

RESOLUTION NO. CZAB12-2-15

WHEREAS, MANUEL J. MENENDEZ TRUST applied for the following:

REQUESTS #1 THROUGH #3 ON TRACT "B"

- (1) DISTRICT BOUNDARY CHANGE from RU-4L to RU-4M.
- (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"

- (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"

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

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.

SUBJECT PROPERTY: TRACTS "A" and "B", MENENDEZ TRACT, PB 167-52.

LOCATION: 6950 SW 40 Street, 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

WHEREAS, the application was deferred to date certain with no new advertisement and leave to amend, during which time the applicant decided to utilize the revised plans of record, which are within the scope of the advertisement, and are entitled "Central Park Apartments" as prepared Collado and Partners, Inc., consisting of 3 sheets dated stamped received 5/14/14, sheets A-1 and A-2, revised, dated 6/11/14, for a total of 5 sheets, and landscape plans prepared by Kimberly Moyer, RLA, consisting of 2 sheets, sheet L-2, revised, dated stamped received 6/11/14 and the remaining sheet dated stamped received 2/26/14, and

WHEREAS, 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 entitled "Central Park Apartments" as prepared Collado and Partners, Inc., consisting of 3 sheets dated stamped received 5/14/14, sheets A-1 and A-2, revised, dated 6/11/14, for a total of 5 sheets, and landscape plans prepared by Kimberly Moyer, RLA, consisting of 2 sheets, sheet L-2, revised, dated stamped received 6/11/14 and the remaining sheet dated stamped received 2/26/14.
- (2) That the proposed mixed-use residential and commercial development shall be restricted to a maximum of 78 residential units.

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-4M (Item #1)

on Tract B would not be compatible with the neighborhood and area concerned and should be denied without prejudice, and

WHEREAS, the requested deletion on Tract B of a Declaration of Restrictions, recorded in Official Record Book 24126, Pages 0768-0772 (Item #2), the deletion on Tract B of a Declaration of Restrictions, recorded in Official Record Book 26198, Pages 4915-4919 (Item #3), the non-use variance on Tracts A and B to permit one way drives with a minimum of 10' (Item #5), the non-use variance on Tracts A and B to permit a multi-family building setback a minimum of 2 feet from the interior side (west) property line (Item #6), the non-use variance on Tracts A and B to permit an accessory building (gazebo) setback 15 feet from the interior side (west) property line (Item #7), the non-use variance on Tracts A and B 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 (Item #8) and the non-use variance on Tracts A and B to waive the required decorative masonry wall at least 5 feet in height between the business lot and residential lot interior to the site (Item #9) would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and

WHEREAS, the requested special exception on Tract A to permit a multi-family residential development in the BU-2 zoning district (Item #4) would not be compatible with the area and its development and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and that the requested special exception on Tract A to permit a multi-family residential development in the BU-2 zoning district would have an adverse impact upon the public interest and should be denied without prejudice, and

WHEREAS, a motion to deny the application (Items #1 through #9), without prejudice was offered by Peggy Brodeur, seconded by Jose I. Valdes, and upon a poll of the members present the vote was as follows:

Peggy Brodeur	aye	Alberto Santana	absent
Javier Gonzalez-Abreu	aye	Angela Vazquez	aye
Matthew Larsh	aye	Elliot N. Zack	aye
	Jose I. Valdes	aye	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 12, that the requested district boundary change to RU-4M (Item #1), the deletion on Tract B of a Declaration of Restrictions, recorded in Official Record Book 24126, Pages 0768-0772 (Item #2), the deletion on Tract B of a Declaration of Restrictions, recorded in Official Record Book 26198, Pages 4915-4919 (Item #3), the special exception on Tract A to permit a multi-family residential development in the BU-2 zoning district (Item #4), the non-use variance on Tracts A and B to permit one way drives with a minimum of 10' (Item #5), the non-use variance on Tracts A and B to permit a multi-family building setback a minimum of 2 feet from the interior side (west) property line (Item #6), the non-use variance on Tracts A and B to permit an accessory building (gazebo) setback 15 feet from the interior side (west) property line (Item #7), the non-use variance on Tracts A and B 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 (Item #8) and the non-use variance on Tracts A and B to waive the required decorative masonry wall at least 5 feet in height between the business lot and residential lot interior to the site (Item #9) be and the same is hereby denied without prejudice.

The Director is hereby authorized to make the necessary notations upon the records of the Miami-Dade County Department of Regulatory and Economic Resources.

PASSED AND ADOPTED this 6th day of January, 2015.

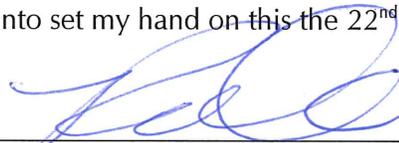
Hearing No. 14-7-CZ12-1
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STATE OF FLORIDA

COUNTY OF MIAMI-DADE

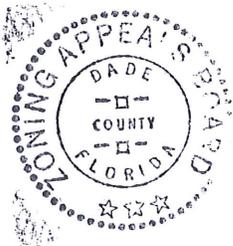
I, Rosa Davis, as Deputy Clerk for the Miami-Dade County Department of Regulatory and Economic Resources as designated by the Director of the Miami-Dade County Department of Department of Regulatory and Economic Resources and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 12, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB12-2-15 adopted by said Community Zoning Appeals Board at its meeting held on the 6th day of January 2015.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 22nd day of January 2015.



Rosa Davis, Deputy Clerk (218345)
Miami-Dade Department of Department of Regulatory
and Economic Resources

SEAL





Department of Regulatory and Economic Resources
Development Services Division
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January 22, 2015

Manuel J. Menendez trust
c/o Ben Fernandez
200 S Biscayne Blvd, Suite 850
Miami, FL 33131

Re: Hearing No. 14-7-CZ12-1 (13-077)
Location: 6950 SW 40 Street, Miami-Dade County, Florida.

Dear Applicant:

Enclosed herewith is Resolution No. CZAB12-2-15, adopted by the Miami-Dade County Community Zoning Appeals Board 12, which denied your application without prejudice.

You are hereby advised that the decision of the Community Zoning Appeals Board may be appealed by an aggrieved party to The Board of County Commissioners within 14 days after the results have been posted on the 11th floor of the Stephen P. Clark Building, 111 N.W. 1st Street, Miami, FL 33128. The date of posting is **January 12, 2015**. In the event an appeal is filed, any action undertaken during the appeal period is at the applicant's risk.

The County Attorney is not permitted to accept official service of process.

Sincerely,

A handwritten signature in blue ink, appearing to be "Rosa Davis", written over a blue horizontal line.

Rosa Davis
Deputy Clerk

Enclosure