

**CITY OF HOMESTEAD, FLORIDA**

**ORDINANCE NO. 2015-08-06**

**AN ORDINANCE OF THE CITY OF HOMESTEAD, FLORIDA, APPROVING AN AMENDMENT TO THE PREVIOUSLY APPROVED CRYSTAL LAKES PLANNED UNIT DEVELOPMENT (PUD) MASTER DEVELOPMENT PLAN TO PERMIT ALL RETAIL COMMERCIAL ZONING DISTRICT (B-1) PERMITTED USES ON AN APPROXIMATELY 1.069 ACRE PARCEL LOCATED WITHIN THE CRYSTAL LAKES PUD LOCATED AT THE INTERSECTION OF SW 312<sup>TH</sup> STEET (CAMPBELL DRIVE) AND SW 147<sup>TH</sup> AVENUE AS LEGALLY DESCRIBED IN EXHIBIT "A;" AND PROVIDING FOR AN EFFECTIVE**

**WHEREAS**, pursuant to Chapter 30 "Zoning," Article II, "Administration," Division 2 "Procedure for Zoning Amendments, Special Exception Permits, Planned Unit Development Submittals, And Variances," Section 30-46 "PUD application procedures" of the City Code of Ordinances ("City Code"), 1<sup>st</sup> National Bank of South Florida (the "Applicant") has applied to the City of Homestead, Florida (the "City"), for approval of an amendment to the Crystal Lakes PUD Master Development Plan for property legally described in Exhibit "A" (the "Property") (Application 2015-18); and

**WHEREAS**, the Crystal Lakes PUD Master Development Plan was initially approved by the City on November 9, 2004, pursuant to Ordinance No. 2004-10-43; and

**WHEREAS**, staff recommended approval of the requested amendment to the Crystal Lakes PUD Master Development Plan in its report dated July 15, 2015; and

**WHEREAS**, public notice was provided in accordance with law; and

**WHEREAS**, the Planning and Zoning Board of the City, sitting as the Local Planning Agency, reviewed this request at its June 10, 2015 meeting, and voted to recommend approval of this request; and

**WHEREAS**, the City Council finds that the proposed amendment to the Crystal Lakes PUD Master Development Plan, as conditioned and limited herein, is consistent with the City's land development regulations; and

**WHEREAS**, the City Council finds that the proposed amendment to the Crystal Lakes PUD Master Development Plan, as conditioned and limited herein, is consistent with the previously approved Crystal Lakes PUD Master Development Plan; and

**WHEREAS**, the City Council finds that the proposed amendment to the Crystal Lakes PUD Master Development Plan, as conditioned and limited herein, is consistent with the City's comprehensive plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOMESTEAD, FLORIDA:**

**Section 1. Findings.** The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

**Section 2. Approval of amendment to the Crystal Lakes PUD Master Development Plan.** Pursuant to Chapter 30 "Zoning," Article II, "Administration," Division 2 "Procedure for Zoning Amendments, Special Exception Permits, Planned Unit Development Submittals, And Variances," Section 30-46 "PUD application procedures" of the City Code, the requested amendment to the Crystal Lakes PUD Master Development Plan, attached as Exhibit "B," is hereby approved.

**Section 3. Conditions.** The approvals granted by this Ordinance are subject to the Applicant's compliance with the following conditions, to which the Applicant stipulated at the public hearing:

1. Development of the site shall comply with the City's lighting, landscaping, and signage requirements and standards.
2. All conditions previously approved pursuant to the original Crystal Lakes PUD Master Plan (Ordinance No. 2004-10-43) shall remain in effect.
3. Pursuant to Section 166.033, Florida Statutes, all applicable state and federal permits must be obtained before commencement of the development. Issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

**Section 4. Violation of Conditions.** Failure to adhere to the terms and conditions of approval above shall be considered a violation of the City Code and persons found violating the conditions shall be subject to the penalties prescribed by the City Code, including but not limited to, the revocation of the approvals granted by this Ordinance. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the City before it may commence construction or operation, and this Ordinance may be revoked by the City Council at any time upon a determination that Applicant is not in compliance with the City Code.

**Section 5. Recording.** The City, or the Applicant if so requested by the City Clerk, shall record this Ordinance at the Applicant's sole expense in the Public Records of Miami-Dade County, Florida.

**Section 6. Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading.

**PASSED** on first reading this 15<sup>th</sup> day of July, 2015.

**PASSED AND ADOPTED** on second reading this 19<sup>th</sup> day of August, 2015.

\_\_\_\_\_  
JEFF PORTER,  
Mayor

ATTEST:

\_\_\_\_\_  
ELIZABETH SEWELL, MPA, MMC  
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
FOR THE USE AND BENEFIT OF THE CITY ONLY:

\_\_\_\_\_  
WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.  
City Attorney

Motion to adopt by Councilman Burgess seconded by Councilman Maldonado.

***FINAL VOTE AT ADOPTION***

<i>Mayor Jeff Porter</i>	<u>YES</u>
<i>Vice Mayor Stephen R. Shelley</i>	<u>YES</u>
<i>Councilman Jon Burgess</i>	<u>YES</u>
<i>Councilwoman Patricia Fairclough</i>	<u>ABSENT</u>
<i>Councilman Elvis Maldonado</i>	<u>YES</u>
<i>Councilwoman Judy Waldman</i>	<u>YES</u>
<i>Councilman Jimmie L. Williams, III</i>	<u>YES</u>

EXHIBIT "A"

LEGAL DESCRIPTION

A portion of Lots 1 and 2 in Block 1, in Section 16, Township 57 South, Range 39 East, of MIAMI LAND AND DEVELOPMENT COMPANY'S SUBDIVISION, according to the plat thereof, as recorded in Plat Book 5 at Page 10 of the Public Records of Miami-Dade County, Florida, being more particularly described as follows;

Commence at the Northeast corner of the NE $\frac{1}{4}$  of said Section 16; thence run S00°16'00"E along the East line of the NE $\frac{1}{4}$  of said Section 16 for 275.46 feet to a point on the South line of the North 275.42 feet of the NE $\frac{1}{4}$  of said Section 16; thence run S88°47'06"W along the last described line for 36.00 feet to a point on the West line of the East 36 feet of the NE $\frac{1}{4}$  of said Section 16, said point also being the Point of Beginning; thence continue S88°47'06"W along the last described line for 202.12 feet; thence run N01°12'54"W for 233.42 feet to a point on the South line of the North 42 feet of the NE $\frac{1}{4}$  of said Section 16; thence run N88°47'06"E along the last described line for 180.56 feet to a point of curvature; thence run Northeasterly, Easterly and Southeasterly along the arc of a circular curve to the right, having for its elements a radius of 25 feet and a central angle of 90°56'54" for a distance of 39.68 feet to a point of tangency with the West line of the East 36 feet of the NE $\frac{1}{4}$  of said Section 16; thence run S00°16'00"E along the last described line for 208.04 feet to a Point of Beginning.

