ATTENDANCE AND SPEAKER'S ROSTER

10-13-15 COMMUNITY ZONING APPEALS BOARD C-12

(DATE) (CZAB)

AGENDAI TEAM(S)	PRINT NAME	SIGN NAME
#1 13-077	Eleanor Quigley	[illegible]
	PATRICIA Reyes	[illegible]
Several	LAWRENCE PERCAL	[illegible]
	David Palacì	[illegible]

CONTINUE ON OTHER SIDE IF MORE SPACE IS NEEDED

RECEIVED BY CLERK
Item # 13-007
CZAB # 12 Exhibit 1-1
OCT 13 2015
CLERK OF THE BOARD

HISTORY:

In 2005, hearing 04-374 property was rezoned and separated into two tracks A & B from

GU to: Track A: **BU2** on the North, next to the Bird Road Post office
Track B: **RU-4L** on the South side behind the single family homes

There are 2 covenants on the Track B portion that restrict the property to a previously approved plan for a 3- story townhouse development.

13-077: Current application is requesting to merge the BU2 and the RU-4L, to eliminate the need for a wall separating the business from the residential South Track, and to be able to permit a multi-family residential development in the BU-2 North track.

Previously requesting a 9 story building next to the post office in Track A, and
a paved parking lot behind the homes in track B.

Also one of the adjacent homes was added to the South track "B" on East side, of this N-S property & rezoned, with plans to be removed, in order to introduce a new access entry to the development, right behind the post office and next to the row of single family homes on SW 69 Ave. FOLIO: 30-4023-099-0020 RU-1 (4090 SW 69 Ave. – Single Family Home)

**We are strongly opposed to this because of the impact it would have on the existing neighborhood, and the additional traffic between the Post Office and Wendy's at Bird Road, where it is already heavily congested and there is no traffic signal. *(Where there are averages of 9 accidents per year)*

Negotiated Agreement:

Mr. Menendez has reached out to the residents and myself, at the advice of the BCC, and we have meet him on several occasions and have agreed to a compromise that is agreeable with the neighbors, is more compatible to the area, and addresses the addition traffic impact on SW 69 Ave.

1. 1st and foremost, applicant has agreed to remove the single family home from this application, and to have it **REZONED BACK TO RU1** and remain a single family home. ***(Only then will we agree to have the wall between the differently zoned properties to be eliminated).***

   Access into and out of the complex will be changed from where the house stands at SW 41 ST on SW 69 Ave, down to the existing SW. 44 Street. Bird Road is also available to enter or exit the property. We believe this will reduce the traffic impact for residents in the area of SW 69 Ave., by 70 to 80%.

   The applicant has presented us with revised plans approved by zoning that he has presented to us for 3 story units behind the homes, then 4 next to the post office, and 5 stories MAX., closest to Bird Road. Applicant is basically get the same number of units as the 9 story building; however, the transition in the area will be more gradual and compatible for the area.

   A 6' Concrete continuous wall and landscaped buffered areas behind the homes on Track B (East side only) are included on these new plans.

2. Applicant has agreed to **COVENANT** these 2015 plans for 3-5 story Max. residential development for approval of this application.

MIAMI-DADE COUNTY

AERIAL YEAR 2012

Process Number

Z2013000077

Section: 23 Township: 54 Range: 40
Applicant: MANUEL J.MENENDEZ TRUST
Zoning Board: C12
Commission District: 7
Drafter ID: JEFFER GURDIAN
Scale: NTS

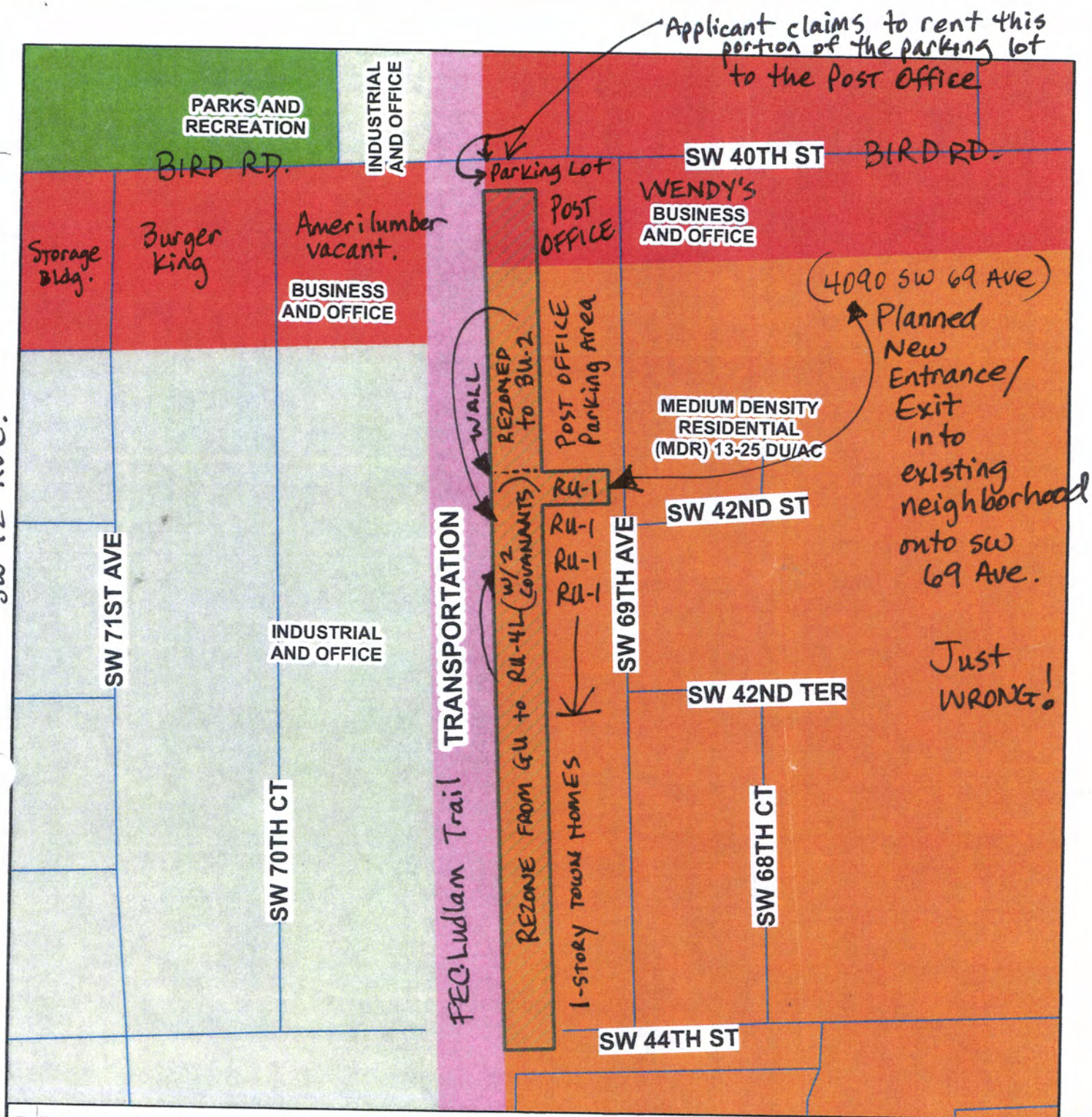
Legend

Subject Property

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, September 12, 2013

REVISION	DATE	BY



MIAMI-DADE COUNTY

CDMP MAP

Process Number

Z2013000077

Section: 23 Township: 54 Range: 40
Applicant: MANUEL J.MENENDEZ TRUST
Zoning Board: C12
Commission District: 7
Drafter ID: JEFFER GURDIAN
Scale: NTS

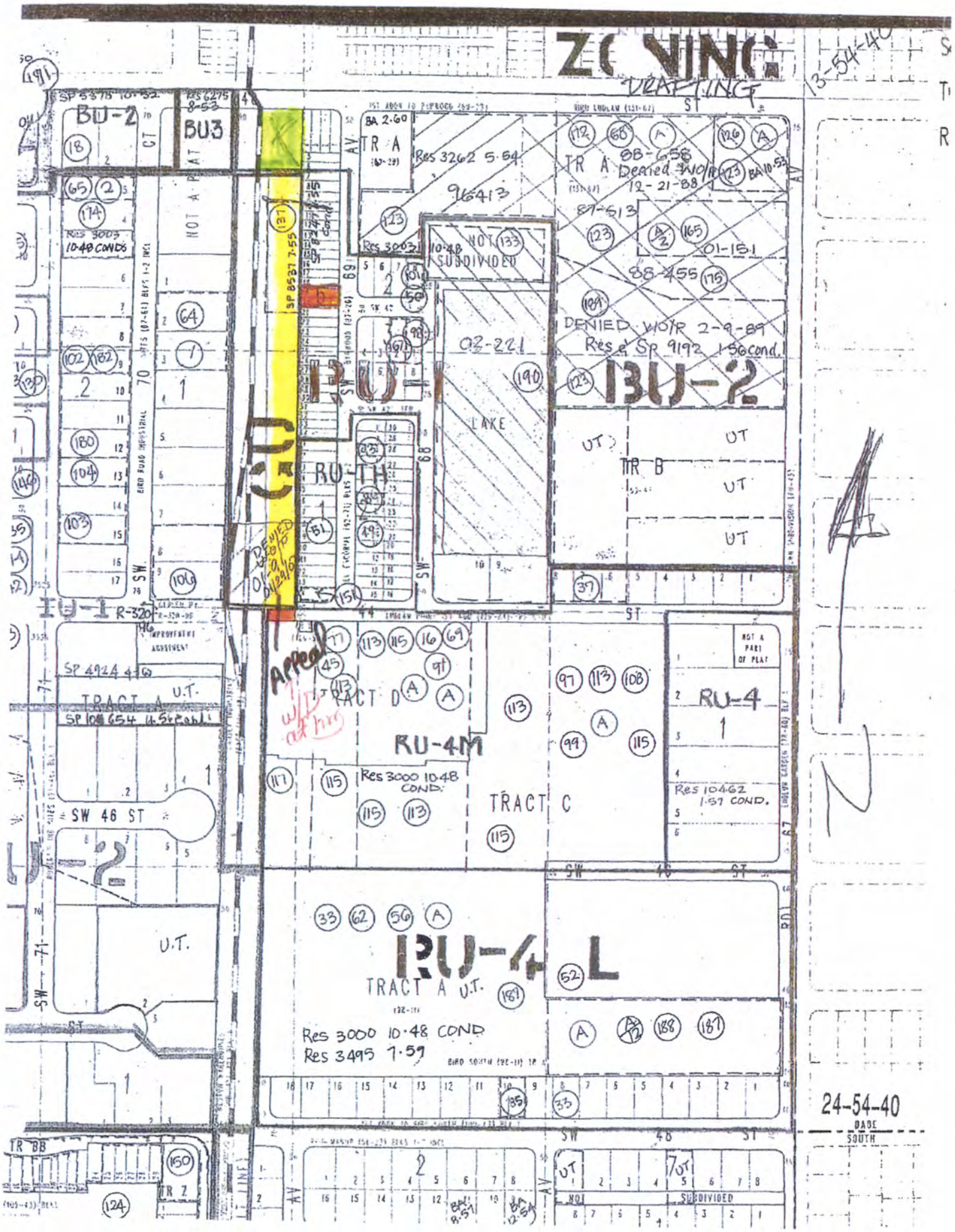
Legend

Subject Property Case

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, September 12, 2013

REVISION	DATE	BY


ZONING
DRAFTING
13-54-40
BU-2
BU3
NOT A PLAT
TR A
Res 3262 5.54
96413
TR A 88-658 Denied W/O/P 12-21-88
87-513
01-151
88-455
DENIED W/O/P 2-9-89
Res & Sp 9192 1.56 cond.
NOT SUBDIVIDED
02-221
LAKE
BU-2
RU-1
RU-TH
TR B
UT
IU-1
R-320
SP 4924 4.60
TRACT A U.T.
SP 10654 4.56 cond.
SW 46 ST
TRACT D
RU-4M
Res 3000 10.48 COND.
TRACT C
RU-4
Res 10462 1.57 COND.
NOT A PART OF PLAT
RU-4L
TRACT A U.T.
Res 3000 10.48 COND
Res 3495 7.59
24-54-40
DADE
SOUTH
TR BB
TR Z
NOT SUBDIVIDED
Appeal
w/ at hrg

HISTORY:

02-372:

03-211: REQUESTING: GU, RU-4M, & IU-1 **to IU-1**
REQUEST VARIENCE TO PERMIT STORAGE OF BUILDING MATERIALS

- RU-1 Address: 4090 SW 69 Ave. was included on this application
- Up-zoned from GU to RU-4L and extended BU-2 area
- July 2, 2004: Withdrew the request to be rezoned from GU to BU-2

04-339: THE TRAIN STATION OFFICE COMPLEX (3 storys)

04-374:

(1) GU, BU-2, RU-1, & RU-4M **to BU-2** (approved: CZAB12-30-05) **Bifurcation**
(2) GU, BU-2, RU-1 & RU-4M **to RU-4L** (Defered to 9/14/2005) **Bifurcation**
REQUEST FOR VARIANCE TO PERMIT BACKOUT OF 14' (22'REQUIRED) - Withdrawn
(Approved with 2 covenants: Plans for 3 story townhouses)
*The flow of traffic access drive has been reversed so that traffic will now exist via SW 44 Street.
*The access gate has been removed

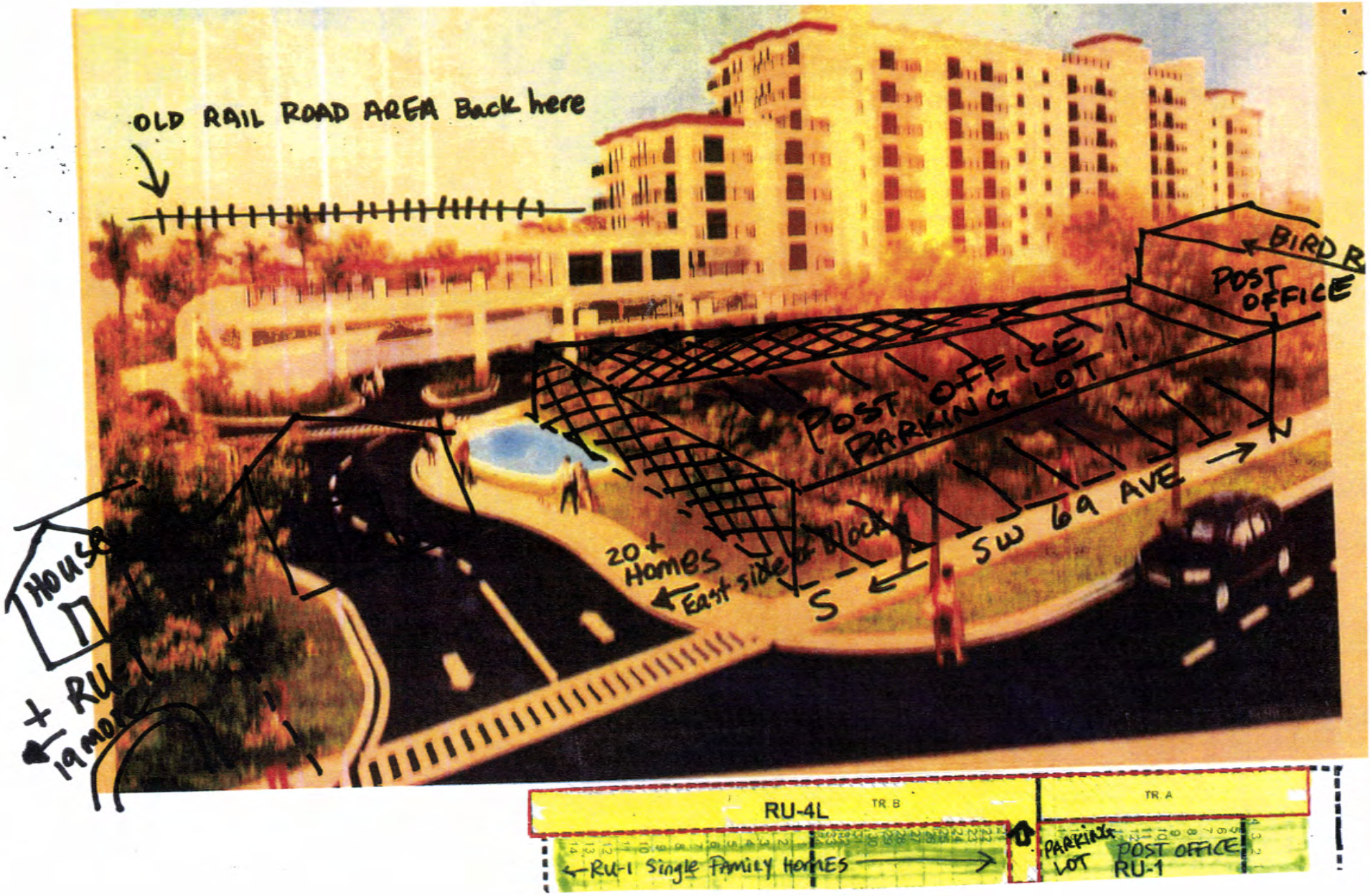
FOLIOS: 30-4023-099-0020 RU-1 (4090 SW 69 Ave.)
30-4023-009-0150 RU-1 (side street; 15' required)
30-4023-000-0061 – Menendez – Pending Zoning (cancelled await specific zoning)
30-4023-000-0062 (RU-4M) – Menendez – Pending Zoning (cancelled await spec zoning)
30-4023-000-0062 portions of FEC Right-of-Way (Pending Zoning)
30-4023-099-0010 (BU-2) next to Post Office

13-077:

9 Story Building (with 9 exceptions/variances requ

2015: Jan 6. – Denied w/out prejudice
C-12

PAGE:	INDEX:
1	History
2	Rendering - East View
3	13-077 Zoning Sketch
4	Site Plan with 2' - 5' easements (20' required)
5	Portions of FEC right-of-way being used *(private property)*
6	Rendering - West View
7	Original GU Zoning Map
8	Site Plan (previosly seperated - *now asking to combine again)*
9	13-077 & 04-374: Zoning MAP
10	Proffered Covenant
11	approved upzoning: 3 story elevation (w.2 covenants)
12	Resolution: CZAB 12-30-05
13	Resolution: CZAB 12-35-05


OLD RAIL ROAD AREA Back here
BIRD R
POST OFFICE
POST OFFICE PARKING LOT!
SW 69 AVE
N
S
20+ Homes
East side of Block
HOUSE
+ RU-1
19 MORE

RU-4L
TR. B
TR. A
RU-1 Single Family Homes
PARKING LOT
POST OFFICE
RU-1

RECEIVED BY CLERK
Item # 13-077
CZAB # 12 Exhibit A-3
JAN 06 2015
CLERK OF THE BOARD

PREFACE

The Miami-Dade County Comprehensive Development Master Plan (CDMP) expresses the County's general objectives and policies addressing where and how it intends development and the conservation of land and natural resources to occur during the next ten to twenty years, as well as the delivery of County services to accomplish the expressed objectives. Miami-Dade County encompasses approximately 2,000 square miles of land, of which over 420 square miles are developed for urban uses. The CDMP establishes the broad parameters for government to do detailed land use planning and zoning activities, functional planning and the programming of infrastructure and services. It also establishes minimum standards, or level of service (LOS) standards, for the delivery of certain County services and facilities including roadways/traffic, mass transit, parks, water, sewer, solid waste and drainage.

The CDMP establishes a growth policy that encourages development:

1. At a rate commensurate with projected population and economic growth.
2. In a contiguous pattern centered around a network of high-intensity urban centers well-connected by multi-modal intra-urban transportation facilities.
3. In locations which optimize efficiency in public service delivery and conservation of valuable natural resources.

Elements of the CDMP

Chapter 163 of the Florida Statutes requires each local government to adopt a comprehensive plan and sets forth minimum criteria including an identification of the required elements of a comprehensive plan. The CDMP is organized into twelve Elements preceded by a Statement of Legislative Intent, as indicated below. The first nine elements from the Land Use Element through to the Capital Improvements Element are required by Chapter 163 and the remaining elements are optional and included in the CDMP at the County's discretion.

Statement of Legislative Intent

I. Land Use Element;
II. Transportation Element;
III. Housing Element;
IV. Conservation, Aquifer Recharge and Drainage Element;
V. Water, Sewer and Solid Waste Element;
VI. Recreation and Open Space Element;
VII. Coastal Management Element;
VIII. Intergovernmental Coordination Element;
IX. Capital Improvements Element;
X. Educational Element;
XI. Economic Element; and
XII. Community Health and Design Element

Each Element contains components, which are adopted, plus support components which are not adopted but which provide background information. Only the components of the CDMP, which are adopted as County policy, are contained in this report.

RECEIVED BY CLERK
Item # 13-077
CZAB # 12 Exhibit A-4
JAN 06 2015
CLERK OF THE BOARD

STATEMENT OF LEGISLATIVE INTENT

A. This Statement expresses the legislative intent of the Board of County Commissioners with regard to the Comprehensive Development Master Plan (CDMP). The Statement is applicable to the CDMP in its entirety and is declared to be incorporated by reference into each element thereof.

1. Nothing in the CDMP shall be construed or applied to constitute a temporary or permanent taking of private property or the abrogation of vested rights as determined to exist by the Code of Miami-Dade County, Florida.

2. The CDMP shall not be construed to preempt considerations of fundamental fairness that may arise from a strict application of the Plan. Accordingly, the Plan shall not be deemed to require any particular action where the Plan is incomplete or internally inconsistent, or that would constitute a taking of private property without due process or fair compensation, or would deny equal protection of the laws.

3. The CDMP is intended to set general guidelines and principles concerning its purposes and contents. The CDMP is not a substitute for land development regulations.

4. The CDMP contains long-range policies for Miami-Dade County. Numerous policies contained in the CDMP must be implemented through the County's land development regulations which shall be maintained by the County as required by Section 163.3202, FS. Numerous policies of the plan propose the establishment of new administrative programs, the modification of existing programs, or other administrative actions. It is the intent of Miami-Dade County that these actions and programs be initiated by the date that Miami-Dade County adopts its next Evaluation and Appraisal (EAR) report, unless another date is specifically established in the Plan.

5. The CDMP is not intended to preempt the processes whereby applications may be filed for relief from land development regulations. Rather, it is the intent of the Board of County Commissioners that such applications be filed, considered and finally determined, and that administrative remedies be exhausted, where a strict application of the CDMP would contravene the legislative intent as expressed herein.

6. The Board recognizes that a particular application may bring into conflict, and necessitate a choice between, different goals, priorities, objectives, and provisions of the CDMP. While it is the intent of the Board that the Land Use Element be afforded a high priority, other elements must be taken into consideration in light of the Board's responsibility to provide for the multitude of needs of a large heavily populated and diverse community. This is especially true with regard to the siting of public facilities.

   Recognizing that County Boards and agencies will be required to balance competing policies and objectives of the CDMP, it is the intention of the County Commission that such boards and agencies consider the overall intention of the

CDMP as well as portions particularly applicable to a matter under consideration in order to ensure that the CDMP, as applied, will protect the public health, safety and welfare.

7. The term "shall" as used in the CDMP shall be construed as mandatory, subject, however, to this Statement of Legislative Intent. The term "should" shall be construed as directory.

B. It is the further intent of the Board of County Commissioners that the right of all municipalities in Miami-Dade County to enact and administer comprehensive planning and land development regulation programs to govern development-related activities solely within their respective incorporated jurisdictional boundaries as provided by Chapter 163, Part 2, Florida Statutes, is generally reserved and preserved to the municipalities. The CDMP shall not supersede authority of incorporated municipalities to exercise all powers relating solely to their local affairs as provided by the Miami-Dade County Charter, provided that the following fundamental growth management components of the CDMP that are necessary to carry on a central metropolitan government in Miami-Dade County shall serve as minimum standards for zoning, service, and regulation to be implemented through all municipal comprehensive plans and land development regulations:

1. The Urban Development Boundary (UDB), Urban Expansion Area (UEA) Boundaries, and the CDMP provisions which prescribe allowable land uses and public services and facilities outside the UDB;

2. The Policies for Development of Urban Centers contained in the text of the Land Use Element;

3. The Population Estimates and Distributions as mapped in the Land Use Element; and

4. Policies which provide that the County shall maintain and utilize its authority provided by the Miami-Dade County Charter to maintain, site, construct and operate public facilities in incorporated and unincorporated areas of the County.

RECEIVED BY CLERK
Item # 13-77
CZAB # 12 Exhibit A-2
JAN 06 2015
CLERK OF THE BOARD

December 10, 2014

Community Zoning Appeals Board No. 12
Department of Planning & Zoning
Agenda Coordinator's Office
111 NW 1st Street, 11th Floor
Miami, Florida 33128

Re: Public Hearing Z13-077 – Manuel J. Menendez Trust
6950 SW 40th Street, Miami, Florida

Dear Council Member:

I own the property at 4259 SW 69 AVE, and am a neighbor of the above-referenced property. The purpose of this letter is to advise you that I met with the developers for the referenced project on December 8, 2014, at a meeting held at the Gables Banquet Hall, 7360 SW 24th Street, Miami, Florida.

After reviewing the plan and discussing the specific aspects of the application with the development team, I wish to express my support for the application. I believe that the Development will be an attractive addition to Bird Road in this area.

Respectfully,

Alexander Reyes

Neighbor

ATTENDANCE & SPEAKERS' ROSTER

1-6-15 (DATE) COMMUNITY ZONING APPEALS BOARD C-12 (CZAB #)

AGENDA ITEM(S)	PRINT NAME	SIGN NAME
A	COMMISSIONER BOB WELSH SOUTH MIAMI	
C	Jean Mardeni	
A	Debra Santana	Debra Santana
A	Jose Morenides	
A	VICTOR VAZQUEZ	
B IN FAVOR	RAFAEL ALFONSO	
B IN FAVOR	LUIS TORCIDA	
#2	Philip Coller	
#2	Robin Coller	
A	Jorge J. del Valle	Jorge J. del Valle
C	KARMA PRIETO	Karma Prieto
B	Pale Glassone	
C	LINDA LEVINE	
A	Eleanor Quigley	Eleanor Quigley
C	TONY SHERSHIN	A.C. Shershin
2	CARLOS LANZA	
13-077	Phil Berberian	
C	Carmen Shershin	Shershin
C	BARRY SHARPE	
1	Pamela Lahiff	

CONTINUE ON OTHER SIDE IF MORE SPACE IS NEEDED

ATTENDANCE & SPEAKERS ROSTER

_____ COMMUNITY ZONING APPEALS BOARD _____
(DATE) (CZAB #)

AGENDA ITEM(S)	PRINT NAME	SIGN NAME
A	RICHARD FORMOSO	Richard Formoso

CONTINUE ON OTHER SIDE IF MORE SPACE IS NEEDED

MIAMI-DADE COUNTY
AERIAL YEAR 2012

Process Number
Z2013000077

Section: 23 Township: 54 Range: 40
Applicant: MANUEL J.MENENDEZ TRUST
Zoning Board: C12
Commission District: 7
Drafter ID: JEFFER GURDIAN
Scale: NTS

Petition signatures on Page 2 (9 ea) (East of 69 Ave)

Legend
Subject Property

Petitions Signed (16 ea.) on page 1 (west of 69 Ave.)

SKETCH CREATED ON: Thursday, September 12, 2013

REVISION	DATE	BY

. PLANNED CONSTRUCTION FOR:
- multi-family residential development
- 9 stories 84' Height (can go 100' in BU2 - however, residential not permitted - negotiate bldg height to 4 stories MAX.
- Deferred new hearing Date: OCT. 7 @ 6:30PM

1. MANUEL J. MENENDEZ TRUST 14-7-CZ12-1 (13-077) **23-54-40**
Area 12/District 7

REQUESTS #1 THROUGH #3 ON TRACT "B" (closer to Bird Road next to POST OFFICE ON WEST SIDE)

NO (1) DISTRICT BOUNDARY CHANGE from RU-4L to RU-4M. NO 6 stories is too high. 67 units MAX. 4m allows for 8 stories

(2) DELETION of a Declaration of Restrictions, recorded in Official Record Book 24126, Pages 0768-0772.

(3) DELETION of a Declaration of Restrictions, recorded in Official Record Book 26198, Pages 4915-4919.

The purpose of Requests #2 & #3 is to delete two covenants that restrict the property to a previously approved plan for a townhome development and permit the applicant to submit new plans for a proposed multi-family residential development.

REQUEST #4 ON TRACT "A"

Do NOT Rezone Allow variance only if the bldg is 4 stories MAX.

Contingent on keeping height to 4 Storeys MAX. only

(4) SPECIAL EXCEPTION to permit a multi-family residential development in the BU-2 zoning district.

REQUESTS #5 THROUGH #9 ON TRACTS "A" AND "B" (behind back yards to approx 20 homes)

(5) NON-USE VARIANCE to permit one way drives with a minimum of 10' (15' required).

(6) NON-USE VARIANCE to permit a multi-family building setback a minimum of 2 feet (20 feet required) from the interior side (west) property line. claimed on circular drive only. NOT TRUE.

(7) NON-USE VARIANCE to permit an accessory building (gazebo) setback 15 feet (20 feet required) from the interior side (west) property line.

NO ? ASK neighbors who's back yards will view-see new development

(8) NON-USE VARIANCE to waive the required 5' wide dissimilar land use buffer including a 6' high wall fence or hedge and buffer trees along portions of the east and west property lines. (Along Rail Road area)

(9) NON-USE VARIANCE to waive the required decorative masonry wall at least 5 feet in height between the business lot and residential lot interior to the site. (joins the BU2 to RU4L) OK.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Central Park Apartments" as prepared by Collado and Partners, Inc., consisting of 5 sheets, dated stamped received 5/14/14 and landscape plans prepared by Kimberly Moyer RLA consisting of 2 sheets, all dated stamped received 2/26/14. Plans may be modified at public hearing.

needed

ZONING HEARING NOTICE FOR
9-story Apartment Bldg
next to Post OFFICE

MIAMI-DADE COUNTY
Miami Dade County
Department of Regulatory & Economic Resources
111 N. W. 1st Street Suite 1110
Miami, Florida 33128-1974
http://www.miamidade.gov/business/zoning.asp

ZIP 33178 $ 000.
02 1W
0001382955 JUN 12 20

RETURN SERVICE REQUESTED

HEARING NUMBER: 13-077
APPLICANT NAME: MANUEL J. MENENDEZ TRUST
THE APPLICANT IS REQUESTING A ZONE CHANGE FROM RU-4L (LIMITED APT. HOUSE) TO RU-4M (MODIFIED APT. HOUSE) ZONE DISTRICT, AND A SPECIAL EXCEPTION TO PERMIT A MULTI-FAMILY RESIDENTIAL DEVELOPMENT. ADDITIONALLY, THE APPLICANT IS REQUESTING TO DELETE TWO COVENANTS THAT RESTRICT THE PROPERTY TO A PREVIOUSLY APPROVED PLAN FOR A RESIDENTIAL DEVELOPMENT AND PERMIT THE APPLICANT TO SUBMIT NEW PLANS FOR A PROPOSED MULTI-FAMILY RESIDENTIAL DEVELOPMENT.
THE APPLICANT IS ALSO REQUESTING NON-USE VARIANCES TO WAIVE THE REQUIREMENT FOR A WALL BETWEEN THE RESIDENTIAL AND COMMERCIAL ZONED LOTS, AND TO PERMIT VARIANCES ON SETBACK(S) AND LANDSCAPING, AS WELL AS OTHER ACCOMPANYING REQUEST(S), ON THIS SITE.
PLANS ARE ON FILE AND MAY BE EXAMINED IN THE DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES.

HEARING WILL BE HELD AT THE
KENDALL VILLAGE CENTER -CIVIC PAVILION
8625 SW 124 AVENUE
MIAMI-DADE COUNTY, FLORIDA

COMMUNITY ZONING APPEALS BOARD 12
DATE 07/08/2014
TUESDAY
TIME 6:30 PM

Next hearing date:
OCT 7, 2014 6:30PM

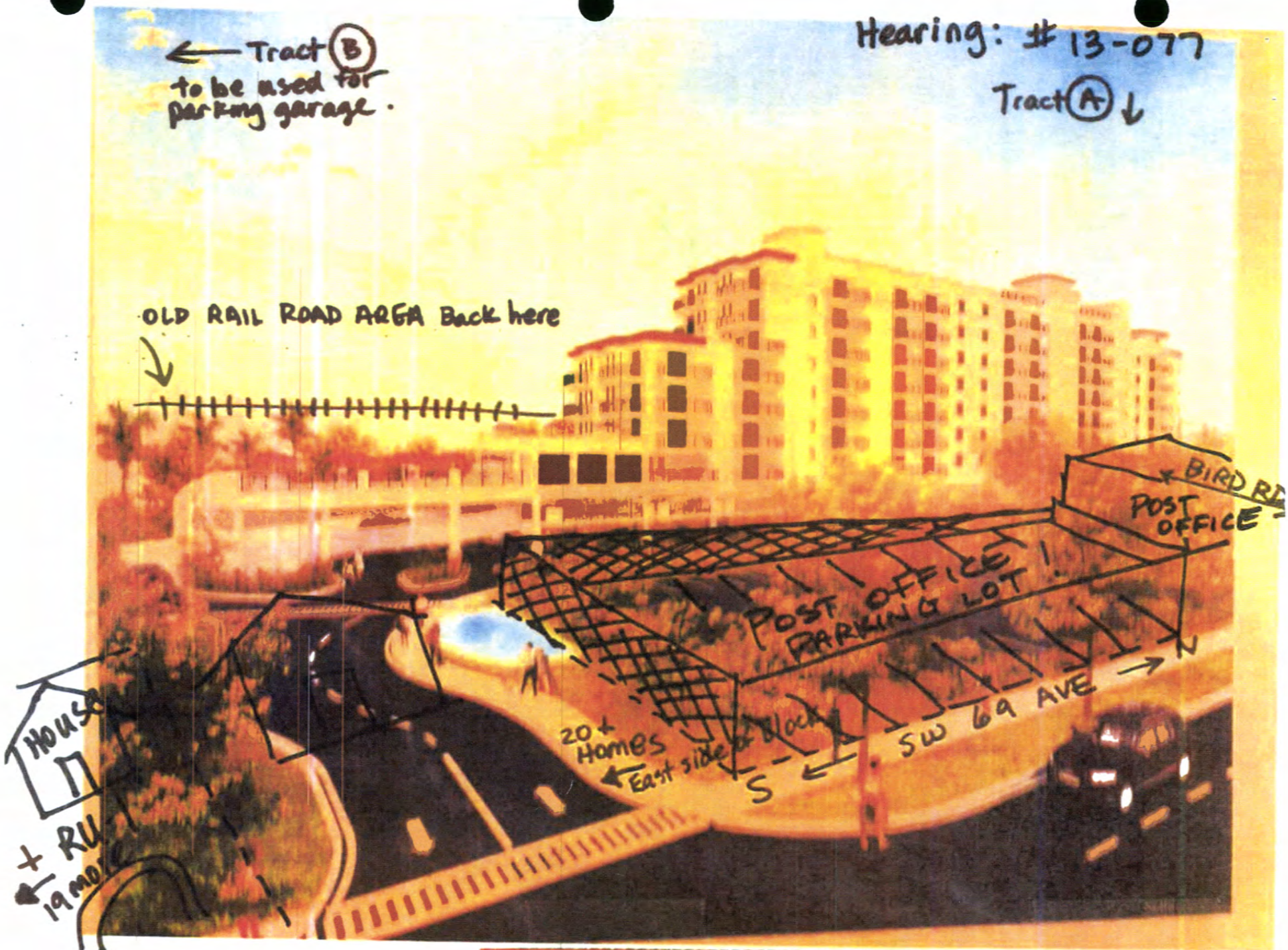
RU-4L
Allows 6 stories Max 75' H.
(To be used for parking Garage)

Residential / Bu-2 does not permit

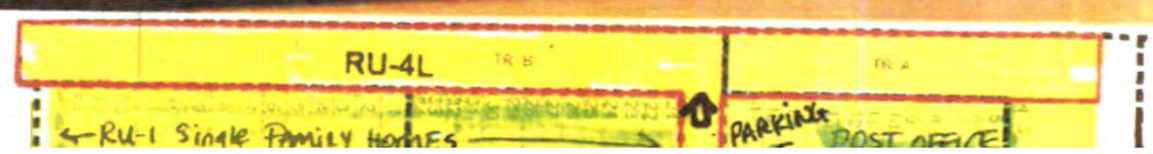
Take A plans for 9-story multi-family units

Owner Name Sub Division Folio

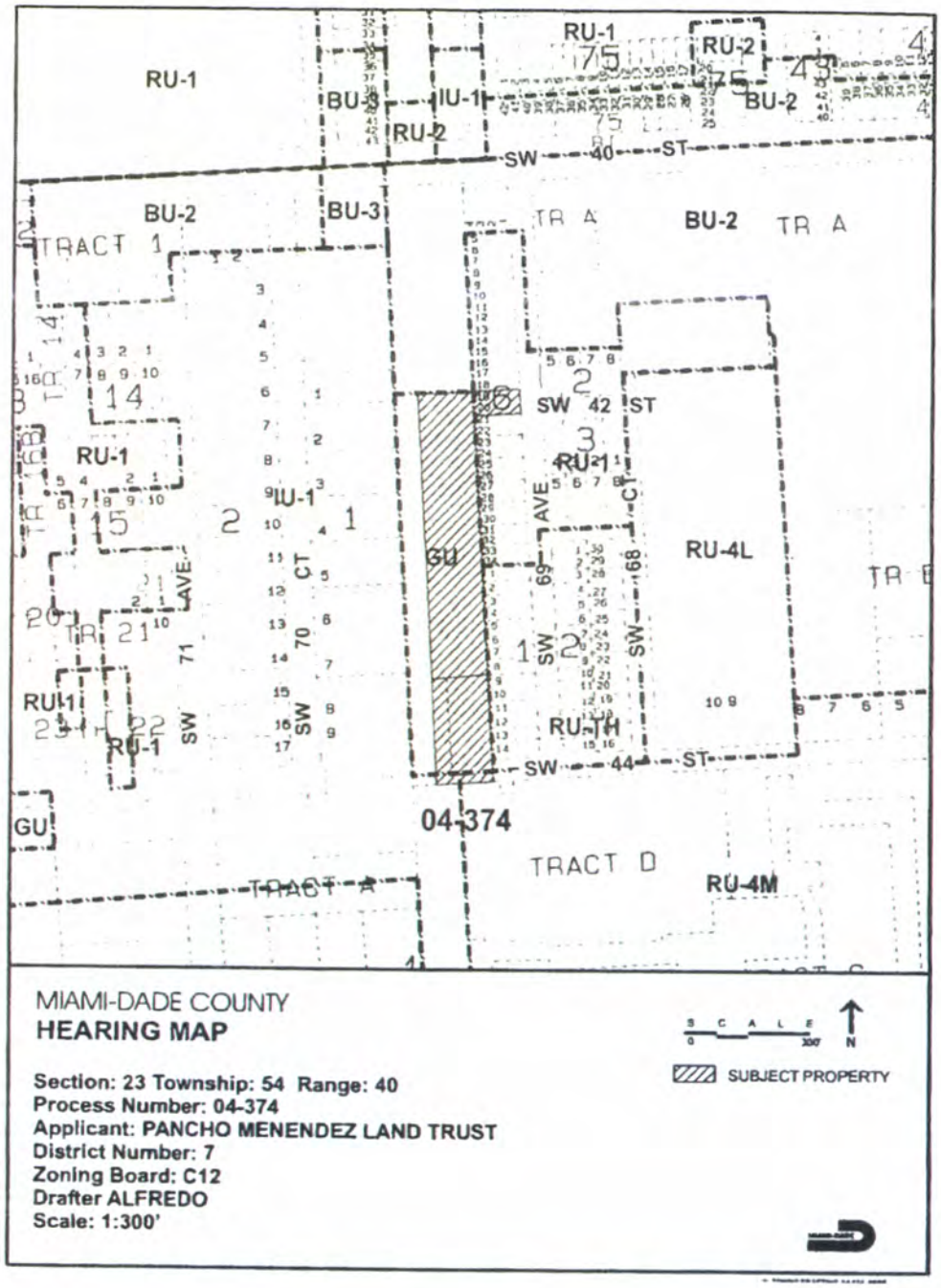
THE STORY OFFICE



Hearing: # 13-077
Tract (A) ↓
← Tract (B) to be used for parking garage.
OLD RAIL ROAD AREA Back here
BIRD RD
POST OFFICE
POST OFFICE PARKING LOT!
SW 69 AVE
N
S
20 + Homes
East side of block
HOUSE
+ RU
19 more



RU-4L
TR B
TR A
← RU-1 Single Family Homes
PARKING
POST OFFICE

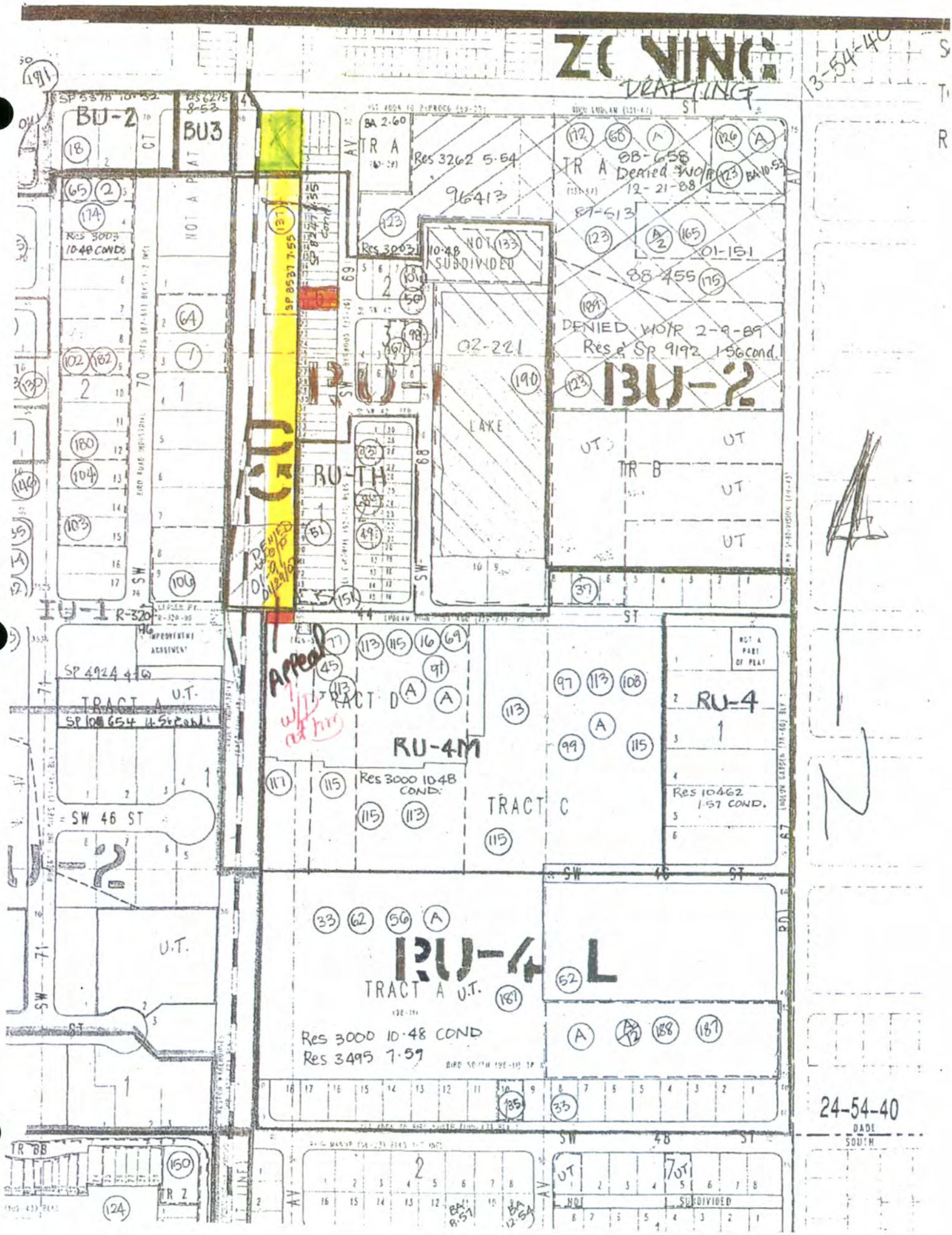


I. **RECOMMENDATION:** Approval of the zone change to RU-4L, subject to the Board's acceptance of the proffered covenant.

J. **CONDITIONS:** None.

DATE INSPECTED: 11/23/04
DATE TYPED: 12/07/04
DATE REVISED: 12/28/04, 1/05/05, 02/02/2005, 03/14/05, 04/11/05, 04/13/05, 05/12/05 05/18/05, 07/08/05, 07/21/05, 07/22/05, 08/29/05, 08/30/05, 11/07/05, 11/09/05, 11/18/05, 11/21/05
DATE FINALIZED: 11/21/05
DO:QW:AJT:MTF:LVT:GB:CSE: JED

for Diane O'Quinn Williams, Director
Miami-Dade County Department of
Planning and Zoning


ZONING
DRAFTING
13-54-40
BU-2
BU3
NOT A PLAT
TR A
Res 3262 5.54
96413
88-658
Denied WO/P
12-21-88
87-513
01-151
88-455
DENIED WO/P 2-9-89
Res & Sp 9192 1.56 cond.
BU-2
NOT SUBDIVIDED
02-221
LAKE
RU-1
RU-TH
TR B
UT
IU-1
R-320
SP 4924 4.60
TRACT A
U.T.
SP 10654 4.56 cond.
SW 46 ST
Appeal
TRACT D
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Res 3000 10.48 COND.
TRACT C
RU-4
Res 10462 1.57 COND.
RU-4L
TRACT A U.T.
Res 3000 10.48 COND
Res 3495 7.59
24-54-40
DADE
SOUTH
TR BB
TR Z
SUBDIVIDED

Residents in the immediate area. (But not on same block as proposed on 13-077)

	Property Owner Signature	Printed Name	Address or Tax ID #
17.	15. Ignacio [signature]	IGNACIO R. GUTIERREZ	4315 SW 69 AVE
18.	16. Mario Santana	Mario Santana	4257 SW 69th Ave
19.	17. AMALIA Dominguez	AMALIA Dominguez	6864 SW 42 St
20.	18. GUILLERMO LEMUS	[signature]	6854 SW 42 ST
21.	19. [signature]	Manuela Trujillo	" " "
22.	20. ~~[signature]~~	LIZE-LOTTE PITLO	4315 SW 69 AVE.
23.	21. Julio Santos	Julio Santos	6864 SW 42 St
24.	22. [signature]	MURVA FRANK POMARA	6868 SW 42 St
25	23. MARCEL Pividal	MARCEL Pividal	6640 SW 43rd ST
	24.		
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	56.		

25 residents oppose by signature petition, application 13-077.

Community Zoning Appeals Board No. 12
Department of Planning & Zoning
Agenda Coordinator's Office
111 NW 1st Street, 11th Floor
Miami, Florida 33128

Re: Public Hearing Z13-077 – Manuel J. Menendez Trust
6950 SW 40th Street, Miami, Florida

We are residents living in the immediate area of the captioned property and we wish to advise the Community Zoning Appeals Board for Area 12 that we have met with the Applicant's representatives and discussed the proposed application for the property. As a result of our meeting, we hereby wish express our support for the application and are signing this petition requesting that you approve this application.

Name	Address	Signature
Orlanda J Portela	7004 SW 40 St Miami FL	
Commissioner UK	South Miami – Bob Welsh	

Community Zoning Appeals Board No. 12
Department of Planning & Zoning
Agenda Coordinator's Office
111 NW 1st Street, 11th Floor
Miami, Florida 33128

Re: Public Hearing Z13-077 – Manuel J. Menendez Trust
6950 SW 40th Street, Miami, Florida

We are residents living in the immediate area of the captioned property and we wish to advise the Community Zoning Appeals Board for Area 12 that we have met with the Applicant's representatives and discussed the proposed application for the property. As a result of our meeting, we hereby wish express our support for the application and are signing this petition requesting that you approve this application.

Name	Address	Signature
Yanko Gonzalez	6836-A SW 40th St.	
ADAM Brand	6822 SW 40th St	
CRAIG STARMAN	6722 SW 40 ST	

Hearing 13-077:

Date: Jan. 6, 2015 (Tuesday)
Time: 6:30 PM *(give yourself time, traffic is horrible at that time)*
Place: Kendall Village Center – Civic Pavilion
8625 SW 124 Ave., Miami, FL

With regard to the CDMP, this property has already been up-zoned from GU to RU-4L and BU2, refer to zoning hearing 04-374

We feel that a 3 story townhouse is the best fit for compatibility to the Neighborhood, and would be the best sensitive transition from the 1 story single family homes and townhomes.

The CDMP for the BRUDMP guidelines set forth, allows for 1-story to 3-stories, to 4thru6 stories, to unlimited heights, with required setbacks.

- Anything more than 3 stories next to the homes would be out of character for adjacent properties

THIS APPLICATION WILL

- Introduce a new street and traffic patterns for 189 cars, in the center of the block, where there once was a house.
- Just as you are no longer able to fill in a lake to build apartments (as was the case already in this neighborhood, you should not be allowed to remove a house to create an entrance driveway or new traffic patterns. This negatively impacts the homeowner's property values on that block with more traffic, noise, lights, and accidents or safety issues for pedestrians.

- I do not know how it is possible for zoning to permit and approve use of easements on the FEC Right-of Way, and easements of 2 residential properties.
- Is the property 100'W as indicated on the site plan (see pg. 7), or is it 100'W with 10' FEC easement on west side of property? Because the Ariel view looks smaller than the FEC property which is max. 100'W

- The greater the density the more it negatively impacts traffic and will increase the rate of **accident**s on Bird and 69 Ave. (In 2013 there were– 8 accidents; and in 2012 there were 10 accidents)
- Both of the closest major N-S roads are only 2 lanes at SW 67 Ave and 72 Ave. (and Bird Road is already congested).

- **A 9 story building would out of character for the area**
- It will not transition well from 1 story to 9 stories at the BU2 commercial site.
- There are no buildings more than 4 stories in our business district area and a 9 story building would create a negative visual impact. The post office which abuts this property is only a 1 story building.
- Residential uses are not permitted on BU2 commercial use properties
- This application will SET A PRECEDENCE" for surrounding properties and FEC Ludlam Trail Corridor.
- And, it is not compatible to the neighborhood

We oppose the following variance items:

1. any additional up-zoning from RU-4L to RU-4M
2. **we oppose:** deletion of the two covenants that restrict the property to a 3 story townhouse development as a condition for being upzoned to RU-4L
3. **we oppose:** combining track A & B by unity of title, after separating them to rezone from GU to RU-4l and BU2 at hearing 04-374, unless the properties are combined to RU-4L, and RU1 property at entrance is taken out of the equation. This would allow for a building height of 6 stories next to the post office, and 3 stories next to the residential properties. Traffic could enter and exit at Bird and SW 44 Street, where streets already exist.
4. **We oppose:** Special exception to: permit a multi-family residential development in BU2 zoning

We also oppose "non-use variances:

5. To permit one way drives with a minimum of 10' where (15' is required)
6. To permit a building setback a min. of 2' to 5',where (20' is required).
7. No objections to item 7
8. We oppose waiving the requirement for 5' wide land use buffer including a 6' high wall fence or hedge and buffer trees along the E & W property lines
9. And we oppose waiving the requirement for the 5' decorative masonry wall between the Tracts A&B interior to the site. *(the homeowners should not be subjected to any commercial traffic.*

Thank you for the opportunity to be heard,

and for your service to our community.

ZONING PETITION FORM

Dade County, FL

RECEIVED BY CLERK
Item # 13-077
CZAB # 12 Exhibit A-6
JAN 06 2015
CLERK OF THE BOARD

We, the property owners being affected by applicant's hearing no.13-077, want to **oppose:**

1. A **zone change** from RU-4L (Limited Apt. House) to RU-4M (Modified Apartment House) Zone District
2. **Special Exception** to permit a Multi-Family Residential Development
3. Additionally, we oppose **the deletion of two covenants** that restrict the property owner to a previously approved plan for a 3-Story Residential Development and would permit the applicant to submit new plans for a proposed mutli-family residential development.

We also oppose the applicants request for **non-use variances:**

1. To waive the **requirement for a wall between the residential and commercial** zoned lots.
2. We also oppose permit of variances on **setbacks,**
3. And variances in landscaping

Zoning Case # and Description: 13-077 Manuel J. Menendez Trust

I, Eleanor Quigley, do hereby verify that I collected the information contained on this document and that the persons whose names are listed hereon did sign this document in my presence and that I witnessed their signature for the purposes stated herein.

Eleanor Quigley 8-24-14
Signature of Person Collecting Names

3470 SW 75 Ave (305) 266-8461 equigley@hpimiami.com
Address Telephone Number E-Mail Address

We, the undersigned owners of property within 200' of the property that is the subject of this zoning case, oppose the requested zoning change because (attach additional pages if necessary) Our 20 single-family homes abut applicants property to the west, at our back yard property lines. Density to this area will be too great parking garage noise and lights will affect our quality of life. 1.7 parking spaces per unit is not sufficient and will add to the parking problems that already exist at neighboring apartments. The transition from one-story homes is too great, and is out of character for this residential area at SW 69 Ave & SW 40 ST

Property Owner Signature	Printed Name	Address or Tax ID #
1.	RAFAEL SEGUNDO	4110 S.W 69 AVE
2.	Silvio C. Gibson	4180 S.W 69 Ave
3.	FELIX SANCH	4150 SW 69 AVE
4.	JUAN JIMENEZ	4150 SW 69 AVE
5. MARCOS MOURE		4252 SW 69 Ave.
6. Aling Garcia		4260 SW 69 Ave.
7. Caridad G. Deya	Caridad Gr. DEya	4306 SW 69 AVE
8. RAFAEL PAZ	Rafael Paz	4308 SW 69 AVE
9. Carmen Gibson		4301 SW 69 Ave.
10. ROSALINA MORENO	Rosalina Moreno	4130 SW 69 AVE
11. Caridad Garcia Deya	Caridad Garcia Deya	4306 SW 69 AVENUE
12. George Deya	George Deya	4306 S.W 69 AVENUE
13. Carlos Villavarde	CARLOS VILLAVER DE	4312 SW 69 AVE M.F
14.	Phil Berberian	4100 SW 69 Ave.
15.	NEREIDA MONTALVO	4110 SW 69 Ave
16.	David Jimenez	4160 SW 69 AVE

Menendez, Maria M.

From: Welsh, Bob
Sent: Monday, January 05, 2015 7:24 PM
To: Menendez, Maria M.
Subject: Please print me two copies and I'll p/u Tuesday

I'm Bob Welsh, one of the 5 people who sit on the South Miami Commission. For the past 3 months I have been involved in the fight for the Ludlam Trail. I am not one of the purists who advocate only for a recreational trail on the entire 6.2 mile Florida East Coast Industry property. As an elected official I have to think about the cost of purchasing and maintaining park space. It makes more economic sense to let the Railroad build high and dense at both ends of the trail (Dadeland and Blue Lagoon) and also at section line roads like Flagler, SW 8 St, Coral Way and Bird Road. It doesn't make sense for the County to run the park all the way up to those busy roads and expect joggers and cyclists to risk their lives crossing the streets. That is too expensive and not safe at all. I propose that those tall and dense buildings, as part of a development agreement, have to reserve a 20' wide path in their second story that would connect to a pedestrian bridge that would connect to a similarly designed building on the other side of the street. The ramp down would be built farther away from the main road, where land is cheaper,

Dense land use is likely to happen on FECI property that abuts Bird Road with little pushback from adjoining neighbors because ARE no adjoining neighbors. If density happens on railroad property it should also happen on Mr Menendez's property, 6950 Bird Rd. Neighbors of townhouses from the Post Office to SW 44 St need to be be protected from traffic incursion and from not having a Multi-storied parking building staring down at them. I advocate for both FECI's and Mr. Menendez's property from Bird to 42 St being zoned high and dense, for Mr Menendez's parking from 42 to 44 St (on the eastern side) being ground level, I advocate for 1) the parking on the RR property from 42-44 St being 2 story with a pedestrian/bicycle ramp being made integral to the parking structure. 2) I also advocate for opening up 44 St to the western side of the FECI property, directing both Mr Menendez and FECI's vehicular traffic away from Bird Rd, while keeping it out of neighborhoods to the east.

Thank you, South Miami Commissioner "Bicycle Bob" Welsh

WARNING: Bob Welsh is for the time being an elected official. All emails with public officials are public records and could possibly wind up in Community Newspapers, whose editor, in my opinion, has a serious editing problem!

RECEIVED BY CLERK
Item # 13-77
CZAB # 12 Exhibit A-1
JAN 06 2015
CLERK OF THE BOARD

Letter of Objection to the Requests Pursuant Zoning Hearing Number Z13-077 by Applicant Manuel J. Menendez Trust

Property Address:
Tract A: 6950 SW 40th St. Miami, FL 33155
Tract B: 4090 SW 69th Ave. Miami, FL 33155

By Phil Berberian
Property owner at 4100 SW 69th Ave. Miami, FL 33155

Addressed to: Ron Connally - Supervisor of the Zoning Hearings and Administrative Review
Franklin Gutierrez - Supervisor of the Community Councils Agenda Coordination

78-unit 9-story Multi-family Development - Negative Impacts and Undue Hardship on the Neighborhood and the Community of Home Owners of Byrwood Sub-division on SW 69TH Ave., between 40th St. (a.k.a. Bird Road) and 44th St.

Summary of Events

- First notice of zoning hearing was sent on June 12th, 2014.
- First public hearing was held on July 8th, 2014.
- The plans of the multi-family development and application were submitted to the city in August of 2013.
- The zoning change and multi-family development request was deferred during first public hearing and rejected by the board.
- Second zoning hearing is scheduled on October 7th, 2014.

Note: As of today, we have not yet received a notice in the mail regarding the second hearing.

As property owner of 4100 SW 69th Ave, I have a list of concerns with regards to the development of the multi-family complex right on the premises of my property:

1- On the Miami-Dade website, the property lines of the development in question are encroaching on our property line from the northern side, and as a result, the entire subdivision's property lines from north to south have shifted to the south. This is a critical concern for us. (See document attached).

2- The main access driveway of the new multi-family development will occur right next to my property line, on the north side where all of the bedrooms are located. The main access driveway will be utilized daily by the residents of the 78-unit multi-family development and it will also serve as service vehicle access for trash collection and other daily routine services.

3- There will not be a landscaped 5' buffer zone, nor a privacy wall, as mandated by the existing covenant on the land, between our property and the main access driveway. This will incur both noise and traffic pollution on our home.

4- The new development will also have its parking lot located on the east property line where our backyard is, along with the entire single-family subdivision's backyards facing west. This will incur privacy violations, noise pollution, vehicular traffic, light pollution on the homeowners of the subdivision bordering the eastern property line of the new multi-family development.

5- The submitted landscape and site plans fail to show the setback dimensions on the single-housing subdivision property lines adjacent to the main access driveway and on the eastern side.

Adverse Consequences of the Applicant's Requests Pursuant the development of the Multi-family Complex that will affect the Neighborhood and the Community:

Applicant Request #1:
District Boundary change from RU-4L (Limited Apt. House) to RU-4M (Modified Apt. House) of "tract B"; *located behind the single family houses and their private yards.*

Negative Impact:
The board's approval of this request will empower the owner to develop a 9-story, 100' high multi-family apartment building with a density of 35.9 units per acre adjacent to the single-family houses of the neighborhood. More precisely, the view from the 'private' backyards of the single-family residences could potentially be a 9- story 100' high apartment building. This would be considered to a major invasion of privacy and a violation of daylighting and views rights of the property owners in the single-family housing subdivision. This will have negative impacts on the quality of life of the single-family home owners in addition to the adverse impact on their respective property values.

Applicant Request #2:
Special exception to permit a multi-family residential development.

Negative Impact:
Changes that will negatively impact the neighborhood character by creating higher traffic on the residential street, noise pollution, adjacency and privacy issues by not abiding by the city-imposed setback clearances between properties; not to mention that views, daylighting and green open-space rights will also be restricted.

Applicant Request #3:
Delete two covenants that restrict the property to a previously approved plan for a residential development and permit.

Negative Impact:
The covenants they are seeking to delete mandate the property in question to previously approved plans that include the following elements:

- ***A residential building of 26 dwelling units, 31' and 3- stories high.***
- ***30' setback from our property line (on the east side, backyard side) to the building line.***
- ***5' high CBS or precast wall along the north and west property lines.***
- ***Large canopy trees, 12' high at the time of planting and spaced 20' on center, along east and west property lines and on both sides of the entrance driveway.***
- ***The design is harmonious and in scale with the neighborhood and the ratio of building height (31') to setback (30') seems to be reasonable.***

Refer to Applicant Request #8 for seeking to waive the 6' high privacy protection wall and 5' landscape buffer zone by zoning law and covenant.
(See document attached).

Applicant Request #6:
Non-use variance to permit multi-family residential building setback a minimum of 2' (20' required) from the interior side (west) property line.

Applicant Request #7:
Non-use variance to permit an accessory building (gazebo) setback 15' (20' required) from the interior side (west) property line.

Negative Impact of Requests #6 & #7:
By seeking to waive setback clearances required by zoning law, they are creating an infringement of privacy and rights of the adjacent property owners that will serve only to their benefit.

Applicant Request #8:
Non-use variance to waive the 5' wide dissimilar land use buffer including a 6' high wall fence or hedge and buffer trees along portions of the east and west property lines.

Negative Impact:
This particular request will have a major negative impact on my residence hence my quality of life will be affected. Not to mention the air pollution, noise and traffic that will occur during the months of construction.

Home Owner's Request of Protection of Property Rights and Value

As a home owner since 2007 and a resident of Miami-Dade County, I object to the requests for rezoning and non-use variances by the property owner Manuel J. Menendez Trust and I am seeking a fair Board assessment on the impact this development will have on the quality of life and property values of our neighborhood.

Please kindly consider my concerns as property owner and take into consideration my difficult situation with the construction of this new development on the premises of my own home. I will be attending the second hearing on October 7th of 2014 and will address my concerns directly to the community board at that time.

Sincerely,

Phil Berberian

DOCUMENT 1

Property next door: 4100 SW 69 Ave., Miami, FL 33155

**NOTE: property lines are incorrect on Dade County Web site.*

Property Search Applicat

www.miamidade.gov/propertysearch/#/

HOME | OTHER BENEFITS | ESTATE | PERSONAL PROPERTY | RECORDS | TOOLS | ADMINISTRATION | US | US

Address | Owner Name | Subdivision Name | Folio

SEARCH: 4090 sw 69 ave

Why are the property lines incorrect on the Dade County Web site?

PROPERTY INFORMATION

Folio: 30-4023-009-0180

Sub-Division:
BYRWOOD

Property Address
4100 SW 69 AVE
Miami, FL 33155-4744

Owner
PHILIP M BERBERIAN

Mailing Address
PO BOX 558435
MIAMI, FL 33255

Primary Zone
0100 SINGLE FAMILY - GENERAL

Primary Land Use
0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT

Beds / Baths / Half	4 / 2 / 0
Floors	1
Living Units	1
Actual Area	1,935 Sq.Ft
Living Area	1,840 Sq.Ft
Adjusted Area	1,767 Sq.Ft
Lot Size	5,000 Sq.Ft
Year Built	1970

Property Search Applicat

www.miamidade.gov/propertysearch/#/

Exemption Value	$0	$0	$0
Taxable Value	$0	$0	$0
REGIONAL			
Exemption Value	$50,000	$50,000	$50,000
Taxable Value	$160,589	$161,982	$169,051

SALES INFORMATION

Previous Sale	Price	OR Book-Page	Qualification Description
02/01/2008	$328,000	28196-1005	2008 and prior year sales. Qual by exam of deed
01/01/2008	$0	28196-1004	Qual by exam of deed
03/01/1995	$0	16729-1563	Qual by exam of deed
04/01/1977	$43,167	00000-00000	2008 and prior year sales. Qual by exam of deed
05/01/1976	$44,000	00000-00000	2008 and prior year sales. Qual by exam of deed

For more information about the Department of Revenue's Sales Qualification Codes

2014 2013 2012

LAND INFORMATION

Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value
GENERAL	RU-1	0100 - SINGLE FAMILY - GENERAL	Front Ft	50.00	$76,893

BUILDING INFORMATION

Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value
1	1	1970	1,620	1,525	1,557	$111,723
1	2	1995	315	315	210	$19,459

DOCUMENT 2

CFN 2008R0097522
OR Bk 26198 Pgs 4915 - 4919; (5pgs)
RECORDED 02/05/2008 15:28:36
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

This instrument was prepared by:
James F. Comander, Esq.
Two Datran Center, PH 1-A
9130 S. Dadeland Blvd.
Miami, FL 33156

A|18

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owners hold the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion, and

WHEREAS, a Declaration of Restrictions was recorded (CFN 2006R0023579) encumbering certain property ; and

WHEREAS, a hearing was held to delete a portion of the legal description in said Declaration and reflected in the Resolution (No. CZAB12-37-06). The revised legal description is described in Exhibit A attached hereto and made a part hereof. This revised legal description deletes the north 5 feet of Lot 21 in Block 6 of the BYRWOOD, according to the Plat thereof as recorded in Plat Book 27 at Page26 of the Public Records of Miami-Dade County, Florida; and

WHEREAS, this Declaration is being recorded to correct the legal description in accordance with Resolution No. CZAB12-37-06.

IN ORDER TO ASSURE the **County** that the representations made by the owner during consideration of Public Hearing No. Z04-374 will be abided by the Owners freely, voluntarily and without duress make the following Declaration of Restrictions covering and running with the Property:

1 That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by Angel Milanes, AIA, entitled, "The Train Station," dated the 17th day of November, 2005, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement.

2. The applicant shall install along the east and west property lines and on both sides of the entrance driveway, large canopy trees such as live oak, mahogany or satin leaf, 12' hig h at the time of planting and spaced 20' on center.

3. The applicant shall install in the area along the south property lines in 2 staggered rows, large canopy trees such as live oak, mahogany or satin leaf, 12' h igh at time of planting.

4. The parking areas and the driveways between the buildings and the walkway shall be paved.

5. The applicant shall install a 5' high CBS or pre cast wall along the north and west property lines.

6. Except as modified herein, all conditions, limitations and restrictions of the original Declaration shall remain in full force and effect.

Letter of Objection to the Requests Pursuant Zoning Hearing Number Z13-077 by Applicant Manuel J. Menendez Trust

Property Address:
Tract A: 6950 SW 40th St. Miami, FL 33155
Tract B: 4090 SW 69th Ave. Miami, FL 33155

C-12
10/7/14
P=1

By Phil Berberian
Property owner at 4100 SW 69th Ave. Miami, FL 33155

2014 SEP 11 P 1:55
PLANNING AND ZONING

Addressed to: Ron Connally - Supervisor of the Zoning Hearings and Administrative Review
Franklin Gutierrez - Supervisor of the Community Councils Agenda Coordination

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1- On the Miami-Dade website, the property lines of the development in question are encroaching on our property line from the northern side, and as a result, the entire subdivision's property lines from north to south have shifted to the south. This is a critical concern for us. (See document attached). DOC-1

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Sincerely,

Phil Berberian

P-25

ZONING PETITION FORM

Dade County, FL

C-12

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2. We also oppose permit of variances on **setbacks,**
3. And variances in landscaping

C-12

10/7/2014

PLANNING AND ZONING ACCEPTANCE OFFICE 2014 SEP 11 PM 3:

Zoning Case # and Description: 13-077 Manuel J. Menendez Trust

I, Eleanor Quigley, do hereby verify that I collected the information contained on this document and that the persons whose names are listed hereon did sign this document in my presence and that I witnessed their signature for the purposes stated herein.

Eleanor Quigley 8-24-14

Signature of Person Collecting Names

3470 SW 75 Ave (305) 266-8461 equigley@hpimiami.com

Address Telephone Number E-Mail Address

We, the undersigned owners of property within 200' of the property that is the subject of this zoning case, oppose the requested zoning change because (attach additional pages if necessary) Our 20 single-family homes abut applicants property to the west, at our back yard property lines. Density to this area will be too great, parking garage noise and lights will affect our quality of life. 1.7 parking spaces per unit is not sufficient and will add to the parking problems that already exist at neighboring apartments. The transition from our one-story homes is too great, and is out of character for this residential area at SW 69 Ave & SW 40-44 ST.

Property Owner Signature	Printed Name	Address or Tax ID #
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2.	Silvio C. Gonzalez	4180 S.W 69 Ave
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9. Carmen Gibson		4307 SW 69 Ave.
10. Rosalina Moreno	Rosalina Moreno	4130 SW 69 AVE
11. Caridad Garcia Deya	Caridad Garcia Deya	4306 SW 69 AVENUE
12. George Deya	George Deya	4306 SW 69 AVENUE
13. Carlos Villaverde	CARLOS VILLAVER DE	4312 SW 69 AVE M.F
14.	Phil Berberian	4100 SW 69 Ave.
15.	NEREIDA MONTALVO	4110 SW 69 Ave
16.	Jaime Jimenez	4160 SW 69 Ave

Residents in the immediate area (but not on same block as proposed on 13-077)

	Property Owner Signature	Printed Name	Address or Tax ID #
17.	15. Ignacio [signature]	IGNACIO R. GUTIERREZ	4315 SW 69 AVE
18.	16. Mario Santana	Mario Santana	4257 SW 69th Ave
19.	17. AMALIA Dominguez	AMALIA Dominguez	6864 SW 42 St
20.	18. GUILLERMO LEMUS	[signature]	6854 SW 42 ST
21.	19. [signature]	Manuela Trujillo	" " "
22.	20. ~~[signature]~~	LIZE-LOTTE PITLO	4315 SW 69 AVE.
23.	21. Julio Santos	Julio Santos	6864 SW 42 St
24.	22. [signature]	MURVA FREYRE POMARE	6868 SW 42 St
25	23. MARCEL Pividal	MARCEL Pividal	6640 SW 43rd ST
	24.		
	25.		
	26.		
	27.		
	28.		
	29.		
	30.		
	31.		
	32.		
	33.		
	34.		
	35.		
	36.		
	37.		
	38.		
	39.		
	40.		
	41.		
	42.		
	43.		
	44.		
	45.		
	46.		
	47.		
	48.		
	49.		
	50.		
	51.		
	52.		
	53.		
	54.		
	55.		
	56.		

C-12

10/7/2014

PLANNING AND ZONING
ZONING OFFICE
2014 SEP 11 P 12:32

25 residents oppose by signature petition, . . . application 13-077.

DOCUMENT 1

Property next door: 4100 SW 69 Ave., Miami, FL 33155

*NOTE: property lines are incorrect on Dade County Web site.

Property Search Applicat

www.miamidade.gov

HOME | OTHER BENEFITS | ESTATE | PERSONAL PROPERTY | RECORDS | TOOLS | ADMINISTRATION | US | US

Address | Owner Name | Subdivision Name | Folio

SEARCH: 4090 sw 69 ave

Why are the property lines incorrect on the Dade County Web site?

PROPERTY INFORMATION

Folio: 30-4023-008-0180

Sub-Division:
BYRWOOD

Property Address
4100 SW 69 AVE
Miami FL 33155-4744

Owner
PHILIP M BERBERIAN

Mailing Address
PO BOX 558435
MIAMI FL 33255

Primary Zone
0100 SINGLE FAMILY - GENERAL

Primary Land Use
0101 RESIDENTIAL - SINGLE FAMILY : 1 UNIT

Beds / Baths / Half	4 / 2 / 0
Floors	1
Living Units	1
Actual Area	1,935 Sq.Ft
Living Area	1,840 Sq.Ft
Adjusted Area	1,767 Sq.Ft
Lot Size	5,000 Sq.Ft
Year Built	1970

Property Search Applicat

www.miamidade.gov

Exemption Value	$0	$0	$0
Taxable Value	$0	$0	$0
REGIONAL			
Exemption Value	$50,000	$50,000	$50,000
Taxable Value	$100,589	$141,992	$169,051

SALES INFORMATION

Previous Sale	Price	OR Book-Page	Qualification Description
02/01/2006	$320,000	26196-1005	2006 and prior year sales. Qual by exam of deed
01/01/2006	$0	26196-1004	Qual by exam of deed
03/01/1996	$0	16726-1583	Qual by exam of deed
04/01/1977	$43,157	00000-00000	2006 and prior year sales. Qual by exam of deed
05/01/1976	$44,000	00000-00000	2006 and prior year sales. Qual by exam of deed

For more information about the Department of Revenue's Sales Qualification Codes

2014 2013 2012

LAND INFORMATION

Land Use	Muni Zone	PA Zone	Unit Type	Units	Calc Value
GENERAL	RU-1	0100 - SINGLE FAMILY - GENERAL	Front Ft	50.00	$76,093

BUILDING INFORMATION

Building Number	Sub Area	Year Built	Actual Sq.Ft.	Living Sq.Ft.	Adj Sq.Ft.	Calc Value
1	1	1970	1,620	1,525	1,557	$111,723
1	2	1995	315	315	210	$19,459

DOCUMENT 2

CFN 2008R0097522
OR Bk 26198 Pgs 4915 - 4919; (5pgs)
RECORDED 02/05/2008 15:28:36
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

This instrument was prepared by:
James F. Comander, Esq.
Two Datran Center, PH 1-A
9130 S. Dadeland Blvd.
Miami, FL 33156

A|18

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owners hold the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property," which is supported by the attorney's opinion, and

WHEREAS, a Declaration of Restrictions was recorded (CFN 2006R0023579) encumbering certain property ; and

WHEREAS, a hearing was held to delete a portion of the legal description in said Declaration and reflected in the Resolution (No. CZAB12-37-06). The revised legal description is described in Exhibit A attached hereto and made a part hereof. This revised legal description deletes the north 5 feet of Lot 21 in Block 6 of the BYRWOOD, according to the Plat thereof as recorded in Plat Book 27 at Page26 of the Public Records of Miami-Dade County, Florida; and

WHEREAS, this Declaration is being recorded to correct the legal description in accordance with Resolution No. CZAB12-37-06.

IN ORDER TO ASSURE the **County** that the representations made by the owner during consideration of Public Hearing No. Z04-374 will be abided by the Owners freely, voluntarily and without duress make the following Declaration of Restrictions covering and running with the Property:

1 That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by Angel Milanes, AIA, entitled, "The Train Station," dated the 17th day of November, 2005, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement.

2. The applicant shall install along the east and west property lines and on both sides of the entrance driveway, large canopy trees such as live oak, mahogany or satin leaf, 12' hig h at the time of planting and spaced 20' on center.

3. The applicant shall install in the area along the south property lines in 2 staggered rows, large canopy trees such as live oak, mahogany or satin leaf, 12' h igh at time of planting.

4. The parking areas and the driveways between the buildings and the walkway shall be paved.

5. The applicant shall install a 5' high CBS or pre cast wall along the north and west property lines.

6. Except as modified herein, all conditions, limitations and restrictions of the original Declaration shall remain in full force and effect.

ATTENDANCE & SPEAKERS' ROSTER

10.7.14 (DATE) COMMUNITY ZONING APPEALS BOARD C.12 (CZAB #)

AGENDA ITEM(S)	PRINT NAME	SIGN NAME	
	ERIK ESPINOSA/JOSE ESPINOSA	[signature]	
1	Ann Horenstein	Ann Horenstein	
	Anna Castillo	Anna Castillo	
	Marisolle Castro		
	Martine J. Cosden	JCC	
13-077	CARidad DEYA	C. Deya 13077	13-077
13-077	George Deya	[signature] 13077	13-077
	Doby Chamnin	[signature]	
	Meg McCarthy	[signature]	
	George J. DelValle, Esq	George J. DelValle	
	Shayna Diaz	[signature]	
	Michelle Klein	[signature]	
	Patricia Del Valle	Patricia Del Valle	
	Lynne Cespedes	[signature]	
	Josephine Smith	Josephine Smith	
13-077	Garine Chekjian	[signature] 13-077	
13-077	Philip Berberian	[signature] 13-077	
	Claudia Rojter	[signature]	
	NORMA WONG	Norma Wong	
	KEN WONG	[signature]	

CONTINUE ON OTHER SIDE IF MORE SPACE IS NEEDED

ATTENDANCE & SPEAKERS ROSTER

_____ COMMUNITY ZONING APPEALS BOARD _____
(DATE) (CZAB #)

AGENDA ITEM(S)	PRINT NAME	SIGN NAME
JCC	Barry Boner	[illegible]
JCC	Rocio Montoy	Rocio Montoy
	Phyllis Bochman	Phyllis Bochman
	Doug Buckley	DBuck
13-077	Juan Jimenez	[illegible]
JCC	Rachel Camber	Rachel Camber
JCC	Bob Howard	R Howard
JCC	Patricia Salinas	[illegible]
JCC	Estefania Salinas	[illegible]
JCC	Mercedes Diaz	[illegible]
JCC	Consuelo Domingez	[illegible]
JCC	Ellen Meyer	[illegible]
JCC	Maria Beatriz Lugo	[illegible]
JCC	Monica Geraun	[illegible]
GMJF	Peter McCullagh	[illegible]
JCC	Arlene Meyerson	[illegible]
JCC	Kristen Horce	[illegible]
JCC	ORLANDO COJEDA	Orlando C. Ojeda
JCC	Howard Dranoff	Howard Dranoff
	Marian Dahmer	Marian Dahmer

CONTINUE ON OTHER SIDE IF MORE SPACE IS NEEDED

ATTENDANCE & SPEAKERS' ROSTER

10.7.14 (DATE) COMMUNITY ZONING APPEALS BOARD C-12 (CZAB #)

AGENDA ITEM(S)	PRINT NAME	SIGN NAME
	Vivian Blumin	
	Annamarie Laguna	
	Lucia Valdes Noa	
	Veronica Charpentier	
	Rosi Manrique	
	Carmen Contreras	
	ZORA FRANCES	
	MATT FRANCES	
	Mike Bauer	
	Elyse Molk	
	Lene Sauer	
	Lynn Katzen	
	Dalila Gordon	
	Scott Barton	
	Paul Fisher	
	Suzanne Fisher	
A	Noel Medina	
	Rowland Neil	
	JULIE A NEIL	
	Gary Held	

CONTINUE ON OTHER SIDE IF MORE SPACE IS NEEDED

ATTENDANCE & SPEAKERS ROSTER

10-7-14 COMMUNITY ZONING APPEALS BOARD C-12
(DATE) (CZAB #)

AGENDA ITEM(S)	PRINT NAME	SIGN NAME
	Jeffrey F. Spar	Jeffrey F. Spar

CONTINUE ON OTHER SIDE IF MORE SPACE IS NEEDED

ATTENDANCE & SPEAKER' ROSTER

10.7.14 (DATE) COMMUNITY ZONING APPEALS BOARD C.12 (CZAB #)

AGENDA ITEM(S)	PRINT NAME	SIGN NAME
	JASONN GONZALEZ	
13-077	Eleanor Quigley	Eleanor Quigley
13-077	Joseph Compel Jr	Joseph Compel Jr
13-077	IGNACIO GUTIERREZ	Ignacio Gutierrez 13-077
13-077	FRANK BERRIZBEITIA	
13-077	Rosalina Moreno	Rosalina Moreno

CONTINUE ON OTHER SIDE IF MORE SPACE IS NEEDED

ATTENDANCE & SPEAKERS ROSTER

_____ COMMUNITY ZONING APPEALS BOARD _____

(DATE) (CZAB #)

AGENDA ITEM(S)	PRINT NAME	SIGN NAME

CONTINUE ON OTHER SIDE IF MORE SPACE IS NEEDED

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 12
MOTION SLIP

#A

APPLICANT'S NAME: **MANUEL J. MENENDEZ TRUST**

REPRESENTATIVE: GUILLERMO OLMEDILLO

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
14-7-CZ12-1	October 7, 2014	CZAB12	4	14

REC: Approval with conditions of request #1, subject to the acceptance of the covenant, and approval with conditions of requests #2 through #9.

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S):_____

■ DEFER: ☐ INDEFINITELY ■ TO: Indefinitely ■ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

☐ APPROVE: ☐ PER REQUEST ☐ PER DEPARTMENT ☐ PER D.I.C.
☐ WITH CONDITIONS

■ OTHER: Advertise at applicant's expense.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN		Peggy **BRODEUR**	X		
COUNCILMAN	S	Jorge Luis **GARCIGA**	X		
COUNCILMAN		Dr.Matthew **LARSH**	X		
VICE CHAIRMAN		Alberto **SANTANA**			X
COUNCILMAN	M	Jose I. **VALDES** (C.A.)	X		
COUNCIL WOMAN		Angela M. **VAZQUEZ**			X
CHAIRMAN		Elliot N. **ZACK**	X		
		VOTE:	5	0	

EXHIBITS: ☐ YES ■ NO COUNTY ATTORNEY: Dennis Kerbel

EXHIBIT LIST

COMMUNITY ZONING APPEALS BOARD 12

October 7, 2014

RESOLUTION #: CZAB12-414

ITEM#	HEARING#	APPLICANT'S NAME	SS-TT-RR
A	13-077	**MANUEL J. MENENDEZ TRUST**	23-54-40

EX. #	EXHIBIT DESCRIPTION	IN FILE
A-1		
A-2	NONE	
A-3		
A-4		
A-5	Item was deferred indefinitely.	
A-6		
A-7		
A-8		
A-9		
A-10		
A-11		
A-12		
A-13		
A-14		
A-15		
A-16		
A-17		
A-18		

ATTENDANCE & SPEAKERS ROSTER

7-8-14 (DATE) COMMUNITY ZONING APPEALS BOARD C-12 (CZAB #)

AGENDA ITEM(S)	PRINT NAME	SIGN NAME
1	Jorge J. del Valle, Esq.	Jorge J. del Valle
1	RAMON COLLADO	[illegible]
1	MANUEL J. MENENDEZ	[illegible]
1	Jose Menendez	[illegible]
1	Eleanor Quigley	Eleanor Quigley
1	LAWRENCE PERCUPP	[illegible]

CONTINUE ON OTHER SIDE IF MORE SPACE IS NEEDED

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 12
MOTION SLIP

#1

APPLICANT'S NAME: **MANUEL J. MENENDEZ TRUST**

REPRESENTATIVE: GUILLERMO OLMEDILLO

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
14-7-CZ12-1 (13-077)	July 8, 2014	CZAB12	4	14

REC: Approval with conditions of request #1, subject to the acceptance of the covenant, and approval with conditions of requests #2 through #9.

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S):_____

■ DEFER: ☐ INDEFINITELY ■ TO: Oct. 7, 2014 ■ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

☐ APPROVE: ☐ PER REQUEST ☐ PER DEPARTMENT ☐ PER D.I.C.
☐ WITH CONDITIONS

■ OTHER: Applicant was asked to defer to reconsider the height of the building.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN	S	Peggy **BRODEUR**	X		
COUNCILMAN		Jorge Luis **GARCIGA**			X
COUNCILMAN		Dr.Matthew **LARSH**			X
VICE CHAIRMAN		Alberto **SANTANA**	X		
COUNCILMAN	M	Jose I. **VALDES** (C.A.)	X		
COUNCIL WOMAN		Angela M. **VAZQUEZ**			X
CHAIRMAN		Elliot N. **ZACK**	X		
		VOTE:	4	0	

EXHIBITS: ■ YES ☐ NO COUNTY ATTORNEY: Dennis Kerbel

EXHIBIT LIST

COMMUNITY ZONING APPEALS BOARD 12

July 8, 2014

RESOLUTION #: CZAB12-4-14

ITEM#	HEARING#	APPLICANT'S NAME	SS-TT-RR
1	13-077	**MANUEL J. MENENDEZ TRUST**	23-54-40

EX. #	EXHIBIT DESCRIPTION	IN FILE
1-1	Central Park Place: Site Plans and Aerial Pictures	X
1-2		
1-3		
1-4		
1-5		
1-6		
1-7		
1-8		
1-9		
1-10		
1-11		
1-12		
1-13		
1-14		
1-15		
1-16		
1-17		
1-18		

MIAMI-DADE COUNTY
AERIAL YEAR 2012

Process Number
Z2013000077

Petition signatures on Page 2 (9 ea) (East of 69 Ave)

Section: 23 Township: 54 Range: 40
Applicant: MANUEL J.MENENDEZ TRUST
Zoning Board: C12
Commission District: 7
Drafter ID: JEFFER GURDIAN
Scale: NTS

Legend
Subject Property

Petitions Signed (16 ea.) on page 1 (west of 69 Ave.)

SKETCH CREATED ON: Thursday, September 12, 2013

REVISION	DATE	BY

PLANNED CONSTRUCTION FOR:
- multi-family residential development
- 9 stories 84' Height (can go 100' in BU2 - however, residential not permitted - negotiate bldg height to 4 stories MAX.
- Deferred new hearing Date: OCT. 7 @ 6:30PM

1. MANUEL J. MENENDEZ TRUST 14-7-CZ12-1 (13-077) **23-54-40**
Area 12/District 7

REQUESTS #1 THROUGH #3 ON TRACT "B" (Closer to Bird Road next to POST OFFICE ON WEST SIDE)

NO (1) DISTRICT BOUNDARY CHANGE from RU-4L to RU-4M. NO 6 stories is too high. 67 units 4M allows for 8 stories MAX.

(2) DELETION of a Declaration of Restrictions, recorded in Official Record Book 24126, Pages 0768-0772.

(3) DELETION of a Declaration of Restrictions, recorded in Official Record Book 26198, Pages 4915-4919.

The purpose of Requests #2 & #3 is to delete two covenants that restrict the property to a previously approved plan for a townhome development and permit the applicant to submit new plans for a proposed multi-family residential development.

REQUEST #4 ON TRACT "A"

Do NOT Rezone. Allow variance only if the bldg is 4 stories MAX.

Contingent on keeping height to 4 Storey MAX. only

(4) SPECIAL EXCEPTION to permit a multi-family residential development in the BU-2 zoning district.

REQUESTS #5 THROUGH #9 ON TRACTS "A" AND "B" (Behind back yards to approx 20 homes)

(5) NON-USE VARIANCE to permit one way drives with a minimum of 10' (15' required).

(6) NON-USE VARIANCE to permit a multi-family building setback a minimum of 2 feet (20 feet required) from the interior side (west) property line. claimed ON circular drive only. NOT TRUE.

(7) NON-USE VARIANCE to permit an accessory building (gazebo) setback 15 feet (20 feet required) from the interior side (west) property line.

NO ? ASK neighbors who's back yards will view-see new development

(8) NON-USE VARIANCE to waive the required 5' wide dissimilar land use buffer including a 6' high wall fence or hedge and buffer trees along portions of the east and west property lines. (Along Rail Road area).

(9) NON-USE VARIANCE to waive the required decorative masonry wall at least 5 feet in height between the business lot and residential lot interior to the site. (joins the BU2 to RU4L) OK.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Central Park Apartments" as prepared by Collado and Partners, Inc., consisting of 5 sheets, dated stamped received 5/14/14 and landscape plans prepared by Kimberly Moyer RLA consisting of 2 sheets, all dated stamped received 2/26/14. Plans may be modified at public hearing.

needed

ZONING HEARING NOTICE FOR
9-story Apartment Bldg
next to Post OFFICE

MIAMI-DADE COUNTY
Miami-Dade County
Department of Regulatory & Economic Resources
111 N. W. 1st Street Suite 1110
Miami, Florida 33128-1974
http://www.miamidade.gov/business/zoning.asp

Presort First Class Mail ComBasPrice

POSTAGE PITNEY BO
ZIP 33128 $ 000.
02 1W
0001382955 JUN 12 2(

RETURN SERVICE REQUESTED

HEARING NUMBER: 13-077
APPLICANT NAME: MANUEL J. MENENDEZ TRUST
THE APPLICANT IS REQUESTING A ZONE CHANGE FROM RU-4L (LIMITED APT. HOUSE) TO RU-4M (MODIFIED APT. HOUSE) ZONE DISTRICT, AND A SPECIAL EXCEPTION TO PERMIT A MULTI-FAMILY RESIDENTIAL DEVELOPMENT. ADDITIONALLY, THE APPLICANT IS REQUESTING TO DELETE TWO COVENANTS THAT RESTRICT THE PROPERTY TO A PREVIOUSLY APPROVED PLAN FOR A RESIDENTIAL DEVELOPMENT AND PERMIT THE APPLICANT TO SUBMIT NEW PLANS FOR A PROPOSED MULTI-FAMILY RESIDENTIAL DEVELOPMENT.
THE APPLICANT IS ALSO REQUESTING NON-USE VARIANCES TO WAIVE THE REQUIREMENT FOR A WALL BETWEEN THE RESIDENTIAL AND COMMERCIAL ZONED LOTS, AND TO PERMIT VARIANCES ON SETBACK(S) AND LANDSCAPING, AS WELL AS OTHER ACCOMPANYING REQUEST(S), ON THIS SITE.
PLANS ARE ON FILE AND MAY BE EXAMINED IN THE DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES.

HEARING WILL BE HELD AT THE
KENDALL VILLAGE CENTER -CIVIC PAVILION
8625 SW 124 AVENUE
MIAMI-DADE COUNTY, FLORIDA

COMMUNITY ZONING APPEALS BOARD 12
DATE 07/08/2014
TUESDAY
TIME 6:30 PM

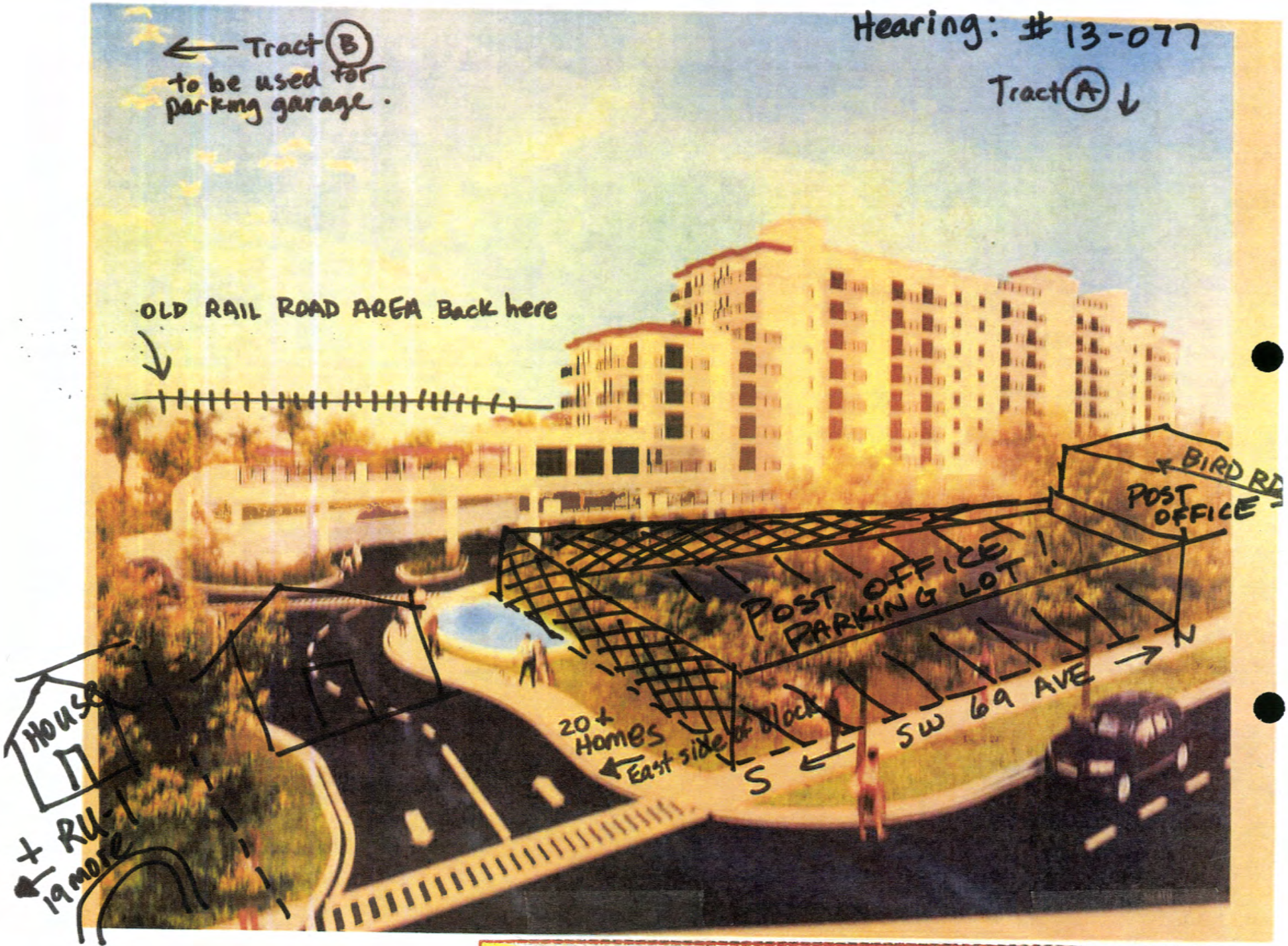
Next hearing date:
OCT 7, 2014 6:30PM

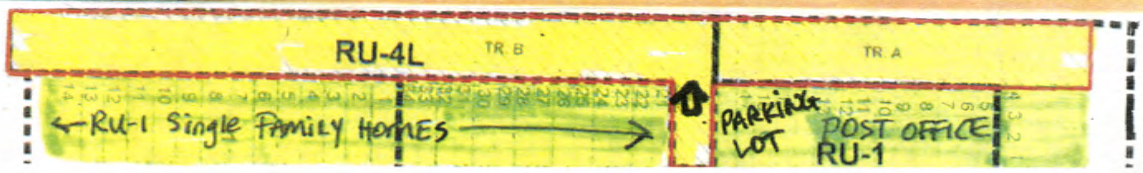
RU-4L
Allows 6 stories Max 75' H.
(To be used for parking Garage)

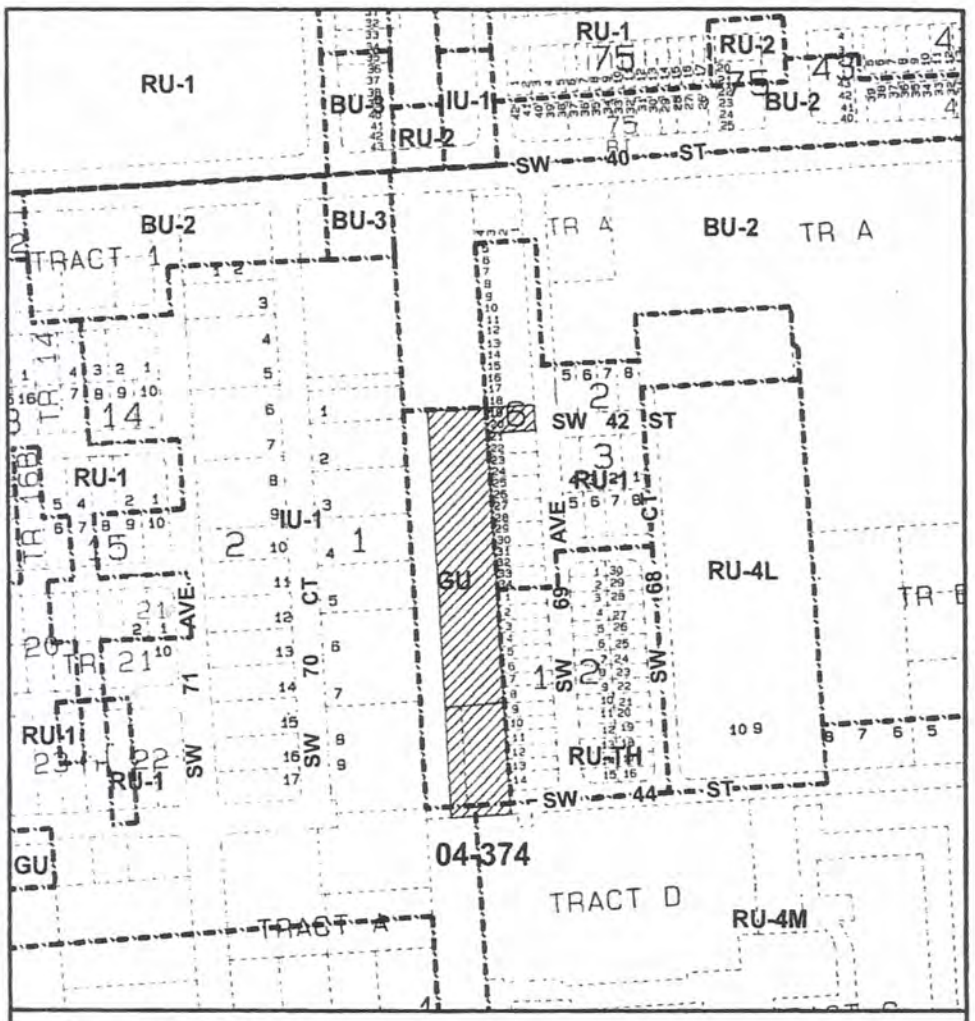
TRACT A
plans for
9-story
multi-family units
Residential
uses not
permitted
BU-2

Owner Name Sub Division Folio
/ 40 St
-6209
NE STORY OFFICE
0/0/0
0
0
707 Sq.Ft
707 Sq.Ft
680 Sq.Ft
37,767 Sq.Ft
2011
Glossary

Hearing: # 13-077







MIAMI-DADE COUNTY
HEARING MAP

SCALE 0 300' N

SUBJECT PROPERTY

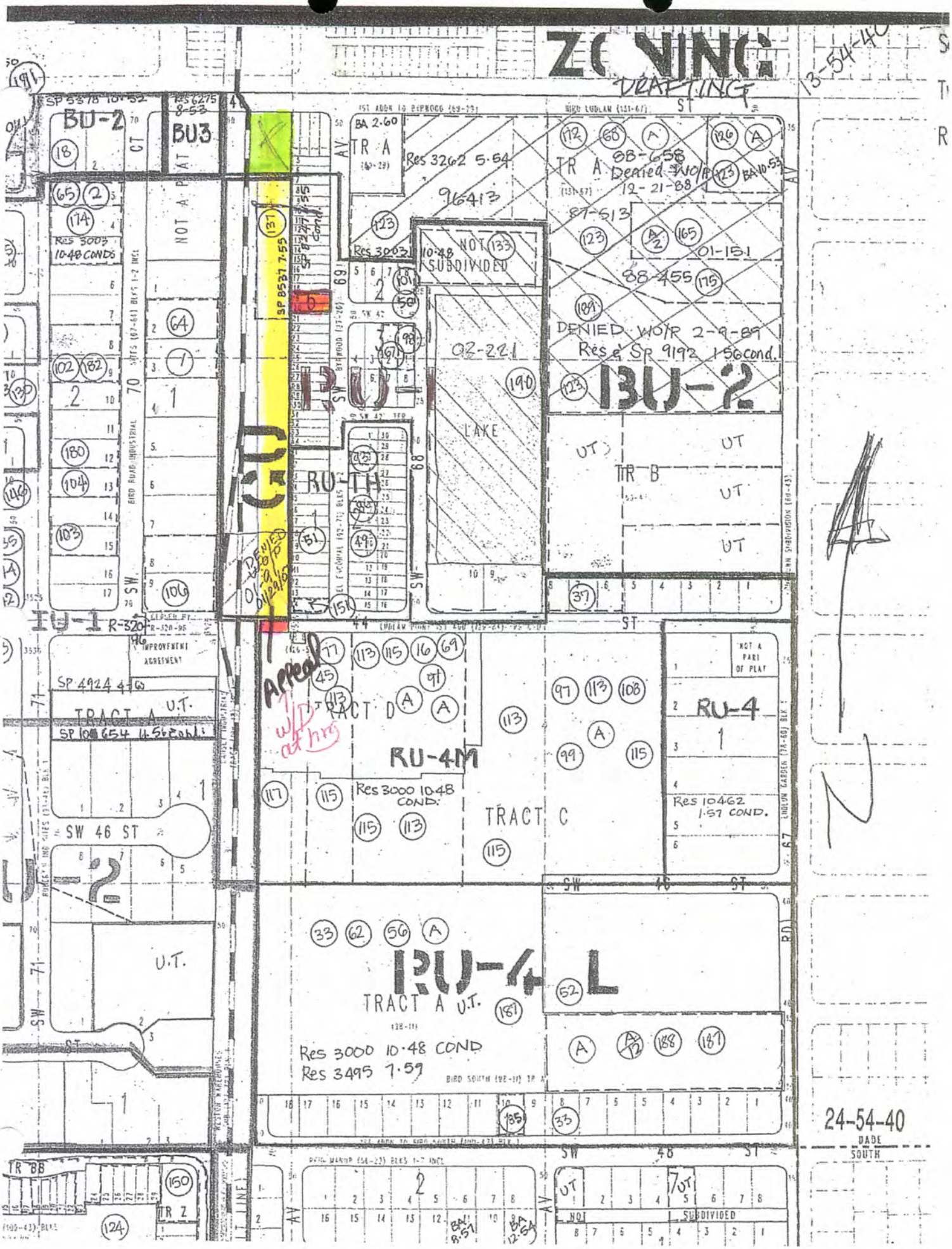
Section: 23 Township: 54 Range: 40
Process Number: 04-374
Applicant: PANCHO MENENDEZ LAND TRUST
District Number: 7
Zoning Board: C12
Drafter ALFREDO
Scale: 1:300'

I. **RECOMMENDATION:** Approval of the zone change to RU-4L, subject to the Board's acceptance of the proffered covenant.

J. **CONDITIONS:** None.

DATE INSPECTED: 11/23/04
DATE TYPED: 12/07/04
DATE REVISED: 12/28/04, 1/05/05, 02/02/2005, 03/14/05, 04/11/05, 04/13/05, 05/12/05 05/18/05, 07/08/05, 07/21/05, 07/22/05, 08/29/05, 08/30/05, 11/07/05, 11/09/05, 11/18/05, 11/21/05
DATE FINALIZED: 11/21/05
DO:QW:AJT:MTF:LVT:GB:CSE: JED

for Diane O'Quinn Williams, Director
Miami-Dade County Department of
Planning and Zoning


ZONING
DRAFTING
13-54-40
BU-2
BU3
NOT A PLAT
TR A
Res 3262 5.54
96413
88-658
Denied W/O/P
12-21-88
87-513
01-151
88-455
DENIED W/O/P 2-9-89
Res & Sp 9192 1.56 cond.
NOT SUBDIVIDED
02-221
LAKE
BU-2
TR B
UT
RU-TH
DENIED W/O/P 01-9-10
IU-1
R-320
IMPROVEMENT AGREEMENT
SP 4924 4.60
TRACT A
U.T.
SP 10654 11.56 cond.
Appeal
w/D at hrg
TRACT D
RU-4M
Res 3000 10.48 COND.
TRACT C
NOT A PART OF PLAT
RU-4
Res 10462 1.57 COND.
SW 46 ST
U-2
U.T.
RU-4L
TRACT A U.T.
Res 3000 10.48 COND
Res 3495 7.59
24-54-40
DADE
SOUTH
TR BB
TR Z
NOT SUBDIVIDED

HISTORY:

02-372:

03-211: REQUESTING: GU, RU-4M, & IU-1 **to IU-1**
REQUEST VARIENCE TO PERMIT STORAGE OF BUILDING MATERIALS

- RU-1 Address: 4090 SW 69 Ave. was included on this application
- Up-zoned from GU to RU-4L and extended BU-2 area
- July 2, 2004: Withdrew the request to be rezoned from GU to BU-2

04-339: THE TRAIN STATION OFFICE COMPLEX (3 storys)

04-374:

(1) GU, BU-2, RU-1, & RU-4M **to BU-2** (approved: CZAB12-30-05) Bifurcation
(2) GU, BU-2, RU-1 & RU-4M **to RU-4L** (Defered to 9/14/2005) Bifurcation
REQUEST FOR VARIANCE TO PERMIT BACKOUT OF 14' (22'REQUIRED) - Withdrawn
(Approved with 2 covenants: Plans for 3 story townhouses)
*The flow of traffic access drive has been reversed so that traffic will now exist via SW 44 Street.
*The access gate has been removed

FOLIOS: 30-4023-099-0020 RU-1 (4090 SW 69 Ave.)
30-4023-009-0150 RU-1 (side street; 15' required)
30-4023-000-0061 – Menendez – Pending Zoning (cancelled await specific zoning)
30-4023-000-0062 (RU-4M) – Menendez – Pending Zoning (cancelled await spec zoning)
30-4023-000-0062 portions of FEC Right-of-Way (Pending Zoning)
30-4023-099-0010 (BU-2) next to Post Office

13-077:

9 Story Building (with 9 exceptions/variances requ

PAGE:	INDEX:
1	History
2	Rendering - East View
3	13-077 Zoning Sketch
4	Site Plan with 2' - 5' easements (20' required)
5	Portions of FEC right-of-way being used *(private property)*
6	Rendering - West View
7	Original GU Zoning Map
8	Site Plan (previosly seperated - *now asking to combine again)*
9	13-077 & 04-374: Zoning MAP
10	Proffered Covenant
11	approved upzoning: 3 story elevation (w.2 covenants)
12	Resolution: CZAB 12-30-05
13	Resolution: CZAB 12-35-05

This property has already been up-zoned with regard to CDMP from GU **to RU-4L and BU-2.**

(1) We oppose up-zoning again from RU-4L to RU-M.
(2) &
(3) We oppose "deleting the two covenants" that restrict the property to a previously approved plan for a townhome development.***This was a condition of approving the up zoning to RU-4 & BU2. And if deleted, zoning should revert back to GU. In addition the RU1 property at 4090 SW 69 Ave., should not be included in this application. (Traffic can enter and exit via Bird Road and SW 44 Street).***
If tracks "A" and "B" are to be combined again, they should be rezoned RU-4L (Not BU-2), which allows for residential uses and allows for up to 6 stories for areas that do not abut one story residential properties.

(4) We oppose a "special exception" to permit a multi-family residential development in the BU-2 zoning district.
(5) We oppose "non-use variance" to permit one way drives with a minimum of 10' (15' required)
(6) We oppose "non-use variance" to permit a multi-family building setback a minimum of 2 feet (20 feet required) from the interior side west property line
(7) N/A
(8) We oppose the "non use variance "to waive the required 5' wide dissimilar land use buffer including a 6' high wall fence or hedge and buffer trees along portions of the east and west property lines
(9) We oppose the "non use variance " to waive the required 5' decorative masonry wall between the business lot and residential lot interior to the site.

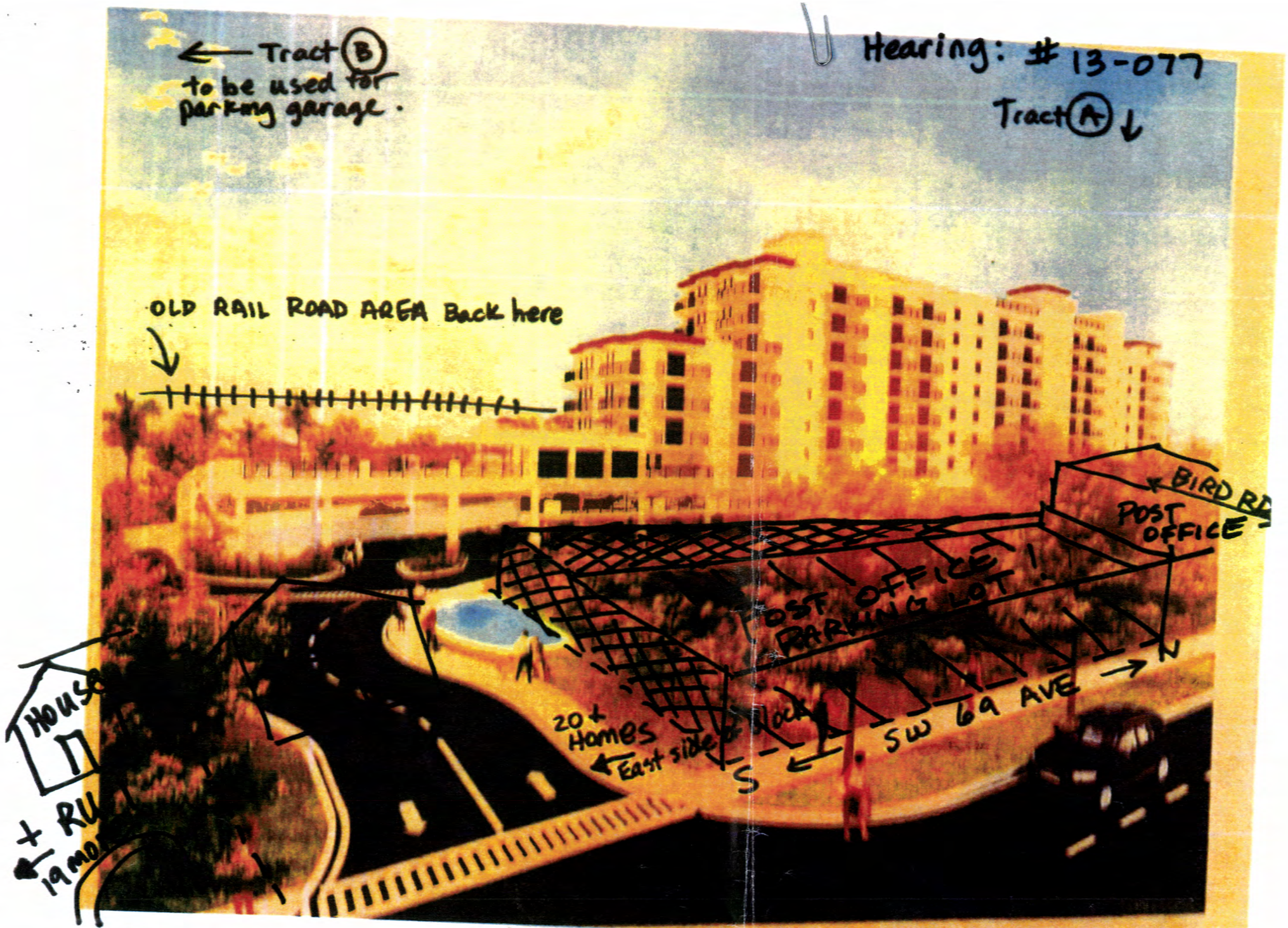
We feel that a 3 story townhouse is more compatible to the Neighborhood, and is a sensitive transition from the 1 story single family homes and townhouses.

And anything more than 3 stories would be out of character for adjacent residential properties

(I feel strongly that the house at 4090 SW 69 Ave. should never have been included in this application for an entrance driveway, because it creates new traffic patterns next to single family homes, creating noise, light, safety issues for the adjacent homes.)

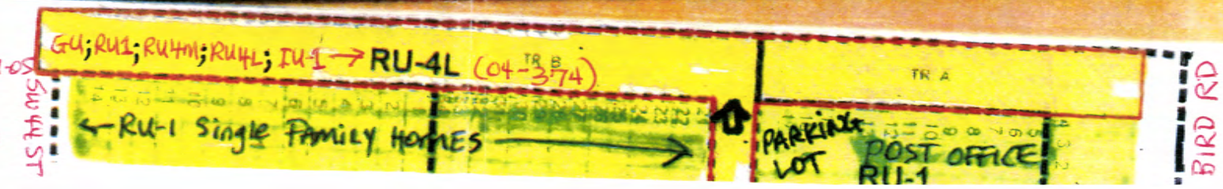
Visual Impacts on surrounding areas for anything more than 4 stories would be out of character for the area in our business district. (both closest N-S access roads are only 2 lanes at SW 67 Ave, and 72 Ave.)

The greater the density the greater the negative impacts on traffic at 69th Ave and Bird Road – next to the Post Office. There were 10 accidents in 2012; and 8 in 2013



* Conditions of REZONING to RU4-L *

04-374 Approved with 2 Covanents: Built to plans dated 11-17-05 31' High 3-story town Home (26 units) & Install a 5' CBS wall along N & W property Line



FEC Property
MAX 100'W

must be less than 100'W (as indicated on site plan pg 7)

Bad Intersection

2012: 10 Accidents
2013: 8 Accidents

MIAMI-DADE COUNTY
AERIAL YEAR 2012

Process Number
Z2013000077

N
W E
S

Section: 23 Township: 54 Range: 40
Applicant: MANUEL J.MENENDEZ TRUST
Zoning Board: C12
Commission District: 7
Drafter ID: JEFFER GURDIAN
Scale: NTS

Legend

Subject Property

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, September 12, 2013

REVISION	DATE	BY

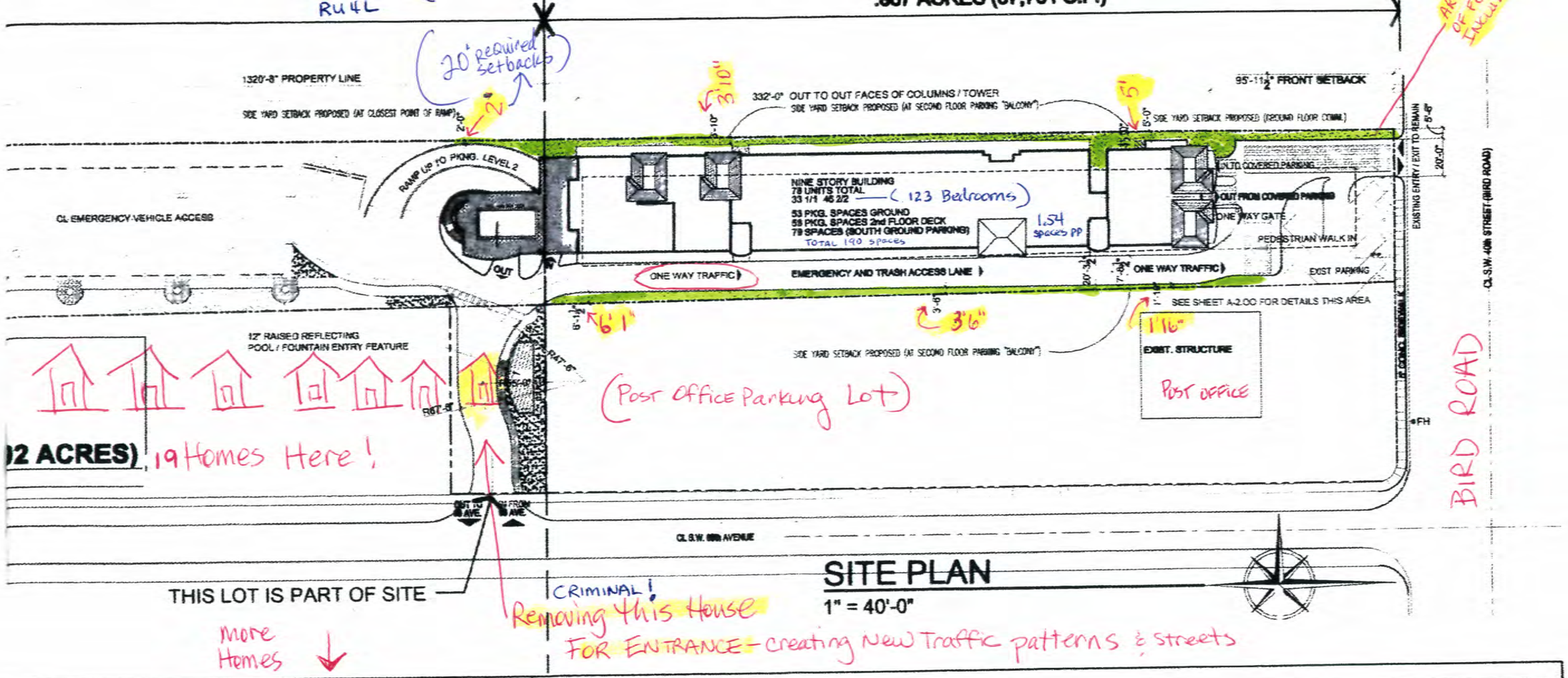
13-077
9 story plans on BU-2
(No res. uses allowed)

(.87-Acres)

TRACK "B" (2.10 Acres)
RU4L

TRACT "A" ZONED BU-2 ← (NO Residential uses)
.867 ACRES (37,751 S.F.)

ARE PORTIONS OF PEC EASEMENT INCLUDED HERE?



SITE PLAN
1" = 40'-0"

ND SETBACK MATRIX	
UIRED	PROPOSED
	103,938 (0.79)
S.F.)	21,930 S.F. (17%)
S.F.)	45,298 S.F. (36%)

UNIT TYPE MATRIX

FLOOR	1 BR 1 BATH	2 BR 2 BATH	CIRC-STR-ELEV	GROSS AREAS
2nd FLOOR		2		2,767 S.F.
3rd FLOOR	6	6	1,478 S.F.	13,868 + 1,998 = 15,866 S.F.
4th FLOOR	6	6	1,364S.F.	13,868 S.F.

pg 4

NO.	DATE	REVISION TYPE

JOB NO. -
DRAWN BY: RJC
DATE: 8-4-14

COLLADO AND PARTNERS INC
ARCHITECTURE PLANNING INTERIORS

BLOCK-6
'BYRWOOD'
P.B. 27 - PG. 26)

LOT-5 LOT-6 LOT-7 LOT-8 LOT-9 LOT-10 LOT-11 LOT-12 LOT-13 LOT-14 LOT-15 LOT-

ADJACENT
BUILDING No.6900

S00°08'02"E 445.33'(R&M)

0.50' 6.00' 6.00' 0.50'

30.00'
1 STORY
BUILDING
No.6950
F.F.E. 11.36'
30.00'
25.00' 25.00'

PARKING SPACES

TRACT "A"

ASPHALT PAVEMENT

PARKING SPACES

0.5' CURB

4' CHAIN LINK FENCE

PARKING SPACES

52.28' 52.69'

0.5' CURB

8' CHAIN LINK FENCE

4' CHAIN LINK FENCE

N00°39'09"E 445.57'(R&M)

FLORIDA EAST COAST RAILWAY RIGHT OF WAY

6

S00°08'02"E 850.00' (R&M)

WALL

6' WOOD FENCE

WALL

VACANT LAND
TRACT "B"
2.057 ACRES +/-

10' UTILITY EASEMENT

N00°39'09"E 900.08' (R&M)

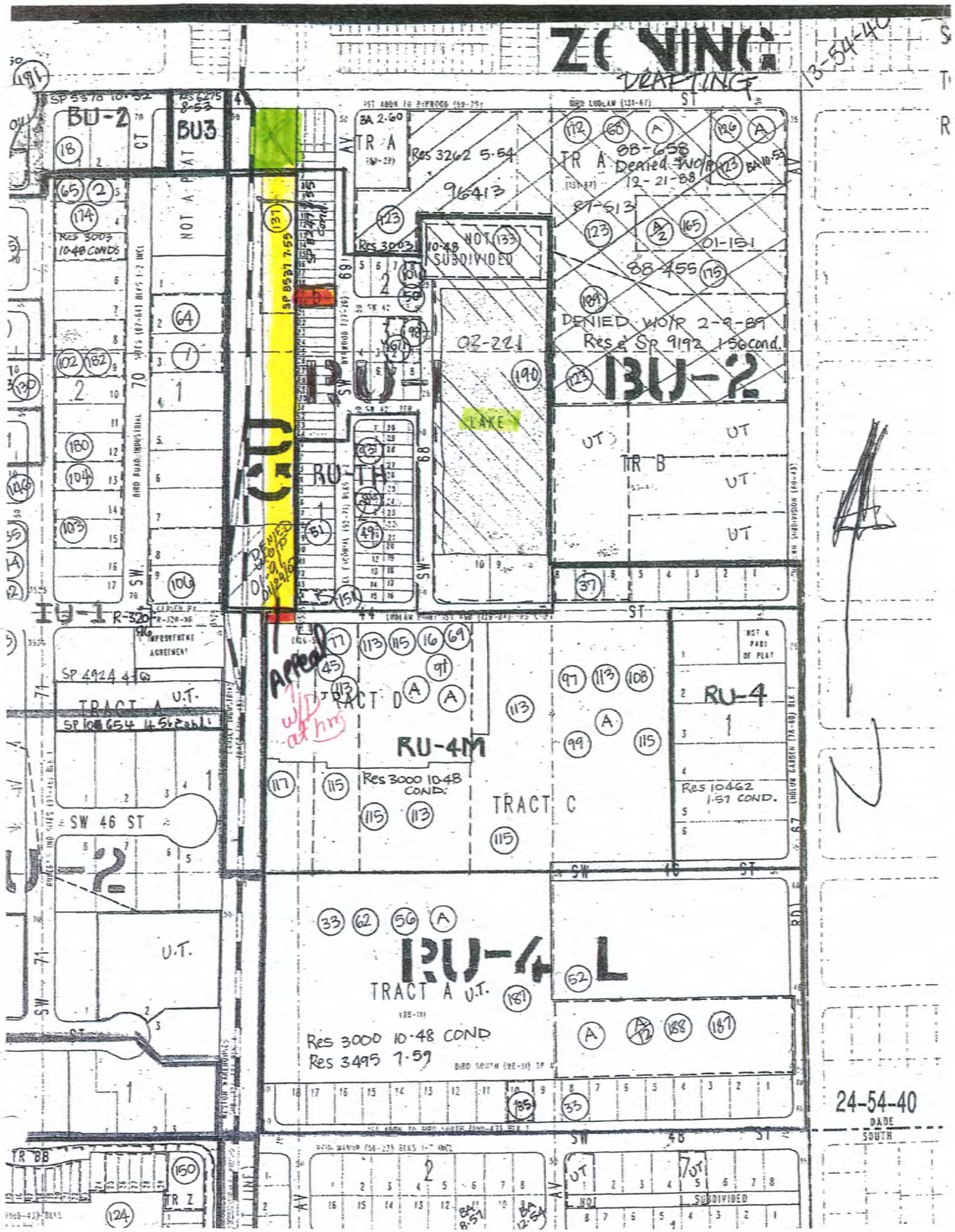
FLORIDA EAST COAST RAIL WAY RIGHT

Is this the portion of (private property) FEC Right-of-way being used by applicant?

P35

N

TRACK A: ZONED BU-2
MAX. Height 100'
BUT NOT zoned for Residential use
SW 69 AVE.
Post office
POST OFFICE
Rail Road Property
E
BIRD RD.
W



04-374

From: GU
To: RU4L & BU2

bifurcate

[*v., adj.* **bahy**-fer-keyt, bahy-**fur**-keyt;*adj. also* **bahy**-fer-kit, bahy-**fur**-
]Spell Syllables

- Examples
- Word Origin

verb (used with object), verb (usedwithout object), **bifurcated, bifurcating.**

1.
to divide or fork into two branches.

adjective

2.
divided into two branches.

bifurcate

[*v., adj.* **bahy**-fer-keyt, bahy-**fur**-keyt;*adj. also* **bahy**-fer-kit, bahy-**fur**-
]Spell Syllables

- Examples
- Word Origin

verb (used with object), verb (usedwithout object), **bifurcated, bifurcating.**

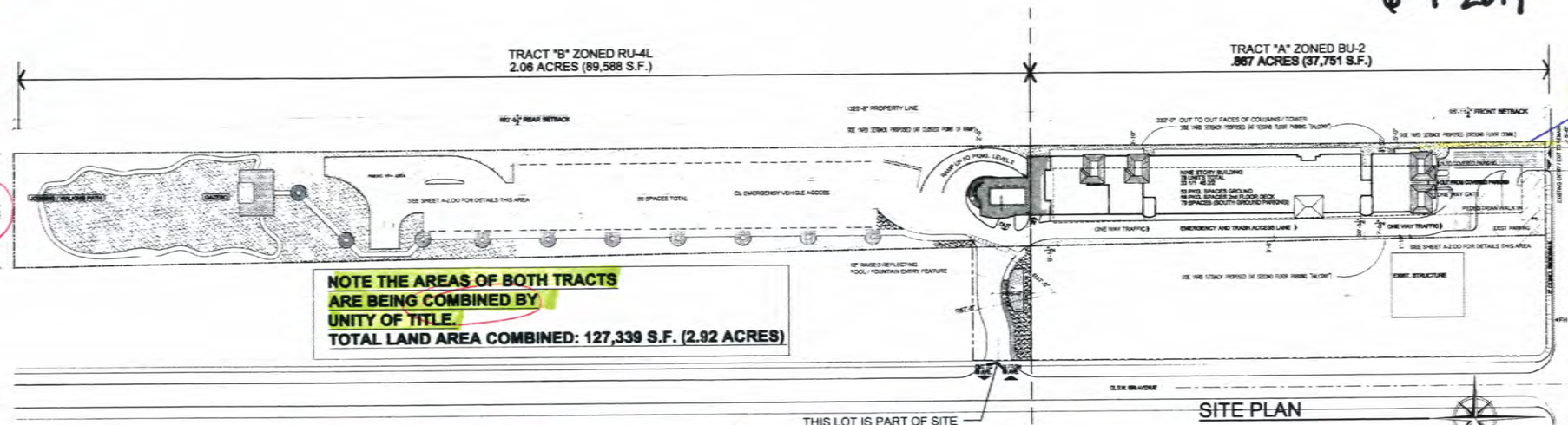
1.
to divide or fork into two branches.

adjective

2.
divided into two branches.

6-4-2014

? 100'W (with FEC Easement?)



* property previously Bifurcated 2005 FROM: GU to: RU4L & BU2 (Track B) (Track A)

RU-4M ZONING LEGEND

[redacted]	TOTAL NUMBER OF DWELLING UNITS: 78
	TOTAL NET ACREAGE: 2.06
	DENSITY PER NET ACRE: 38.0

GROSS AREA (acres)	2.90 (127,339 S.F.)		
Less Water	0.00		
Less Other	0.00		
NET AREA (sq. ft.)	2.90 (127,339 S.F.)	100	%
Lot Coverage (30% max)	21,930 S.F.	17	%
Paved Area	60,798 S.F.	48	%
Common Open Space (Green area)	48871 S.F.	38.5	%

SETBACK REQUIREMENTS		
MINIMUM SETBACK REQUIRED		PROVIDED
FRONT	25'	96'-0"
REAR	25'	892'
SIDE ST	25'	N/A
INTERIOR (RU-3M)	20'	N/A
INTERIOR (RU-4L/M) up to 2 stories	15'	N/A
INTERIOR (RU-4L/M) more than 2 stories	30'	20'-0" EAST 3'-10" WEST

UNIT MODEL DATA				Max. Floor Area Ratio (F.A.R.) per No. of Bldg. Stories									
Model Type	Area (sq. ft.)	No. of Bedrooms		1 story	2 story	3 story	4 story	5 story	6 story	7 story	8 story	9 story	10 story
				0.3	0.5	0.75	0.8	0.85	0.9	0.95	1.0	1.05	
Model: 1-B-1	727 S.F.	1	MAX. HEIGHT OF PROPOSED BLDGS	108'-0" (RF. RIDGE)									
Model: 2-B-2	1,025 S.F.	2	MAX. NUMBER OF STORIES PERMITTED	9									
Model: 2-B-2A	1,125 S.F.	2	MAX. NUMBER OF STORIES PROPOSED	9									
Model:			F.A.R. PERMITTED	1.05									
Model:			F.A.R. PROPOSED	SEE NOTE 1									

PROVIDE FOOTPRINT SQ. FT. PER BUILDING TYPE				PROVIDE TOTAL GROSS SQ. FT. PER BUILDING TYPE			
BLDG TYPE	FOOTPRINT (gross sq. ft.)	BLDG TYPE	FOOTPRINT (gross sq. ft.)	BLDG TYPE	TOTAL BLDG (gross sq. ft.)	BLDG TYPE	TOTAL BLDG (gross sq. ft.)
RES.	21,930 S.F.						

PARKING REQUIREMENTS				
Total number of dwelling units with less than 2 bedrooms =		33	X 1.50 =	49.5 (50)
Total number of dwelling units with 2 bedrooms =		45	X 1.75 =	78.5 (79)
Total number of dwelling units with more than 2 bedrooms =		0	X 2.00 =	
			TOTAL PARKING SPACES REQUIRED =	SEE NOTE 2
			TOTAL PARKING SPACES PROVIDED =	189 SPACES

NOTE: RU-3M bldgs limited to 2 stories & 35' in height. RU-4L bldgs limited to 8 stories & 75' in height. RU-4M bldgs limited to 9 stories & 100' in height. Height measured from F.F. (finished floor) to top of parapet (roof ridge). See Zoning Code Article XXIA for RU-3M, Article XXIIA for RU-4L, & Article XXIIB for RU-4M requirements.

Rev. 03-08-02

ZONING CALCULATIONS, AND SETBACK MATRIX

	PERMITTED / REQUIRED	PROPOSED
F.A.R.	1.05 (133,706 S.F.)	103,938 (0.79)
LOT COVERAGE	30% MAX.(38,201 S.F.)	21,930 S.F. (17%)
GREEN AREAS	30% MIN. (38,201 S.F.)	45,298 S.F. (36%)
PAVED AREAS	N-A	60,171 S.F. (48%)
SETBACKS	REQUIRED	PROVIDED
FRONT	25'	96'
SIDES (INTERIOR)	20'	20' EAST LINE 3'-10" WEST LINE (2')
REAR	25'	892'
BUILDING HT.	100' TO ROOF DECK	83'-4" TO ROOF DECK

UNIT TYPE MATRIX

FLOOR	1 BR 1 BATH	2 BR 2 BATH	CIRC-STR-ELEV	GROSS AREAS
2nd FLOOR		2		2,767 S.F.
3rd FLOOR	6	6	1,478 S.F.	13,868 + 1,998 = 15,866 S.F.
4th FLOOR	6	6	1,364S.F.	13,868 S.F.
5th FLOOR	6	6	1,364S.F.	13,868 S.F.
6th FLOOR	6	6	1,364S.F.	13,868 S.F.
7th FLOOR	3	7	1,223 S.F.	12,025 S.F.
8th FLOOR	3	7	1,223 S.F.	12,025 S.F.
9th FLOOR	3	5	1,223 S.F.	9,370 S.F.
TOTAL UNITS	33	45	9,239 S.F.	93,649 S.F.
COMMEC. AREA				1,050 S.F.
AREA TOTALS (UNITS, CIRCULATION, RECREATION, AND COMMERCIAL AREAS, TOTAL GROSS BUILDING AREA:				103,938 S.F.

NOTE: PARKING TOTAL IS: 129 REQ'D FOR UNITS,
10% GUEST (129 X .10) 13 SPACES,
COMMERCIAL. AT 1 SPACE PER 250 S.F.
1,050 S.F. / 250 = 5 SPACES

TOTAL REQUIRED: 147 SPACES / PROVIDED 189 SPACES

NOTE: PER MIAMI DADE-COUNTY FIRE DEPARTMENT THE
FINAL PERMIT DOCUMENTS SHALL SHOW COMPLIANCE WITH
THE FOLLOWING ALTERNATIVE METHOD:EQUIVALENCY CORE "A"
FOR BUILDINGS TO 75' HT.
PROPOSED BUILDING IS LESS THAN 75' HEIGHT.

A1 Stair width increased to 48" per flight and 36" doors

A2. Enclosed one hour fire rated lobbies and doors, (for fire crews staging).

A3. Increased unit to unit fire separation to 1 hour, and unit to common areas to 2 hours. (Stair enclosure wall rating reduction normally allowed under sec. 7.1.3.2.1 F.F.P.C. for apartments and hotels is not allowed).

A4. Increased sprinkler density from 10 to 15 gals/sf. throughout.

A5. Increase elevator size to 7'-8" wide x5'-3" depth minimum with a 48" center opening door with a minimum of 4000lbs capacity.

A6. Strengthen structural integrity of elevator hoistway and exit enclosure wall impact resistance, by using concrete block or poured concrete, no drywall allowed.

213077

PS 8

THIS DRAWING IS THE PROPERTY OF COLLADO AND PARTNERS INC. AND SHALL NOT BE REPRODUCED OR USED WITHOUT WRITTEN PERMISSION FROM RAMON E. COLLADO

NO.	DATE	REVISION TYPE

JOB NO.
DRAWN BY: RJC
DATE: 6-4-14
SCALE: AS NOTED
CHECKED: RJC

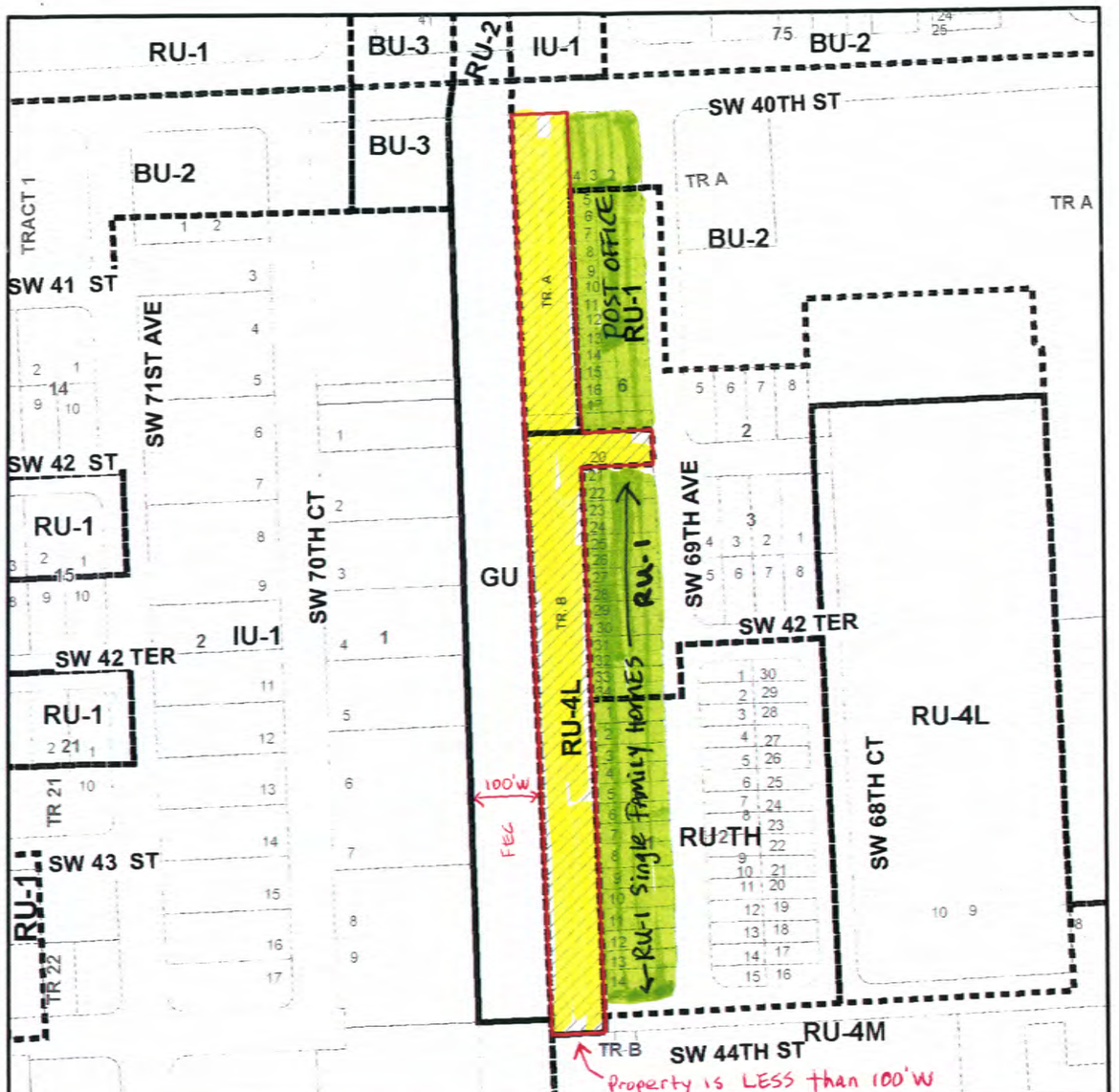
COLLADO AND PARTNERS INC.
ARCHITECTURE PLANNING INTERIORS
LIC. AA 26000897

A NEW DEVELOPMENT
Central Park Apartments
Manuel J. Menendez, as Trustee (owner)
6950 S.W. 40TH St. Miami, Florida 33155
TITLE: SITE PLAN AT 1"=40'-0"

SEAL
RAMON J. COLLADO
FLA. REG. ARCHITECT
LIC. AR0013254

SHEET NO.:
A-1.00

2014



(DRAWINGS SHOW 100'W)

MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2013000077

Section: 23 Township: 54 Range: 40
Applicant: MANUEL J. MENENDEZ TRUST
Zoning Board: C12
Commission District: 7
Drafter ID: JEFFER GURDIAN
Scale: NTS

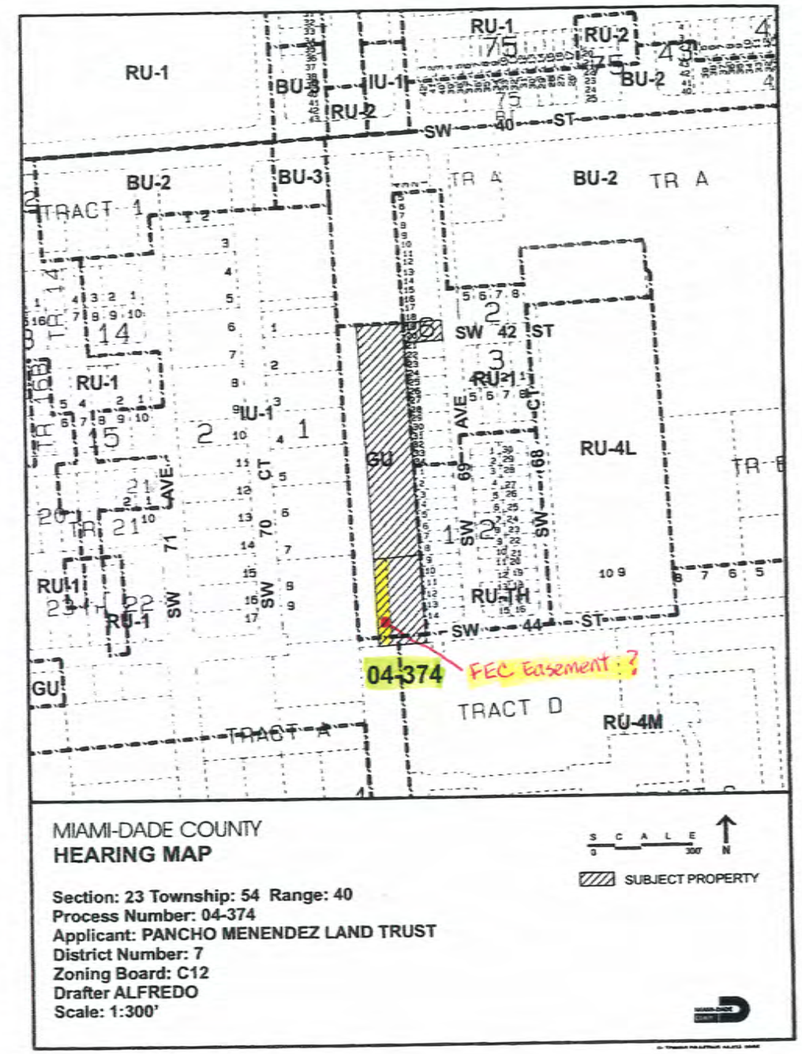
Legend
Subject Property Case
Zoning

MIAMI-DADE COUNTY

SKETCH CREATED ON: Wednesday, June 4, 2014

REVISION	DATE	BY

2005



MIAMI-DADE COUNTY
HEARING MAP

SCALE 0 300' N
SUBJECT PROPERTY

Section: 23 Township: 54 Range: 40
Process Number: 04-374
Applicant: PANCHO MENENDEZ LAND TRUST
District Number: 7
Zoning Board: C12
Drafter ALFREDO
Scale: 1:300'

Pancho Menendez Land Trust
Z04-374
Page 6

22-37 units 23 units - net acre

I. **RECOMMENDATION:** Approval of the zone change to RU-4L, subject to the Board's acceptance of the proffered covenant.

J. **CONDITIONS:** None.

DATE INSPECTED: 11/23/04
DATE TYPED: 12/07/04
DATE REVISED: 12/28/04, 1/05/05, 02/02/2005, 03/14/05, 04/11/05, 04/13/05, 05/12/05 05/18/05, 07/08/05, 07/21/05, 07/22/05, 08/29/05, 08/30/05, 11/07/05, 11/09/05, 11/18/05, 11/21/05
DATE FINALIZED: 11/21/05
DO:QW:AJT:MTF:LVT:GB:CSE: JED

for Diane O'Quinn Williams, Director
Miami-Dade County Department of
Planning and Zoning

proffered Covenant

Police	**No objection**
Schools	**10 students**

* Subject to conditions stated in their memoranda.

H. **ANALYSIS:**

Due to Hurricane Wilma, the Department was unable to meet all Code-mandated deadlines for the November 15, 2005 meeting and therefore, this application was deferred to this date. This application was deferred from the September 14, 2005 meeting of this Board with leave to amend, to allow the applicant to submit revised plans. This application was previously bifurcated at the August 17, 2005 meeting of this Board. Request #1, to permit a zone change to BU-2, was approved and the withdrawal of request #3, to permit parking back out of 14' where 22' is required, was approved by this Board pursuant to Resolution #CZAB12-30-05. Request #2 was deferred to allow the applicant to work with staff. The applicant has submitted revised plans dated stamped received November 17, 2005 indicating the development of the subject property with two buildings containing 13 units each and a tot lot located in the approximate center of the development.

2005 approval!

The rectangular shaped subject property which is the subject of this zone change is located approximately 491' south of SW 40 Street (Bird Road) and west of SW 69 Avenue. The applicant is seeking a district boundary change from GU, Interim District, RU-1, Single-Family Residential District, and RU-4M, Modified Apartment House District, to RU-4L, Limited Apartment House District, on the south 660 feet of the subject property (referred to as Parcel II and Exhibit B). The zone change request on Exhibit B (Parcel II) is from GU, Interim District, RU-1, Single-Family Residential District, and RU-4M, Modified Apartment House District, to RU-4L, Limited Apartment House District on a 2.22 acre portion of the advertised 3.5 acre site. The applicant has proffered a covenant tying the development of the site to the submitted plans and restricting the number of residential units on Parcel II to 26.

* 26 MAX. on parcel 2

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida. However, the applicant will have to comply with all of DERM requirements as set forth in their revised memorandum dated August 22, 2005 pertaining to this application. The **Public Works Department** has **no objections** to this application. This property requires platting, and road dedications and improvements will be accomplished through the recording of a plat. Further, this application meets traffic concurrency because it lies within the urban infill area where traffic concurrency does not apply. **Miami-Dade Public Schools** (MDCPS) has indicated that the proposed zoning will bring an additional **10** students into the area's public schools. The District indicates South Miami Elementary School, South Miami Middle School and South Miami Senior High School as the schools that will be impacted by this development, which are currently operating at 137%, 158% and 146% respectively of FISH (Florida Inventory of School Houses) utilization. Their memorandum indicates that the applicant has voluntarily proffered a monetary donation, over and above impact fees to the School Board, subject to approval by same. The Miami Dade Fire Rescue (**MDFR**) has indicated in their memorandum dated August 29, 2005 that the proposed private road needs revision for MDFR vehicle access. The site plan should provide adequate radii and roadway width.

Zoing to RU-4L was approved because of Covenant to site plans max 26 units

Parcel II (Exhibit B – 2.22 gross acres) is designated for Medium Density Residential that allows the development of 13 to 25 dwelling units per gross acre, for a total of 55 units on this parcel. Further, approval of the zone change request to RU-4L, Limited Apartment House District, would allow the applicant to build 51 units on Parcel II. The site plan submitted indicates a maximum of 26 units only. As such, the proposed 26 units are **consistent** with the numerical thresholds permitted by the Land Use Plan map's Medium Density Residential category and the requested zone change. The applicant has submitted plans which indicate the proposed residential development consisting of two three-story buildings containing 13 residential units each and a tot lot located in the center of the development. The buildings are setback varying from 33' 10" to 44' 4" from the east property line. Between the buildings and the east property line, the site plan indicates a 20' wide two-way drive, a landscape strip varying in width from 7' 10" to 18' 4", and a 6' pedestrian walkway. Staff is of the opinion that the location of the proposed buildings are **compatible** with the surrounding area. The applicant's plan indicates extensive landscaping along the east side of the property, consisting of mature trees 12' high at time of planting and spaced 20' on center with privacy hedging to buffer the one-story single-family residential development located to the east of the proposal. The proposed development will be setback 17' from the rear (west) property line where train tracks are located. However, the Florida East Coast Railway, L.L.C. has indicated in a memorandum dated June 8, 2004, that due to the poor condition of the tracks between NW 12 Street to Kendall Dr. (SW 88 Street), railway service along this portion will be discontinued and will be closed to the passage of trains. As such, the proposed development will not be affected by the aural impacts generated by train traffic.

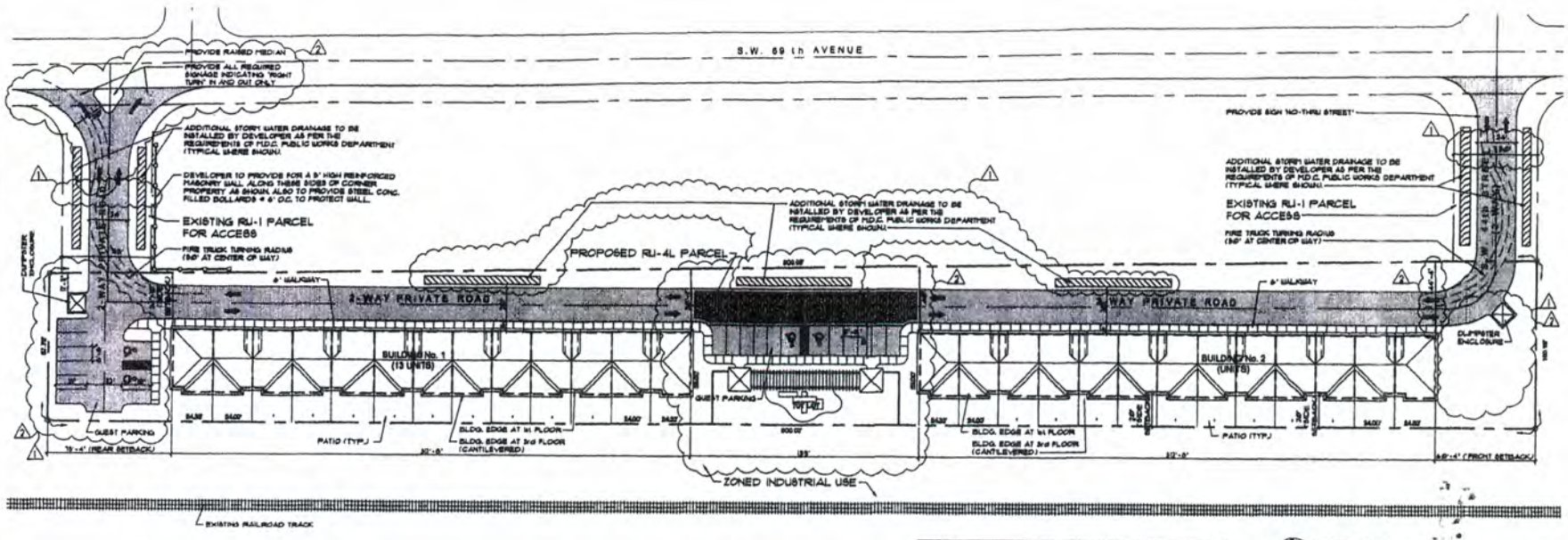
When reviewing the district boundary change (request #2) to RU-4L, Limited Apartment House District on Parcel II under Section 33-311(F), staff finds that the development of the site as proposed is **compatible** with the surrounding residential community. As previously mentioned, the applicant has submitted plans showing the proposed 31' high building located to the rear of the property and the incorporation of a 20' wide two-way drive with pedestrian walkways between said building and the east property line. This allows the aforementioned landscape area to buffer the proposed development from the one-story residences to the east. Further, the applicant intends to proffer a covenant that will include the following: that the development of the Parcel shall be tied to the plans submitted dated stamped received 11/17/05; that the applicant shall install along the east and west property lines and on both sides of the entrance driveway, large canopy trees such as live oak, mahogany or satin leaf, 12' high at time of planting and spaced 20' on center; that the applicant shall install in the area along the south property lines in 2 staggered rows, large canopy trees such as live oak, mahogany or satin leaf, 12' high at time of planting; that all the parking areas and the driveways between the buildings and the walkway be brick paved; and that the applicant install a 5' high CBS wall along the north and west property lines. With these assurances in the proffered covenant, staff recommends approval of the zone change request to RU-4L on Parcel II (Exhibit B).

As such, staff recommends approval of the zone change, subject to the Board's acceptance of the proffered covenant.

Conditions for approval of zoing change to RU-4l

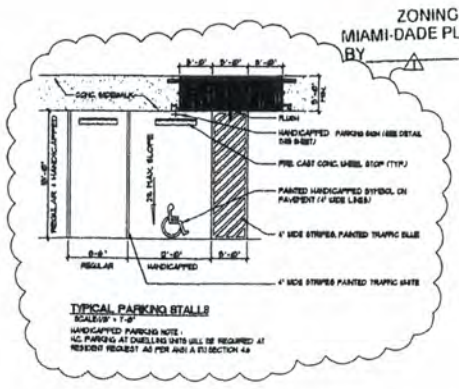
otherwise revert back to old zoning + start over.

pg 10



SITE PLAN
SCALE: 1" = 30'

RECEIVED
NOV 17 2005
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY



TYPICAL PARKING STALLS
SCALE: 1/8" = 1'-0"
HANDICAPPED PARKING NOTE:
H.C. PARKING AT DWELLING UNITS WILL BE REQUIRED AT RESIDENT REQUEST AS PER ANSI A 117 SECTION 4.6

ZONING INFORMATION

ZONING DISTRICT	RU-4L
NET LAND AREA	84,575 S.F. (1.94 ACRES)
TOTAL NUMBER OF DWELLING UNITS	20 UNITS

	PROVIDED	MAX ALLOWED
NET DENSITY	13.39 UNITS / ACRE	25 UNITS / ACRE

BUILDING BREAKDOWN

BUILDING TYPE	QUANTITY	BUILDING FOOTPRINT	BUILDING CONSTRUCTION AREA
2-13	2	10,543 S.F.	31,602 S.F.

TOTAL NUMBER OF BUILDINGS — 2
TOTAL BUILDING FOOTPRINT (LOT COVERAGE) - 21,087 S.F.
TOTAL DWELLING CONSTRUCTION AREA — 63,204 S.F.

DWELLING UNIT BREAKDOWN

UNIT MODEL	QUANTITY	UNIT AREA	BEDROOM / BATHS
A	20	2,426	2 / 2-1/2

TOTAL NUMBER OF UNITS — 20

SITE AREA BREAKDOWN

	PROVIDED	MIN. REQ'D	MAX. ALLOWED
NET LAND AREA	84,575 S.F. (1.94 ACRES) — 100.00 %		
BUILDING FOOTPRINT (LOT COVERAGE)	21,087 S.F. (0.50 ACRES) — 25.00 %		30 %
PAVED AREA	23,365 S.F. (0.53 ACRES) — 27.64 %		
OPEN SPACE	39,388 S.F. (0.90 ACRES) — 46.59 %	25 %	
FLOOR AREA RATIO (F.A.R.)	0.75		0.75

UNIT REQUIREMENTS

	PROVIDED	MIN REQUIRED	MAX ALLOWED
INDIVIDUAL UNIT SIZE	2,426 S.F.	N/A	
AVERAGE UNIT SIZE	2,426 S.F.	N/A	
NUMBER OF STORIES	3 STORIES		5 STORIES
HEIGHT	30 FEET		75 FEET

MINIMUM SETBACKS

	PROVIDED	MIN REQUIRED
FRONT (NORTH)	75.33 FEET	25 FEET
REAR (SOUTH)	80.33 FEET	25 FEET
SIDE (EAST)	20 FEET	15 FEET
SIDE (WEST)	20.00 FEET	15 FEET

PARKING CALCULATION

	PROVIDED	MIN. REQUIRED
NUMBER OF PARKING SPACES	74*	52
PARKING SURPLUS	22	

* OF THE 74 PROVIDED PARKING SPACES, 52 ARE COVERED (SEE BUILDING PLANS)

NOTE
TRASH COLLECTION TO BE PUBLIC (MIAMI-DADE COUNTY) INDIVIDUAL UNIT COLLECTION

Bellón Milanés
architects planners
12801 S.W. 132 AVE.
MIAMI, FLORIDA 33186
T. (305) 278-7776
F. (305) 278-7473
WWW.BELLONMILANES.COM
AA-0003505
ARCHITECTURE
LAND PLANNING
INTERIORS
CONSTRUCTION MANAGEMENT

THE TRAIN TOWNHOME DEVELOPMENT
MIAMI-DADE COUNTY, FLORIDA

DATE: 09-21-2005
DRAWN: Jorge M
CHECKED: AM
PROJ. NO: 2005041413
1. 10-13-2005
2. 11-16-2005
3.

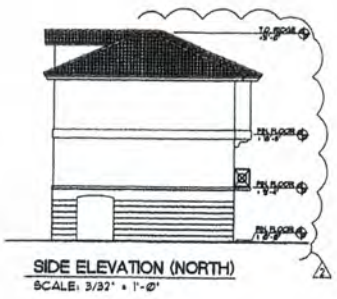
LEOPOLDO BELLON, AIA
AR-008737

ANGEL MILANES, AIA
AR-0015845

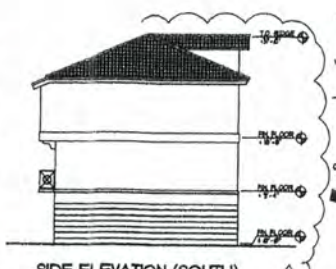
SITE PLAN
SP-1
- OF -

Hearing: 04-374
Approved. Dec. 2005

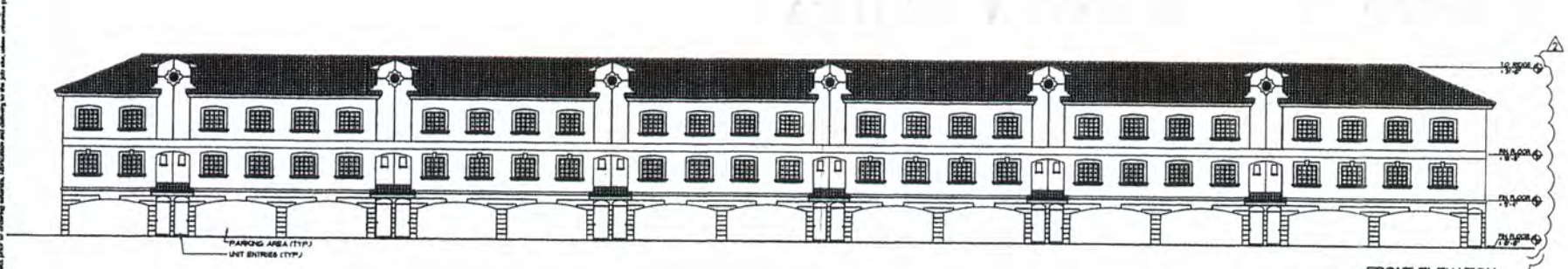
RECEIVED
04-374
NOV 17 2005
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY



SIDE ELEVATION (NORTH)
SCALE: 3/32" = 1'-0"



SIDE ELEVATION (SOUTH)
SCALE: 3/32" = 1'-0"



FRONT ELEVATION
SCALE: 3/32" = 1'-0"

REAR ELEVATION
SCALE: 3/32" = 1'-0"

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CONSTRUCTION MANAGEMENT

THE TRAIN TOWNHOME DEVELOPMENT
MIAMI-DADE COUNTY, FLORIDA

TOWNHOME BUILDINGS No. 1 and No. 2 - ELEVATIONS

DATE: 09-21-2005
DRAWN: Jorge M
CHECKED: AM
PROJ. NO: 2005041413
1. 10-13-2005
2. 11-16-2005
3.

LEOPOLDO BELLON, AIA
AR-008737

ANGEL MILANES, AIA
AR-0015845

A-2
- OF -

04-374
3-Story
Approved

Pg 11

RESOLUTION NO. CZAB12-30-05

WHEREAS, **PANCHO MENENDEZ LAND TRUST** applied for the following:

(1) GU, BU-2, RU-1 & RU-4M to BU-2

REQUEST #1 ON EXHIBIT "A"

(2) GU, BU-2, RU-1 & RU-4M to RU-4L — Deffered to 9/14/2005

(3) Applicant is requesting to permit parking back out of 14' (22' required). — Approved with covenants/plans — withdrawn 04-374

REQUESTS #2 & #3 ON EXHIBIT "B"

Upon a demonstration that the applicable standards have been satisfied, approval of request #3 may be considered under §33-311(A)(15) (Alternative Site Development Option for Multiple-Family Use) or under §33-311(a)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "The Train Station," as prepared by Juan J. Farach, consisting of 9 sheets and dated last revised 9/6/04.

SUBJECT PROPERTY: EXHIBIT "A": A portion of Florida East Coast Railway's Right-of-Way in Section 23, Township 54 South, Range 40 East, bounded on the north by the south right-of-way line of S.W. 40 Street (Bird Road), said right-of-way line lying 50' south of the north line of said Section 23 and bounded on the west by a line of 50' east of the centerline of the Florida East Coast Railway; main line tract as now established and bounded on the east by the west line of Lots 4 through 18, in block 6, of BYRWOOD, Plat book 27, Page 26, and bounded on the south by the W/ly prolongation of the south line of said Lot 18. A/K/A: The north 541.76' of the NW ¼, of the NE ¼, of Section 23, Township 54 South, Range 40 East, lying 50' east of the centerline of the Florida East coast Railway main track as now established, less the north 50' thereof. AND: EXHIBIT "B": A portion of Florida East coast Railway's Right-of-Way, in Section 23, Township 54 South, Range 40 East, lying 491.76' south of the Southern boundary of S.W. 40th Street (Bird Road), said right-of-way line lying 50' south of the north line of said Section 23, also being the north line of said Section 23 and bounded on the west by a line parallel to and 50' east of the centerline of the Florida East Coast Railway main line track as now established and bounded on the south of the south line of the north ½, of the NE ¼, of said Section 23 and north line of Tract "D" of LUDLAM POINT FIRST ADDITION, Plat book 129, Page 84 and bounded on the east by the west line of Lots 19 through 34, in Block 6, of BYRWOOD, Plat book 27, Page 26; also being bounded on the east by the west line of Lots 1 through 14 and the S/ly extension thereof, of EL ESCORIAL, Plat book 92, Page 71, said boundary being the west line of the east ½, of the NE ¼, of said Section 23 less the north 541.76' thereof and less the south 240' thereof. A/K/A: That portion of the NW ¼, of the NE ¼ of Section 23, Township 54 South, Range 40 East, lying 50' east of the centerline of the Florida East Coast Railway main track as now established, less the north 541.71' thereof and less the south 240' thereof. AND: The north 25' of the SW ¼, of the NE ¼, of Section 23, Township 54 South, Range 40 East, lying 50' east of the centerline of Florida East Coast Railway main track as now established together with the south 215' of the NW ¼, of the NE ¼, of Section 23,

Township 54 South, Range 40 East, lying 50' east of the centerline of Florida East Coast Railway Main Track as now established. AND: Lots 19 & 20 and the north 5' of Lot 21, in Block 6, of BYRWOOD, Plat book 27, Page 26.

LOCATION: Lying between S.W. 40 Street & S.W. 44 Street, west of S.W. 69 Avenue and east of the Florida East Coast Railway Right-of-Way, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant requested permission to defer the requested district boundary change to RU-4L on Exhibit "B" (Item #2) to September 14, 2005, and to withdraw the request to permit parking back out of 14' (Item #3), and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter it is the opinion of this Board that the requested district boundary change to BU-2 on Exhibit "A" (Item #1) would be compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, and that the request to defer the requested district boundary change to RU-4L on Exhibit "B" (Item #2), and that the withdrawal of the request to permit parking back out of 14' (Item #3) should be granted, and

WHEREAS, a motion to approve Item #1, to defer Item #2 to September 14, 2005, and to grant the withdrawal of Item #3 was offered by Millie Herrera, seconded by Carla Savola, and upon a poll of the members present, the vote was as follows:

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RESOLUTION NO. CZAB12-35-05

WHEREAS, **PANCHO MENENDEZ LAND TRUST II, ET AL.** applied for the following:

(2) GU, RU-1 RU-4M & IU-1 to RU-4L
(4090 SW 69 AVE)

SUBJECT PROPERTY: A portion of Florida East Coast Railway's Right-of-Way, in Section 23, Township 54 South, Range 40 East, lying 491.76' south of the Southern boundary of S.W. 40th Street (Bird Road), said right-of-way line lying 50' south of the north line of said Section 23, also being the north line of said Section 23 and bounded on the west by a line parallel to and 50' east of the centerline of the Florida East coast Railway main line track as now established and bounded on the south of the south line of the north ½, of the NE ¼ of said Section 23 and north line of Tract "D" of LUDLAM POINT FIRST ADDITION, Plat book 129, Page 84 and bounded on the east by the west line of Lots 19 through 34, in block 6, of BYRWOOD, Plat book 27, Page 26; also being bounded on the east by the west line of Lots 1 through 14 and the S/ly extension thereof, of EL ESCORIAL, Plat book 92, Page 71, said boundary being the west line of the east ½, of the NE ¼, of said Section 23 less the north 541.76' thereof and less the south 240' thereof. A/K/A: That portion of the NW ¼, of the NE ¼ of Section 23, Township 54 South, Range 40 East, lying 50' east of the centerline of the Florida East Coast Railway main track as now established, less the north 541.71' thereof and less the south 240' thereof. AND: The north 25' of the SW ¼, of the NE ¼, of Section 23, Township 54 South, Range 40 East, lying 50' east of the centerline of Florida East Coast Railway main track as now established together with the south 215' of the NW ¼, of the NE ¼, of Section 23, Township 54 South, Range 40 East, lying 50' east of the centerline of Florida East Coast Railway Main Track as now established. AND: Lots 19 & 20 and the north 5' of Lot 21, in Block 6, of BYRWOOD, Plat book 27, Page 26.

LOCATION: Lying approximately 491' south of S.W. 40 Street (Bird Road), west of S.W. 69 Avenue and east of the Florida East Coast Railway Right-of-Way, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time it was noted that the requested district boundary change to BU-2 (Item #1), and the withdrawal of the request to permit parking back out of 14' (Item #3), of this application were passed and adopted on August 17, 2005 by Resolution No. CZAB12-30-05, but that the district boundary change to RU-4L (Item #2) had been deferred, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

1. That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by Angel Milanes, AIA, entitled "The Train Townhome Development," dated stamped received the 17th day of November, 2005, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of the agreement.

2. The applicant shall install along the east and west property lines on both sides of the entrance driveway, large canopy trees such as live oak, mahogany or satin leaf, 12' high at the time of planting and spaced 20' on center.

3. The applicant shall install in the area along the south property lines in 2 staggered rows, large canopy trees such as live oak, mahogany or satin leaf, 12' high at time of planting.

4. The parking areas and the driveways between the buildings and the walkway shall be paved.

5. The applicant shall install a 6' high CBS or pre cast wall along the north property lines and a 5' high CBS or pre cast wall along the west property lines.

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter it is the opinion of this Board that the requested district boundary change to RU-4L (Item #2) would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the proffered Declaration of Restrictions should be accepted, and

WHEREAS, a motion to accept the proffered Declaration of Restrictions and to approve Item #2 of the application was offered by Jose I. Valdes, seconded by Millie Herrera, and upon a poll of the members present, the vote was as follows:

Jackie Hernandez-Toraño	absent	Jose I. Valdes	aye
Millie Herrera	aye	Nelson A. Varona	absent
Carla Savola	absent	Robert W. Wilcosky	aye
Peggy Brodeur	aye		

pg 13

RECEIVED BY CLERK
Item # 15-077
CZAB # 12 Exhibit A5
JAN 08 2015
CLERK OF THE BOARD