from City Engineer, Carlos Penin. Said plans and specifications to be approved by City prior to construction. The Developer shall at no expense to the City extend City water mains to the site sufficient to provide an adequate supply of potable water and ensure sufficient pressure, flow capacity, and frequency of fire hydrant locations for fire protection.

14. PARK DEVELOPMENT:

a. Developer shall, at his expense, submit a plan for the improvement of the park area adjacent to the site. The plan shall include, but not be limited to the following items:

1. Sidewalks and pathways
2. Drainage
3. Landscaping (including relocated trees), sod
4. Lighting poles and fixtures
5. Irrigation system
6. Fence
7. Four benches and two swing sets
8. Budget for improvements

b. Developer shall construct park improvements contained in final approved plan and dedicate improvements to City; final plans require City Commission approval before construction.

15. SAFETY:

- a. On-site 24 hour security
- b. Impact lighting for crime prevention (perimeter, grounds and parking)
- c. Vertical security patrol
- d. Security system with accessible voice controls, mag card system, digital control, or key system at building entrance
- e. Tamper-proof light fixtures
- f. Elevator doors to open in plan view of outside entrance area
- g. Pre-wire all units for future if tenant wishes to install alarm
- h. Dead bolt locks on all doors of residents
- i. Outside walls to include planted vines to deter graffiti
- j. TV surveillance system with a recorder provided inside the building.

16. LIGHTING:

Developer shall submit a new lighting plan to include entire property in accordance with standards set forth in the City of West Miami Ordinance #88-03, offstreet parking lot lighting ordinance as contained in Article IV, Chapter 5, Sections 5-57, through 5-63. Standards contained in this ordinance shall be applied to both parking areas and all other open areas.

17. MISCELLANEOUS RECOMMENDATIONS:

- a. Developer shall provide methods of building maintenance.
- b. Developer shall provide for the immediate removal of graffiti.
- c. Developer shall provide a clean site through construction period.
- d. Developer shall construct a six foot (6') high

wall, 50% open (ornamental aluminum inserts), with painted stucco finish and planted vines to protect wall from graffiti, around entire property within four (4) months of approval of Special Use Permit.

e. Park improvements shall be completed prior to Certificate of Occupancy.

f. Apartments shall not be used as a "low income housing project" under Dade County HRS, HUD or any other plan.

g. Developer shall provide methods to assure no abandoned automobiles are stored on property.

h. Developer shall provide on-site, live-in manager.

i. Developer shall provide a rental screening policy to assure quality tenants.

j. Swimming pool fencing shall meet all applicable State, County and City regulations.

k. Developer shall provide a plan for signs on property to be approved by Planning and Zoning Board.

l. No storage of electrical equipment or appliances shall be allowed on balconies or within open areas of property, including garage area. Laundry shall not be hung on balconies or any open areas of property, including garage area.

m. Swimming pool and pool area shall remain closed to all activity between the hours of 11:00 P.M. and 7:00 A.M. each day.

n. Project shall be connected to the City of West Miami Water System for all water service including Fire Flow requirements and potable water system. Required improvements shall be installed by developer.

18. Where estimated dollar costs of improvements to be borne by the Applicant have been set out at a time of approval, and the actual costs at time of construction of such improvements is greater than the dollar amounts specified, the Applicant shall bear such additional costs; and the City shall not be liable for such additional cost.
19. The Applicant shall establish on-site parking policies for such parking facilities. The objective to be reached is to ensure that residents, visitors, and employees of the project will not park on City streets, or in non-project related parking facilities. Such policies shall be subject to the approval of the City Manager, who may delegate this responsibility to the Director.
20. To the end that full traffic and pedestrian flow can be maintained on City right-of-ways during the course of construction, the Applicant will submit to and receive the approval of the Police Chief of a traffic

maintenance plan for the entire construction period prior to the issuance of any building permits. Such plan shall demonstrate that circulation can be maintained in relation to the various stages and sub-stages of the project. If traffic and pedestrian flow cannot be maintained as proposed, then project staging shall be changed accordingly.

21. No Certificate of Occupancy shall be issued until a directional signage plan for automotive vehicles and pedestrians, within and without the project has been approved by the Police Chief and such signs are in place.
22. If required, the Applicant shall obtain a General Permit from the South Florida Water Management District prior to project construction.
23. The Applicant will incorporate all security and life safety measures proposed in the application. Such measures will be in place and operative prior to the issuance of a Certificate of Occupancy.
24. Prior to the issuance of the building permits for the first stage of construction, the Applicant shall record the Covenant for Perpetual Maintenance which shall be a covenant running with the land. Further, the Applicant and the successors, heirs, and assigns of the Applicant, shall comply at all times with the provisions of the Covenant of Perpetual Maintenance submitted as part of the applicant.
25. The Applicant will continue to reimburse the City for costs specifically associated with this development as it progresses to construction, up to the time building permits for the project are issued, provided however, that the Applicant shall have the right to review with the City the nature, extent, and cost of any outside consultant work.
26. The Director, under the supervision of the City Manager, is designated as the City Official to monitor compliance with all provisions of the approved Special Use Permit and Development Order as required by Section 2B. of the Zoning Ordinance and State law. The Applicant will assist in and facilitate the monitoring responsibilities of the Director. The Applicant shall designate a person as a monitor contact for the Director. The Applicant's monitor contact shall be responsible for promptly notifying the Director of any proposed minor changes in the development plans as approved by the grant of Special Use Permit and Development Order. The naming of the Director as the individual to monitor the

project is in addition to, and does not replace in any fashion, the normal construction inspection activities of Dade County and other government agencies.

- 27. In connection with number 26, the Director may require from time to time, but at intervals of not less than three (3) months, a written report from the Applicant's monitor contact as to the progress of the development. Such report shall include, but not be limited to, (1) the relation of construction progress to the conditions and safeguards on staging; (2) any problems in relation to the planned development; (3) relation of construction progress to the provision of public facilities and utilities; (4) any particular questions which the Director may wish to have answered. It is understood that the Applicant's monitor contact or the Director will contact one another at any time during the course of construction as the particular problems arise.

Section 4. Official Zoning Map. Within not less than seven (7) working days of the passage of this Resolution, action shall be taken to make the appropriate notations on the Official Zoning Map of the City, as required by Section 2B.5-3

Section 5. Vote. This Resolution has been adopted by not less than three (3) votes of the City Commission, as required by Section 2B.6-3(5)(c) of the Zoning Ordinance.

Section 6. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this 8th day of January, 1991.

APPROVED:

[Signature of Mayor]
MAYOR

ATTEST:

[Signature of Glenda Quilar]
CITY CLERK

Approved as to form and sufficiency

[Signature of City Attorney]
CITY ATTORNEY

ROLL CALL VOTE:

MAYOR Reboledo Y
VICE MAYOR Sosa Y
Commissioner Herbert Y
" TRIGG Y
" Busse abs.



Transportation and Public Works
Traffic Signals and Signs
7100 NW 36th Street
Miami, Florida 33166
T 305-592-3580 F 305-477-6422

August 10, 2016

Mr. Antonio J. Castro
Chief Operating Officer
6320 Holdings, LLC
4949 SW 75 Avenue
Miami, Florida 33155

Re: Street Closure Request – SW 63rd Avenue between SW 8th Street and SW 9th Street,
West Miami, FL

Dear Mr. Castro:


Miami-Dade County (MDC) Department of Transportation and Public Works (DTPW), Traffic Engineering Division received the *Traffic Impact & Street Closure Study* for Soleste Alameda (6290-6320 SW 8th Street) in the City of West Miami, Florida dated February 29, 2016. The study was submitted as part of a request for the roadway closure of SW 63rd Avenue from SW 9th Street to SR 90/SW 8th Street. SW 63rd Avenue connects to an urban principal arterial, SR 90/SW 8th Street, which is the 12th most congested corridor in MDC as per the *Metropolitan Planning Organization (MPO) Miami-Dade 2040 Long Range Transportation Plan Congestion Management Process Report*.

After the review of the report, comments were submitted on April 28, 2016 to the applicant. On May 11, 2016, the response to comments were submitted to DTPW. After the review of these responses, staff noted that several comments were not addressed. Additional comments were then submitted on July 22, 2016 to the applicant. The last response submitted by the applicant, dated July 26, 2016 had a memo attached with responses to the DTPW comments. However, none of the pending comments had been addressed as requested. Based on the information that was submitted to DTPW for this street closure request, the study was found to be inconclusive since it did not address the concerns regarding the increase of traffic on SW 8th Street and at various intersections throughout the network.

Based on the information submitted MDC is not in favor of this proposed road closure in proximity to one of the most congested corridors in Miami-Dade as it may have adverse traffic impacts. Closing off a link in the transportation network on a congested corridor will increase traffic congestion at another location in the network, the information provided fails to show how this impact would be properly mitigated.

Should you have any questions or require additional information, please do not hesitate to contact our office at (305) 375-2030.

Sincerely,


Darlene M. Fernandez, P.E.
Assistant Director, Traffic Services
Department of Transportation and Public Works

Cc: Alice N. Bravo, P.E., Director, DTPW