



Stephen R. Olmsted, AICP
Planning Director
planning@pinecrest-fl.gov

MEMORANDUM

Department of Building and Planning

DATE: December 3, 2019

TO: Yocelyn Galiano Gomez, ICMA-CM, LEED-GA
Village Manager

FROM: Stephen R. Olmsted, AICP, LEED-GA
Planning Director

RE: Lexus of Kendall/Kendall Toyota – Temporary Parking Lot
North Side of C-100 canal

PETITION REQUEST

On February 14, 2017, the Village Council granted approval of a temporary parking lot for use by Kendall Toyota during the approved remodeling and construction project. BFI Pinecrest, LLC and GFB Enterprises, LLC (Owners and Applicants) are now requesting an amendment to approved Development Order 2017-0214-1 and Condition #1 of the recorded Declaration of Restrictions to allow a temporary continuation of the temporary parking lot. Although the applicants initially requested continuation for a period of one (1) additional year, requiring that the temporary parking lot be removed 30 days after issuance of a permanent certificate of occupancy of the building addition currently under construction, and no later than February 14, 2021, instead of February 14, 2020 as originally approved, the applicants have since modified their request to allow for an 8-month continuance instead of 12 months.

The applicant's counsel, in attached correspondence dated November 25, 2019, indicates that completion of the approved parking garage construction is anticipated to occur in July 2020. Given this new estimated completion date, and allowing for a one-month contingency, the applicant is requesting an extension of the temporary parking lot until October 14, 2020 "with extensions thereafter if the applicant is proceeding in good faith and if approved by the Village Administration".

During the limited period of use, the temporary parking lot will continue to accommodate 90 parking spaces for the temporary use of employees and construction personnel during the completion of ongoing construction at the Kendall Toyota dealership to the south, on the property south of the C-100 Canal.



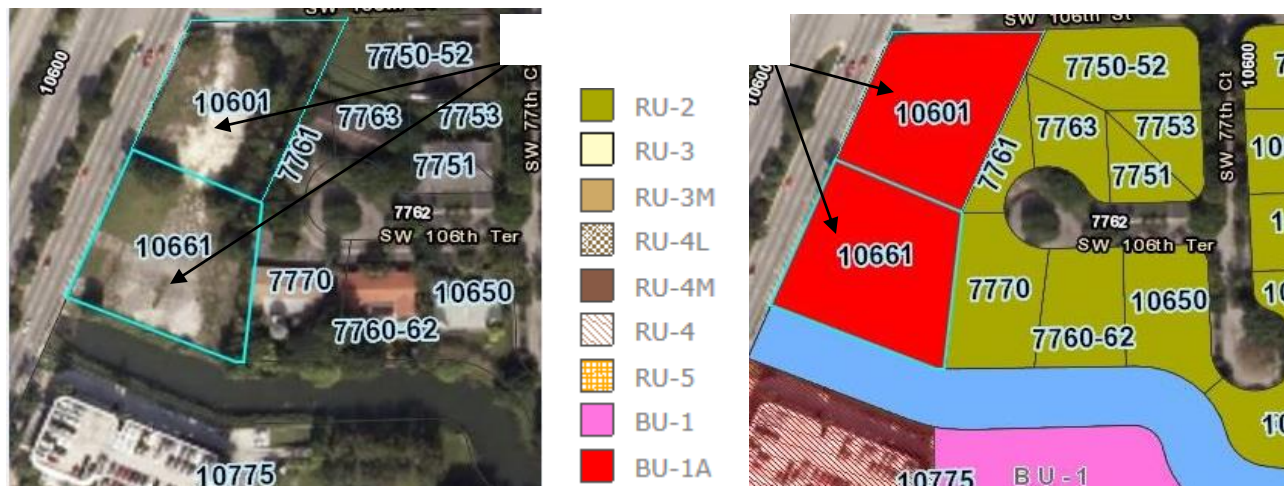
A copy of the submitted application, Development Order 2017-0214-1, and recorded Declaration of Restrictions are attached.

OWNER/APPLICANT

BFI Pinecrest LLC; GFB Enterprises LLC (Applicants and Owners)

SITE LOCATION

The temporary parking lot is located at 10601 and 10661 Pinecrest Parkway, Pinecrest, Florida 33156, on the north side of the C-100 Canal, within the BU-1A, General Business Development Zoning District.



EXISTING CONDITIONS

The property is 1.45 acres in area and is being used as a temporary parking lot. Monitoring wells exist on the subject property and are required to be protected and maintained as required.

PUBLIC COMMENT

The Building and Planning Department has not received any correspondence regarding the proposed extension of time for removal of the temporary parking lot.

STAFF RECOMMENDATION

The Building and Planning Department recommends approval of the requested extension of time for removal of the temporary parking lot subject to the following conditions of approval:

1. The temporary off-street parking lot may continue until October 14, 2020. The allowed period shall be reduced in the event that three milestones are met before October 14, 2020: completion of the renovations to the Toyota Site; issuance of a temporary or permanent certificate of occupancy for these renovations; and a period of 30 days after issuance of a temporary or permanent certificate of occupancy. Notwithstanding the foregoing, the Village Manager may grant temporary extensions beyond October 14, 2020, if determined to be necessary, although in no event shall any extension beyond December 31, 2020 be permitted.
2. Amendment of the second paragraph of Restriction 1 of the Declaration of Restrictions recorded in the Public Records of Miami Dade County on September 28, 2017 in Book 30697, Pages 3496 through 3507 (12 Pages) as follows:
 - (1) *The temporary off-street parking lot may continue until October 14, 2020. The allowed period shall be reduced in the event that three milestones are met before October 14, 2020: completion of the renovations to the Toyota Site; issuance of a temporary or permanent certificate of occupancy for these renovations; and a period of 60 days after issuance of a temporary or permanent certificate of occupancy. Notwithstanding the foregoing, the Village Manager may grant temporary extensions beyond October 14, 2020, if determined to be necessary, although in no event shall an extension beyond December 31, 2020 be permitted.*
3. Renewal and update of the Irrevocable Standby Letter of Credit IS000011139U issued on August 25, 2019, subject to review and approval of the Village Manager, in an amount sufficient to pay for the cost of all work required to remove the trailer, lights, gravel, chain link fence, and other appurtenances; and to restore the temporary parking lot to its natural condition, in an acceptable condition meeting the approval of the Village Manager, upon expiration of the temporary use and specified time limits of the development order.
4. Amendment of the Declaration of Restrictions to include the approved amendments and development order conditions, and subsequent recording of the approved amendment in the Public Records of Miami-Dade County following review and approval of the Village Manager and Village Attorney.
5. This approval does not grandfather, vest, or approve any use that violates the conditions of the approved development order, these conditions, the recorded Declaration of Restrictions, the Village Code of Ordinances, or other applicable law.

6. Conditions imposed by other development orders or resolutions affecting the property, including Development Order 2017-0214-1, not expressly modified herein shall remain in full force and effect.

PUBLIC HEARING NOTICE



PUBLIC HEARING NOTICE

Stephen R. Olmsted, AICP
Planning Director
planning@pinecrest-fl.gov

MEMORANDUM

Department of Building and Planning

On **Tuesday, December 10, 2019 at 7:00 p.m.**, the Pinecrest Village Council will conduct a public hearing at the Pinecrest Municipal Center, Council Chamber, 12645 Pinecrest Parkway, Pinecrest, Florida to consider the following:

OWNERS/APPLICANT(S): BFI Pinecrest, LLC and GFB Enterprises, LLC (Owners and Applicants)

ITEM: Temporary Parking Lot – Amendment to Declaration of Restrictions and Development Order to Allow Extension for One (1) Year.

LOCATION: The subject property is located at 10601 and 10661 Pinecrest Parkway, Pinecrest, Florida 33156 within the BU-1A, General Business Development zoning district.

REQUEST: BFI Pinecrest, LLC and GFB Enterprises, LLC (Owners and Applicants) are requesting an amendment to approved Development Order 2017-0214-1 and Condition #1 of the recorded Declaration of Restrictions to allow continuation of the approved temporary parking lot for a period of one (1) additional year, requiring that the temporary parking lot be removed 30 days after issuance of a permanent certificate of occupancy of the building addition currently under construction, and no later than February 14, 2021, instead of February 14, 2020 as originally approved. During the limited period of use, the temporary parking lot will continue to accommodate 90 parking spaces for the use of employees and construction workers, construction staging equipment, and a contractor's office trailer.



All interested parties are urged to attend. Objections or expressions of approval may be made in person at the hearing or filed in writing prior to or at the hearing. Interested parties requesting information are asked to contact the Building and Planning Department by calling (305) 234-2121 or writing to the address indicated below, where a plan is on file.

You are hereby advised that if any person desires to appeal any decision made with respect to any other matter considered at this meeting or hearing, such person will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of this proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105). Refer to the item number when making an inquiry.

In accordance with the American with Disabilities Act of 1990, all persons with disabilities and who need special accommodations to participate in this meeting because of that disability should contact the Village Clerk at (305) 234-2121 no later than four (4) business days prior to such proceeding.





VILLAGE OF PINECREST
Building & Planning Department

PUBLIC HEARING APPLICATION

Administrative Review Application

Please check one:

- ☒ VILLAGE COUNCIL
☐ PLANNING BOARD
☐ ADMINISTRATIVE REVIEW

OFFICIAL USE ONLY

Application No. _____

Date Received: _____

INSTRUCTIONS

This application, with all supplemental data and information, must be completed in accordance with the specific instructions in this application. Applications and all supplemental information must be filed no later than 60 days prior to the regular public hearing date.

APPLICATION

Please indicate which type of application you are submitting by checking one category below:

- | | |
|--|--|
| <input type="checkbox"/> Change in Zoning District | <input type="checkbox"/> Plat |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Entry Feature |
| <input type="checkbox"/> Appeal of Decision | <input type="checkbox"/> Site Plan |
| <input type="checkbox"/> Conditional Use | <input checked="" type="checkbox"/> Other <u>Amendment to Dec of Rest.</u> |

IMPORTANT: THE APPLICANT, OR REPRESENTATIVE, MUST BE PRESENT AT THE HEARING TO PRESENT THE PROPOSAL.

Please print or type

Name of Applicant, agent or tenant (with owner's affidavit) G.F.B. Enterprises, LLC, a Delaware limited liability company		
Mailing Address 13800 SW 137 Avenue	City, State, Zip Miami, FL 33186	Telephone (786) 345-2600 Email
Name of Owner Lorraine B. Bean		
Mailing Address 13800 SW 137 Avenue	City, State, Zip Miami, FL 33186	Telephone (786) 345-2600 Email

PROPERTY INFORMATION

- A. LEGAL DESCRIPTION. (If subdivided – lot, block, complete name of subdivision, plat book and page numbers).
If metes and bounds description – Complete description, including section, township and range).

Folio Number 2050100000190

Address 10661 Pinecrest Parkway, Pinecrest, FL 33156

Lot(s) see attached Block _____ Section _____ Plat Book No. 53 Page No. 45

FINISHED FLOOR ELEVATION (If applicable): _____ FLOOD _____ ZONE _____

Revised 8/2016

B. ADDRESS (If number has been assigned) 10661 Pinecrest Parkway, Pinecrest, FL 33156

D. Provide legal description or address of any property held by the owner which is contiguous to that which is the subject matter of this application.

E. DATE SUBJECT PROPERTY WAS ACQUIRED 04/15/2015

Any applications (except plat applications) which involve new building construction or exterior improvements to an existing building must submit the plans with this application. Plans that are not filed with this application will not be considered by the Village of Pinecrest.

All data and exhibits submitted in connection with this application become a PERMANENT PART OF THE PUBLIC RECORDS OF THE VILLAGE OF PINECREST.

The following enclosures where applicable MUST BE ATTACHED to complete the application:

- A. ☐ **SURVEY OF PROPERTY:** For vacant or improved property. Must be no more than five years old and sealed by a registered land surveyor. The Building and Planning Department may require a more recent survey if a site visit indicates any discrepancies. Survey must include, where applicable, lot lines, all structures, walls, fences, landscaping, and all physical improvements.
- B. ☐ **SITE DEVELOPMENT PLAN:** Where applicable, plans shall show location and elevations of existing and proposed buildings, proposed additions, alterations and use of each; all dimensions of buildings and space between buildings; setbacks from property lines; proposed and existing off-street parking showing lined spaces, driveways, handicap spaces, compact spaces; a landscape plan that complies with Village of Pinecrest Landscape Ordinance showing location of existing and proposed vegetation, landscaping (i.e. trees and hedges), number, height and species type. The plan shall also show wall and fence height, location and material.
- C. ☐ **LETTER OF INTENT:** A letter of intent must be filed explaining in detail the extent of the development. Signature and address must be shown.
- D. ☐ **OTHER GOVERNMENTS/AGENCIES ENDORSEMENTS:** All applicable DERM, Miami-Dade Fire Department, or the Miami-Dade Water and Sewer Department's endorsement must be submitted.
- E. ☐ **OWNER'S AFFIDAVIT:** Owner's affidavit allowing the filing of an application is required on all applications where the applicant is not the owner of the property under consideration; same form allows posting of property.
- F. ☐ **TRAFFIC STUDY:** A detailed traffic analysis considering the impacts of the proposed development on current level-of-service (LOS) standards in abutting (or nearby) roads and intersections.


NOTE: SURVEYS, SITE DEVELOPMENT PLANS, LANDSCAPE PLANS MUST BE SUBMITTED AT STANDARD PLAN SIZE AND DRAWN TO AN ENGINEERING OR ARCHITECTURAL SCALE (STRUCTURES ONLY). AN APPLICATION WILL NOT BE CONSIDERED COMPLETE UNLESS 12 COPIES OF THE APPLICATION AND SUPPORTING DOCUMENTATION (FRONT AND BACK), APPROPRIATE PLAN DRAWINGS AND SURVEYS ARE SUBMITTED. **UNLESS DETERMINED OTHERWISE BY THE PLANNING DIRECTOR, ALL PRESENTATION GRAPHICS MUST BE IN POWERPOINT OR OTHER DIGITAL FORMAT.**

In support of this request, I submit the following additional items, which are attached hereto and made a part of this application:

- ☐ 35 MM Photo(s) (Mounted 8 1/2 x 11)
- ☐ Letters from Area Residents
- ☐ Other _____

Please check only one of the following options:

- ☐ **FOR VILLAGE COUNCIL PURPOSES**
I/We understand that additional public hearings may be required and any interested person may discuss the application with Village staff to the same extent as the applicant. The application may change during the hearing process and additional public notices may affect the schedule of the hearings. If my/our appeal is denied, I/we must file an appeal to the Circuit Court within 30 days of the meeting.
- ☐ **FOR ZONING BOARD PURPOSES**
I/We understand that additional public hearings may be required and any interested person may discuss the application with Village staff to the same extent as applicant. The application may change during the hearing process and additional public notices may affect the schedule of the hearings. If my/our appeal is denied, I/we must file an appeal with the Village Clerk within 10 days of the decision.

<u>8/21/19</u>		/ Lorraine Bean
Date	Applicant's Signature	Print Name
<hr/>		
Date	Applicant's Signature (if more than one)	Print Name

NOTAROST

I/We Lorraine Bean as Owner(s) of Lot(s) _____

Block _____ Section _____ PB/PG _____

of property which is located at 10661 Pinecrest Parkway, Pinecrest, FL 33156 desire to file an application for a public hearing before the ☐ Village Council ☐ Planning Board ☐ Administrative Review, and I/We do understand and agree as follows:

1. That the application for a variance will not be heard unless the applicant is present at the hearing.
2. The property will be posted with a sign, which must not be removed until after the public hearing, at which time the Village staff will remove the sign.
3. That the requirements of the zoning code, Miami-Dade County Ordinances, the Florida Building Code, and other government agencies may affect the scheduling and ability to obtain/issue a permit for the proposal.
4. That the only exceptions to the zoning code are those that have been specified in the written application and any other code or plan issues will be corrected by modifying the plans to comply with the respective codes and ordinances of the Village of Pinecrest or Miami-Dade County ordinances.
5. That the applicant will be responsible for complying with all the conditions and restrictions imposed by the Village Council or Zoning Board in connection with the request and will take the necessary steps to make the request effective if approved by the Village Council or Zoning Board.
6. That it is the responsibility of the applicant to submit a complete application with all of the documents necessary for the Village Council or Zoning Board to hear the applicant's request.
7. That the applicant is responsible for timely submission and accuracy of all items requested on the application.
8. That the applicant is responsible for an additional fee for mailing notice to surrounding property owners and recording of the Development Order as specified by the LDRs.

I/We as the owners of the subject property (check one):

- ☒ do hereby authorize Jerry B. Proctor, Esq. to act on my/our behalf as the applicant.
- ☐ will on my/our own behalf act as applicant(s), and make application in connection with this request for a public hearing before the Village Council or Zoning Board.

Owner's Name Lorraine Bean Signature  Date 8/21/19

Owner's Name _____ Signature _____ Date _____

Notary to Owner:

Applicant's Name ROSE ROMERO Signature  Date 8/21/19

Notary to Applicant:





VILLAGE OF PINECREST
Building & Planning Department

RECEIVED
00-13-13

PUBLIC HEARING APPLICATION

Administrative Review Application

Please check one:

- ☒ VILLAGE COUNCIL
☐ PLANNING BOARD
☐ ADMINISTRATIVE REVIEW

OFFICIAL USE ONLY

Application No. _____

Date Received: _____

INSTRUCTIONS

This application, with all supplemental data and information, must be completed in accordance with the specific instructions in this application. Applications and all supplemental information must be filed no later than 60 days prior to the regular public hearing date.

APPLICATION

Please indicate which type of application you are submitting by checking one category below:

- | | |
|--|--|
| <input type="checkbox"/> Change in Zoning District | <input type="checkbox"/> Plat |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Entry Feature |
| <input type="checkbox"/> Appeal of Decision | <input type="checkbox"/> Site Plan |
| <input type="checkbox"/> Conditional Use | <input checked="" type="checkbox"/> Other <u>Amendment to Dec of Rest.</u> |

IMPORTANT: THE APPLICANT, OR REPRESENTATIVE, MUST BE PRESENT AT THE HEARING TO PRESENT THE PROPOSAL.

Please print or type

Name of Applicant, agent or tenant (with owner's affidavit) BFI Pinecrest, LLC		
Mailing Address 13800 SW 137 Avenue	City, State, Zip Miami, FL 33186	Telephone (305) 345-2600 Email
Name of Owner Lorraine Bean		
Mailing Address 13800 SW 137 Avenue	City, State, Zip Miami, FL 33186	Telephone (305) 345-2600 Email

PROPERTY INFORMATION

- A. LEGAL DESCRIPTION. (If subdivided – lot, block, complete name of subdivision, plat book and page numbers).
If metes and bounds description – Complete description, including section, township and range).

Folio Number 2050100000191

Address 10601 Pinecrest Parkway, Pinecrest, FL 33156

Lot(s) _____ Block _____ Section _____ Plat Book No. _____ Page No. _____

FINISHED FLOOR ELEVATION (If applicable): _____ FLOOD _____ ZONE _____

Revised 8/2016

B. ADDRESS (If number has been assigned) 10601 Pinecrest Parkway, Pinecrest, FL 33156

C. SIZE OF PROPERTY _____ ft. X _____ ft. = _____ sq. ft.; _____ acre(s)

Width Depth

D. Provide legal description or address of any property held by the owner which is contiguous to that which is the subject matter of this application.

SEE ATTACHED LEGAL DESCRIPTION

E. DATE SUBJECT PROPERTY WAS ACQUIRED 08/04/2008

APPLICANT'S PROPOSAL

Specify in full the request. (Use a separate sheet of paper if necessary.)

SEE ATTACHED LETTER OF INTENT

INTENT

Explain purpose of application, benefit(s) in the change and reasons why this application should be approved. Specify the exact nature of the use or operation applied for, together with any pertinent technical data, which will clarify the proposal. (Use a separate sheet of paper if necessary.)

SEE ATTACHED LETTER OF INTENT

Is this application the result of a Notice of Violation or deviation from approved plans? ☐ Yes ☒ No

Are there any existing structures on the property? ☐ Yes ☒ No

If so, what type? (CBS, Frame, Frame-Stucco, Wood, Other) _____

Any applications (except plat applications) which involve new building construction or exterior improvements to an existing building must submit the plans with this application. Plans that are not filed with this application will not be considered by the Village of Pinecrest.

All data and exhibits submitted in connection with this application become a PERMANENT PART OF THE PUBLIC RECORDS OF THE VILLAGE OF PINECREST.

The following enclosures where applicable MUST BE ATTACHED to complete the application:

- A. ☐ **SURVEY OF PROPERTY:** For vacant or improved property. Must be no more than five years old and sealed by a registered land surveyor. The Building and Planning Department may require a more recent survey if a site visit indicates any discrepancies. Survey must include, where applicable, lot lines, all structures, walls, fences, landscaping, and all physical improvements.
- B. ☐ **SITE DEVELOPMENT PLAN:** Where applicable, plans shall show location and elevations of existing and proposed buildings, proposed additions, alterations and use of each; all dimensions of buildings and space between buildings; setbacks from property lines; proposed and existing off-street parking showing lined spaces, driveways, handicap spaces, compact spaces; a landscape plan that complies with Village of Pinecrest Landscape Ordinance showing location of existing and proposed vegetation, landscaping (i.e. trees and hedges), number, height and species type. The plan shall also show wall and fence height, location and material.
- C. ☐ **LETTER OF INTENT:** A letter of intent must be filed explaining in detail the extent of the development. Signature and address must be shown.
- D. ☐ **OTHER GOVERNMENTS/AGENCIES ENDORSEMENTS:** All applicable DERM, Miami-Dade Fire Department, or the Miami-Dade Water and Sewer Department's endorsement must be submitted.
- E. ☐ **OWNER'S AFFIDAVIT:** Owner's affidavit allowing the filing of an application is required on all applications where the applicant is not the owner of the property under consideration; same form allows posting of property.
- F. ☐ **TRAFFIC STUDY:** A detailed traffic analysis considering the impacts of the proposed development on current level-of-service (LOS) standards in abutting (or nearby) roads and intersections.

NOTE: SURVEYS, SITE DEVELOPMENT PLANS, LANDSCAPE PLANS MUST BE SUBMITTED AT STANDARD PLAN SIZE AND DRAWN TO AN ENGINEERING OR ARCHITECTURAL SCALE (STRUCTURES ONLY). AN APPLICATION WILL NOT BE CONSIDERED COMPLETE UNLESS 12 COPIES OF THE APPLICATION AND SUPPORTING DOCUMENTATION (FRONT AND BACK), APPROPRIATE PLAN DRAWINGS AND SURVEYS ARE SUBMITTED. **UNLESS DETERMINED OTHERWISE BY THE PLANNING DIRECTOR, ALL PRESENTATION GRAPHICS MUST BE IN POWERPOINT OR OTHER DIGITAL FORMAT.**

In support of this request, I submit the following additional items, which are attached hereto and made a part of this application:

- ☐ 35 MM Photo(s) (Mounted 8 1/2 x 11)
☐ Letters from Area Residents

☐ Other _____

Please check only one of the following options:

☐ **FOR VILLAGE COUNCIL PURPOSES**

I/We understand that additional public hearings may be required and any interested person may discuss the application with Village staff to the same extent as the applicant. The application may change during the hearing process and additional public notices may affect the schedule of the hearings. If my/our appeal is denied, I/we must file an appeal to the Circuit Court within 30 days of the meeting.

☐ **FOR ZONING BOARD PURPOSES**

I/We understand that additional public hearings may be required and any interested person may discuss the application with Village staff to the same extent as applicant. The application may change during the hearing process and additional public notices may affect the schedule of the hearings. If my/our appeal is denied, I/we must file an appeal with the Village Clerk within 10 days of the decision.

8/21/19

Date

Applicant's Signature

/ Lorraine Bean

Print Name

Date

Applicant's Signature (if more than one)

Print Name

I/We Lorraine Bean as Owner(s) of Lot(s) _____

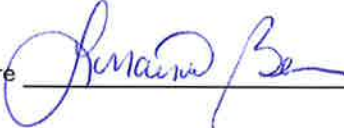
Block _____ Section _____ PB/PG _____

of property which is located at 10601 Pinecrest Parkway, Pinecrest, FL 33156 desire to file an application for a public hearing before the ☐ Village Council ☐ Planning Board ☐ Administrative Review, and I/We do understand and agree as follows:

1. That the application for a variance will not be heard unless the applicant is present at the hearing.
2. The property will be posted with a sign, which must not be removed until after the public hearing, at which time the Village staff will remove the sign.
3. That the requirements of the zoning code, Miami-Dade County Ordinances, the Florida Building Code, and other government agencies may affect the scheduling and ability to obtain/issue a permit for the proposal.
4. That the only exceptions to the zoning code are those that have been specified in the written application and any other code or plan issues will be corrected by modifying the plans to comply with the respective codes and ordinances of the Village of Pinecrest or Miami-Dade County ordinances.
5. That the applicant will be responsible for complying with all the conditions and restrictions imposed by the Village Council or Zoning Board in connection with the request and will take the necessary steps to make the request effective if approved by the Village Council or Zoning Board.
6. That it is the responsibility of the applicant to submit a complete application with all of the documents necessary for the Village Council or Zoning Board to hear the applicant's request.
7. That the applicant is responsible for timely submission and accuracy of all items requested on the application.
8. That the applicant is responsible for an additional fee for mailing notice to surrounding property owners and recording of the Development Order as specified by the LDRs.


I/We as the owners of the subject property (check one):

- ☒ do hereby authorize Jerry B. Proctor, Esq. to act on my/our behalf as the applicant.
- ☐ will on my/our own behalf act as applicant(s), and make application in connection with this request for a public hearing before the Village Council or Zoning Board.

Owner's Name Lorraine Bean Signature  Date 8/21/19

Owner's Name _____ Signature _____ Date _____

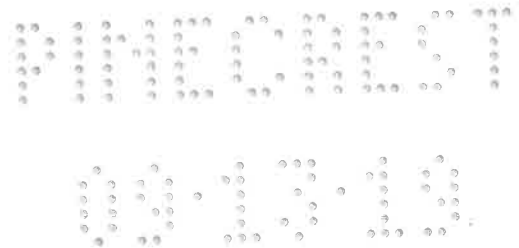
Notary to Owner:

Applicant's Name ROSIE ROMERO Signature  Date 8/21/19

Notary to Applicant:



Jerry B. Proctor, P.A.



September 3, 2019

Mr. Stephen R. Olmsted, AICP, LEED-GA
Planning Director
Village of Pinecrest
12645 Pinecrest Parkway
Pinecrest, FL 33156

Re: Zoning Application to Amend Expiration
Date of Temporary Parking
Property: 10601-10661 Pinecrest Parkway
Property Owners: G.F.B. Enterprises, LLC
(Folio No.: 20-5010-000-0190)
and BFI Pinecrest, LLC
(Folio No.: 20-5010-000-0191)

Dear Mr. Olmsted:

I represent Kendall Imports, LLC, affiliated entity to the Kendall Toyota/Lexus dealerships on Pinecrest Parkway. Kendall Imports, LLC is also affiliated with G.F.B. Enterprises, LLC and BFI Pinecrest, LLC, owners of individual parcels located north of the dealership between the C-100 Canal and SW 106 Street (the "Property").

G.F.B. Enterprises, LLC and BFI Pinecrest, LLC, (the "Applicants") request amendment of Condition # 1 in the Declaration of Restrictions (the "Declaration", attached as Exhibit "A"), approved by the Village Council on February 14, 2017 as part of the Development Order for Hearing No. 2017-0214-1 (the "2017 Development Order", attached as Exhibit "B"), where the Council unanimously approved the placement of temporary parking on the Property for a period of three (3) years, to expire on February 14, 2020. The purpose of the parking is to accommodate employees and construction workers at the Toyota/Lexus dealerships south of the canal, where extensive building improvements approved by the Village Council are well under way. The Declaration also contains specific requirements regarding hours of operation, landscaping, maintenance, and licensing; there are no other amendments proposed by the Applicants.

The Applicants hereby request that the temporary parking lot remain on the Property until no later than February 14, 2021, or one (1) year later than approved in the Declaration. This request is necessary for the following reasons:

1. The Applicants encountered substantial issues in the Village permitting process and construction process in 2017 and 2018 that delayed the beginning of construction at Kendall Toyota. Specifically, there were numerous reports and

submittals required related to the geotechnical (soil) condition of the Property, and the need to make soil modifications prior to creating any new buildings on the Kendall Toyota Property. In addition, the development of the temporary parking lot was delayed by numerous permitting issues, including extensive interaction and testing regarding the type of stabilizing rock to be employed on the Property to support the daily parking use.

2. As a result of these permitting delays, on-site vertical construction south of the canal did not begin until late 2017. The Kendall Toyota building permit was approved in September, 2017 and the temporary parking lot permit was approved in October, 2017; as a result, even under this application for extension of time, the parking of vehicles and associated impacts on the Property will be only slightly more than (3) years in duration.

All on-site construction should be completed in the third or fourth Quarter of 2020, leaving adequate time to comply with all conditions of the Declaration.

This off-street parking area provides a safe environment for dealership employees and construction workers by separating this activity from the ongoing construction at Kendall Toyota. As a result, vehicles do not stop or impede through traffic on Pinecrest Parkway.

As part of this application, I have submitted the required forms, fee, and a copy of the approved plans for the temporary parking lot.

Thank you for your consideration of this application.

Sincerely,



Jerry B. Proctor, P.A.
Jerry B. Proctor
President

cc: Christopher Roberts

Stephen Olmsted (BPD)

From: Jerry B. Proctor <jproctor@proctorpa.com>
Sent: Monday, November 25, 2019 4:21 PM
To: Stephen Olmsted (BPD)
Cc: Christopher Roberts; Orlando Sharpe; Jerry Proctor
Subject: Temporary parking lot.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Steve- There is an estimated job completion of the Toyota project in late July 2020 and a restoration date in Mid Sept. for the temporary lot. Building in a one month contingency, please accept this request for departmental support of an 8 month total extension from 2-14-20 until 10-14-20, with extensions thereafter if the applicant is proceeding in good faith and if approved by the Village Administration . Thank you .

Jerry B. Proctor
Attorney
Jerry B. Proctor, P.A.
9130 S. Dadeland Blvd., Suite 1700
Miami, FL 33156
305.779.2924
jproctor@proctorpa.com

This message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose to anyone the message or any information contained in this message. If you have received this message in error, please advise the sender by reply e-mail, and delete the message. Thank you very much.

This instrument was prepared by:
Jerry B. Proctor, Esq.
Jerry B. Proctor, P.A.
9130 S. Dadeland Blvd., Suite 1700
Miami, FL 33156

CPN 2017R0544189
OR BK 30697 Pgs 3496-3507 (12Pgs)
RECORDED 09/28/2017 09:35:20
HARNEY BOVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

(Space reserved for Clerk)



DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned G.F.B. Enterprises, LLC and BFI Pinecrest, LLC ("Owners") hold the fee simple title to real property described in Exhibit "A" (the "Property") which is located in the Village of Pinecrest (the "Village"), Florida.

WHEREAS, the Owners hold the Fee Simple title to real property to the south of the real Property described in Exhibit "A." This property to the south is the site of Lexus and Toyota car dealerships (the "Toyota Site"). The Toyota Site is undergoing renovations that will temporarily displace employee parking and will not accommodate parking of construction workers.

WHEREAS, the Owners have made representations to the Village as to the intended development of the Property with a temporary off-street parking lot which representations are material to and form the basis of the approval of such development in the Village.

WHEREAS, the Village is an incorporated municipality that may exercise its land use police power within its jurisdictional boundaries and this Declaration shall supersede all previous conditions and zoning restrictions as to the Property.

THEREFORE, IN ORDER TO ASSURE the Village that the representations made by the Owners are clearly set forth in writing and that the Owners understand that compliance with such representations will be strictly enforced by the Village, the Owners freely, voluntarily and without duress make the following Declaration of Restrictions covering and running with the Property:

- (1) That said Property described in Exhibit "A" shall be developed into a temporary off-street parking lot in full accordance with Village of Pinecrest Code, Development Order 2017-0214-1 approved by the Village Council on February 14, 2017, and the site development plan approved by the Village of Pinecrest, during construction occurring on the Toyota Site property. The temporary off-street parking lot shall exist for a period not to exceed three (3) years after approval of the lot by the Village Council. The allowed period shall be reduced in the event that three (3) milestones are met in less than three (3) years: completion of the renovations to the Toyota Site, issuance of a permanent Certificate of Occupancy for these renovations, and a period of 30 days after issuance of the permanent Certificate of Occupancy.
- (2) Owners represent that the temporary off-street parking lot will accommodate only dealership employees' and construction workers' vehicles. No dealership customers or members of the general public will be permitted to utilize the parking lot.

- (3) Owners represent that during the pendency of the temporary off-street parking lot, employees and construction workers will reach the Kendall Toyota dealership by walking across the adjacent canal on the existing sidewalk. Employees and construction workers will not have pedestrian access from the Property to the easterly adjacent residential community.
- (4) Owners represent that they will remove the trailer, lights, gravel, parking stops, and all other appurtenances and improvements and shall restore the parking lot to its undeveloped natural condition at the expiration of the temporary use as specified by this Declaration of Restrictions, unless the time limits for the temporary use are extended by the Village Council at a public hearing.
- Owners represent that they will place a removal bond in an amount sufficient to pay for the cost of all work required to remove the trailer and other improvements and to restore the temporary parking lot to undeveloped land at the expiration of the temporary use as specified by this Declaration of Restrictions, unless the time limits for the temporary use are extended by the Village Council at a public hearing.
- (5) Owners represent that hours of vehicular parking and parking lot lighting will be limited to 6:45 a.m. to 9:15 p.m. on Monday through Friday, 6:45 a.m. to 6:15 p.m. on Saturday, and 8:45 a.m. to 3:15 p.m. on Sunday. No vehicle storage or overnight parking will be permitted on the Property. Allowable noise and hours of materials delivery, site preparation, parking lot construction, and construction staging shall be limited pursuant to the restrictions of the Village of Pinecrest's Land Development Regulations.
- (6) This Declaration shall not be assignable by the Owners without the prior approval by the Village Council at a public hearing.

Village Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of the Village, or its agents duly authorized, shall 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.

Covenant Running with the Land. This Declaration on the part of the Owners shall constitute a covenant running with the land and shall be recorded, at Owners' expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owners, and its 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 a limitation upon, all present and future owners of the Property and for the public welfare.

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



change the covenant in whole, or in part, provided that the Declaration has first been modified or released by the Village.

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 Village. This Declaration of Restrictions may be released upon compliance with the terms and the conditions, and upon the removal of the temporary off-street parking lot.

Should this Declaration of Restrictions be so modified, amended or released, the Village Manager or, in the absence of such director or executive officer, by his assistant in charge of the office in his absence, shall forthwith execute and record a written instrument effectuating and acknowledging such modification, amendment or release.

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

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

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.

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

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

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost to the Owners following the adoption by the Village Council approving the application for the temporary parking lot.



PINECREST

09-13-10

Signed, witnessed, executed and acknowledged this 13 day of JUNE 2017.

Witnesses:

BFI Pinecrest, LLC
(Owner of 10601 S Dixie Highway)

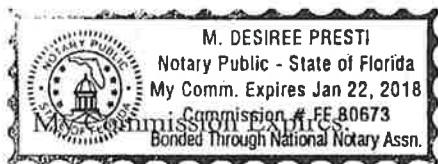
[Signature]
Print Name: George White
[Signature]
Print Name: CHRIS Roberts

By: [Signature]
Lorraine Bean
Managing Member

STATE OF FLORIDA)

COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 13 day of JUNE 2017
by _____, on behalf of _____, who is
personally known to me or produced _____ as identification.



By: [Signature]
Notary Public
Print Name: D. PRESTI
Serial No: _____



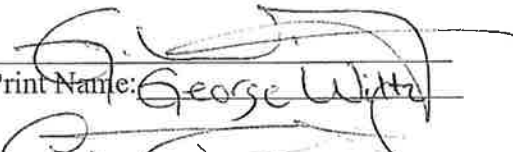

PINECREST


09-13-19

Signed, witnessed, executed and acknowledged this 13 day of June, 2017.

Witnesses:

GFB Enterprises, LLC
(Owner of 10661 S Dixie Highway)

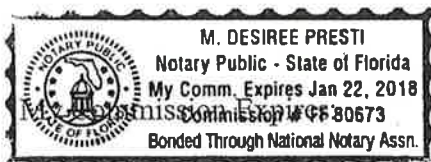

Print Name: George W. Williams

Print Name: Chris Roberts

By: 
Lorraine Bean
Managing Member

STATE OF FLORIDA)

COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this 13 day of June, 2017
by _____, on behalf of _____, who is
personally known to me or produced _____ as identification.



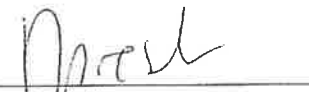
By: 
Notary Public
Print Name: D. PRESTI
Serial No: _____



EXHIBIT A

LEGAL DESCRIPTION, PARCEL 11:

A tract of land lying in the NE ¼ of the NE ¼ of Section 10, Township 55 South, Range 40 East, lying East of State Road No. 5 and South of S.W. 106th Street, more particularly described as follows:

Commencing at a point which is the intersection of the East Right-of-way line of State Road No. 5 (U.S. Highway No. 1) and the South line of the NE ¼ of the NE ¼ of Section 10, Township 55 South, Range 40 East; thence run with the aforesaid Right-of-way line N24°51'27"E a distance of 484.64 feet to the Point of Beginning; thence run at right angles to the aforesaid Right-of-way line S65°08'33"E, a distance of 150.00 feet to a point; thence run S6°12'01"W, for a distance of 187.56 feet to point on the Northern Right-of-way line of a 70 foot Canal; thence running with the aforesaid Canal Right-of-way line and at right angles to the Right-of-way line of State Road No. 5, N65°08'33"W, a distance of 210.00 feet to a point on the East Right-of-way line of State Road No. 5; thence run N24°51'27"E with the aforesaid East line for a distance of 177.70 feet, more or less, to the Point of Beginning.

LEGAL DESCRIPTION, PARCEL 12:

All that certain tract or parcel of land situated in the County of MIAMI-DADE, State of FLORIDA, with a physical address of 10601 S. Dixie Hwy. and more particularly described as follows:

A portion of the Northeast 1/4 of Section 10, Township 55 South, Range 40 East, Miami-Dade County, Florida, and being more particularly described as follows:

Commence at the Northeast corner of said Section 10; thence run South along the East line of said Section 10, for a distance of 710.00 feet to a point; thence run South 90°00'00" West along a line which is parallel to the North line of said Section 10, a distance of 533.19 feet to a point; thence run South 24°32'56" West for a distance of 27.49 feet to a point on the Southerly right-of-way line of S.W. 106th Street, said point also being the Point of Beginning of the tract of land hereinafter described; thence continue South 24°32'56" West for a distance of 243.51 feet to a point; thence run North 65°27'04" West for a distance of 150.00 feet to a point on the Easterly right-of-way line of State Road No. 5 (U.S. Highway No. 1); thence run North 24°32'56" East along said Easterly right-of-way line for a distance of 158.93 feet to a point of curve of a circular curve concave to the Southeast having for its elements a radius of 25.00 feet, a central angle of 65°27'04"; thence along the arc of said curve for an arc distance of 28.56 feet to a point of tangency on the Southerly right-of-way line of S.W. 106th Street; thence North 90°00'00" East, along said Southerly right-of-way, for a distance of 148.84 feet to the Point of Beginning.



OPINION OF TITLE

To: VILLAGE OF PINECREST, a Florida municipal corporation

With the understanding that this Opinion of Title is furnished to the VILLAGE OF PINECREST and as an inducement for acceptance of a Declaration of Restrictions covering the real property, hereinafter described, it is hereby certified that I have examined a complete "Abstract of Title" (as set forth below) covering the period from the beginning to August 21, 2017 at 8:00 A.M., inclusive, of the following described property (the "Property"):

SEE ATTACHED EXHIBIT "A" MADE A PART HEREOF.

Basing my opinion solely on said foregoing Abstract of Title, I am of the opinion that on the last mentioned date referenced above, the fee simple title to the above-described real property was vested in:

G.F.B. Enterprises, LLC, as Delaware limited liability company
(As to Parcel 11 of the Property)

BFI Pinecrest, LLC, a Florida limited liability company
(As to Parcel 12 of the Property)

Subject to the following encumbrances, liens and other exceptions:

1. RECORDED MORTGAGES:

- a. Amended, Restated and Consolidated Mortgage, Assignment of Rents, Security Agreement and Fixture Filing from G.F.B. Enterprises, LLC, as Delaware limited liability company and West Kendall Imports, LLC, a Delaware limited liability company in favor of Bank of America, N.A. recorded on June 15, 2015, in Official Records Book 29656, Page 4429, of the Public Records of Miami-Dade County, Florida. (As to Parcel 11)

2. RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:

NONE

3. GENERAL EXCEPTIONS:

- a. All taxes and assessments for the year 2017 and subsequent years.
- b. Rights of persons other than the above owners who are in possession.
- c. Facts that would be disclosed upon accurate survey.
- d. Any unrecorded labor, mechanics' or materialmen's liens.
- e. Zoning and other restrictions imposed by governmental authority.



- PINCREST
- f. Taxes or special assessments which are not shown as existing liens in the public records.
 - g. Any lien provided by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority for unpaid service charges for service by any water, sewer or gas system supplying the insured land.

4. SPECIAL EXCEPTIONS:

- a. Easement recorded in Official Records Book 16144, Page 96, of the Public Records of Miami-Dade County, Florida. (As to Parcel 12)
- b. Covenant Running with the Land in Favor of Miami-Dade County recorded in Official Records Book 26315, Page 435, of the Public Records of Miami-Dade County, Florida. (As to Parcel 12)
- c. Subject to restrictions contained in Special Warranty Deed dated August 4, 2008, recorded August 22, 2008, in Official Record Book 26534, Page 3934, Public Records of Miami-Dade County, Florida. (As to Parcel 12)
- d. Access Agreement Granting Right of Entry dated August 20, 2008, recorded August 22, 2008 in Official Records Book 26534, Page 3942, Public Records of Miami-Dade County, Florida. (As to Parcel 12)
- e. Covenants, Conditions and Restrictions as set forth in Declaration of Restrictions recorded in Book 20093, Page 3434, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 use 3604(c). (As to Parcel 11)
- f. Covenants, Conditions and Restrictions as set forth in Declaration of Use recorded in Book 243 87, Page 1368 , but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 use 3604(c). (As to Parcel 11)
- g. Riparian and/or littoral rights are not insured. (As to Parcel 11)
- h. Amended, Restated and Consolidated Mortgage, Assignment of Rents, Security Agreement and Fixture Filing from G.F.B. Enterprises, LLC, as Delaware limited liability company and West Kendall Imports, LLC, a Delaware limited liability company in favor of Bank of America, N.A. recorded on June 15, 2015, in Official Records Book 29656, Page 4429, of the Public Records of Miami-Dade County, Florida. (As to Parcel 11)
- i. Terms and conditions set forth in Development Order issued by Village of Pinecrest with respect to Hearing Number 2017-0718-3 recorded August 16, 2017 in Official Records Book 30657, Page 4203. (As to Parcels 11 and 12)



- j. Terms and conditions set forth in Development Order issued by Village of Pinecrest with respect to Hearing Number 2017-0718-4 recorded August 16, 2017, in Official Records Book 30657, Page 4208. (As to Parcels 11 and 12)

NOTE: All of the recording information contained herein refers to the Public Records of Miami-Dade County, Florida, unless otherwise indicated.

I HEREBY CERTIFY that I have reviewed all of the aforementioned encumbrances and exceptions.

Therefore, it is my opinion that the following parties must join in the execution of the Declaration of Restrictions:

<u>NAME</u>	<u>INTEREST</u>	<u>SPECIAL EXCEPTION NO(S).</u>
G.F.B. Enterprises, LLC, a Delaware limited liability company	Fee Simple Owner (as to Parcel 11)	N/A
BFI Pinecrest, LLC, a Florida limited liability company	Fee Simple Owner (as to Parcel 12)	N/A
Bank of America, N.A	Mortgagee (as to Parcel 11)	1(a) and 4(h)

The following is a description of aforementioned Abstract of Title and its continuations:

- (i) Stewart Title Guaranty Company Owners' Policy O-2201-478162 with an effective date of August 22, 208 at 15:04:40 P.M. (As to Parcel 12)
- (ii) First American Title Insurance Company Owner's Policy Number 5011412-0263848e with an effective date of June 15, 2015 at 2:43:36 P.M. (As to Parcel 11)
- (iii) First American Title Insurance Company Update Letter issued August 23, 2017 under File No. 1062-3785682 updating Owner's Policy Number 5011412-0263848e covering the period of June 15, 2015 at 8:00 a.m. to August 21, 2017 at 8:00 A.M. (As to Parcel 11)
- (iv) First American Title Insurance Company Title Search Report FATIC File Number 1062-3785693 Updated and Revised covering the period from January 1, 1977 through August 21, 2017 at 8:00 A.M. (As to Parcel 12)



mm

RECORDED
2017 AUG 31

I HEREBY CERTIFY that the legal description contained in this Opinion of Title coincides with, and is the same as, the legal description in the proffered, recordable final Declaration of Restrictions.

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

Respectfully submitted this 31st day of August, 2017.

GREENBERG TRAURIG, P.A.



Name: Brenda M. Saavedra
Florida Bar No. 0501611

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 31st day of August, 2017, by Brenda M. Saavedra, who is personally known to me.



Print Name: GISELA MUSA
Notary Public, State of Florida
Commission No. FF 095307
My Commission expires: 3/25/18

[NOTARY SEAL]

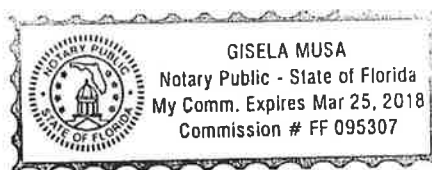


Exhibit "A"
Legal Description of the Property

LEGAL DESCRIPTION, PARCEL 11:

A tract of land lying in the NE (1/4) of the NE (1/4) of Section 10, Township 55 South, Range 40 East, lying East of State Road No. 5 and South of S.W. 106th Street, Miami-Dade County, Florida, more particularly described as follows:

Commencing at a point which point is the intersection of the East Right-of-Way line of State Road No. 5 (U.S. Highway No. 1) and the South line of the NE (1/4) of the NE (1/4) of Section 10, Township 55 South, Range 40 East; thence run with the aforesaid Right-of-Way line North 24° 51' 27" East, a distance of 484.64 feet to the Point of Beginning; thence run at right angles to the aforesaid Right-of-Way line South 65° 08' 33" East, a distance of 150.00 feet to a point; thence run South 6° 12' 01" West for a distance of 187.56 feet to a point on the Northern Right-of-Way of a proposed 70 foot canal; thence running with the aforesaid canal Right-of-Way line and at right angles to the Right-of-Way line of State Road No. 5, North 65° 08' 33" West, a distance of 210.00 feet to a point on the East Right-of-Way line of State Road No. 5; thence run North 24° 51' 27" East with the aforesaid East line for a distance of 177.70 feet more or less to the Point of Beginning, lying and being in Miami-Dade County, Florida.

LEGAL DESCRIPTION, PARCEL 12:

All that certain tract or parcel of land situated in the County of MIAMI-DADE, State of FLORIDA, with a physical address of 10601 S. Dixie Hwy, and more particularly described as follows:

A portion of the Northeast 1/4 of Section 10, Township 55 South, Range 40 East, Miami-Dade County, Florida, and being more particularly described as follows:

Commence at the Northeast corner of said Section 10; thence run South along the East line of said Section 10, for a distance of 710.00 feet to a point; thence run South 90° 00' 00" West along a line which is parallel to the North line of said Section 10, a distance of 533.19 feet to a point; thence run South 24° 32' 56" West for a distance of 27.49 feet to a point on the Southerly right-of-way line of SW 106th Street, said point also being the Point of Beginning of the tract of land hereinafter described; thence continue South 24° 32' 56" West for a distance of 243.51 feet to a point; thence run North 65° 27' 04" West for a distance of 150.00 feet to a point on the Easterly right-of-way line of State Road No. 5 (U.S Highway No. 1); thence run North 24° 32' 56" East along said Easterly right-of-way line for a distance of 158.93 feet to a point of curve of a circular curve concave to the Southeast having for its elements a radius of 25.00 feet, a central angle of 65° 27' 04"; thence along the arc of said curve for an arc distance of 28.56 feet to a point of tangency on the Southerly right-of-way line of S.W. 106th Street; thence North 90° 00' 00" East along said Southerly right-of-way for a distance of 148.84 feet to the Point of Beginning.



JOINDER BY MORTGAGEE

The undersigned **Bank of America, N.A.**, as Mortgagee under that certain Amended, Restated and Consolidated Mortgage, Assignment of Rents, Security Agreement and Fixture Filing from G.F.B. Enterprises, LLC, as Delaware limited liability company and West Kendall Imports, LLC, a Delaware limited liability company in favor of Bank of America, N.A. recorded on June 15, 2015, in Official Records Book 29656, Page 4429, of the Public Records of Miami-Dade County, Florida., covering a portion of the property described in the foregoing **Declaration of Restrictions** does hereby acknowledge that the terms of the Declaration of Restrictions shall be binding upon the undersigned and its successors in title.

IN WITNESS WHEREOF, these presents have been executed this 30 day of AUG, 2017.

Bank of America, N.A.

By: [Signature]
Name: DAVID SNOEDGRASS
Title: SVP

Address: 401 E LA OLAS BLVD
FT LAUD FL 33310

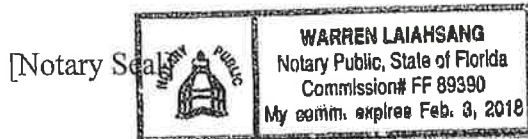
STATE OF Florida)
COUNTY OF Broward) ss)

BEFORE ME, the undersigned authority, this day appeared David Snodgrass, known by me to be the S.V.P. of Bank of America, N.A. and he/she acknowledged to and before me that he/she executed the said instrument, acting in his/her said official capacity, for and as to the act and deed of said bank and in its name, for the uses and purposes therein mentioned, and after being duly authorized and directed. He/She is: [] personally known to me, or [☒] produced Florida Driver License identification.

WITNESS my hand and official Seal in the County and State aforesaid, on this, the 30 day of August, 2017.

My Commission Expires: 2-3-18

[Signature]
Notary Public
Print Name Warren Laihsang



MIA 185920464v1

STATE OF FLORIDA, COUNTY OF DADE
I HEREBY CERTIFY that this is a true copy of the original filed in this office on 28 day of Sept, A.D. 20 17
WITNESS my hand and Official Seal.
HARVEY RUVIN, CLERK, of Circuit and County Courts
[Signature]
ELMER BRICENO #217045





VILLAGE OF PINECREST, FLORIDA
VILLAGE COUNCIL

DEVELOPMENT ORDER

HEARING NUMBER: 2017-0214-1

APPLICANT: BFI PINECREST, LLC AND GFB ENTERPRISES, LLC

HEARING DATE: FEBRUARY 14, 2017

RELIEF SOUGHT: APPROVAL OF A TEMPORARY PARKING LOT FOR A PERIOD OF THREE (3) YEARS FROM THE DATE OF APPROVAL FOR THE USE OF EMPLOYEES AND CONSTRUCTION WORKERS EMPLOYED AT THE KENDALL TOYOTA AND LEXUS OF KENDALL AUTOMOBILE DEALERSHIPS DURING PLANNED CONSTRUCTION AND REMODELING ACTIVITIES (90 PARKING SPACES, CONSTRUCTION STAGING EQUIPMENT AND A CONTRACTOR'S OFFICE TRAILER) AND APPROVAL OF A PROPOSED DECLARATION OF RESTRICTIONS REGULATING THE USE, OPERATION AND DURATION OF THE PROPOSED TEMPORARY PARKING LOT

LOCATION: 10601 AND 10661 PINECREST PARKWAY

The request for approval of a request filed by BFI Pinecrest LLC and GFB Enterprises, LLC (the "Applicant") came to be heard before the Village Council of the Village of Pinecrest, Florida (the "Village Council") at a public hearing held on February 14, 2017. The Village Council having considered the relief sought by the Applicant and having the benefit of receiving testimony and evidence related to the request from the Applicant and their representative, the administrative staff of the Village of Pinecrest, Florida and affected persons, heard arguments and observed the candor and demeanor of witnesses and therefore, find that:

1. The application for the relief sought was made in a manner consistent with the requirements of the Land Development Regulations adopted by the Village of Pinecrest, Florida.
2. The Applicant has established by substantial competent evidence a basis for the relief sought.
3. The Applicant's request for relief is hereby granted subject to the conditions included in Paragraph 6 of this approval.
4. This Order shall take effect immediately upon execution by the Village Clerk.

5. All further development on the property shall be made in accordance with the terms and conditions of this approval and that the property shall be developed substantially in accordance with the plans previously submitted and on file in the Building and Planning Department.
6. The Village Council hereby determines that the Applicant shall satisfy the conditions and requirements of the Village of Pinecrest, Florida Code of Ordinances and those applicable sections of the Code of Miami-Dade County, Florida. Furthermore, it must insure that:
- a) The Applicant shall comply with all applicable Village Codes and the Florida Building Code regarding the development contemplated with this approval;
 - b) The Applicant shall comply with all terms, conditions and provisions imposed by the Village Council, and the recommendations of the administrative staff of the Village of Pinecrest, Florida, including all life, health and safety codes pertaining to this development prior to the issuance of any building permits;
 - c) This approval is conditioned upon the following:
 - 1. Approval of the preliminary plat by the Village Council prior to issuance of building permits.
 - 2. Review and approval of a temporary certificate of occupancy by the Building Official every six (6) months during the period of temporary use as approved by the Village Council, subject to compliance with all requirements and conditions of the Village Council's approved Development Order.
 - 3. Ingress and egress at the proposed Southwest 106 Street driveway shall be limited to right turn in and left turn out only and shall be restricted by means of a raised median or island or other traffic management system approved by the Village Manager. Engineering and construction plans shall be submitted to the Public Works Director for review and approval prior to issuance of building permits.
 - 4. Review and approval of submitted plans by the Miami Dade County Department of Regulatory and Economic Resources, including the Division of Environmental Resources Management; the Miami-Dade County Fire Rescue Department; Miami-Dade County Public Works Department; the Florida Department of Transportation; and the Florida Department of Environmental Protection or authorized agency prior to the issuance of building permits.
 - 5. Submittal of a performance bond to the Village of Pinecrest prior to the issuance of building permits, subject to review and approval by the Public Works Director, in an amount sufficient to pay for the cost of all work required to remove the trailer and other improvements and to restore the temporary parking lot to undeveloped land at the expiration of the temporary use and specified time limits of the proposed Declaration of Restrictions.
 - 6. Review and approval of the Declaration of Restrictions by the Village Attorney and subsequent recording of the approved Declaration in the Public Records of Miami-Dade County prior to issuance of building permits.
 - 7. The proposed Declaration shall be amended to require removal of the trailer, lights, gravel, parking stops, and all other appurtenances and improvements and to require restoration of the temporary parking lot to its undeveloped natural condition at the expiration of the temporary use and specified time limits of the proposed Declaration of Restrictions.

8. The proposed Declaration shall limit hours of vehicular parking and parking lot lighting to Monday through Friday 6:45 a.m. to 9:15 p.m.; Saturday 6:45 a.m. to 6:15 p.m.; and Sunday 8:45 a.m. to 3:15 p.m. The proposed Declaration shall include a restriction prohibiting the storage of vehicle inventory in the parking lot at any time and shall prohibit the overnight parking of vehicles in the temporary parking lot. Within the Declaration, allowable noise and hours of materials delivery, site preparation, parking lot construction, and construction staging shall be limited pursuant to the restrictions of the Village of Pinecrest's Land Development Regulations.

9. Submittal of the manufacturer's specifications for the proposed light shields and review and approval by the Building and Planning Department for compliance with glare and shielding requirements of the Village of Pinecrest prior to issuance of building permits.

10. Review and approval of a stormwater management plan by the Building and Planning Department prior to issuance of building permits.

11. Approval of an NPDES stormwater permit from the Florida Department of Environmental Protection or authorized agency prior to issuance of building permits.

12. Approval of a demolition permit prior to any removal of asphalt or any other demolition on site.

13. Maintenance of the temporary gravel parking lot in a dust-free condition, and containment of gravel and dirt on the subject property.

14. The row of Areca Palm trees as indicated on the submitted plans shall be extended along the entire length of the eastern property line.

d) Copies of all applicable permits by other regulatory agencies shall be provided to the Village of Pinecrest, Florida prior to the issuance of any permits.

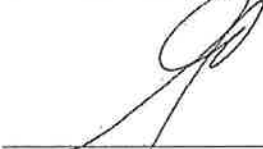
7. The public record, including but not limited to the Village Council and staff reports, comments and recommendations on the subject application, and the agenda materials provided to the Village Council, along with sworn testimony and evidence established before the Village Council are hereby incorporated by reference.

PASSED AND ADOPTED this 14th day of February, 2017 by the Village Council as follows:

Councilmember Ball	Aye
Councilmember Hochkammer	Aye
Councilmember McDonald	Aye
Vice Mayor Kraft	Aye
Mayor Corradino	Aye

EXECUTED this 8th day of March, 2017.

VILLAGE OF PINECREST, FLORIDA



Guido H. Inguanzo, Jr., CMC
Village Clerk