

RESOLUTION NO. CZAB12-25-15

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 #10 ON TRACTS "A" AND "B"

- (5) NON-USE VARIANCE to permit one way drives with a minimum width of 11'-1" (14' required).
- (6) NON-USE VARIANCE to permit a multi-family building setback a minimum of 2' from the interior side (west) property line and setback 19' from the interior (east) property line (20' required for both).
- (7) NON-USE VARIANCE to waive the required 5' wide dissimilar land use buffer, consisting of a 6' high wall, fence or hedge with trees spaced 35' on center along portions of the east and west property lines
- (8) NON-USE VARIANCE to waive the required decorative masonry wall at least 5' in height between the business lot and residential lot interior to the site.
- (9) NON-USE VARIANCE to permit 2 street trees (5 street trees required).
- (10) NON-USE VARIANCE to permit 834 shrubs (870 shrubs required).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Central Park" as prepared by Collado and Partners, Inc., Sheet A-100 dated stamped received 9/1/15, A-200 dated stamped received 8/12/15 and the remaining 8 sheets dated stamped received 7/29/15, for a total of 10 sheets. 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 at which time the applicant requested permission to withdraw the requested NON-USE VARIANCE to permit 2 street trees (Item #9), and the applicant proffered a Declaration of Restrictions which among other things provided:

- (1) That, if the property is developed based on RU-4M and BU-2 Zoning Districts, said property shall be developed substantially in accordance with the plans entitled "Central Park" as prepared Collado and Partners, Inc., Sheet A-100 dated stamped received 09/01/15, A-200 dated stamped received 08/12/15 and the remaining eight (8) sheets dated stamped received 07/29/15, for a total of ten (10) sheets.
- (2) That a continuous five foot (5') high masonry wall shall be provided along the Property's east side where the parking area abuts the RU-1 District uses and RU-TH District uses, subject to Miami-Dade County Code regulations. However, the wall shall be built up to six feet (6') high along the Property's boundary with 4090 SW 59th Avenue (folio number 30-4023-099-0020) and 4100 SW 59th Avenue (folio number 30-4023-009-0160).
- (3) That prior to obtaining a certificate of occupancy for any residential development on the parcel referenced in Exhibit A, the Owner will file an application to rezone the single family home located at 4090 SW 59th Avenue (folio number 03-4023-099-0020) and described in Exhibit B, attached hereto, to RU-1.
- (4) That the property will be developed with a maximum of seventy-seven (77) dwelling 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 on Tract B to RU-4M on would be consistent with the COMPREHENSIVE DEVELOPMENT MASTER

PLAN and 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

WHEREAS, SPECIAL EXCEPTION on Tract A to permit a multi-family residential development in the BU-2 zoning district (Item #4) would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance and would be consistent with the Comprehensive Development Master Plan, and that the requested SPECIAL EXCEPTION (Item #4) would not have an adverse impact upon the public interest and should be approved, 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 width of 11'-1" (Item #5), the NON-USE VARIANCE on Tracts A and B to permit a multi-family building setback a minimum of 2' from the interior side (west) property line and setback 19' from the interior (east) property line (Item #6), the NON-USE VARIANCE on Tracts A and B to waive the required 5' wide dissimilar land use buffer, consisting of a 6' high wall, fence or hedge with trees spaced 35' on center along portions of the east and west property lines (Item #7), the NON-USE VARIANCE on Tracts A and B to waive the required decorative masonry wall at least 5' in height between the business lot and residential lot interior to the site (Item #8), and the NON-USE VARIANCE on Tracts A and B to permit 834 shrubs (Item #10) 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 would be consistent with the Comprehensive Development Master Plan, and

WHEREAS, the withdrawal of the requested NON-USE VARIANCE on Tracts A and B to permit 2 street trees (Item #9) should be granted, and the proffered Declaration of Restrictions should be accepted, and

WHEREAS, a motion to approve the request for a district boundary change on Tract B to RU-4M (Item #1), to approve Items #2 through #8 and Item #10, and to grant the withdrawal of Item #9 was offered by Jose I. Valdes, seconded by Elliot N. Zack, and upon a poll of the members present the vote was as follows:

Peggy Brodeur	aye	Angela Vazquez	aye
Javier Gonzalez-Abreu	aye	Elliot N. Zack	aye
Alberto Santana	absent		
	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 on Tract B to RU-4M (Item #1) be and the same is hereby approved and said property is hereby zoned accordingly.

BE IT FURTHER RESOLVED that 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 width of 11'-1" (Item #5), the NON-USE VARIANCE on Tracts A and B to permit a multi-family building setback a minimum of 2' from the interior side (west) property line and setback 19' from the interior (east) property line (Item #6), the NON-USE VARIANCE on Tracts A and B to waive the required 5' wide dissimilar land use buffer, consisting of a 6' high wall, fence or hedge with trees spaced 35' on center along portions of the east and west property lines (Item #7), the NON-USE VARIANCE on Tracts A and B to waive the required decorative masonry wall at least 5' in

height between the business lot and residential lot interior to the site (Item #8), and the NON-USE VARIANCE on Tracts A and B to permit 834 shrubs (Item #10) be and the same are hereby approved, subject to the following conditions:

Conditions for Items #2 through #8 and #10 Only

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Central Park" as prepared by Collado and Partners Inc. Sheet A-1.00 dated stamped received 09/01/15, sheet A-2.00 dated stamped received 08/12/15 and the remaining 8 sheets dated received 7/29/15 for a total of 10 sheets.
3. That the applicant shall install all the required landscaping along the property lines prior to obtaining a Certificate of Occupancy, and maintain thereafter.
4. That the applicant submits to the Department of Regulatory and Economic Resources for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.
5. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources as contained in their memorandum dated March 14, 2014, that is incorporated herein by reference.

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

BE IT FURTHER RESOLVED that the request to withdraw the requested NON-USE VARIANCE on Tracts A and B to permit 2 street trees (Item #9) be and the same is hereby approved and said Item is hereby withdrawn without prejudice.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary notations upon the maps and records of the Miami-Dade County Department of Regulatory and Economic Resources and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 13th day of October, 2015.

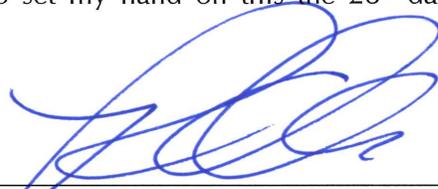
Hearing No. 14-7-CZ12-1
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STATE OF FLORIDA

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. CZAB12-25-15 adopted by said Community Zoning Appeals Board at its meeting held on the 13th day of October, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 28th day of October, 2015.



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

SEAL

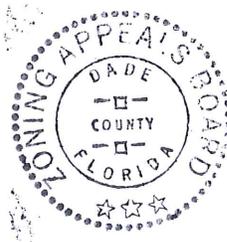


Exhibit A

Legal Description

MENENDEZ TRACTS, Plat Book 167, Page 052, T-22724, Tract A, LOT SIZE 37,767 Square Feet,

And

MENENDEZ TRACTS, Plat Book 167 Page 052, T-22724, Tract B, LOT SIZE 89,603 Square Feet

Less that portion of Tract B formally known as Lots 19 and 20, and the North 5 feet of Lot 21, in Block 6, of BRYWOOD, according to the Plat thereof, as recorded in Plat Book 27, at Page 26, of the Public Records of Miami-Dade County, Florida.

Exhibit B

Legal Description

That portion of Tract B formally known as Lots 19 and 20, and the North 5 feet of Lot 21, in Block 6, of BRYWOOD, according to the Plat thereof, as recorded in Plat Book 27, at Page 26, of the Public Records of Miami-Dade County, Florida.



Department of Regulatory and Economic Resources
Development Services Divisor
111 NW 1st Street • Suite 111C
Miami, Florida 33128-1902
T 305-375-264C
www.miamidade.gov/economy

October 28, 2015

Manuel J. Menendez Trust
c/o Jose Menendez
7035 SW 44 Street
Miami, FL 33155

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. CZAB12-25-15, adopted by the Miami-Dade County Community Zoning Appeals Board 12, which accepted your Declaration of Restrictions and approved your request for a district boundary change on Tract B to RU-4M, approved Items 2 through #8 and #10, and granted the withdrawal of Item #9 of your application on the above noted location. Please note the conditions under which said approval was granted, since failure to comply with stipulated conditions, if any, will result in the issuance of civil violation notices requiring payment of daily fines.

If stipulated in the resolution that building permits and/or use, occupancy or completion certificates will be required, please note that permits must be obtained and final inspection approvals received for construction work done or required for construction work done or required prior to issuance of the applicable certificate(s) pursuant to Section 33-8 of the Zoning Code. Payment of certificates related to use, occupancy or completion should be made with this Department as appropriate. At time of permit application you must provide a copy of this resolution.

Please note that any aggrieved party may appeal the Board's decision to the Board of County Commissioners, within 14 days from the date of posting on the 11th floor of the Stephen P. Clark Building, 111 N.W. 1st Street, Miami, FL 33128. The date of posting is **October 19, 2015**. In the event an appeal is filed, any action undertaken during the appeal period is at the applicant's risk.

Sincerely,

A handwritten signature in blue ink, appearing to be "Rosa Davis".

Rosa Davis
Deputy Clerk

Enclosure



Department of Regulatory and Economic Resources
Development Services Divisor
111 NW 1st Street • Suite 111C
Miami, Florida 33128-1902
T 305-375-264C
www.miamidade.gov/economy

October 28, 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:

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Sincerely,

A handwritten signature in blue ink, appearing to read "Rosa Davis", written over a blue circular stamp.

Rosa Davis
Deputy Clerk

Enclosure