Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 12

PH: Z13-077(14-7-CZ12-1) **October 13, 2015**
Item No. 1

Recommendation Summary	
Commission District	7
Applicant	Manuel J. Menendez Trust
Summary of Requests	The applicant is seeking to rezone the residential portion of a commercial and residentially zoned parcel and delete two (2) existing declarations of restrictions, in order to permit a 77-unit multi-family residential and commercial development on the site. Additionally, the applicant seeks to waive the requirement for a wall between the residential and commercial zoned portions of the dual zoned subject property as well as variances to the setback and landscape requirements.
Location	6950 SW 40 Street, Miami-Dade County, Florida.
Property Size	2.81 acres
Existing Zoning	RU-4L, Limited Apartment House District, BU-2, Special Business District
Existing Land Use	Commercial building
2020-2030 CDMP Land Use Designation	Business and Office/Medium Density Residential, 13 - 25 dua *(see attached Zoning Recommendation Addendum)*
Comprehensive Plan Consistency	Consistent with the LUP map, and the interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311 District Boundary Change Section 33-311(A)(3), Special Exception, Unusual use and New Uses, Section 33-311(A)(4)(b), Non-Use Variance standards, Section 33-311(A)(7), Generalized Modification Standards *(see attached Zoning Recommendation Addendum)*
Recommendation	**Approval with conditions of request #1, subject to the acceptance of the covenant, and approval with conditions of requests #2 through #8 and request #10; and withdrawal without prejudice of request #9**

On January 6, 2015, the Community Zoning Appeals Board (CZAB) #12, denied without prejudice the subject application. On January 20, 2015, the appellant, Manuel Menendez Trust, appealed the CZAB #12 decision to the Board of County Commissioners (BCC). Subsequently, at the May 21, 2015, meeting of the BCC, the applicant submitted revised plans for the proposed development, at which time, the BCC remanded the item back to CZAB #12. Staff's recommendation below is based on the revised plans submitted by the applicant.

REQUESTS:

REQUESTS #1 - #3 ON TRACT "B"

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

(2) Deletion of Declaration of Restrictions recorded in Official Records Book 24126, pages 0768-0772.

(3) Deletion of Declaration of Restrictions recorded in Official Records Book 26198, pages 4915 - 4919.

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

REQUEST #4 ON TRACT "A"

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

REQUESTS #5 - #9 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 multi-family residential building setback a minimum of 2' from the interior side (west) property line and setback 19' (20' required for both).

(7) NON-USE VARIANCE to waive the 5' wide dissimilar land use buffer including 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 feet 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-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. Plans may be modified at public hearing.

PROJECT DESCRIPTION AND PROJECT HISTORY:

This application seeks approval of requests to rezone the southern portion of the subject property and to permit a residential development on the commercially zoned, northern portion of the parcel in order to permit a mixed use multi-family residential and commercial development. This will permit the applicant to develop the subject parcel with 77 multi-family residential units and 1,050 sq. ft. of commercial space. Said requests are contingent on the approval of requests to delete prior declarations of restrictions that pertained to a previously approved townhome development on a portion of the subject property. Along with said requests, the applicant also seeks to permit the proposed development with ancillary non-use variances to the setback and landscape regulations. The revised plans submitted by the applicant, indicate the removal of the 0.11–net acre parcel to the east, which contains a single-family residence from the application. However, said parcel is contiguously owned but is not a part of this application.

Instead of the 9-story multi-family residential and commercial building that was previously proposed, the revised plans submitted by the applicant now shows two (2) separate buildings on the 2.81-acre site. Building A, which will have five (5) stories and a maximum height of 62.83', will be located on Tract "A", the BU-2, Special Business District portion of the parcel. The other building is a three (3) story building that is aligned along the entire length of Tract "B", the RU-4L parcel, consisting of two (2) connected structures, identified as Building "B" and Building "C", which are separated by a staircase and elevator shaft in the middle. The plans indicate Buildings "B" and "C" will each have a maximum height of three (3) stories at a maximum height of 37.33', and will be located on the proposed RU-4M parcel abutting the residences to the east.

The subject property is a narrow strip of land, approximately 2.81-acres in size, abutting Bird Road (SW 40 Street), which is a section line roadway. The property is approximately 1,320' in length and approximately 100' wide and consists of two (2) separate zoning districts. The northern, approximately 0.87-acres of the subject property is zoned BU-2, Special Business District, and the remaining approximately 1.947-acres to the south is currently zoned RU-4L.

In addition, the northern approximately 120' of the BU-2 portion of the property is designated on the Comprehensive Development Master Plan (CDMP) Future Land Use Plan (LUP) map for Business and Office uses. The remaining 1,200' southern portion of the property is designated Medium Density Residential on the CDMP LUP map.

Staff's research of the Department's zoning records indicates that the northern 120' of the subject property has been zoned BU-2 from as far back as 1948. Pursuant to Resolution #CZAB12-30-05 and Resolution #CZAB12-35-05, the existing RU-4L zoning district was approved on the on the remaining southern portion of the parcel. The RU-4L zoning district allows development at 23 residential units per acre, which would have allowed the development of the approximately 2.22 acre residential portion of the parcel with 52 residential units. However, the approval of the RU-4L portion of the property was subject to the acceptance of a covenant proffered by the applicant that restricted the development of the site to a site plan showing 26 residential units, along with other restrictions. Said covenant was subsequently modified pursuant to Resolution #CZAB12-37-06, to correct an error in the legal description of the residential parcel. The plan approved pursuant to Resolution #CZAB12-35-05 indicated a three (3) story townhome development with parking on the ground level. Additionally, said plans showed the development with two (2) ingress/egress drives for the residential development. One of the drives was located to the south from SW 44 Street and the other drive to the north, was located approximately in the area of SW 42 Street through the 0.11-net acre parcel, which is no longer a part of this application. No development was shown on the BU-2 portion of the subject site at that time.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	**Land Use Designation**
Subject Property	RU-4L/BU-2:commercial building	Medium Density Residential (13-25 dua)/ Business and Office
North	IU-1: carwash	Business and Office
South	RU-4M; apartment buildings	Medium Density Residential (13-25 dua)

East	BU-2; post office RU-1/RU-TH: single-family residences and townhouses	Business and Office/Medium Density Residential (13-25 dua)
West	GU; railway easement	Transportation

NEIGHBORHOOD COMPATIBILITY:

The 2.81-acre subject property is a mostly vacant parcel located along Bird Road (SW 40 Street), which is designated as a Major Roadway on the CDMP Future LUP map. The property abuts residential uses to the south and east. However, to the north and west of the subject property are commercial and industrial uses.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to provide the community with additional housing. Staff opines in the zoning analysis below, that the proposed development at a maximum height of five (5) stories, is designed in a manner that it will mitigate any visual impact on the abutting single-family residences to the east.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

Staff notes that the northern approximately 120' of Tract "A" of the subject property, approximately 0.223-acres in size, is designated **Business and Office** on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. The Business and Office category *accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, entertainment and cultural facilities, amusements and commercial recreation.*

In addition, the CDMP Land Use Element interpretative text for Business and Office states that, *residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity.* When the above conditions are met, *residential development may be authorized to occur in the Business and Office category at a density up to one category higher than the LUP designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development or zoning if the adjacent or adjoining land is undeveloped whichever is higher.* The remaining southern portion of the subject property is designated **Medium Density Residential** on the CDMP LUP map, which allows a range in density of 13 to 25 dwelling units per gross acre. *The types of housing structures typically permitted in this category include townhouses and low-rise and medium-rise apartments.* Therefore, subject to the conditions outlined in the CDMP Land Use Element interpretative text for areas designated Business and Office, the 0.223-acre Business and Office designated portion of the subject property could be developed under the designation of **Medium-High Density Residential** at 25 to 60 dwelling units per acre. **This would allow the applicant to develop the approximately 0.223-acre Business and Office designated portion of the property with a maximum of thirteen (13) residential units.**

The remaining southern portion of Tract "A", which is approximately 0.64-acres in size, and Tract "B" of the subject property, which is 1.947-acres, for a total of 2.59-acres, are designated **Medium Density Residential** use on the CDMP Land Use Plan map. **Therefore, based on the density threshold allowed in this land use category, this portion of the subject property could be developed with a maximum of 64 residential units.**

The CDMP Land Use Element interpretative text for Residential Communities states that where a parcel or group of contiguous parcels under a single ownership or legally unified development has two different LUP map residential designations, the number of units permitted under one designation may be averaged with the number of units permitted under the other and developed at varying densities providing that the total number of units built on such property does not exceed the total number permitted under the two designations. **Based on the aforementioned analysis, the applicant would be able to develop the 2.81-acre parcel with a unified development that has two (2) different LUP map designations, with a combined total of 77 residential units**.

The applicant seeks to rezone the southern approximately 1.947-acres of the subject property to RU-4M, Modified Apartment House District. The RU-4M zoning district allows development at a maximum of 35.9 units per acre. However, the applicant has proffered a covenant that will restrict the development of the entire subject property to a maximum of 77 residential units. This would allow for the development of Tract "B" within the density threshold allowed under the Medium Density designation on the CDMP Plan map. Therefore, staff opines that the proposed development of the subject property, as restricted by the proffered covenant to a maximum of 77 residential units, is within the density threshold allowed in areas designated Business and Office and Medium Density Residential on the CDMP LUP map.

The CDMP Land Use Element, **Policy LU-4A** states that when evaluating compatibility among proximate land uses, the County shall consider such factors as height, bulk and scale of architectural elements and parking among other things. For the reasons that will be further explained in the zoning analysis, staff opines that the proposed 77-unit residential development satisfies the criteria for compatibility set forth in the CDMP Land Use Element, **Policy LU-4A**.

Therefore, staff opines that, subject to the acceptance of the proffered covenant, approval of the application would be **consistent** with the CDMP Land Use Element interpretative text concerning density averaging for residential uses and the density threshold permitted in areas designated for **Business and Office** and **Medium Density Residential** uses on the CDMP Land Use Plan (LUP) map, and would satisfy the criteria for compatibility outlined in the CDMP Land Use Element, **Policy LU-4A**.

ZONING ANALYSIS:

The subject property is a 2.81-acre parcel, of which the northern 0.863 acre portion, identified as Tract "A" on the submitted plans, is currently zoned BU-2. The remaining southern portion of the subject property Tract "B", approximately 1.947 acres in size, is currently zoned RU-4L. For reasons that were previously outlined in the CDMP analysis, the applicant is now seeking approval of a district boundary change from RU-4L to RU-4M District (request #1) on Tract "B" of the subject property under Section 33-311(District Boundary Change), along with requests to delete prior declarations of restrictions on said tract (requests #2 and #3), under Section 33-311(A)(7), Generalized Modification Standards.

As previously noted, Tract "B" of the subject property was rezoned to RU-4L, which permitted the development of the residential portion of the parcel at a maximum of 23 units per acre, which would allow the development of the parcel with a maximum of 47 residential units. However, the applicant at that time proffered a covenant restricting the development to 26 residential units. The proposed RU-4M zoning district allows development at a maximum of 35.9 residential units per acre, which could allow the applicant to develop the aforementioned 1.947 acre residentially zoned portion of the parcel with a maximum of 69 residential units. In addition, the northern 0.863 acre, BU-2 zoned portion of the site that is designated Business and Office and Medium Density Residential on the CDMP LUP map, could be developed with a maximum of 29 residential units. Therefore, if the proposed RU-4M zoning district is approved, the applicant would be able to develop the entire subject property with a maximum of 98 residential units. However, the applicant has proffered a covenant that will restrict the development of the entire subject property to a maximum of 77 residential units. This would allow for the development of Tract "B" within the density threshold allowed under the Medium Density designation on the CDMP Plan map.

With the aforementioned requests (requests #1- #3), the applicant also seeks approval of a request to permit a multifamily residential development on the commercially zoned portion of the subject parcel, Tract A (request #4), under Section 33-311(A)(3), Special Exception, Unusual use and New Uses. This will allow the applicant to develop the entire subject property as a unified multi-family residential development.

Staff opines that based on memoranda submitted by the various Departments reviewing the application, approval of requests #1 through #4 will not have an unfavorable economic impact on Miami-Dade County and will not unduly burden water, sewer, solid waste disposal, or other necessary public facilities. Staff notes that the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) does not object to the application and indicated in its memorandum that the application meets traffic concurrency since it lies within the Urban Infill Area (UIA) where traffic concurrency does not apply. As such, staff opines that the approval of the application, including requests #1 through #4 to rezone a portion of the parcel and to delete prior declarations of restrictions in order to permit a residential development on both a commercial and residentially zoned parcel, would efficiently use the roads, streets and highways which have been constructed, planned or budgeted for in this area and further, would not result in excessive traffic.

Similarly, the memorandum from the Division of Environmental Resources Management (DERM) of the Department of Regulatory and Economic Resources (RER) indicates that the approval of the aforementioned requests will not have an unfavorable impact on the environmental resources of the County. The DERM memorandum states that a concurrency review has been conducted for this application and has determined that same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Additionally, staff notes that the Miami-Dade Fire Rescue Department (MDFRD) does not object to the application. Therefore, based on the aforementioned memoranda and memoranda from the other departments that reviewed the application among which were the Miami-Dade County's Parks Recreation and Open Spaces (PROS), staff opines that approval of this application will not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction. Further, staff opines that approval of the requests, which will allow

the multi-family development, will not tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area.

The revised plan depicts a five (5)-story building (Building A) to the north on Tract A, and is comprised of 36 one (1) and two (2) bedroom apartments, and 1,050 sq. ft. of commercial space; and a three–story building, Building B and C, on Tract B, with a total of 41, one (1) and two (2) bedroom apartments, for a combined total of 77 residential units on the commercial and residentially zoned parcel. The five-story building is proposed on the northern portion of the subject property, Tract A, which is currently zoned BU-2, and which is the subject of request #4. Staff notes that the elevations submitted by the applicant indicate that the linear shaped building is designed with a gradual step design, with the highest point, approximately 62.83' high, abutting the SW 40 Street frontage of the property located to the north. The building height is gradually reduced towards the south, to a maximum height of approximately 24', closer to the area where the property abuts a townhouse development located to the east. Along the east and west property lines of Tract "B", the submitted plans indicate a continuous row of trees and shrubs. Staff opines that said trees, along with the step-down design of the proposed multi-family buildings, provide an adequate visual buffer that will mitigate the negative visual impact of the proposed multi-story residential development on the single-story residential uses to the east.

Further, contingent on the approval of the request to permit the residential development in the BU-2 district, the applicant is also seeking ancillary non-use variances, among which is a variance to permit the proposed buildings encroaching into the interior side (east and west) setback areas (request #6). Staff is supportive of the latter request, particularly since the encroachment into the east setback area will be minimal (setback 19', where 20' is required). Further, the aforementioned encroachment into the east setback area, is limited to the 5-story building located on the BU-2 portion of the subject property, which abuts a commercially containing the existing post office use. Additionally, the submitted plans indicate that the project complies with the FAR, open space, lot coverage and complies with the numerical parking requirements. Further, staff notes that the subject property abuts Bird Road (SW 40 Street), which is a well-travelled, east/west section line roadway and is approximately 0.6 miles east of the Palmetto Expressway (SR 826).

As such, based on the foregoing analysis and the memoranda from the Departments concerned, staff opines that the approval of the request to rezone a portion of the subject property (request #1) along with the requests to delete two (2) previous declarations of restrictions that tied the property to previously approved plans (requests #2 and #3), in order to permit a proposed residential and commercial development on the commercial and residentially zoned parcel, will be **compatible** with the area and **consistent** with the CDMP. Further, staff opines that approval of said requests will not have an unfavorable impact on the economy of the County and would not have an unfavorable impact on the environmental and natural resources or create an unnecessary burden on the water, sewer, solid waste or recreational resources among others which have been constructed, planned or budgeted for. **Therefore, subject to the Board's acceptance of the proffered covenant, staff recommends approval of request #1 under Section 33-311, District Boundary Change, approval with conditions of requests #2 and #3, under Section 33-311(A)(7), Generalized Modification Standards; and approval with conditions of request #4, under Section 33-311(A(3), Special Exception, Unusual use and New Uses**.

The applicant also seeks approval of ancillary Non-Use Variance requests to permit the development with one-way drives below the minimum width requirement (request #5), to permit the proposed residential building and an accessory structure encroaching into the interior side (west) setback areas (request #6), to waive the required dissimilar land use buffer including a wall, along portions of the property lines (request #7) and the required 5' high masonry wall interior to the site where a BU zoned property abuts RU, EU or GU zoned property (request #8). Additionally, the applicant seeks to permit the proposed mixed use development with less street trees and shrubs than required (requests #9 and #10).

When the aforementioned requests (requests #5 through #10) are analyzed under section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations, staff opines that approval of requests #5 through #8 and request #10, would maintain the basic intent and purpose of the zoning and subdivision regulations and would not affect the stability and appearance of the community. Further, based on the analysis below, staff opines that approval of the aforementioned requests would be **compatible** with the surrounding residential and commercial uses in the area.

Staff opines that approval of the applicant's request to permit one-way drives a minimum of 11'-4" wide within the subject property (request #5) would not affect the character of the development and would not have an impact on the movement of vehicular traffic within the subject property. Staff notes that the Platting and Traffic Review Section of RER and the MDFRD do not object to this request. Therefore, staff opines that approval would not have a negative impact on the abutting roadways or create any hazard within the subject property. For reasons that were previously explained, staff opines that the encroachment of the proposed residential building into the interior sides (east and west) setback areas (request #6), ensures a degree of sensitivity towards the less intensive town house residential development located to the east. Along with the location of the multi-family building on the northern portion of the parcel, Tract "A", and the abundant landscaping being provided along the east and west property lines of the southern tract, Tract "B", staff opines that the encroachment of the buildings into the interior sides (east and west) setback areas, is sufficiently mitigated to reduce the visual impact of the proposed development on the residences to the east.

Further, staff opines that although the submitted plans indicate that the applicant has not met the dissimilar use landscape buffer requirement along portions of the east and west property lines (request #7), the landscaping provided mitigates the visual impact of the development on the surrounding areas. Said plans indicate a continuous row of trees and hedge in conjunction with an existing wall and wood fence along the portions of the interior side (east) property line that abut the less intensive residential development to the east. Further, as previously opined, staff is supportive of the revised plans, which depict the most intensive portion of the development, the five-story building, on the north portion of the property, which abuts the existing post office use to the east and the vacant rail easement to the west. In addition, staff is supportive of the applicant's request to waive the decorative wall between the business and residential portions of the subject property (request #8). Staff opines that the required wall would disrupt the cohesiveness of the project and adversely affect the appearance of the development. Additionally, staff opines that the applicant's request to permit the development with 36 less shrubs than the 870 required (request #10), is minimal, when compared with the scale of the proposed development. Staff opines that this request will not create any negative visual impact on the surrounding areas.

However, staff recommends that the request to permit the proposed development with 2 street trees, where 5 street trees are required (request #9), is not required. Staff's review of the plans indicate that the applicant has provided an excess of lot trees, some of which are located within close proximity to the abutting rights-of-way, and therefore meet the street tree requirement. Therefore, staff recommends that this request be withdrawn without prejudice.

Based on the foregoing analysis, staff recommends approval with conditions of requests #4 through #8 and #10, and withdrawal without prejudice of request #9, under Section 33-311(A)(4)(b), the Non-Use Variance Standards.

ACCESS, CIRCULATION AND PARKING: The submitted plans indicate a main ingress/egress points along Bird Road to the north and SW 69 Avenue to the east. Additionally, the plans indicate that there will be adequate parking within the proposed development in both parking lots and surface parking areas for both the residents and visitors.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

Approval of request #1, subject to the Board's acceptance of the proffered covenant, and approval with conditions of requests #2 through #8 and #10, and withdrawal without prejudice of request #9.

CONDITIONS FOR APPROVAL (For requests #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.

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.

NK:MW:NN:JV:CH

Nathan Kogon, AICP, Assistant Director
Development Services Division
Miami-Dade County
Department of Regulatory and Economic Resources

ZONING RECOMMENDATION ADDENDUM

Applicant: *Manuel J. Menendez Trust*
PH: *Z13-077*

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
Division of Environmental Resource Management (RER)	No objection*
Platting and Traffic Review Section (RER)	No objection*
Parks, Recreation and Open Spaces	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

Business and Office (Page I-41)	*This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.* *Residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity. Where these conditions are met residential development may be authorized to occur in the Business and Office category at a density up to one density category higher than the LUP-designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development, or zoning if the adjacent or adjoining land is undeveloped, whichever is higher. If there is no adjacent or adjoining residential use existing, zoned or designated on the same side of the roadway, the maximum allowable residential density will be that which exists or which this plan allows across the roadway. Where there is no residential use, zoning or designation on either side of the roadway, the intensity of residential development, including height, bulk and floor area ratio shall be no greater than that which would be permitted for an exclusively commercial use of the site. Where SURs or TDRs are transferred to Business-designated parcels which are zoned or to be used for residential development, or when a residential project utilizes the inclusionary zoning program the*

ZONING RECOMMENDATION ADDENDUM

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	allowances of the Residential communities section may be used within the limits provided in this paragraph.
Medium Density Residential (Page I-31)	*This category allows densities from 13 to 25 dwelling units per gross acre. The type of housing structures typically permitted in this category includes townhouses and low-rise and medium-rise apartments.*
Medium-High Density Residential (Pg. I-31)	*This category authorizes apartment buildings ranging from 25 to 60 dwelling units per gross acre. In this category, the height of buildings and, therefore, the attainment of densities approaching the maximum, depends to a great extent on the dimensions of the site, conditions such as location and availability of services, ability to provide sufficient off-street parking, and the compatibility with and impact of the development on surrounding areas. The provisions of the section below entitled "Density Increase with Urban Design" are not applicable to this density category. At such time as Miami-Dade County's land development regulations are amended pursuant to Policy LU-9O, a density bonus can be added to each residential zoning district that falls within the Medium-High Density range of 25 to 60 dwelling units per gross acre. When land development regulations are amended, this density bonus may allow a maximum of 60 dwelling units per gross acre on properties that are designated Medium-High Density on the Land Use Plan map. These density bonuses shall not apply to existing or proposed developments with vehicular entrances that are controlled or have entry gates or existing or proposed developments with private streets.*
Density Averaging ***(Page I-32.2)***	*The land use density ceiling designated on the LUP map will apply to every parcel of land. However, in certain instances, the averaging of density may be authorized among different parcels. Specific provisions for this to occur are specified below. All of the following allowances are limited to lands located within the Urban Development Boundary which are designated for urban uses.* *Where groups of parcels under a single ownership or multiple ownerships that are legally unified (hereinafter legally unified development) are located within a unit area bounded by Major or Minor Roadways as indicated on the Land Use Plan map, portions of the unified development may be developed at densities higher than that shown on the LUP map provided that other portions are developed at correspondingly lower densities so that the average density of the entire development does not exceed the maximum gross density limits shown on the LUP map. Where a parcel or group of contiguous parcels under a single ownership or legally unified development has two different LUP map residential designations, the number of units permitted under one designation may be averaged with the number of units permitted under the other and developed at varying densities providing that the total number of units built on such property does not exceed the total number permitted under the two designations. Further, where 50 percent or more of the boundary of a parcel or group of contiguous parcels, not exceeding 20 acres in size, adjoins land that is developed or zoned for densities that are higher than those which are shown on the LUP map, such property may be zoned for a density higher than that shown on the LUP map but not higher than the highest density which is permitted by zoning on the adjoining properties. Density may be transferred across a Major or Minor roadway to an adjacent and legally unified parcel or portion thereof contiguous to the Roadway provided, further, that the site receiving the increased density shall be developed at a density no greater than the higher of adjoining or adjacent existing residential development or zoning, or if the adjoining land is undeveloped and not zoned for urban use, one density category higher than the LUP map designation of the parcel. The above provisions, however, are all conditioned upon a determination being made that the requested density and housing types are compatible with the surrounding development and would not create a significant negative impact on services within the area.*
Objective LU-4 (Page I-11)	*Miami-Dade County shall, by the year 2020, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.*
Policy LU-4A (Page I-11)	*When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.*

ZONING RECOMMENDATION ADDENDUM

Applicant: *Manuel J. Menendez Trust*
PH: *Z13-077*

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311 District Boundary Change	(A) *The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.* *(F)* ***Section 33-311*** *provides that the Board shall take into consideration, among other factors the extent to which:* *(1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;* *(2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;* *(3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;* *(4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;* *(5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways*
Section 33-311(A)(3) Special Exception, Unusual and New Uses.	*Special exceptions (for all applications other than public charter schools), unusual and new uses. Hear application for and grant or deny special exceptions, except applications for public charter schools; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.*

ZONING RECOMMENDATION ADDENDUM

Applicant: *Manuel J. Menendez Trust*
PH: *Z13-077*

33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations	*Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.*
Section 33-311(A)(7) Generalized Modification Standards.	*The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.*

1. MANUEL J. MENENDEZ TRUST
(Applicant)

15-10-CZ12-1 (13-077)
Area 12/District 07
Hearing Date: 10/13/15

Property Owner (if different from applicant) **Same.**

Is there an option to purchase ☐ /lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☑

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1989	United States Postal Service	- Unusual Use to permit Non-Commercial parking.	ZAB	Modified Approval with Condition(s)
2005	Pancho Menendez Land Trust II, ET	- Zone change from GU, RU-1 and RU-4M to BU-2.	C12	Approved with Condition(s)
2005	Pancho Menendez Land Trust II, ET	- Zone change from GU, RU-1, RU-4M and IU-1 to RU-4L. GU, RU-1 and RU-4M to BU-2.	C12	Approved with Condition(s)
2006	Pancho Menendez Land Trust II	- Modification of Resolution. - Deletion of Legal Description.	C12	Approved with Condition(s)

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

ZONING ACTION

MEMORANDUM
Harvey Ruvin
Clerk of the Circuit and County Courts
Clerk of the Board of County Commissioners
(305) 375-5126
(305) 375-2484 FAX
www.miami-dadeclerk.com

DATE: 4/23/2015 **#Z-**
ITEM: B.

APPLICANT: MANUEL J. MENENDEZ TRUST
14-7-C12-1(13-077)

MOTION: Deferred to May 21, 2015

ROLL CALL	**M/S**	**YES**	**NO**	**ABSENT**
Barreiro		X		
Levine Cava		X		
Diaz		X		
Edmonson		X		
Heyman		X		
Jordan		X		
Moss		X		
Sosa	S	X		
Souto		X		
Suarez	M	X		
Zapata				X
Vice Chairman Bovo		X		
Chairman Monestime				X
TOTAL		11	0	2

ZONING ACTION

MEMORANDUM
Harvey Ruvin
Clerk of the Circuit and County Courts
Clerk of the Board of County Commissioners
(305) 375-5126
(305) 375-2484 FAX
www.miami-dadeclerk.com

DATE: 03/19/2015 **#Z-**

ITEM: 14-7-C12-1 (13-077)

APPLICANT: MANUEL J. MENENDEZ TRUST (APPEALS)

MOTION: CANCELLED DUE TO LACK OF QUORUM/ RESCHEDULED TO 4/23/2015 AT 9:30 AM

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				
Levine Cava				
Diaz				
Edmonson				
Heyman				
Jordan				
Moss				
Sosa				
Souto				
Suarez				
Zapata				
Vice Chairman Bovo				
Chairman Monestime				
TOTAL				

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

#A

APPLICANT'S NAME: MANUEL J. MENENDEZ TRUST

REPRESENTATIVE: BEN FERNANDEZ/ GUILLERMO OLMEDILLO

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
14-7-CZ12-1 (13-077)	January 6, 2015	CZAB12	2	15

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:_____ ☐ 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:

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN	**M**	Peggy **BRODEUR**	**X**		
COUNCILMAN		Javier **GONZALEZ-ABREU**	**X**		
COUNCILMAN		Matthew **LARSH**	**X**		
VICE CHAIRMAN		Alberto **SANTANA**			**X**
COUNCILMAN	**S**	Jose I. **VALDES** (C.A.)	**X**		
COUNCIL WOMAN		Angela M. **VAZQUEZ**	**X**		
CHAIRMAN		Elliot N. **ZACK**	**X**		
		VOTE:	**6**	**0**	

EXHIBITS: ■ YES ☐ NO COUNTY ATTORNEY: Abbie Schwartz

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

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

Memorandum

MIAMI-DADE COUNTY

Date: September 3 , 2015

To: Jack Osterholt, Deputy Mayor/Director
Department of Regulatory and Economic Resources

From: Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources

Subject: C-12 #Z2013000077-5th Revision
Collado & Partners
6950 SW 40th Street AND 4090 SW 69th Avenue, Miami, FL 33155
Special Exception to Permit a Multi-Family Residential Development
(BU-2) (2.98 Acres)
23-54-40

The subject application has been reviewed by the Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Potable Water Service and Wastewater Disposal

Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required in accordance with Code requirements.

Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management

A Surface Water Management General Permit from DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to any future development order approval. The applicant is advised to contact the Water Control Section of DERM for further information regarding permitting procedures and requirements.

Stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage system. Drainage must be provided for the 5-year/1-day storm event.

Site grading and development shall provide for the full retention of the 25-year/3-day storm event and shall also comply with the requirements of Chapter 11C of the Code, as well as with all State and Federal Criteria, and shall not cause flooding of adjacent properties.

Any proposed development shall comply with county and federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP subject to compliance with the conditions required for this proposed development order.

Pollution Remediation
There are no records of current contamination assessment/remediation issues on the subject site or records of current contamination assessment/remediation issues for sites directly abutting the property.

Wetlands
The subject properties do not contain wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation
The subject property may contain specimen-sized trees (trunk diameter 18 inches or greater). Section 24-49.2(II) of the Code requires that specimen-sized trees be preserved whenever reasonably possible. A Miami-Dade County Tree Removal/Relocation Permit is required prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application.

The applicant is advised to contact the Tree Permitting Program at 305-372-6574 for additional information regarding tree permitting procedures and requirements prior to site development.

Enforcement History
There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property.

Concurrency Review Summary
A concurrency review has been conducted for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute written approval as required by Chapter 24 of the Code.

If you have any questions concerning the comments or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

cc: Nathan Kogon, Department of Regulatory and Economic Resources

Memorandum

MIAMI-DADE COUNTY

Date: August 26, 2015

To: Nathan Kogon, Assistant Director
Department of Regulatory and Economic Resources

From: Raul A. Pino, PLS, Chief
Platting and Traffic Review Section
Department of Regulatory and Economic Resources

Subject: Z2013000077
Name: Manuel J. Menendez Trust
Location: 6950 SW 40 Street
Section 23 Township 54 South Range 40 East

The Department of Regulatory and Economic Resources Platting and Traffic Review Section has reviewed the subject application and has no objections.

- Driveway to SW 40 Street must meet current F.D.O.T. access management requirements; contact the district office at 305-470-5367 for driveway and drainage permits.
- Federal approval is required for the one-way aisle with angled parking access drive that flows from the Post Office site to the subject site.

This land complies with Chapter 28 of the Miami-Dade County Code. The property is platted as Tracts A & B of Plat Book 167, Page 52.

Additional improvements may be required at time of permitting.

This application meets the traffic concurrency criteria because it lies within the urban infill area where traffic concurrency does not apply.

Memorandum

MIAMI-DADE COUNTY

Date: August 10, 2015

To: Nathan Kogon, Assistant Director
Regulatory and Economic Resources Department

From: Paul Mauriello, Deputy Director, Waste Operations
Public Works and Waste Management Department

Subject: Manuel J Menendez, Trust update (DIC #13_077)

The Public Works & Waste Management Department (PWWM), Waste Operations, review of the above-referenced item is provided below. The review of this application updates a response previously dated September 18, 2013. Additional comments will be provided as needed. If you should have any questions, please do not hesitate to contact Stacey McDuffie, Manager, Fiscal Management and Planning Division at 305-375-1354. **The PWWM has no objections to the proposed application.**

Application: ***Manuel J Menendez, Trust*** is requesting a special exception to develop multi-family residential homes on a property zoned in a Special Business District (BU-2). The applicant also requests a non-use variance of a side setback, the rezoning of "rear" properties to Modified Apartment House district (RU-4M), and the removal of a requirement to place a wall between RU-4M and BU-2 zoned parcels. The property is presently zoned in a Limited Apartment House District (RU-4L) and BU-2. The application proposes the development of three multi-family residential buildings, to create a total of seventy-eight (78) units, a small office space, and a small commercial space.

Size: The subject property is approximately 2.98 acres.

Location: The subject property is located at 6950 SW 40th Street and 4090 SW 69th Avenue, in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (PWWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 18, 2014, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Sustainability, Planning and Economic Enhancement Department (formerly the Department of Planning and Zoning) is contingent upon

the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

The three residential buildings to be constructed on the property will be considered development for multi-family residential establishments, while the office and commercial space will both meet the County Code definition of commercial establishments. Chapter 15 of the Code requires the following of multi-family and commercial establishments located in unincorporated Miami-Dade County:

"Every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department." Therefore, the landlord or property owner is required to contact a private hauler to provide waste and recycling collection service.

3. Recycling: Multi-Family Establishments

Regarding multi-family units, **Section 15-2.2a** of the Code requires "every multi-family residential establishment shall provide for a recycling program which shall be serviced by a permitted hauler or the appropriate governmental agency and shall include, at a minimum, the five (5) materials listed in Section 15-2.2 below."

1) Newspaper
2) Glass (flint, emerald, amber)
3).Aluminum cans
4) Steel cans
5) Plastics (PETE, HDPE-natural, HDPE-colored)

Section 15-2.2b of the Code states the failure of a multi-family residential establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner(s) shall be liable, provided, however, that in the case of a condominium or cooperative apartment having a condominium association or cooperative apartment association, said association, rather than individual unit owners, shall be liable for any such violation.

Applicants are ***strongly*** advised to incorporate adequate space and facilities in their building plans to accommodate the required recycling program. Requests for approval of modified recycling programs must be made directly to the Department at 305-514-6666.

4. Recycling: Commercial Establishments

The following language from **Section 15-2.3a** of the Code requires commercial establishments "to provide for a recycling program, which shall be serviced by a permitted hauler or the appropriate governmental agency. The recycling program for commercial establishments must include a minimum of three (3) materials chosen from the following:

1) High grade office paper
2) Mixed paper
3) Corrugated cardboard
4) Glass (flint, emerald, amber)
5) Aluminum (cans, scrap)
6) Steel (cans, scrap)
7) other metals/scrap production materials
8) Plastics (PETE, HDPE-natural, HDPE-colored)
9) Textiles
10) Wood

Section 15-2.3 of the Code states the failure of a commercial establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner and the owner(s) and operator(s) of the commercial establishment shall be jointly and severally liable.

5. Waste Storage/Setout Considerations

Section 15-4 of the Code requires that plans for storage and collection of solid waste be adequate before a building permit may be issued. Site plans must address location, accessibility, number and adequacy of solid waste collection and storage facilities. The site plan legend must contain the following statement: "Facilities for the collection and storage of solid waste are shown in accordance with Section 15-4 of the Miami-Dade County Code."

6. Site Circulation Considerations

It is required that development plans associated with this project incorporate at least one of the following traffic circulation criteria to minimize the reversing of waste vehicles and hence, provide for the safe circulation of service vehicles:

a. Cul-de-sac with a minimum 49 foot turning radius (no "dead-ends")
b. "T" shaped turnaround 60 feet long by 10 feet wide
c. Paved throughway of adequate width (minimum 15 feet)

In addition, any and all alleyways designed with utilities, including waste collection, provided at the rear of the property should be planned in accordance with standard street specifications with sufficient width and turning radii to permit large vehicle access. Additionally, there should be no "dead-end" alleyways developed. Also, a sufficient waste set-out zone should be preserved (between the edge of the pavement and any possible obstructions such as parked cars, fencing, etc.) that would interrupt or preclude waste collection.

Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Alberto M. Carvalho

Miami-Dade County School Board
Perla Tabares Hantman, Chair
Dr. Lawrence S. Feldman, Vice Chair
Dr. Dorothy Bendross-Mindingall
Susie V. Castillo
Carlos L. Curbelo
Dr. Wilbert "Tee" Holloway
Dr. Martin Karp
Dr. Marta Pérez
Raquel A. Regalado

April 28, 2014

VIA ELECTRONIC MAIL

Mr. Guillermo Olmedillo, OlmedilloX5, Inc.
c/o Manuel J. Menendez Trust
3305 Alhambra Circle
Miami, FL 33134
guillermo@olmedilloX5.com

RE: PUBLIC SCHOOL CONCURRENCY PRELIMINARY ANALYSIS
MANUEL J. MENENDEZ TRUST - Z2013000077
LOCATED 6950 SW 40 STREET
PH3014040800800 – FOLIO Nos.: 3040230990010 and 3040230990020

Dear Applicant:

Pursuant to State Statutes and the Interlocal Agreements for Public School Facility Planning in Miami-Dade County, the above-referenced application was reviewed for compliance with Public School Concurrency. Accordingly, enclosed please find the School District's Preliminary Concurrency Analysis (Schools Planning Level Review) for informational purposes only.

As noted in the Preliminary Concurrency Analysis (Schools Planning Level Review), the proposed development would yield a maximum residential density of 78 multifamily units, which generate 9 students; 4 elementary, 2 middle and 3 senior high students. **At this time, all three school levels have sufficient capacity available to serve the application.** However, a final determination of Public School Concurrency and capacity reservation will only be made at the time of approval of final plat, site plan or functional equivalent. As such, this analysis does not constitute a Public School Concurrency approval.

Should you have any questions, please feel free to contact me at 305-995-4501.

Sincerely,

Ivan M. Rodriguez, R.A.
Director I

IMR:ir
L-574
Enclosure

cc: Ms. Ana Rijo-Conde, AICP
Mr. Mike A. Levine
Ms. Vivian G. Villaamil
Miami-Dade County
School Concurrency Master File

Ana Rijo-Conde, Deputy Chief Facilities & Eco-Sustainability Officer • Planning, Design & Sustainability
School Board Administration Building • 1450 N.E. 2nd Ave. • Suite 525 • Miami, FL 33132
305-995-7285 • 305-995-4760 (FAX) • arijo@dadeschools.net

Miami-Dade County Public Schools

Concurrency Management System
Preliminary Concurrency Analysis

MDCPS Application Number:	PH3014040800800	Local Government (LG):	Miami-Dade
Date Application Received:	4/8/2014 9:53:55 AM	LG Application Number:	Z2013000077
Type of Application:	Public Hearing	Sub Type:	Zoning

Applicant's Name: Manuel J. Menendez Trust
Address/Location: 3305 Alhambra Circle, Miami, FL 33134
Master Folio Number: 3040230990010
Additional Folio Number(s): *3040230990020, 3040230990020,*

PROPOSED # OF UNITS: 78

SINGLE-FAMILY DETACHED UNITS: 0

SINGLE-FAMILY ATTACHED UNITS: 0

MULTIFAMILY UNITS: 78

CSA No	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
CONCURRENCY SERVICE AREA SCHOOLS						
5241	SOUTH MIAMI K-8 CENTER (ELEM COMP)	26	4	4	YES	Current CSA
5242	SOUTH MIAMI K-8 CENTER (MID COMP)	69	2	2	YES	Current CSA
7721	SOUTH MIAMI SENIOR	0	3	0	NO	Current CSA
7721	SOUTH MIAMI SENIOR	0	3	0	NO	Current CSA Five Year Plan
ADJACENT SERVICE AREA SCHOOLS						
7361	MIAMI KILLIAN SENIOR	714	3	3	YES	Adjacent CSA

*An Impact reduction of 21.13% included for charter and magnet schools (Schools of Choice).

MDCPS has conducted a preliminary public school concurrency review of this application; please see results above. A final determination of public school concurrency and capacity reservation will be made at the time of approval of plat, site plan or functional equivalent. **THIS ANALYSIS DOES NOT CONSTITUTE PUBLIC SCHOOL CONCURRENCY APPROVAL.**

1450 NE 2 Avenue, Room 525, Miami, Florida 33132 / 305-995-7634 / 305-995-4760 fax / concurrency@dadeschools.net

Memorandum

MIAMI-DADE COUNTY

Date: August 31, 2015

To: Jack Osterholt, Deputy Mayor
Director, Regulatory and Economic Resources Department

From: Maria I. Nardi, Chief
Planning and Design Excellence Division
Parks, Recreation and Open Spaces Department

Subject: Z2013000077: MANUEL J.MENENDEZ TRUST
Revised Plans Submitted Dated Stamped Received or with Revised Comments Through 8/14/2015

Application Name: MANUEL J.MENENDEZ TRUST

Project Location: The site is located at 6950 SW 40 ST, Miami-Dade County.

Proposed Development: The request is for approval of special exception to permit residential development. Based on plans submitted it is estimated that 78 units could be developed.

Impact and Demand: This application proposes future development of multi-family use which has the potential to result in an impact of up to .47 acres to the level of service for this park benefit district.

Recreation and Open Space Element policies ROS-2a (i); (ii); (iii); (iv); and (v) provide for the establishment of Miami-Dade County's minimum Level of Service standard for the provision of local recreation open space. The site is located in Park Benefit District 2 (PBD2) which has a surplus of 491.32 acres of local parkland and therefore meets concurrency when analyzed in terms of (2.75) acres per 1,000 unincorporated areas residents within this Park Benefits District.

County-owned local parks that are within three miles of the subject application are described in Table A which lists the name, type and acreage for each park. Brothers to the Rescue Memorial Park is the nearest local park to the application site. A.D. "Doug" Barnes, an areawide park, is located within walking distance.

Table A - County Parks (local only)
Within a 3 Mile Radius of Application Area.

Park Facility	Classification	Acreage
Sunset Heights Park	MINI-PARK	0.32
Schenley Park	NEIGHBORHOOD PARK	2.00
Humble Mini Park	MINI-PARK	0.50
Brothers To The Rescue Memorial Park	SINGLE PURPOSE PARK	5.70
Banyan Park	NEIGHBORHOOD PARK	3.14
Rockway Park	COMMUNITY PARK	2.52
Miller Drive Park	COMMUNITY PARK	4.07
Blue Lakes Park	NEIGHBORHOOD PARK	6.00
Sudlow Park	MINI-PARK	1.12
Sunkist Park	NEIGHBORHOOD PARK	0.77
San Jacinto Park	MINI-PARK	0.92
Francisco Human Rights Park	MINI-PARK	3.78

Coral Villas Park	MINI-PARK	0.37

Objective ROS-8 of the Recreation and Open Space Element of the CDMP states the following: ***The 2007 Miami-Dade County Parks and Open Space System Master Plan (OSMP), through a 50-year planning horizon, shall guide the creation of an interconnected framework of parks, public spaces, natural and cultural areas, greenways, trails, and streets that promote sustainable communities, the health and wellness of County residents, and that serve the diverse local, national, and international communities.***

Recommendation: Based on our findings described herein **PROS HAS NO OBJECTION TO THIS APPLICATION**.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb
Cc: John M. Bowers, Parks Planning Section Supervisor

REVISION 10

Memorandum

Date: 08-SEP-15

To: Jack Osterholt, Director
Department of Regulatory and Economic Resources

From: Dave Downey, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2013000077

Recommendation:

Fire Engineering & Water Supply Bureau reviewed and approved the revised site plan dated stamp received 9/1/15 (specifically sheet A-1.00)

Service Impact/Demand

Development for the above Z2013000077
located at 6950 SW 40 ST, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1596 is proposed as the following:

78 dwelling units	residential	_____ square feet	industrial
_____ square feet	Office	_____ square feet	institutional
_____ square feet	Retail	_____ square feet	nursing home/hospitals

Based on this development information, estimated service impact is: Minimal Impact. 27 alarms-annually.

Existing services

The Fire station responding to an alarm in the proposed development will be: Station # 3
The estimated average travel time is: 6:01 minutes

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development: N/A

Fire Planning Additional Comments

For information regarding the aforementioned comments, please contact the Miami-Dade Fire Rescue Department Planning Section at 786-331-4540.

Building and Neighborhood Compliance

ENFORCEMENT HISTORY

MANUEL J. MENENDEZ TRUST	6950 SW 40 ST, MIAMI-DADE COUNTY, FLORIDA
APPLICANT	ADDRESS
OCTOBER 13, 2015	Z2013000077
DATE	HEARING NUMBER

REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:
October 5, 2015

NEIGHBORHOOD REGULATIONS:
THERE ARE NO CURRENT OPEN OR CLOSED CASES

BUILDING SUPPORT REGULATIONS:
THERE ARE NO CURRENT OPEN OR CLOSED CASES

VIOLATOR:
MANUEL J. MENENDEZ TRUST

OUTSTANDING LIENS AND FINES:
AS OF OCTOBER 5, 2015, THERE ARE NO OUTSTANDING LIENS OR FINES

DISCLOSURE OF INTEREST*

If a CORPORATION owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: _____

NAME AND ADDRESS	Percentage of Stock

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ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and the percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME **M J Menendez Trust**

NAME AND ADDRESS	Percentage of Interest
Manuel J, Menendez	**100%**
Teresita F. Menendez	
3305 Alhambra Circle	
Coral Gables, Florida 33134	

If a PARTNERSHIP owns or leases the subject property, list the principals including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percentage of Ownership

If there is a **CONTRACT FOR PURCHASE**, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

ZONING ANALISYS

RU-3M, RU-4L, RU-4M ZONING LEGEND

Zoning — Legend data to be incorporated onto the site

District: RU-

Uses	RU-3M maximum density @ 72.0 units per net acre	TOTAL NUMBER OF DWELLING UNITS:
	RU-4L maximum density @ 23.0 units per net acre	TOTAL NET ACREAGE:
	RU-4M maximum density @ 72.0 units per net acre	DENSITY PER NET ACRE:

GROSS AREA (acres)	2.9		
Lakes / canals	N/A		
Lakes Water	N/A		
Lakes Other	N/A		
NET AREA (sq.ft.)	126,224 s.f.	100	%
Lot Coverage (50% max)	41,922 S.F.	33	%
Paved Area	54,979 S.F.	43	%
Common Open Space	30,786 S.F.	24	%

SETBACK REQUIREMENTS

	MINIMUM SETBACK REQUIRED	PROVIDED
FRONT	25	25
REAR	20	130
SIDE S1	25	N/A
INTERIOR (50) feet	25	35
INTERIOR FOR EACH additional 1 story	10	N/A
INTERIOR (50) FEET AND more than 2 stories	20	10' / 2' AT REAR

SEE TABLES THIS SHEET FOR TYPES AND AREAS

Unit MODEL DATA

Model Type	Area (sq. Ft.)	No. of Bedrooms	Max. Floor Area Ratio (F.A.R.) permitted all story Stairwell, Elevator, Mechanical Rooms, Garages, Carports, Trash Chutes, Mail Rooms, Lobbies, Recreational Facilities, Balconies, Terraces, Breezeways, Walkways, Roof Overhangs, Parapets, Canopies, Awnings, Screens, Sunshades, Fire Walls, Fire Escapes, Exterior Stairs, Ramps, Trellises, Arcades, Porches, Patios, Pools, Pool Decks, Pool Equipment Rooms, Open Spaces, Accessory Uses, Signs, Flagpoles, Antennas, Satellite Dishes, Solar Collectors, Energy Generating Equipment, Air Conditioning Equipment, Water Tanks, Water Towers, Utility Equipment Rooms, Decorative Features, Cornices, Eaves, Gutters, Scuppers, Columns, Pilasters, Grillework, Landscape Features, Non-Commercial Recreational Facilities, Any Other Similar Structures or Uses
Alcove			MAX. HEIGHT OF PROPOSED STRUCTURE
Master			MAX. NUMBER OF STORIES PERMITTED
Master			MAX. NUMBER OF STORIES PROPOSED
Master			F.A.R. PERMITTED
MAIER			F.A.R. PROPOSED

PROVIDE FOOTPRINT SQ. FT. PER BUILDING TYPE

BLDG TYPE	FOOTPRINT (gross sq. ft.)	BLDG TYPE	FOOTPRINT (gross sq. ft.)
M F A	21,922 S.F.		
M F B	9,216 S.F.		
M F C	9,216 S.F.		

PROVIDE TOTAL GROSS SQ. FT. PER BUILDING TYPE

BLDG TYPE	TOTAL BLDG (gross sq. ft.)	BLDG TYPE	TOTAL BLDG (gross sq. ft.)
M F A	45,921 S.F.		
M F B	18,000 S.F.		
M F C	20,000 S.F.		

PARKING REQUIREMENTS

Total number of dwelling units with less than 2 bedrooms =	20	X 1.50 =	30
Total number of dwelling units with 2 bedrooms =	59	X 1.75 =	103
Total number of dwelling units with more than 2 bedrooms =		X 2.00 =	
		TOTAL PARKING SPACES REQUIRED =	133
		TOTAL PARKING SPACES PROVIDED =	139 (SEE BELOW)

NOTE: RU-3M (edge zoned) no 2 stories & 35' in height. RU-4L (edge limited to 6 stories & 75' in height. RU-4M (edge limited to 9 stories & 100' in height. Height measured from F.F. (Finished Floor) to top of pitch (roof ridge). Per Zoning Code Article XVIII Sec 33-304. Article XVIII Sec 33-305. & Article XVIII Sec 33-310 requirements

ZONING CALCULATIONS AND SETBACK MATRIX. LOT AREA 126,224 S.F (2.9 ACRES)

	PERMITTED / REQUIRED	PROPOSED
F.A.R.	0.75 (94,743 S.F.)	69,405 (0.55)
LOT COVERAGE	35% MAX (27,837 S.F.)	42,950 S.F. (34%)
GREEN AREAS	30% MIN. (37,857 S.F.)	38,127 S.F. (30%)
PAVED AREAS	N.A.	62,111 S.F. (49%)
SETBACKS	REQUIRED	PROVIDED
FRONT	25'	46' -03"-9"
SIDES (INTERIOR)	25'	1 69'-EAST LINE 84'-11" WEST LINE
REAR	25'	130'
BUILDING HT.	150' TO ROOF DECK	48'-4" TO ROOF DECK
		62'-10"

UNIT TYPE MATRIX BUILDING A

FLOOR	1 BR 1 BATH	2 BR 2 BATH	CIRC-STR-ELEV	GROSS AREAS
1st FLOOR	0	0	0	0
2nd FLOOR		2	0 S.F.	3,982 S.F.
3rd FLOOR	8	8	1,354S.F	15,188 + 3,256 = 1,478 = 14,935 S.F.
4th FLOOR	4	8	1,354S.F.	14,804 + 1,354 = 16,158 S.F.
5th FLOOR	4	8	1,354S.F	8,786 + 1,354 = 8,786 S.F.
TOTAL UNITS	16	33		44,681 S.F.
COMMER. AREA				1,050 S.F.

TOTAL GROSS AREA 45,931 S.F.

UNIT TYPE MATRIX BUILDINGS B AND C

FLOOR	1 BR 1 BATH	2 BR 2 BATH	CIRC-STR ELEV	GROSS AREAS
1st FLOOR	8	1	0	7,520 S.F.
2nd FLOOR		16	1,478 S.F.	16,203 S.F.
3rd FLOOR		16	1,478 S.F.	16,202 S.F.
TOTALS	8	33		40,024 S.F.

TOTAL GROSS AREA 40,024 S.F.

NOTE: PER MIAMI DADE-COUNTY FIRE DEPARTMENT THE FINAL PERMIT DOCUMENTS SHALL SHOW COMPLIANCE WITH THE FOLLOWING ALTERNATIVE METHOD:EQUIVALENCY CORE "A" FOR BUILDINGS FROM 4 TO 8 STORIES
PROPOSED BUILDING IS 5 STORIES TALL LESS THAN 75' HEIGHT.

1. EQUIVALENCY COREA: FOR BUILDINGS 4 STORIES TO 8 STORIES, 75 FT. HIGH
A1 - STAIR WIDTH INCREASED TO 48" PER FLIGHT AND 36" DOORS
A2 - ENCLOSED ONE HOUR FIRE RATED LOBBIES AND DOORS, (FOR FIRE CREW STAGING)
A3 - INCREASED UNIT TO UNIT FIRE SEPARATION TO 1 HOUR AND UNIT TO COMMON AREAS TO 2 HOURS (STAIR ENCLOSUREWALL RATING REDUCTION NORMALLY ALLOWED UNDER SEC. 7.1.3.2.1 F.F.P.C. FOR APARTMRENTS AND HOTELS IS NOT ALLOWED
A4 - INCREASED FIRE SPRINKLER DENSITY FROM 10 TO .15 GALS./ SF. THROUGHOUT
A5 - INCREASE ELEVATOR SIZE TO 7'-8" WIDE X 5'-3" DEEP MINIMUM WITH 48" CENTER OPENING DOOR AND 4,000 LBS. CAPACITY
A6 - STRENGTHEN STRUCTURAL INTEGRITY OF ELEVATOR HOISTWAY AND EXIT ENCLOSURE WALL IMPACT RESISTANCE BY USING CONCRETE BLOCK (C.M.U.) OR POURED CONCRETE NO DRYWALL ALLOWED IN THESE AREAS.

TOTAL LOT AREA: 116,850 S.F. (2.9 ACRES)

GREEN AREA CALCULATION
GREEN AREA REQUIRED - 25% = 29,212 S.F.
GREEN AREA PROVIDED - 25% = 30,786 S.F.

UNIT AND PARKING CALCULATION
TOTAL UNITS 77
59 TWO BR. TWO BATH - 59 X 1.75 = 104 SPACES
18 ONE BR ONE BATH - 18 X 1.50 = 28 SPACES
COMMERCIAL SPACE - (1,050 S.F.) 750 = 4 SPACES
TOTAL REQIRED PARKING 136 SPACES
SPACES PROVIDED 152 SPACES (142 COVERED)

FIFTH FLOOR 10 UNITS - 2 - 1/1 - 8 - 2/2

FOURTH FLOOR 12 UNITS - 4 1/1 - 8 - 2/2

THIRD FLOOR 28 UNITS - 4 1/1 - 24 - 2/2

SECOND FLOOR 18 UNITS - 18 2/2

EXISTING RU-4L ZONING

EXISTING BU-2 ZONING

BUILDING "C" (5 STORY)

BUILDING "B" (5 STORY)

BUILDING "A" (5 STORY)

ACCESS GATE WITH KNOX BOX MOD. # 2305

GROUND FLOOR 10 UNITS (ONE B.R.)

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NO.	DATE	REVISION TYPE

JOB NO. 1505-01
DATE: JUNE 23, 2015
SCALE:
ISSUED FOR CONST.
CHECKED

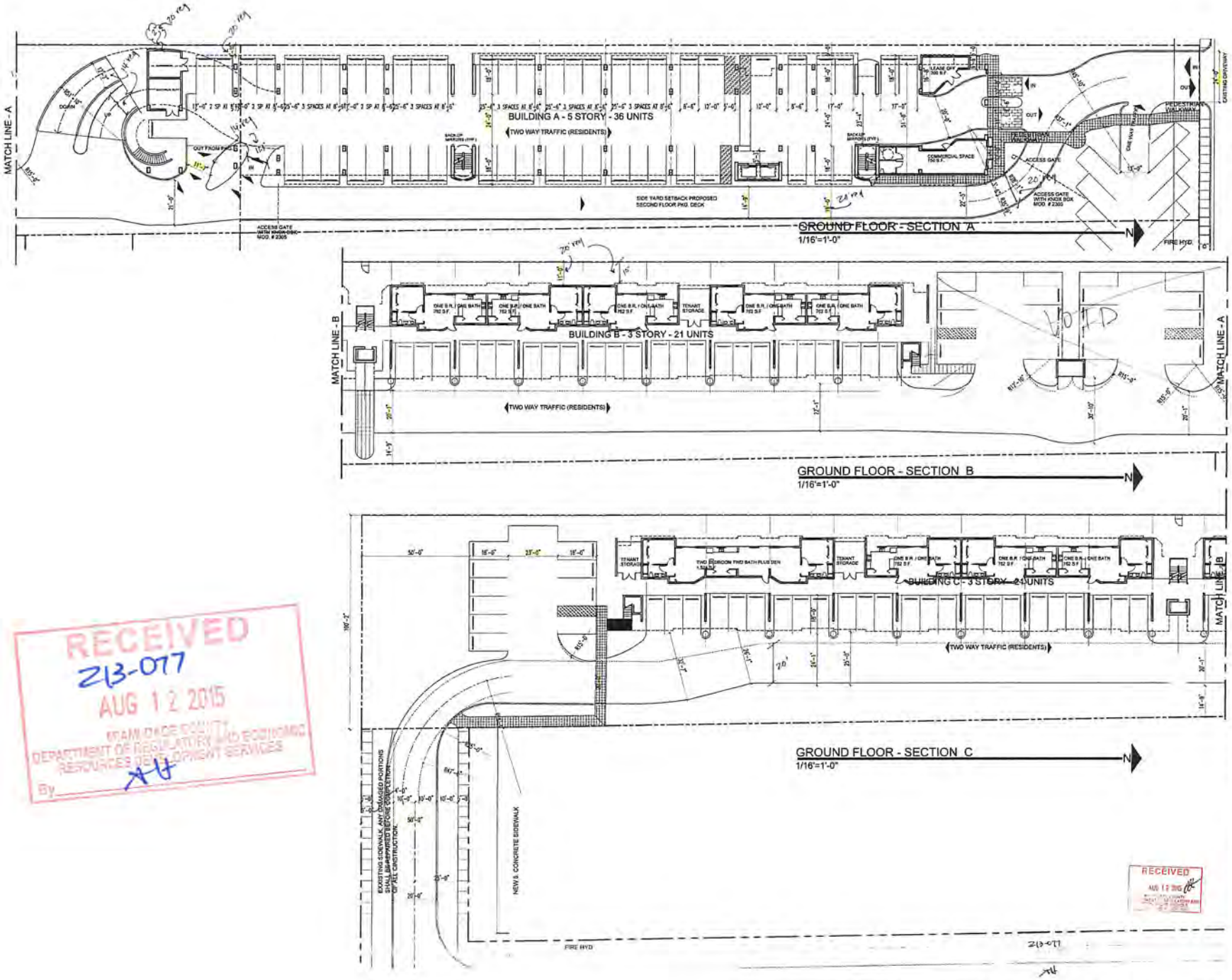
COLLADO AND PARTNERS INC.
ARCHITECTURE PLANNING INTERIORS
LIC. AA 26000897
301 ARAGON AVENUE 205 · CORAL GABLES, FLORIDA 33134 · TELEPHONE (305) 854-8911 FAX (305) 599-948

A NEW DEVELOPMENT
CENTRAL PARK
Manuel J. Menendez as Trustee (owner)
6950 S.W. 40TH St. Miami, Florida 33155

DRAWING TITLE:
SITE AND FLOOR PLANS

RAMON J. COLLADO
FLA. REG. ARCH. NO. AR-11264

SHEET NO.:
A-1.00



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AUG 12 2015

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NO.	DATE	REVISION TYPE

JOB NO. 1505-01
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ARCHITECTURE PLANNING INTERIORS
LIC. AA 26000897

A NEW DEVELOPMENT
CENTRAL PARK
Manuel J. Menendez as Trustee (owner)
6950 S.W. 40TH St. Miami, Florida 33155
DRAWING TITLE: FLOOR PLANS - GROUND

RAMON J. COLLADO
FLA. REG. ARCH. AR 12714

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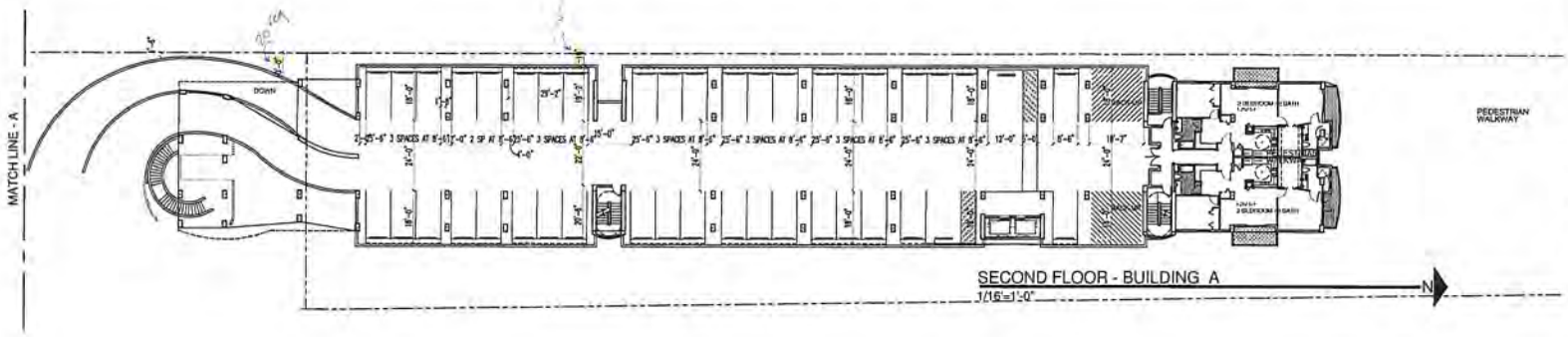
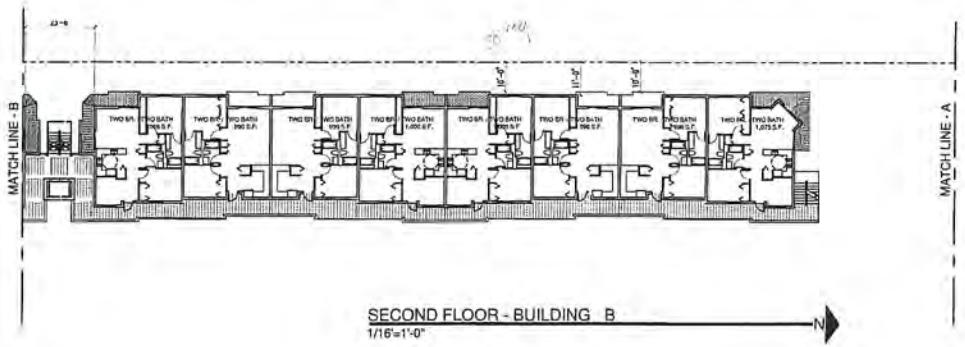


SECOND FLOOR - BUILDING A
1/16'=1'-0"



SECOND FLOOR - BUILDING B
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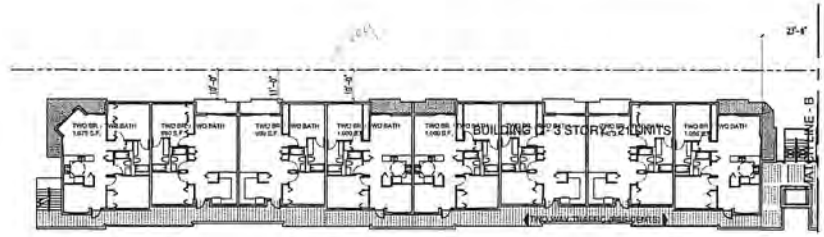

SECOND FLOOR - BUILDING C
1/16'=1'-0"

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JUL 29 2015
PLANNING DIVISION
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES
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NO.	DATE	REVISION TYPE

JOB NO. 1505-01
DATE:
SCALE: 6-10-15
ISSUED FOR CONST.
CHECKED:

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

A NEW DEVELOPMENT
CENTRAL PARK
Manuel J. Menendez as Trustee (owner)
6950 S.W. 40TH St. Miami, Florida 33155
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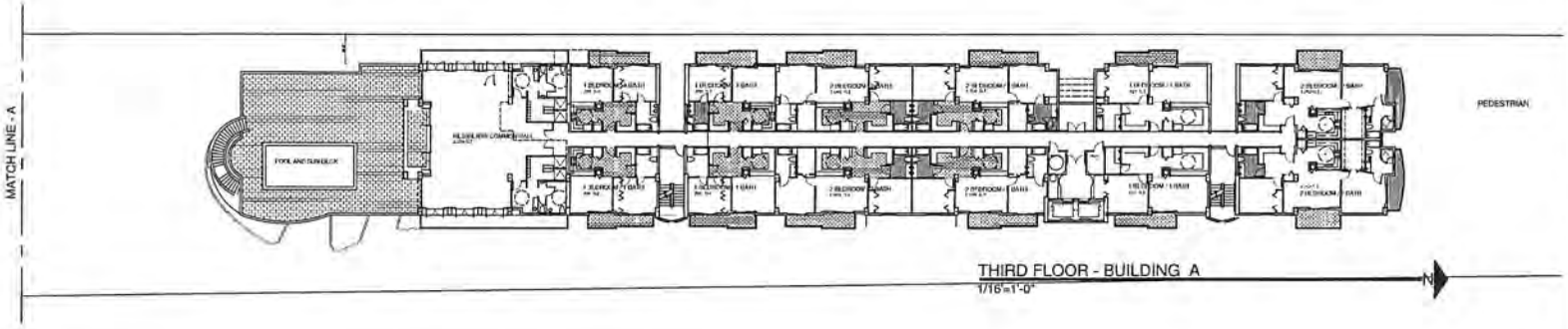
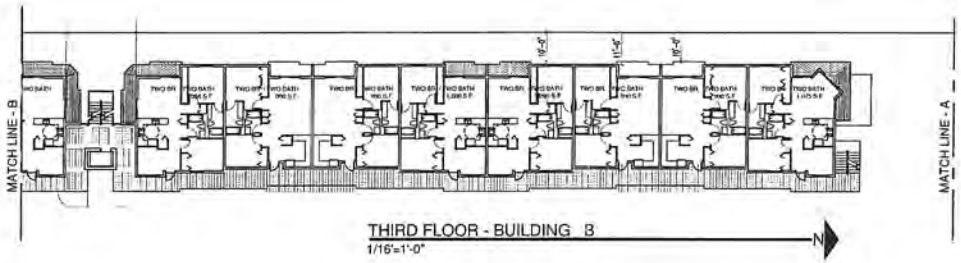


THIRD FLOOR - BUILDING A
1/16'=1'-0"



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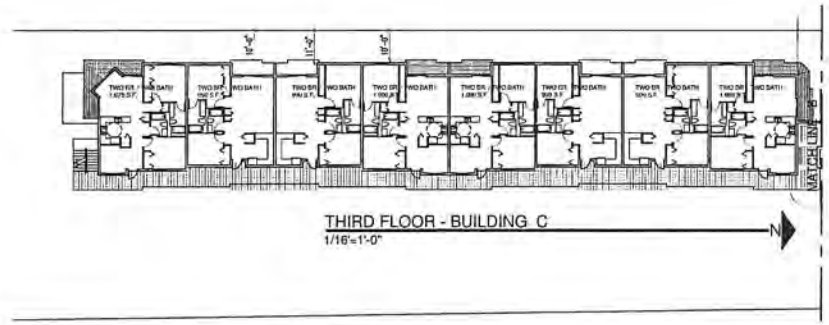
1/16'=1'-0"



THIRD FLOOR - BUILDING C
1/16'=1'-0"

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213-077
JUL 29 2015
MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING AND ECONOMIC RESOURCES
BY: AH

NO.	DATE	REVISION TYPE

JOB NO. 1505-01
DATE: JUNE 18, 2015
SCALE:
ISSUED FOR CONST.
CHECKED:

COLLADO AND PARTNERS INC.
ARCHITECTURE PLANNING INTERIORS
LIC. AA 26000807

A NEW DEVELOPMENT
CENTRAL PARK
Manuel J. Menendez as Trustee (owner)
6950 S.W. 40TH St. Miami, Florida 33155
DRAWING TITLE: FLOOR PLANS - THIRD FLOOR

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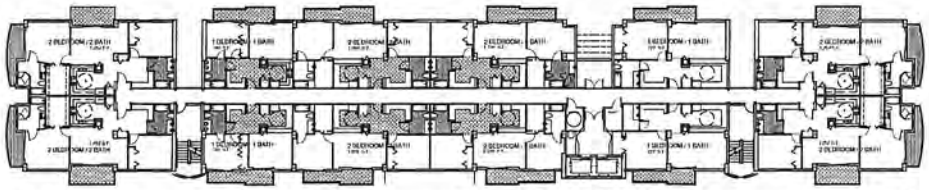
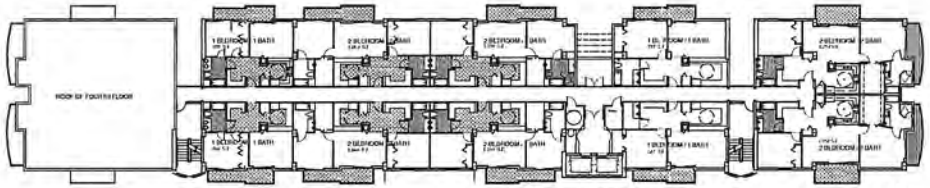


FOURTH FLOOR - BUILDING A
1/16'=1'-0"



FIFTH FLOOR - BUILDING A
1/16'=1'-0"

MATCH LINE - A -

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JUL 29 2015
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PLANNING AND DEVELOPMENT SERVICES
By: AH

COLLADO AND PARTNERS INC.
ARCHITECTURE PLANNING INTERIORS
LIC. AA 26000097

NO.	DATE	REVISION TYPE

JOB NO.: 1505-01
DATE:
SCALE: 6-10-15
ISSUED FOR PERMIT:
CHECKED:

A NEW DEVELOPMENT
CENTRAL PARK
Manuel J. Menendez as Trustee (owner)
6950 S.W. 40TH St. Miami, Florida 33155
DRAWING TITLE: FLOOR PLANS – THIRD FLOOR

SHEET NO.:
A-2.03

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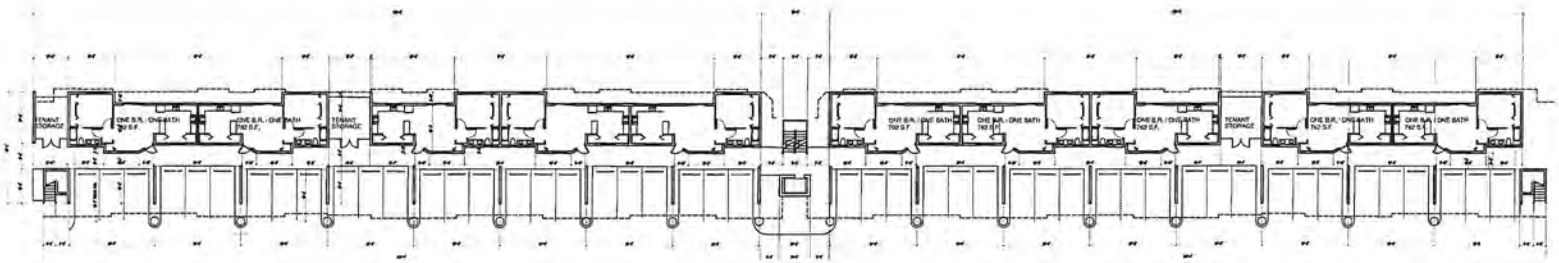
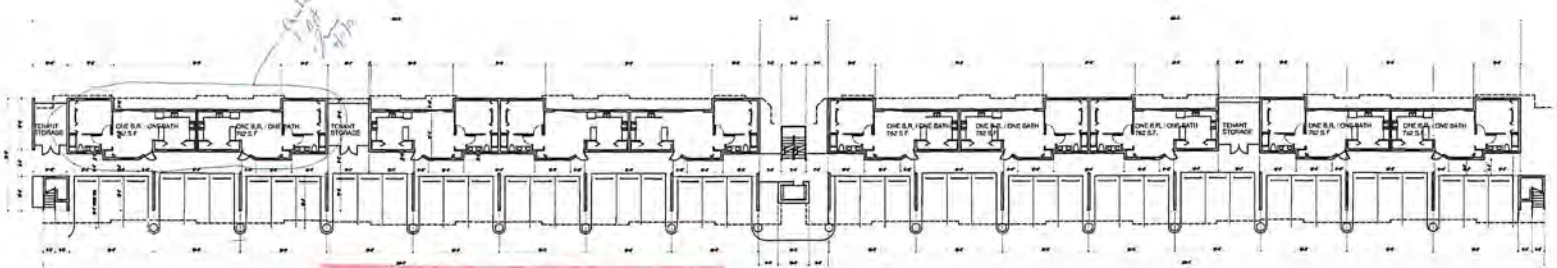


SECOND AND THIRD FLOORS - BUILDINGS B AND C
1/16'=1'-0"



GROUND FLOOR - BUILDINGS B AND C
1/16'=1'-0"

RECEIVED
213-077
JUL 29 2015
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES DEVELOPMENT SERVICES
BY: AH

floor plans with bldg dimensions

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NO.	DATE	REVISION TYPE

JOB NO. 1505-01
DATE: 7-28-15
SCALE:
ISSUED FOR CONST.:
CHECKED:

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

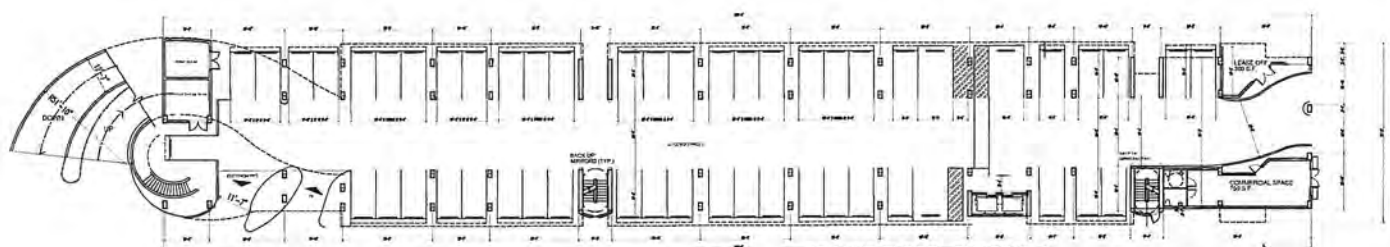
A NEW DEVELOPMENT
CENTRAL PARK
Manuel J. Menendez as Trustee (owner)
6950 S.W. 40TH St. Miami, Florida 33155

DRAWING TITLE: FLOOR PLANS - THIRD FLOOR

RAMON J. COLLADO
FLA. REG. ARCH. AR 13054

SHEET NO.:
A-2.06

SECOND FLOOR - BUILDING A
1/16'=1'-0"



GROUND FLOOR - BUILDING A
1/16'=1'-0"

RECEIVED
213-077
JUL 29 2015
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES DEVELOPMENT SERVICES
By AH

floor plans with bldg's dimension

NO.	DATE	REVISION TYPE

JOB NO. 1505-01
DATE:
SCALE: 6-10-15
ISSUED FOR CONST.
CHECKED:

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

A NEW DEVELOPMENT
CENTRAL PARK
Manuel J. Menendez as Trustee (owner)
6950 S.W. 40TH St. Miami, Florida 33155
DRAWING TITLE: FLOOR PLANS - THIRD FLOOR

RAMON J. COLLADO

SHEET NO.:
A-2.04

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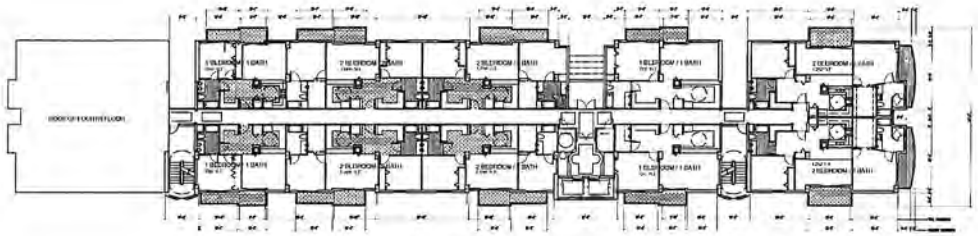
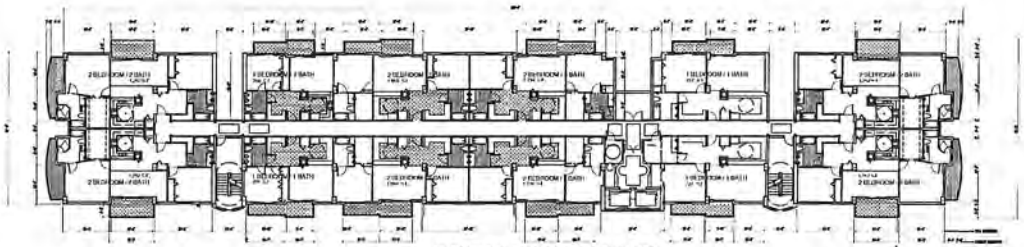
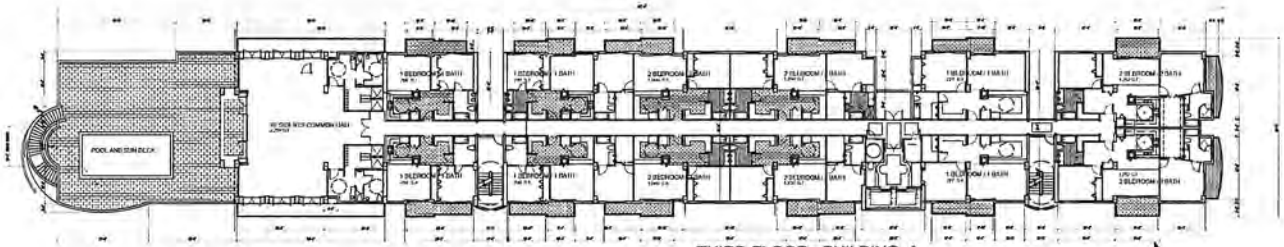
42



FIFTH FLOOR - BUILDING A
1/16'=1'-0"



FOURTH FLOOR - BUILDING A
1/16'=1'-0"



THIRD FLOOR - BUILDING A
1/16'=1'-0"

RECEIVED
Z13-077
JUL 29 2015
DEPARTMENT OF
REGULATORY

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

A NEW DEVELOPMENT:
CENTRAL PARK
Manuel J. Menendez as Trustee (owner)
6950 S.W. 40TH St. Miami, Florida 33155

DRAWING TITLE: FLOOR PLANS - THIRD FLOOR

SHEET NO.: A-2.05

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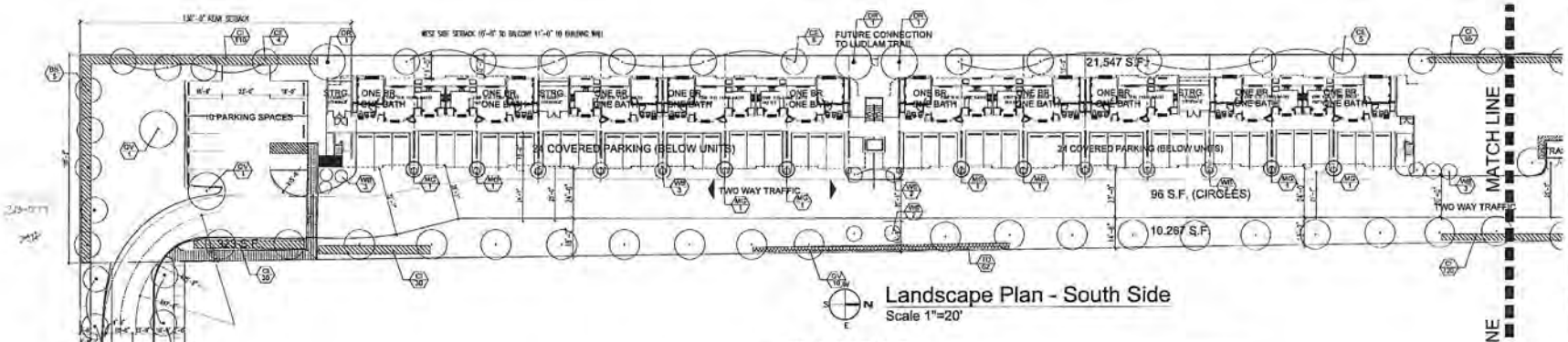
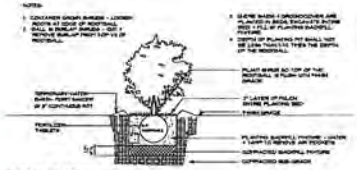
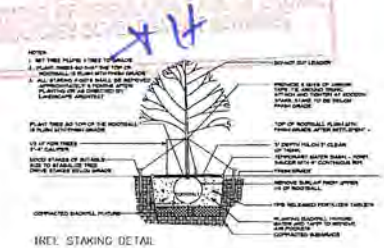


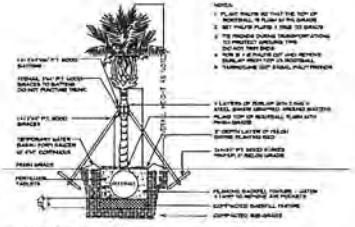
Landscape Plan - South Side
Scale 1"=20'



SHRUB PLANTING DETAIL



TREE STAKING DETAIL



PALM PLANTING DETAIL

PLANT LIST FOR NEW PLANTS

Symbol	Qty	Botanical / Common Name	Caliper Installed	Height Installed	Height Estimated at Maturity	Canopy Diameter / Spread Estimated at Maturity	Low Hedge Height Estimated	Native
Trees								
BA	13	Bursera simaruba / Gumbo Limbo	3"	10'	60'	30'	N/A	Yes
CE	23	Conocarpus erectus / Green buttonwood	3"	10'	50'	25'	N/A	Yes
DM	4	Delonix regia / Royal Poinciana	3"	10'	50'	40'	N/A	No
MG	8	Magnolia grandiflora / Southern Magnolia	3"	10'	60'	30'	N/A	No
PE	57	Pinanga coronata 'Dwarf Red' / Dwarf Red Pinanga	4" clump	10' clus.	15'	N/A	N/A	No
TW	40	Thrinax morrisii / Key Thatch	3"	10'	30'	10'	N/A	Yes
WR	15	Wodyetia bifurcata / Foxtail Palm	4" clump	10' clus.	30'	N/A	N/A	No
Shrubs								
CO	5	Conocarpus erectus 'Green Buttonwood'	3"	10'	60'	30'	N/A	Yes
MC	8	Myrcianthes fragrans / Simpson's Stopper	3"	10'	15'	15'	N/A	Yes
Shrubs								
#1	748	Ficus microcarpa 'Hawaii' / Hawaii Ficus		24" x 24", 24" O.C.			18"	No
#2	1,405	Chrysobalanus icaco 'Green Tip' / Green tip cocoplum		24" x 24", 24" O.C.			18"	Yes
NA	476	Schefflera actinophylla 'Gigantea' / Gigantea Hawaii Tree		24" x 24", 24" O.C.			18"	No
SE	1,217	Stenotaphrum secundatum / St Augustine Grass		24" x 24", 24" O.C.				Yes
Sod		St. Augustine Sod Lawn						No
Mulch		Shredded Mulch Area to be Installed						No

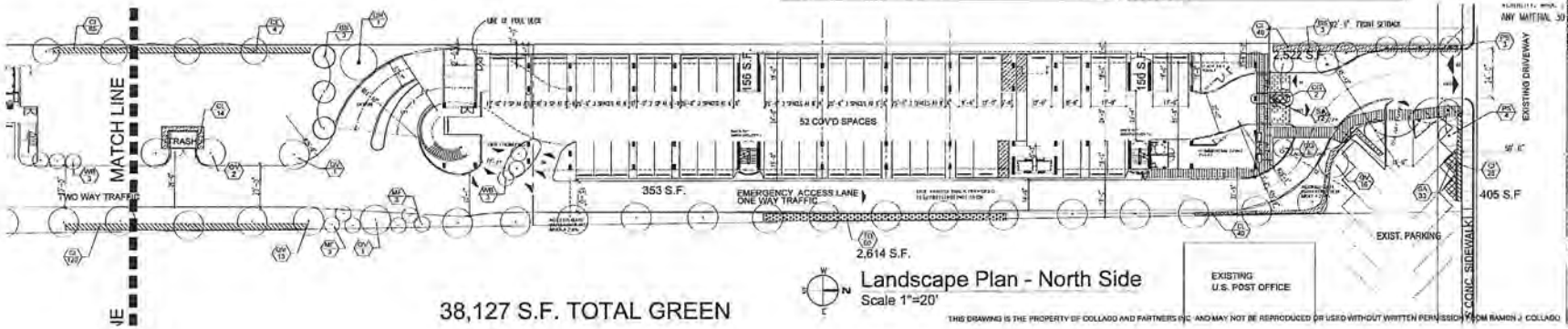
General Notes:

1. All plant material shall be Florida No. 1 or better as given in the current Grades and Standards for Nursery Plants, 2nd Edition, February 1998, Florida Department of Agriculture and Consumer Services, Division of Plant Industry.
2. All plant materials shall be available for inspection and approved by the Landscape Architect at place of growth and upon delivery for conformity to specification.
3. All plants shall be true to species and variety and shall conform to measurements specified. All substitutions shall be submitted to the City and Landscape Architect for final approval.
4. All plants shall be exceptionally heavy, symmetrical, tight knit and well formed in appearance as to full aspects in size, branching and symmetry.
5. Contractor shall notify SUNSHINE (1-800-432-4770) for locations of existing utility lines 48 hours prior to beginning work. Contractor shall verify location of all utility lines and appurtenant joints in commencing any work. Excavation in the vicinity of underground utilities shall be undertaken with care and by hand, if necessary. The Contractor bears full responsibility for this work and Excavation or damage to utilities shall be repaired immediately at no expense to Owner.
6. Grade fill, stretched sterilized Maintenance or Eucalyptus mulch shall be used in all mass planting beds and the entire bed area. All mulch shall be kept 4" from base of all plant material. Mulch beds shall be a minimum of 12" wider than plants measured from outside edge of foliage.
7. Sod shall be St. Augustine Floratam solid and free of weeds, insects, fungus and disease, laid with staggered joints and planting joints.
8. All trees and shrubs shall be staked with a suitable guying and consisting of 3# pressure tested and 8# second hardwood stakes. All plant materials shall be planted with a minimum of 6 to 10 inches of this planting soil around root ball. Refer to planting details. Planting soil to be backfilled into plant pits in maximum 6" layers. Planting holes shall be free from weed, pest, crop or rubbish (rock), building materials, debris, weeds, noxious pests and disease.
9. All trees shall be warranted by the Contractor and will be healthy and in flourishing condition of active growth one year from date of final acceptance.
10. All shrubs, groundcovers, vines and sod shall be fully warranted for one year under same conditions as above.
11. All synthetic burlap, synthetic string or cords or wire baskets shall be removed before any trees are planted. All synthetic tape shall be removed from trunks, branches, etc. before inspection. The top 1/3 of any natural burlap shall be removed or folded into the planting hole before trees are backfilled. Planting soil to be backfilled into pits by washing in.
12. All trees, palms and other plants shall be planted with the top of their rootballs no deeper than the final grade surrounding the planting area.
13. All guy wires/ straps at base shall be removed after final inspection or at time of plant establishment.
14. In areas where paved surfaces abut sod or shrubs, the finish level of both surfaces should be even.
15. All planting shall be installed with fertilizer at time of planting. Fertilizer shall be a complete fertilizer with a N-P-K ratio of 10-5-10.
16. All planting shall be installed in a sound, workmanlike manner who according to good planting procedures. Installation shall include watering, weeding, staking, restoring planting and pruning of mature and shall be on irregular basis so as to present a clean and well kept appearance at all times.
17. All landscape and sod areas shall have an automatic irrigation system installed. Design should be for 100% and 50% minimum coverage using reclaimed water to all landscape and sod areas. Spray over public sidewalks, streets and adjacent properties should be minimized. Shrubs/ground cover beds should be on automatic irrigation zones for a more efficient system. Irrigation system shall be installed with a rain/weather sensor.
18. All plant equipment including air equipment, mechanical hoses, pumps, etc. shall be screened with appropriate plant material to the height of screened being screened.
19. All landscape and irrigation shall be installed in accordance with all local codes.
20. The plan shall take precedence over the plant list, should there be any discrepancy between the two.
21. A pre-construction landscape meeting shall take place with the City landscape inspector prior to installation of any landscaping.

Landscape Legend

ZONING DISTRICT: MXD-3(L-1)(-HM-TM-3)
NET LOT AREA: 2.9 AC (126,324 sf)

	Required	Provided
OPEN SPACE		
A. Square feet of open space required by Chapter 33, as indicated on site plan. Net lot area - 126,324 sf x 30	37,897 sf	38,127 sf
B. Square feet of pervious lot open space required by Code 105, as indicated on site plan. Number of parking spaces (0 x 10 sq ft) per parking space =	150 sf	150 sf
C. Total square feet of landscaped open space required by Code 33 A(1)=	37,897 sf	38,127 sf
LAWN AREA CALCULATION		
A. Total square feet of landscaped open space required by Chapter 33=	37,897 sf	38,127 sf
B. Maximum lawn area (35 Acceptable and permitted) = 45 x 37,897	15,189 sf	15,189 sf
LOT TREES		
A. Number of trees required per lot size plus existing number of trees counting minimum requirements: 2% x 79 AC =	02	110
B. Percentage palm trees allowed (0 palms = 1 tree) 50 x 30 =	25	10
C. Percentage of native trees required: 50 x .30 =	25	80
D. Percentage drought tolerant and low maintenance: 80 x .50	41	80
STREET TREES		
A. Street trees - maximum average spacing of 30' O.C.) 80 linear feet along street/ 30= Palms to count towards street trees at 25' O.C. or 1:1 basis, 20%	2 1	2 2
B. Shade trees (located directly beneath trees were maximum average spacing of 27' O.C) 6 @ 25	165	165
C. Total number of trees	04	170
SHRUBS		
A. Number of shrubs required: Number of trees required x 15 30 x 30	1620	1634
B. Percentage of native shrubs required: 50% x .30	2255	2745
C. Percentage drought tolerant and low maintenance required: 340 x .50	1253	2044
IRRIGATION: Automatic		



Landscape Plan - North Side
Scale 1"=20'

38,127 S.F. TOTAL GREEN

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Z13-077
JUL 29 2015

NO. 1 DATE 7-27-15 REVISION TYPE COUNTY COMMENTS
JOB NO. 1505-01
DATE 9-28-15
SCALE
ISSUED FOR CONST.
CHECKED

COLLADO AND PARTNERS INC.
ARCHITECTURE PLANNING INTERIORS
LIC. AA 26000997

NEW DEVELOPMENT
CENTRAL PARK
Manuel J. Menendez as Trustee (owner)
6950 S.W. 40TH St. Miami, Florida 33155

Kimberly Moyer, RLA
Landscape Architecture
(954) 492-9626

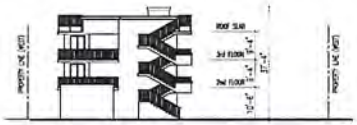
DRAWING TITLE: SITE AND FLOOR PLANS

SHEET NO
L-1

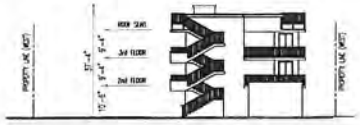
EAST ELEVATION 69th AVENUE SIDE
1" = 40'

WEST ELEVATION (RAILROAD SIDE)
1" = 40'

FULL PROJECT ELEVATIONS FROM SW 40 STREET TO SW 44 STREET



SOUTH ELEVATION BUILDING "C"
1/16" = 1'-0"



NORTH ELEVATION BUILDING "B"
1/16" = 1'-0"

BUILDINGS B AND C WEST ELEVATION (RAILROAD SIDE)
1/16" = 1'-0"

BUILDINGS B AND C EAST ELEVATION (69th AVE. / RESIDENTIAL SIDE)
1/16" = 1'-0"

BUILDING A EAST ELEVATION (69th AVE. / BY POST OFFICE)
1/16" = 1'-0"

BUILDING "A" (BIRD ROAD) ELEV.
1/16" = 1'-0"

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213-077
JUL 29 2015
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC
RESOURCES
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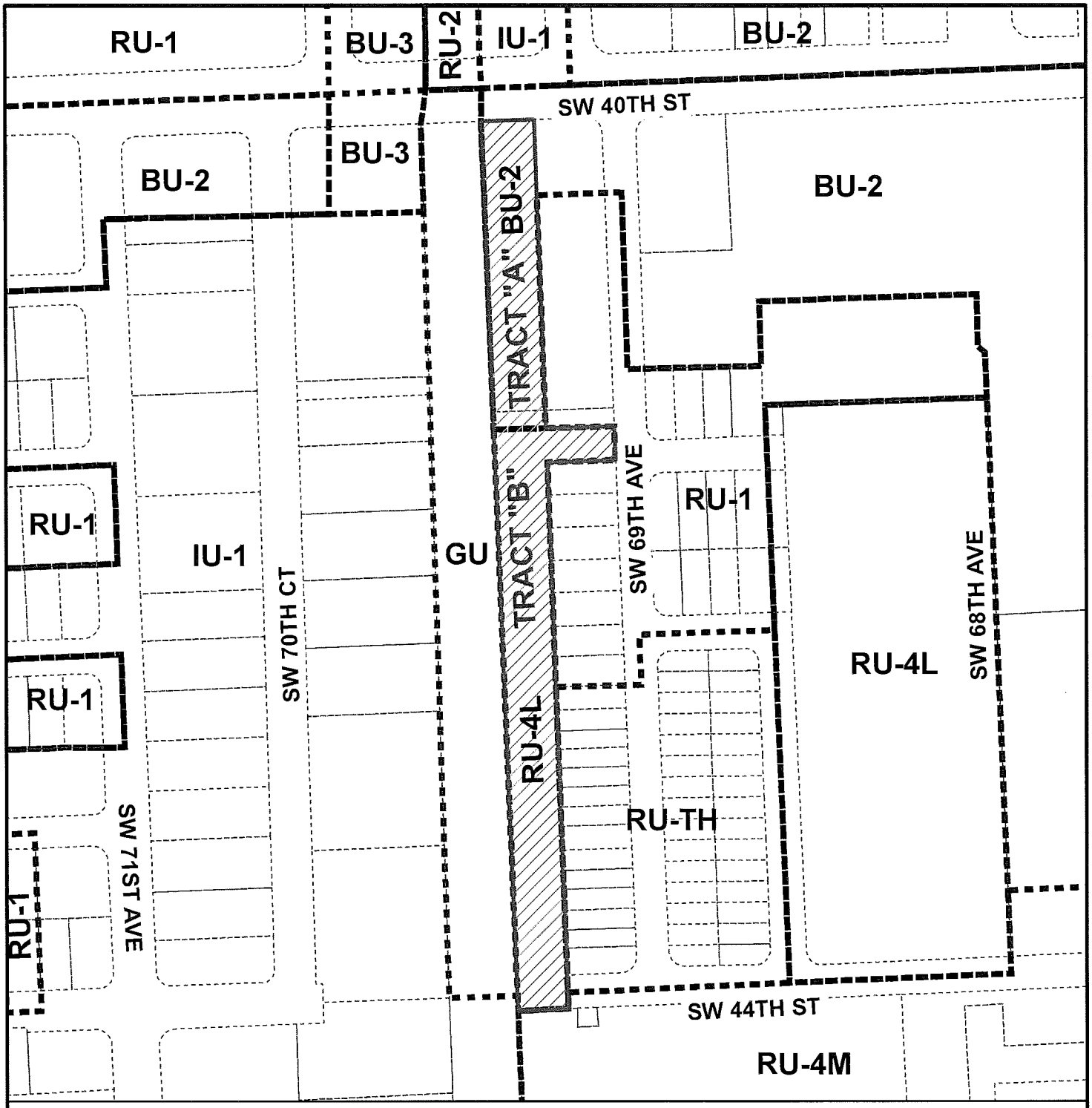
44

NO	DATE	REVISION TYPE

COLLADO AND PARTNERS INC.
ARCHITECTURE PLANNING INTERIORS
LIC. AA 26002033

A NEW DEVELOPMENT
CENTRAL PARK APTS
Manuel J. Menendez as Trustee (owner)
6950 S.W. 40TH St. Miami, Florida 33155
DRAWING TITLE
SITE PLAN

SHEET NO:
A-4.00



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:E.CESPEDES
Scale: NTS

Legend

Subject Property Case

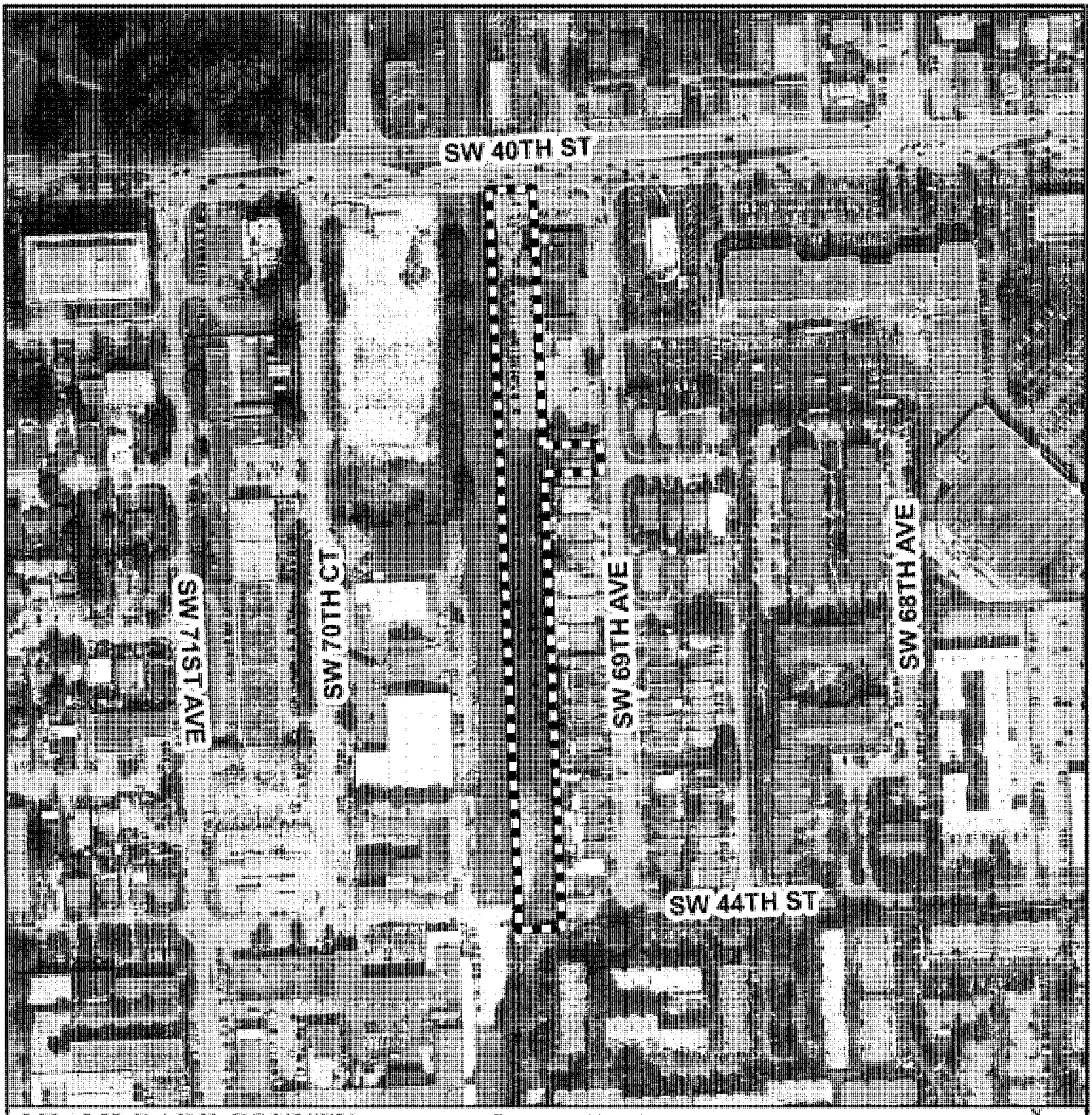
Zoning

N
W E
S

MIAMI-DADE COUNTY

SKETCH CREATED ON: Tuesday, September 29, 2015

REVISION	DATE	BY
		45



MIAMI-DADE COUNTY
AERIAL YEAR 2015

Process Number
Z2013000077

Legend
Subject Property

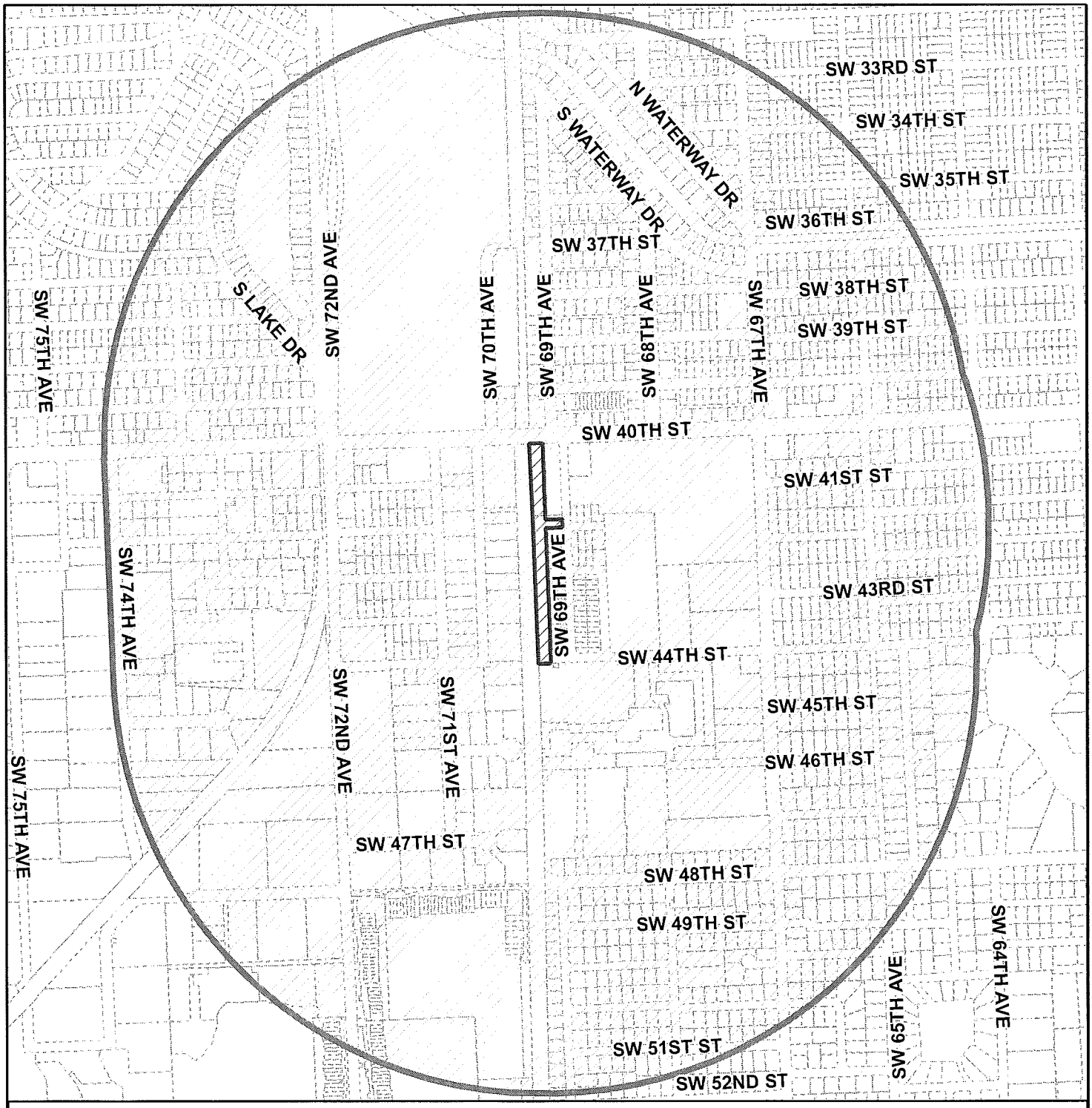
N
W E
S

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

MIAMI-DADE COUNTY

SKETCH CREATED ON: Tuesday, September 29, 2015

REVISION	DATE	BY
		46



MIAMI-DADE COUNTY

RADIUS MAP

Process Number

Z2013000077

RADIUS: 2640

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

Legend

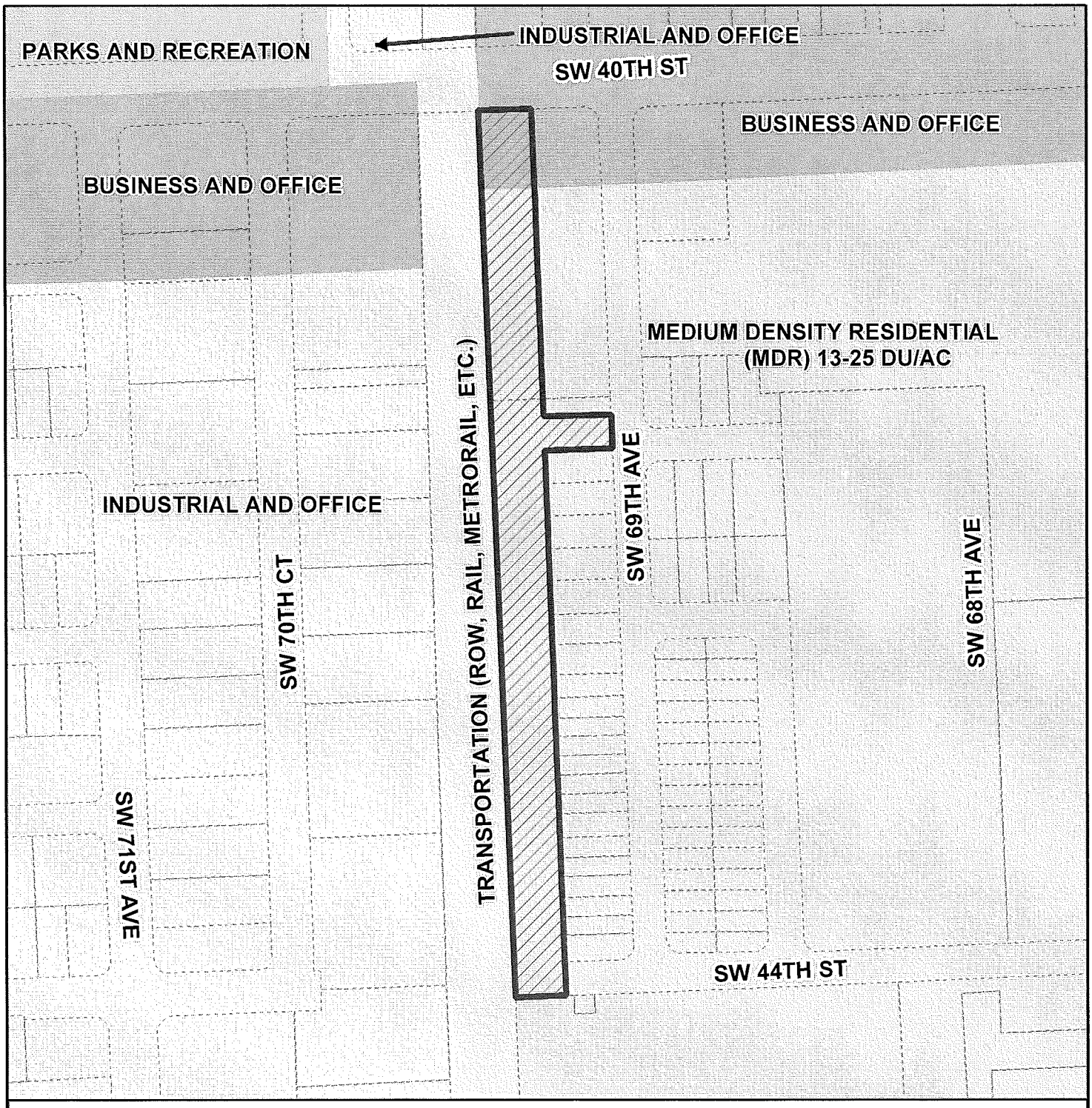
- Subject Property
- Buffer
- Property Boundaries

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: Tuesday, September 29, 2015

REVISION	DATE	BY
		47



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: E.CESPEDES
Scale: NTS

N
W E
S

Legend

Subject Property Case

MIAMI-DADE COUNTY

SKETCH CREATED ON: Tuesday, September 29, 2015

REVISION	DATE	BY

Manuel Menendez Trust
CZAB12 10/13/15
Z13-077
V.4 10/9/15

PLANNING AND ZONING
2015 OCT -9 P 2:37

This instrument was prepared by:

Ben Fernandez, Esq.
Bercow Radell & Fernandez, P.A.
200 S. Biscayne Boulevard, Suite 850
Miami, Florida 33131

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner, MANUEL J. MENENDEZ TRUST, holds 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

IN ORDER TO ASSURE the County that the representations made by the Owner during consideration of Public Hearing No. Z2013000077 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

(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 69th Avenue (folio number 30-4023-099-0020) and 4100 SW 69th 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 69th Avenue

DK

(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.

County Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

Covenant Running with the Land. This Declaration on the part of the Owners shall constitute a covenant running with the land and may be recorded, at Owners' expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owners, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owners, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

Term. This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the then-owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

Modification, Amendment, Release. This Declaration may be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the then-owner(s) of the property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, or the Director as provided by the Miami-Dade County Code of Ordinances. It is provided, however, in the event that the Property is annexed to an existing municipality or the Property is incorporated into a new municipality, any modification, amendment, or release shall not become effective until it is approved by

such municipality and is thereafter approved by the Board of County Commissioners, in accordance with applicable procedures.

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

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

Election of Remedies. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

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

Severability. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and

Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owners to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

Owner. The term Owners shall include the Owners, and its heirs, successors and assigns.

[Execution Pages Follow]

ACKNOWLEDGMENT
TRUSTEE

Signed, witnessed, executed and acknowledged on this 9 day of OCTOBER, 2015.

WITNESSES:

Signature

PATRICIA Reyes
Print Name

Signature

Jose Menendez
Print Name

Trustee Signature

MANUEL J. MENENDEZ
Print Name
Address:
7035 S.W. 44ST.
MIAMI, FL. 33155

STATE OF FLORIDA

COUNTY OF MIAMI DADE

The foregoing instrument was acknowledged before me by MANUEL J. MENENDEZ, Trustee, to me personally known or produced N/A, as identification and who acknowledged the foregoing instrument for the purposes herein contained, and acknowledged that they were authorized under the trust to execute said instrument on behalf of the beneficiaries of the trust.

Witness my signature and official seal this 9 day of October, 2015, in the County and State aforesaid.

☑ did take an oath
☐ did not take an oath

Notary Public

My Commission expires: 03/17/2018

Isabel D. Gonzalez
Print Name

ISABEL D GONZALEZ
MY COMMISSION #FF103248
EXPIRES March 17, 2018
(407) 398-0153 FloridaNotaryService.com

Section-Township-Range: 23-54-40 **Z13-077**
Folio numbers: 30-4023-099-0010 and 30-4023-099-0020

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.

Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to the Board of County Commissioners

PH: Z13-077(14-7-CZ12-1) **May 21, 2015**
Item No. A

Appeal Application Summary	
Commission District	7
Applicant	Manuel J. Menendez Trust.
Summary of Requests	The applicant is seeking to permit a 78-unit multi-family residential and commercial development on a commercial and residentially zoned site. Additionally, the applicant seeks to waive the requirement for a wall between the residential and commercial zoned portions of the dual zoned subject property as well as variances to the setback and landscape requirements.
Location	6950 SW 40 Street, Miami, Florida.
Property Size	2.92 acres
Existing Zoning	RU-4L, Limited Apartment House District, BU-2, Special Business District
Existing Land Use	Commercial Buildings
2020-2030 CDMP Land Use Designation	Business and Office/Medium Density Residential, 13 - 25 dua *(see attached Zoning Recommendation Addendum)*
Comprehensive Plan Consistency	Consistent with the LUP map, and the interpretative text and policies of the CDMP

This item was deferred from the March 19, 2015, meeting of the Board of County Commissioners (BCC) due to a lack of quorum. Subsequently, the item was deferred from the April 23, 2015, meeting of the BCC to allow the applicant additional time to meet with the neighbors.

CZAB Action

CZAB 12 **January 6, 2015**	**Denial without prejudice**

Staff Recommendation

Recommendation of the Appeal	**Approval** **(Overrule CZAB decision – requires a 2/3 vote of the BCC of the members present).**
Previous Recommendation to the CZAB	**Approval** **(Original Staff Recommendation to the CZAB is attached)**

Timeline

1. On January 6, 2015, the Community Zoning Appeals Board (CZAB) #12, denied without prejudice the subject application.

2. On January 20, 2015, the appellant, Manuel Menendez Trust, appealed the CZAB #12 decision to the BCC.

Analysis

For the reasons outlined in the Comprehensive Development Master Plan and Zoning analysis of the attached staff recommendation, staff opines that the appellants' request for a reversal of the CZAB #12 decision should be **approved**.

Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to the Board of County Commissioners

PH: Z13-077(14-7-CZ12-1) **May 21, 2015**
Item No. A

Recommendation Summary	
Commission District	7
Applicant	Manuel J. Menendez Trust
Summary of Requests	The applicant is seeking to permit a 78-unit multi-family residential and commercial development on a commercial and residentially zoned site. Additionally, the applicant seeks to waive the requirement for a wall between the residential and commercial zoned portions of the dual zoned subject property as well as variances to the setback and landscape requirements.
Location	6950 SW 40 Street, Miami-Dade County, Florida.
Property Size	2.92 acres
Existing Zoning	RU-4L, Limited Apartment House District, BU-2, Special Business District
Existing Land Use	Commercial building
2020-2030 CDMP Land Use Designation	Business and Office/Medium Density Residential, 13 - 25 dua *(see attached Zoning Recommendation Addendum)*
Comprehensive Plan Consistency	Consistent with the LUP map, and the interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311 District Boundary Change Section 33-311(A)(3), Special Exception, Unusual use and New Uses, Section 33-311(A)(4)(b), Non-Use Variance standards, Section 33-311(A)(7), Generalized Modification Standards *(see attached Zoning Recommendation Addendum)*
Recommendation	**Approval with conditions of request #1, subject to the acceptance of the covenant, and approval with conditions of requests #2 through #9.**

REQUESTS:

REQUESTS #1 - #3 ON TRACT "B"

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

(2) Deletion of Declaration of Restrictions recorded in Official Records Book 24126, pages 0768-0772.

(3) Deletion of Declaration of Restrictions recorded in Official Records Book 26198, pages 4915 - 4919.

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

REQUEST #4 ON TRACT "A"

(4) SPECIAL EXCEPTION to permit residential use in the BU-2 zoning district.

REQUESTS #5 - #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 multi-family residential building setback a minimum of 2' (20' required) from the interior side (west) property line.

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

(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.

(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.

PROJECT DESCRIPTION AND PROJECT HISTORY:

This application seeks approval of requests to rezone the southern portion of the subject property and to permit a residential development on the commercially zoned, northern portion of the parcel in order to permit a mixed use multi-family residential and commercial development. Said requests are contingent on the approval of requests to delete prior declarations of restrictions that pertained to a previously approved townhome development on a portion of the subject property. Along with said requests, the applicant also seeks to permit the proposed development with ancillary non-use variances to the setback and landscape regulations.

The applicant seeks to rezone the southern 2.057-acres of the approximately 2.92-acre subject property from RU-4L, Limited Apartment House District, to RU-4M, Modified Apartment House District, and to delete the prior declarations of restrictions. This will permit the applicant to develop the subject parcel with 78 multi-family residential units and 1,050 sq. ft. of commercial space.

The subject property is narrow strip of land, approximately 2.92-acres in size abutting Bird Road (SW 40 Street), which is a section line roadway. The property is approximately 1,320' in length and approximately 100' wide and consists of two (2) separate zoning districts. The northern, approximately 0.87-acres' of the subject property is zoned BU-2, Special Business District and the remaining approximately 2.105-acres' to the south is currently zoned RU-4L.

In addition, the northern approximately 120' of the BU-2 portion of the property is designated on the Comprehensive Development Master Plan (CDMP) Future Land Use Plan (LUP) map for Business and Office uses. The remaining 1,200' southern portion of the property is designated Medium Density Residential on the CDMP LUP map.

Staff's research of the Department's zoning maps, indicate that the northern 120' of the subject property has been zoned BU-2 from as far back as 1948. Pursuant to Resolution #CZAB12-30-05 and Resolution #CZAB12-35-05, the existing RU-4L zoning district was approved on the on the remaining southern portion of the parcel. The RU-4L zoning district allows development at 23 residential units per acre, which would have allowed the development of the approximately 2.22 acre residential portion of the parcel with 52 residential units. However, the approval of the RU-4L portion of the property was approved subject to the acceptance of a covenant proffered by the applicant that restricted the development of the site to a site plan showing 26 residential units, along with other restrictions. Said covenant was subsequently modified pursuant to Resolution #CZAB12-37-06, to correct an error in the legal description of the residential parcel. The plan approved pursuant to Resolution #CZAB12-35-05, indicated a three (3) story townhome development with parking on the ground level. Additionally, said plans showed the development with two (2) ingress/egress drives for the residential development. One of the drives was located to the south from SW 44 Street and the other drive to the north, was located approximately in the area of SW 42 Street. No development was shown on the BU-2 portion of the subject site.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	**Land Use Designation**
Subject Property	RU-4L/BU-2:commercial building	Medium Density Residential (13-25 dua)/ Business and Office
North	IU-1: carwash	Business and Office
South	RU-4M; apartment buildings	Medium Density Residential (13-25 dua)
East	BU-2; post office RU-1/RU-TH: single-family residences and townhouses	Business and Office/Medium Density Residential (13-25 dua)
West	GU; railway easement	Transportation

NEIGHBORHOOD COMPATIBILITY:

The 2.92-acre subject property is a mostly vacant parcel located along Bird Road (SW 40 Street), which is designated as a Major Roadway on the CDMP Future LUP map. The property abuts residential uses to the south and east. However, to the north and west of the subject property are commercial and industrial uses.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to provide the community with additional housing. However, the proposed nine (9)-story development could have a visual impact on the surrounding area and create additional impacts on traffic, schools and other community resources in the area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

Staff notes that approximately northern approximately 120' of Tract "A" of the subject property, approximately 0.223-acres, is designated **Business and Office** on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. The Business and Office category *accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, entertainment and cultural facilities, amusements and commercial recreation.*

In addition, the CDMP Land Use Element interpretative text for Business and Office states that, *residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity.* When the above conditions are met, *residential development may be authorized to occur in the Business and Office category at a density up to one category higher than the LUP designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development or zoning if the adjacent or adjoining land is undeveloped whichever is higher.* The remaining southern portion of the subject property is designated **Medium Density Residential** on the CDMP LUP map, which allows a range in density of 13 to 25 dwelling units per gross acre. *The types of housing structures typically permitted in this category include townhouses and low-rise and medium-rise apartments.* Therefore, subject to the conditions outlined in the CDMP Land Use Element interpretative text for areas designated Business and Office, the 0.223-acre Business and Office designated portion of the subject property could be developed under the designation of **Medium-High Density Residential** at 25 to 60 dwelling units per acre. **This would allow the applicant to develop the approximately 0.223-acre Business and Office designated portion of the property with a maximum of thirteen (13) residential units.**

The remaining southern portion of Tract "A", which is approximately 0.64-acres in size, and Tract "B" of the subject property, which is 2.057-acres, for a total of 2.69-acres, are designated **Medium Density Residential** use on the CDMP Land Use Plan map. **Therefore, based on the density threshold allowed in this land use category, this portion of the subject property could be developed with a maximum of 67 residential units.**

The CDMP Land Use Element interpretative text for Residential Communities states that where a parcel or group of contiguous parcels under a single ownership or legally unified development has two different LUP map residential designations, the number of units permitted under one designation may be averaged with the number of units permitted under the other and developed at varying densities providing that the total number of units built on such property does not exceed the total number permitted under the two designations. **Based on the aforementioned analysis, the applicant would be able to develop the 2.92-acre parcel with a unified development that has two (2) different LUP map designations, with a combined total of 80 residential units**.

The applicant seeks to rezone the southern approximately 2.057-acres of the subject property to RU-4M, Modified Apartment House District. The RU-4M zoning district allows development at a

maximum of 35.9 units per acre. However, the applicant has proffered a covenant that will restrict the development of the entire subject property to a maximum of 78 residential units. This would allow for the development of Tract "B" within the density threshold allowed under the Medium Density designation on the CDMP Plan map. Therefore, staff opines that the proposed development of the subject property, as restricted by the proffered covenant to a maximum of 78 residential units is within the density threshold allowed in areas designated Business and Office and Medium Density Residential on the CDMP LUP map.

Further, staff notes that the CDMP Land Use Element interpretative text for Business and Office states that, *residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity.* The CDMP Land Use Element, **Policy LU-4A** states that when evaluating compatibility among proximate land uses, the County shall consider such factors as height, bulk and scale of architectural elements and parking among other things. For the reasons that will be further explained in the zoning analysis, staff opines that the proposed nine (9)-story, 78-unit residential development satisfies the criteria for compatibility set forth in the CDMP Land Use Element, **Policy LU-4A**.

Therefore, staff opines, that subject to the acceptance of the proffered covenant, approval of the application would be **consistent** with the CDMP Land Use Element interpretative text concerning density averaging for residential uses and the density threshold permitted in areas designated for **Business and Office** and **Medium Density Residential** uses on the CDMP Land Use Plan (LUP) map and would satisfy the criteria for compatibility outlined in the CDMP Land Use Element, **Policy LU-4A**.

ZONING ANALYSIS:

The subject property is a 2.92-acre parcel, of which, the northern 0.863 acre portion, identified as Tract "A" on the submitted plans is currently zoned BU-2. The remaining southern portion of the subject property, approximately 2.057 acres in size, Tract "B", is currently zoned RU-4L. For reasons that were previously outlined in the CDMP analysis, the applicant is now seeking approval of a district boundary change from RU-4L to RU-4M District (request #1) on Tract "B" of the subject property under Section 33-311(District Boundary Change), along with requests to delete prior declarations of restrictions on said tract (requests #2 and #3), under Section 33-311(A)(7), Generalized Modification Standards.

As previously noted, Tract "B" of the subject property was rezoned to RU-4L, which permitted the development of the residential portion of the parcel at a maximum of 23 units per acre, which would allow the development of the parcel with a maximum of 47 residential units. However, the applicant, at that time proffered a covenant restricting the development to 26 residential units. The proposed RU-4M zoning district allows development at a maximum of 35.9 residential units per acre, which could allow the applicant to develop the aforementioned 2.057 acre residentially zoned portion of the parcel with a maximum of 73 residential units. In addition, the northern 0.863 acre, BU-2 zoned portion of the site that is designated Business and Office and Medium Density Residential on the CDMP LUP map, could be developed with a maximum of 29 residential units. Therefore, if the proposed RU-4M zoning district is approved, the applicant would be able to develop the entire subject property with a maximum of 102 residential

units. However, the applicant has proffered a covenant that will restrict the development of the entire subject property to a maximum of 78 residential units. This would allow for the development of Tract "B" within the density threshold allowed under the Medium Density designation on the CDMP Plan map.

With the aforementioned requests (requests #1- #3), the applicant also seeks approval of a request to permit a multifamily residential development on the commercially zoned portion of the subject parcel, Tract A (request #4), under Section 33-311(A(3), Special Exception, Unusual use and New Uses. This will allow the applicant to develop the entire subject property as a unified multi-family residential development.

Staff opines that based on memoranda submitted by the various Departments reviewing the application, approval of requests #1 through #4 will not have an unfavorable economic impact on Miami-Dade County and will not unduly burden water, sewer, solid waste disposal, or other necessary public facilities. Staff notes that the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) does not object to the application and indicated in its memorandum that the application meets traffic concurrency since it lies within the Urban Infill Area (UIA) where traffic concurrency does not apply. As such, staff opines that the approval of the application, including requests #1 through #4 to rezone a portion of the parcel and to delete prior declarations of restrictions in order to permit a residential development on both a commercial and residentially zoned parcel would efficiently use the roads, streets and highways which have been constructed, planned or budgeted for in this area and further, would not result in excessive traffic.

Similarly, the memorandum from the Division of Environmental Resources Management (DERM) of the Department of Regulatory and Economic Resources (RER) indicates that the approval of the aforementioned requests will not have an unfavorable impact on the environmental resources of the County. The DERM memorandum states that a concurrency review has been conducted for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Additionally, staff notes that the Miami-Dade Fire Rescue Department (MDFRD) does not object to the application. Therefore, based on the aforementioned memoranda and memoranda from the other departments that reviewed the application among which were the Miami-Dade County's Parks Recreation and Open Spaces (PROS), staff opines that approval of this application will not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction. Further, staff opines that approval of the requests, which will allow the multi-family development, will not tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area.

The submitted plan depicts the proposed nine (9)-story building with 78 residential units and 1,050 sq. ft. of commercial space on the commercial and residentially zoned parcel. The linear shaped building is depicted on the northern portion of the subject property, Tract A, that is currently zoned BU-2, which is the subject of request #4. However, staff opines that the elevations submitted by the applicant indicate that the linear shaped building is designed with a gradual step design, with the highest point, approximately 100' high, abutting the SW 40 Street

frontage of the property located to the north. The building height is gradually reduced towards the south, to a maximum height of approximately 59', closer to the area where the property abuts a townhouse development located to the east. Along the east and west property lines of Tract "B", the submitted plans indicate a continuous row of trees and to the south, the trees taper off into a small green area with trees and a walking path, where the property abuts a multi-family residential development to the south. Staff opines that said trees provide an adequate visual buffer that will mitigate the negative visual impact of the proposed development on the single-story residential uses to the east. Further, contingent on the approval of the request to permit the residential development in the BU-2 district, the applicant is also seeking ancillary non-use variances, among which are variances that will permit structures encroaching into the interior side (west) setback areas (request #6 and #7). Staff is supportive of these requests since it will allow the applicant to site the buildings away from the less intensive town houses to the east and thereby, will mitigate the visual impact of the more intensive development on same. Additionally, the submitted plans indicate that the project complies with the FAR, open space, lot coverage and complies with the numerical parking requirements. Further, staff notes that the subject property abuts Bird Road (SW 40 Street), which is a well-travelled, east/west section line roadway and is approximately 0.6 miles east of the Palmetto Expressway (SR 826).

As such, based on the foregoing analysis and the memoranda from the Departments concerned, staff opines that the approval of the request to rezone a portion of the subject property (request #1) along with the requests to delete two (2) previous declarations of restrictions that tied the property to previously approved plans (requests #2 and #3), in order to permit a proposed residential and commercial development on the commercial and residentially zoned parcel, will be **compatible** with the area and **consistent** with the CDMP. Further, staff opines that approval of said requests will not have an unfavorable impact on the economy of the County and would not have an unfavorable impact on the environmental and natural resources or create an unnecessary burden on the water, sewer, solid waste or recreational resources among others which have been constructed, planned or budgeted for. **Therefore, subject to the Board's acceptance of the proffered covenant, staff recommends approval of request #1 under Section 33-311, District Boundary Change, approval with conditions of requests #2 and #3, under Section 33-311(A)(7), Generalized Modification Standards; and approval with conditions of request #4, under Section 33-311(A(3), Special Exception, Unusual use and New Uses**.

The applicant also seeks approval of ancillary Non-Use Variance requests to permit the development with one-way drives below the minimum width requirement (request #5), to permit the proposed residential building and an accessory structure encroaching into the interior side (west) setback areas (requests #6 and #7, respectively), to waive the required dissimilar land use buffer including a wall, along portions of the property lines (request #8) and the required 5' high masonry wall interior to the site where a BU zoned property abuts RU, EU or GU zoned property (request #9).

When the aforementioned requests (requests #5 through #9) are analyzed under section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations, staff opines that approval of said requests would maintain the basic intent and purpose of the zoning and subdivision regulations and would not affect the stability and appearance of the community. Further, based on the analysis below, staff opines that approval of the aforementioned requests would be **compatible** with the surrounding residential and commercial uses in the area.

Staff opines that approval of the applicant's request to permit one-way drives a minimum of 10' wide within the subject property (request #5) would not affect the character of the development and would not have an impact on the movement of vehicular traffic within the subject property. Staff notes that the Platting and Traffic Review Section of RER does not object to this request. Therefore, staff opines that approval would not have a negative impact on the abutting roadways or create any hazard within the subject property. For reasons that were previously explained, staff opines that the encroachment of the proposed residential building and the accessory structure, which are the subjects of requests #6 and #7 into the interior side (west) setback area, ensures a degree of sensitivity towards the less intensive town house residential development located to the east. Along with the location of the multi-family building on the northern portion of the parcel, Tract "A", and the abundant landscaping being provided along the east and west property lines of the southern tract, Tract "B", staff opines that the encroachment of the buildings into the interior side (west) setback areas, further mitigates the visual impact of the proposed development on the residences to the east.

Further, staff opines that although the submitted plans indicate that the applicant has not met the dissimilar use landscape buffer requirement along portions of the east and west property lines (request #8), the landscaping provided mitigates the visual impact of the development on the surrounding areas. Said plans indicate a continuous row of trees and hedge in conjunction with an existing wall and wood fence along the portions of the interior side (east) property line that abut the less intensive residential development to the east. Further, as previously opined, staff is supportive of the submitted plans, which depict the most intensive portion of the development, the nine-story building, on the north portion of the property, which abuts the existing post office use to the east and the vacant rail easement to the west. In addition, staff is supportive of the applicant's request to waive the decorative wall between the business and residential portions of the subject property (request #9). Staff opines that the required wall would disrupt the cohesiveness of the project and adversely affect the appearance of the development. **Staff therefore, recommends approval with conditions of requests #5 through #7 and #9, and approval with conditions of request #8, under Section 33-311(A)(4)(b), the Non-Use Variance Standards**.

ACCESS, CIRCULATION AND PARKING: The submitted plans indicate a main ingress/egress points along Bird Road to the north and SW 69 Avenue to the east. Additionally, the plans indicate that there will be adequate parking within the proposed development in both parking lots and surface parking areas for both the residents and visitors.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

Approval of request #1, subject to the Board's acceptance of the proffered covenant, and approval with conditions of requests #2 through # #9.

CONDITIONS FOR APPROVAL (For requests #2 through #9 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 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.

3. That the applicant shall install all the required landscaping along the property lines prior to obtaining a Certificate of Occupancy.

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.

NK:MW:NN:JV:CH

Nathan Kogon, AICP, Assistant Director
Development Services Division
Miami-Dade County
Department of Regulatory and Economic Resources

ZONING RECOMMENDATION ADDENDUM

Applicant: *Manuel J. Menendez Trust*
PH: *Z13-077*

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
Division of Environmental Resource Management (RER)	No objection*
Platting and Traffic Review Section (RER)	No objection*
Parks, Recreation and Open Spaces	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

Business and Office (Page I-41)	*This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.* *Residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity. Where these conditions are met residential development may be authorized to occur in the Business and Office category at a density up to one density category higher than the LUP-designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development, or zoning if the adjacent or adjoining land is undeveloped, whichever is higher. If there is no adjacent or adjoining residential use existing, zoned or designated on the same side of the roadway, the maximum allowable residential density will be that which exists or which this plan allows across the roadway. Where there is no residential use, zoning or designation on either side of the roadway, the intensity of residential development, including height, bulk and floor area ratio shall be no greater than that which would be permitted for an exclusively commercial use of the site. Where SURs or TDRs are transferred to Business-designated parcels which are zoned or to be used for residential development, or when a residential project utilizes the inclusionary zoning program the*

ZONING RECOMMENDATION ADDENDUM

Applicant: *Manuel J. Menendez Trust*
PH: *Z13-077*

	allowances of the Residential communities section may be used within the limits provided in this paragraph.
Medium Density Residential (Page I-31)	*This category allows densities from 13 to 25 dwelling units per gross acre. The type of housing structures typically permitted in this category includes townhouses and low-rise and medium-rise apartments.*
Medium-High Density Residential (Pg. I-31)	*This category authorizes apartment buildings ranging from 25 to 60 dwelling units per gross acre. In this category, the height of buildings and, therefore, the attainment of densities approaching the maximum, depends to a great extent on the dimensions of the site, conditions such as location and availability of services, ability to provide sufficient off-street parking, and the compatibility with and impact of the development on surrounding areas. The provisions of the section below entitled "Density Increase with Urban Design" are not applicable to this density category. At such time as Miami-Dade County's land development regulations are amended pursuant to Policy LU-9O, a density bonus can be added to each residential zoning district that falls within the Medium-High Density range of 25 to 60 dwelling units per gross acre. When land development regulations are amended, this density bonus may allow a maximum of 60 dwelling units per gross acre on properties that are designated Medium-High Density on the Land Use Plan map. These density bonuses shall not apply to existing or proposed developments with vehicular entrances that are controlled or have entry gates or existing or proposed developments with private streets.*
Density Averaging ***(Page I-32.2)***	*The land use density ceiling designated on the LUP map will apply to every parcel of land. However, in certain instances, the averaging of density may be authorized among different parcels. Specific provisions for this to occur are specified below. All of the following allowances are limited to lands located within the Urban Development Boundary which are designated for urban uses.* *Where groups of parcels under a single ownership or multiple ownerships that are legally unified (hereinafter legally unified development) are located within a unit area bounded by Major or Minor Roadways as indicated on the Land Use Plan map, portions of the unified development may be developed at densities higher than that shown on the LUP map provided that other portions are developed at correspondingly lower densities so that the average density of the entire development does not exceed the maximum gross density limits shown on the LUP map. Where a parcel or group of contiguous parcels under a single ownership or legally unified development has two different LUP map residential designations, the number of units permitted under one designation may be averaged with the number of units permitted under the other and developed at varying densities providing that the total number of units built on such property does not exceed the total number permitted under the two designations. Further, where 50 percent or more of the boundary of a parcel or group of contiguous parcels, not exceeding 20 acres in size, adjoins land that is developed or zoned for densities that are higher than those which are shown on the LUP map, such property may be zoned for a density higher than that shown on the LUP map but not higher than the highest density which is permitted by zoning on the adjoining properties. Density may be transferred across a Major or Minor roadway to an adjacent and legally unified parcel or portion thereof contiguous to the Roadway provided, further, that the site receiving the increased density shall be developed at a density no greater than the higher of adjoining or adjacent existing residential development or zoning, or if the adjoining land is undeveloped and not zoned for urban use, one density category higher than the LUP map designation of the parcel. The above provisions, however, are all conditioned upon a determination being made that the requested density and housing types are compatible with the surrounding development and would not create a significant negative impact on services within the area.*
Objective LU-4 (Page I-11)	*Miami-Dade County shall, by the year 2020, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.*
Policy LU-4A (Page I-11)	*When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.*

ZONING RECOMMENDATION ADDENDUM

Applicant: *Manuel J. Menendez Trust*
PH: *Z13-077*

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311 District Boundary Change	(A) *The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.* (F) ***Section 33-311*** *provides that the Board shall take into consideration, among other factors the extent to which:* *(1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;* *(2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;* *(3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;* *(4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;* *(5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways*
Section 33-311(A)(3) Special Exception, Unusual and New Uses.	*Special exceptions (for all applications other than public charter schools), unusual and new uses. Hear application for and grant or deny special exceptions, except applications for public charter schools; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.*

ZONING RECOMMENDATION ADDENDUM

Applicant: *Manuel J. Menendez Trust*
PH: *Z13-077*

33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations	*Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.*
Section 33-311(A)(7) Generalized Modification Standards.	*The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.*

ZONING ACTION

MEMORANDUM
Harvey Ruvin
Clerk of the Circuit and County Courts
Clerk of the Board of County Commissioners
(305) 375-5126
(305) 375-2484 FAX
www.miami-dadeclerk.com

DATE: 4/23/2015 **#Z-**
ITEM: B.

APPLICANT: MANUEL J. MENENDEZ TRUST
14-7-C12-1(13-077)

MOTION: Deferred to May 21, 2015

ROLL CALL	**M/S**	**YES**	**NO**	**ABSENT**
Barreiro		X		
Levine Cava		X		
Diaz		X		
Edmonson		X		
Heyman		X		
Jordan		X		
Moss		X		
Sosa	S	X		
Souto		X		
Suarez	M	X		
Zapata				X
Vice Chairman Bovo		X		
Chairman Monestime				X
TOTAL		11	0	2

ZONING ACTION

MEMORANDUM
Harvey Ruvin
Clerk of the Circuit and County Courts
Clerk of the Board of County Commissioners
(305) 375-5126
(305) 375-2484 FAX
www.miami-dadeclerk.com

DATE: 03/19/2015 **#Z-**

ITEM: 14-7-C12-1 (13-077)

APPLICANT: MANUEL J. MENENDEZ TRUST (APPEALS)

MOTION: CANCELLED DUE TO LACK OF QUORUM/ RESCHEDULED TO 4/23/2015 AT 9:30 AM

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				
Levine Cava				
Diaz				
Edmonson				
Heyman				
Jordan				
Moss				
Sosa				
Souto				
Suarez				
Zapata				
Vice Chairman Bovo				
Chairman Monestime				
TOTAL				

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

#A

APPLICANT'S NAME: MANUEL J. MENENDEZ TRUST

REPRESENTATIVE: BEN FERNANDEZ/ GUILLERMO OLMEDILLO

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
14-7-CZ12-1 (13-077)	January 6, 2015	CZAB12	2	15

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:_____ ☐ 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:

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN	M	Peggy **BRODEUR**	X		
COUNCILMAN		Javier **GONZALEZ-ABREU**	X		
COUNCILMAN		Matthew **LARSH**	X		
VICE CHAIRMAN		Alberto **SANTANA**			X
COUNCILMAN	S	Jose I. **VALDES** (C.A.)	X		
COUNCIL WOMAN		Angela M. **VAZQUEZ**	X		
CHAIRMAN		Elliot N. **ZACK**	X		
		VOTE:	6	0	

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EXHIBITS: ■ YES ☐ NO COUNTY ATTORNEY: Abbie Schwartz

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		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	

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EXHIBITS: ☐ YES ■ NO COUNTY ATTORNEY: Dennis Kerbel

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

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A. MANUEL J. MENENDEZ TRUST
(Applicant)

14-7-CZ12-1 (13-077)
Area 12/District 07
Hearing Date: 05/21/15

Property Owner (if different from applicant) **Same.**

Is there an option to purchase ☐ /lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☑

If so, who are the interested parties?

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1989	United States Postal Service	- Unusual Use to permit Non-Commercial parking.	ZAB	Modified Approval with Condition(s)
2005	Pancho Menendez Land Trust II, ET	- Zone change from GU, RU-1 & RU-4M to BU-2.	C-12	Approved with Condition(s)
2005	Pancho Menendez Land Trust II, ET	- Zone change from GU, Ru-1, RU-4M and IU-1 to RU-4L, Gu, RU-1 & RU-4m to BU-2.	C-12	Approved with Condition(s)
2006	Pancho Menendez Land Trust II	- Modification of Resolution. - Deletion of Legal Description.	C-12	Approved with Condition(s)

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

PETITION OF APPEAL FROM DECISION OF
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY MM AMOUNT OF FEE _____

RECEIPT # _____

DATE HEARD: 1/16/15

BY CZAB # CZAB 12

RECEIVED
13-077
JAN 15 2015
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC
RESOURCES DEVELOPMENT SERVICES
By _____

DATE RECEIVED STAMP

****

This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. Z13-077

Filed in the name of (Applicant) Manuel J. Menendez, Trust

Name of Appellant, if other than applicant Ben J. Fernandez, Esq.

Address/Location of APPELLANT'S property: 6950 SW 40th Street
Miami-Dade County, Florida

Application, or part of Application being Appealed (Explanation):

Entire appealable application

Appellant (name): Manuel J. Menendez
hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:
(State in brief and concise language)

The decision of CZAB 12 to deny the application was not based on substantial and competent evidence. The aplication was supported by the Department of Regulatory and Econmomic Resources and by additional facts and evidence presented by the Applicant at the public hearing. This information is competent and substantial and is the basis for the Appellant's appeal to the Board of County Commissioners.

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APPELLANT MUST SIGN THIS PAGE

Date: 15 day of January, year: 2015

Signed _____

Manuel J. Menendez
Print Name

7035 S.W. 44ST. MIAMI, FL. 33155
Mailing Address

305-609-6388 305-667-0592
Phone Fax

REPRESENTATIVE'S AFFIDAVIT

If you are filing as representative of an association or other entity, so indicate:

Representing

_____
Signature

Ben Fernandez, Esq.
Print Name

200 S. Biscayne Blvd., # 850
Address

Miami FL 33131
City State Zip

305-377-6235
Telephone Number

Subscribed and Sworn to before me on the 15 day of January, year 2015

_____
Notary Public

(stamp/seal)

Notary Public State of Florida
Ana Hernandez
My Commission EE075919
Expires 04/29/2015

Commission expires:

4/29/15

APPELLANT'S AFFIDAVIT OF STANDING
(must be signed by each Appellant)

STATE OF Florida

COUNTY OF Miami-Dade

Before me the undersigned authority, personally appeared Manuel J. Menendez (Appellant) who was sworn and says that the Appellant has standing to file the attached appeal of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community Zoning Appeals Board matter because of the following:

(Check all that apply)

x 1. Participation at the hearing
x 2. Original Applicant
___3. Written objection, waiver or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury, and that under penalties of perjury, Affiant declares that the facts stated herein are true.

Further Appellant says not.

Witnesses:

Signature

Jose Menendez
Print Name

Signature

Erick Valle
Print Name

Appellant's signature

Manuel J. Menendez
Print Name

Sworn to and subscribed before me on the 15 day of January, year 2015.

Appellant is personally know to me or has produced Drivers licenses as identification.

Notary
(Stamp/Seal)

Commission Expires: March 17, 2018

[b:forms/affidapl.sam(9/08)]

ISABEL D GONZALEZ
MY COMMISSION #FF103248
EXPIRES March 17, 2018
(407) 398-0153 FloridaNotaryService.com

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
rd

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

MIAMI-DADE COUNTY

Department of Regulatory and Economic Resources
Development Services Division
111 NW 1st Street • Suite 1110
Miami, Florida 33128-1902
T 305-375-2640
www.miamidade.gov/economy

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,

Rosa Davis
Deputy Clerk

Enclosure

Memorandum

Date: June 19, 2014

To: Jack Osterholt, Deputy Mayor/Director
Department of Regulatory and Economic Resources

From: Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources

Subject: C-12 #Z2013000077-2nd Revision
Collado & Partners
6950 SW 40th Street AND 4090 SW 69th Avenue, Miami, FL 33155
Special Exception to Permit a Multi-Family Residential Development
(BU-2) (2.98 Acres)
23-54-40

The subject application has been reviewed by the Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Potable Water Service and Wastewater Disposal

Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required in accordance with Code requirements.

Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management

A Surface Water Management General Permit from DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to any future development order approval. The applicant is advised to contact the Water Control Section of DERM for further information regarding permitting procedures and requirements.

Stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage system. Drainage must be provided for the 5-year/1-day storm event.

Site grading and development shall provide for the full retention of the 25-year/3-day storm event and shall also comply with the requirements of Chapter 11C of the Code, as well as with all State and Federal Criteria, and shall not cause flooding of adjacent properties.

Any proposed development shall comply with county and federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP subject to compliance with the conditions required for this proposed development order.

Pollution Remediation
There are no records of current contamination assessment/remediation issues on the subject site or records of current contamination assessment/remediation issues for sites directly abutting the property.

Wetlands
The subject properties do not contain wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation
The subject property may contain specimen-sized trees (trunk diameter 18 inches or greater). Section 24-49.2(II) of the Code requires that specimen-sized trees be preserved whenever reasonably possible. A Miami-Dade County Tree Removal/Relocation Permit is required prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application.

The applicant is advised to contact the Tree Permitting Program at 305-372-6574 for additional information regarding tree permitting procedures and requirements prior to site development.

Enforcement History
There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property.

Concurrency Review Summary
A concurrency review has been conducted for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute written approval as required by Chapter 24 of the Code.

If you have any questions concerning the comments or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

cc: Nathan Kogon, Department of Regulatory and Economic Resources

Memorandum

MIAMI-DADE COUNTY

Date: May 19, 2014

To: Eric Silva, Development Coordinator
Department of Regulatory and Economic Resources

From: Raul A. Pino, PLS, Chief
Platting and Traffic Review Section
Department of Regulatory and Economic Resources

Subject: Z2013000077
Name: Manuel J. Menendez Trust
Location: 6950 SW 40 Street
Section 23 Township 54 South Range 40 East

The Department of Regulatory and Economic Resources Platting and Traffic Review Section has reviewed the subject application and has no objections.

This land complies with Chapter 28 of the Miami-Dade County Code. The property is platted as Tracts A & B of Plat Book 167, Page 52.

Additional improvements may be required at time of permitting.

This application meets the traffic concurrency criteria because it lies within the urban infill area where traffic concurrency does not apply.

Memorandum

MIAMI-DADE COUNTY

Date: September 18, 2013

To: Eric Silva, Assistant Director
Regulatory and Economic Resources Department

From: Paul Mauriello, Assistant Director, Waste Operations
Public Works and Waste Management Department

Subject: Manuel J Menendez, Trust (#13_077)

The Department's review of the above-referenced item is provided below. Additional comments will be provided as needed. If you should have any questions, please do not hesitate to contact Stacey McDuffie of the Fiscal Management and Planning Division at 305-514-6661. **The PWWM has no objections to the proposed application.**

Application: ***Manuel J Menendez, Trust*** is requesting a non-use variance of a side setback, a special exemption, modification of previously approved plans and elimination of a previously proffered covenant related to the construction of residential building on the property. The property is presently zoned in a Special Business District (BU-2) and Limited Apartment House District (RU-4L).

Size: The subject property is approximately 2.98 acres.

Location: The subject property is located at 6950 SW 40th Street and 4090 SW 69th Avenue, in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (PWWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 28, 2012, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Sustainability, Planning and Economic Enhancement Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

Pursuant to Chapter 15 of the Miami-Dade County Code (Code), entitled Solid Waste Management, the residential building to be established on the property will likely be considered development for multi-family residential units. Per the Code the following is required of multi-family developments located in unincorporated Miami-Dade County:

"every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department." Therefore, the landlord or property owner is required to contact a private hauler to provide waste and recycling collection service, once the building is developed.

4. Recycling

Regarding multi-family units, **Section 15-2.2a** of the Code requires "every multi-family residential establishment shall provide for a recycling program which shall be serviced by a permitted hauler or the appropriate governmental agency and shall include, at a minimum, the five (5) materials listed in Section 15-2.2 below."

1) Newspaper
2) Glass (flint, emerald, amber)
3) Aluminum cans
4) Steel cans
5) Plastics (PETE, HDPE-natural, HDPE-colored)

Section 15-2.2b of the Code states the failure of a multi-family residential establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner(s) shall be liable, provided, however, that in the case of a condominium or cooperative apartment having a condominium association or cooperative apartment association, said association, rather than individual unit owners, shall be liable for any such violation.

Applicants are ***strongly*** advised to incorporate adequate space and facilities in their building plans to accommodate the required recycling program. Requests for approval of modified recycling programs must be made directly to the Department at 305 514-6666.

4. Waste Storage/Setout Considerations

Section 15-4 of the Code requires that plans for storage and collection of solid waste be adequate before a building permit may be issued. Site plans must address location, accessibility, number and adequacy of solid waste collection and storage facilities. The site plan legend must contain the following statement: "Facilities for the collection and storage of solid waste are shown in accordance with Section 15-4 of the Miami-Dade County Code."

5. Site Circulation Considerations

It is required that development plans associated with this project incorporate at least one of the following traffic circulation criteria to minimize the reversing of waste vehicles and hence, provide for the safe circulation of service vehicles:

a. Cul-de-sac with a minimum 49 foot turning radius (no "dead-ends")
b. "T" shaped turnaround 60 feet long by 10 feet wide
c. Paved throughway of adequate width (minimum 15 feet)

In addition, any and all alleyways designed with utilities, including waste collection, provided at the rear of the property should be planned in accordance with standard street specifications with sufficient width and turning radii to permit large vehicle access. Additionally, there should be no "dead-end" alleyways developed. Also, a sufficient waste set-out zone should be preserved (between the edge of the pavement and any possible obstructions such as parked cars, fencing, etc.,) that would interrupt or preclude waste collection.

Memorandum

MIAMI-DADE COUNTY

Date: May 16, 2014

To: Jack Osterholt, Deputy Mayor
Director, Regulatory and Economic Resources Department

From: Maria I. Nardi, Chief
Planning and Research Division
Parks, Recreation and Open Spaces Department

Subject: Z2013000077: MANUEL J.MENENDEZ TRUST
Revised Plans Submitted Dated Stamped Received 5/15/2014

Application Name: MANUEL J.MENENDEZ TRUST

Project Location: The site is located at 6950 SW 40 ST, Miami-Dade County.

Proposed Development: The request is for approval of special exception to permit residential development. Based on plans submitted it is estimated that 78 units could be developed.

Impact and Demand: This application proposes future development of multi-family use which has the potential to result in an impact of up to .47 acres to the level of service for this park benefit district.

Recreation and Open Space Element policies ROS-2a (i); (ii); (iii); (iv); and (v) provide for the establishment of Miami-Dade County's minimum Level of Service standard for the provision of local recreation open space. The site is located in Park Benefit District 2 (PBD2) which has a surplus of 494.95 acres of local parkland and therefore meets concurrency when analyzed in terms of (2.75) acres per 1,000 unincorporated areas residents within this Park Benefits District.

County-owned local parks that are within three miles of the subject application are described in Table A which lists the name, type and acreage for each park. Brothers to the Rescue Memorial Park is the nearest local park to the application site. A.D. "Doug" Barnes, an areawide park, is located within walking distance.

Table A - County Parks (local only)
Within a 3 Mile Radius of Application Area.

Park Facility	Classification	Acreage
Sunset Heights Park	MINI-PARK	0.32
Schenley Park	NEIGHBORHOOD PARK	2.00
Humble Mini Park	MINI-PARK	0.50
Brothers To The Rescue Memorial Park	SINGLE PURPOSE PARK	5.70
Banyan Park	NEIGHBORHOOD PARK	3.14
Rockway Park	COMMUNITY PARK	2.52
Miller Drive Park	COMMUNITY PARK	4.07
Blue Lakes Park	NEIGHBORHOOD PARK	6.00
Sudlow Park	MINI-PARK	1.12
Sunkist Park	NEIGHBORHOOD PARK	0.77
San Jacinto Park	MINI-PARK	0.92
Francisco Human Rights Park	MINI-PARK	3.78
Coral Villas Park	MINI-PARK	0.37

Objective ROS-8 of the Recreation and Open Space Element of the CDMP states the following: ***The 2007 Miami-Dade County Parks and Open Space System Master Plan (OSMP), through a 50-year planning horizon, shall guide the creation of an interconnected framework of parks, public spaces, natural and cultural areas, greenways, trails, and streets that promote sustainable communities, the health and wellness of County residents, and that serve the diverse local, national, and international communities.***

Recommendation: Based on our findings described herein **PROS HAS NO OBJECTION TO THIS APPLICATION**.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb
Cc: John M. Bowers, Parks Property Management Supervisor

Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Alberto M. Carvalho

Miami-Dade County School Board
Perla Tabares Hantman, Chair
Dr. Lawrence S. Feldman, Vice Chair
Dr. Dorothy Bendross-Mindingall
Susie V. Castillo
Carlos L. Curbelo
Dr. Wilbert "Tee" Holloway
Dr. Martin Karp
Dr. Marta Pérez
Raquel A. Regalado

April 28, 2014

VIA ELECTRONIC MAIL

Mr. Guillermo Olmedillo, OlmedilloX5, Inc.
c/o Manuel J. Menendez Trust
3305 Alhambra Circle
Miami, FL 33134
guillermo@olmedilloX5.com

RE: PUBLIC SCHOOL CONCURRENCY PRELIMINARY ANALYSIS
MANUEL J. MENENDEZ TRUST - Z2013000077
LOCATED 6950 SW 40 STREET
PH3014040800800 – FOLIO Nos.: 3040230990010 and 3040230990020

Dear Applicant:

Pursuant to State Statutes and the Interlocal Agreements for Public School Facility Planning in Miami-Dade County, the above-referenced application was reviewed for compliance with Public School Concurrency. Accordingly, enclosed please find the School District's Preliminary Concurrency Analysis (Schools Planning Level Review) for informational purposes only.

As noted in the Preliminary Concurrency Analysis (Schools Planning Level Review), the proposed development would yield a maximum residential density of 78 multifamily units, which generate 9 students; 4 elementary, 2 middle and 3 senior high students. **At this time, all three school levels have sufficient capacity available to serve the application.** However, a final determination of Public School Concurrency and capacity reservation will only be made at the time of approval of final plat, site plan or functional equivalent. As such, this analysis does not constitute a Public School Concurrency approval.

Should you have any questions, please feel free to contact me at 305-995-4501.

Sincerely,

Ivan M. Rodriguez, R.A.
Director I

IMR:ir
L-574
Enclosure

cc: Ms. Ana Rijo-Conde, AICP
Mr. Mike A. Levine
Ms. Vivian G. Villaamil
Miami-Dade County
School Concurrency Master File

Ana Rijo-Conde, Deputy Chief Facilities & Eco-Sustainability Officer • Planning, Design & Sustainability
School Board Administration Building • 1450 N.E. 2nd Ave. • Suite 525 • Miami, FL 33132
305-995-7285 • 305-995-4760 (FAX) • arijo@dadeschools.net

Miami-Dade County Public Schools

Concurrency Management System
Preliminary Concurrency Analysis

MDCPS Application Number:	PH3014040800800	Local Government (LG):	Miami-Dade
Date Application Received:	4/8/2014 9:53:55 AM	LG Application Number:	Z2013000077
Type of Application:	Public Hearing	Sub Type:	Zoning

Applicant's Name: Manuel J. Menendez Trust
Address/Location: 3305 Alhambra Circle, Miami, FL 33134
Master Folio Number: 3040230990010
Additional Folio Number(s): *3040230990020, 3040230990020,*

PROPOSED # OF UNITS 78

SINGLE-FAMILY DETACHED UNITS: 0

SINGLE-FAMILY ATTACHED UNITS: 0

MULTIFAMILY UNITS: 78

CONCURRENCY SERVICE AREA SCHOOLS						
CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
5241	SOUTH MIAMI K-8 CENTER (ELEM COMP)	26	4	4	YES	Current CSA
5242	SOUTH MIAMI K-8 CENTER (MID COMP)	69	2	2	YES	Current CSA
7721	SOUTH MIAMI SENIOR	0	3	0	NO	Current CSA
7721	SOUTH MIAMI SENIOR	0	3	0	NO	Current CSA Five Year Plan
ADJACENT SERVICE AREA SCHOOLS						
7361	MIAMI KILLIAN SENIOR	714	3	3	YES	Adjacent CSA

*An Impact reduction of 21.13% included for charter and magnet schools (Schools of Choice).

MDCPS has conducted a preliminary public school concurrency review of this application; please see results above. A final determination of public school concurrency and capacity reservation will be made at the time of approval of plat, site plan or functional equivalent. **THIS ANALYSIS DOES NOT CONSTITUTE PUBLIC SCHOOL CONCURRENCY APPROVAL.**

1450 NE 2 Avenue, Room 525, Miami, Florida 33132 / 305-995-7634 / 305-995-4760 fax /
concurrency@dadeschools.net

REVISION 7

Memorandum

Date: 03-JUN-14

To: Jack Osterholt, Director
Department of Regulatory and Economic Resources

From: Dave Downey, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2013000077

Fire Prevention Unit:

This memo supesedes MDFR memorandum dated April 15, 2014.
APPROVAL:
Only for Sheet A:1.00

Service Impact/Demand

Development for the above Z2013000077
located at 6950 SW 40 ST, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1596 is proposed as the following:

78 dwelling units	residential	N/A square feet	industrial
N/A square feet	Office	N/A square feet	institutional
N/A square feet	Retail	N/A square feet	nursing home/hospitals

Based on this development information, estimated service impact is: 27 alarms-annually.
The estimated average travel time is: 6:01 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:

Station 3 - Tropical Park - 3911 SW 82 Avenue

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:

None.

Fire Planning Additional Comments

N/A

For information regarding the aforementioned comments, please contact the Miami-Dade Fire Rescue Department Planning Section at 786-331-4540.

DATE: 10-FEB-15

REVISION 3

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

MANUEL J. MENENDEZ TRUST	6950 SW 40 ST, MIAMI-DADE COUNTY, FLORIDA.
APPLICANT	**ADDRESS**

Z2013000077

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: No open case. Prior case 201403002323 was opened March 13, 2014 for Unauthorized Use and warning issued. On April 16, 2014 extension was requested and given until May 17, 2014. Violation corrected and case close on February 6, 2015. BNC: No open cases

Manuel J Menendez Trust

OUTSTANDING FINES, PENALTIES, COST OR LIENS INCURRED PURSUANT TO CHAPTER 8CC:

REPORTER NAME:

Subj: **(no subject)**
Date: 7/10/2013 3:10:23 P.M. Eastern Daylight Time
From: cartpathos101@aol.com
To: cartpathos101@aol.com

Sent from my iPhone

RECEIVED
AUG 2 1 2013
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY

N

REAR ELEVATION

44

Subj: **(no subject)**
Date: 7/10/2013 2:57:07 P.M. Eastern Daylight Time
From: caripathos101@aol.com
To: caripathos101@aol.com

Sent from my iPhone

2/3017

RECEIVED
AUG 2 1 2013
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY

SE

↑

SIDE ELEVATION

45

Subj: **(no subject)**
Date: 7/10/2013 2:53:23 P.M. Eastern Daylight Time
From: carlpathos101@aol.com
To: carlpathos101@aol.com

Sent from my iPhone

RECEIVED
213-017
AUG 2 1 2013
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

S

FRONT ELEVATION

46

DISCLOSURE OF INTEREST*

If a CORPORATION owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: _____

NAME AND ADDRESS	Percentage of Stock

13017

RECEIVED
AUG 21 2013
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY: _____

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and the percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME **M J Menendez Trust**

NAME AND ADDRESS	Percentage of Interest
Manuel J, Menendez	**100%**
Teresita F. Menendez	
3305 Alhambra Circle	
Coral Gables, Florida 33134	

If a PARTNERSHIP owns or leases the subject property, list the principals including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percentage of Ownership

If there is a **CONTRACT FOR PURCHASE**, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

Rev. 9/10/12

NAME OF PURCHASER: NONE

NAME, ADDRESS AND OFFICE (if applicable) | Percentage of Interest

N/A

Date of contract: N/A

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust.

N/A

NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature _____ (Applicant) MANUEL MENENDEZ JR. (Print Applicant name)

Sworn to and subscribed before me this 29 day of July, 2013. Affiant is personally know to me or has produced N/A as identification.

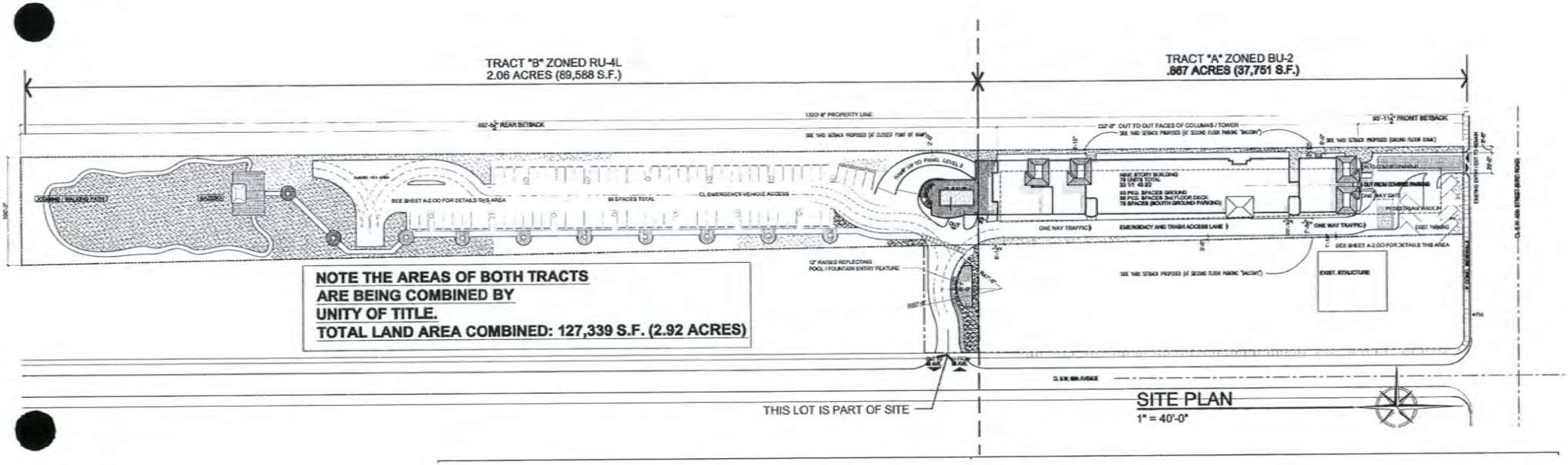
_____ (Notary Public)

ERICK M. VALLE
MY COMMISSION # EE 178938
EXPIRES: March 27, 2016
Bonded Thru Notary Public Underwriters

My commission expires: March 27/16

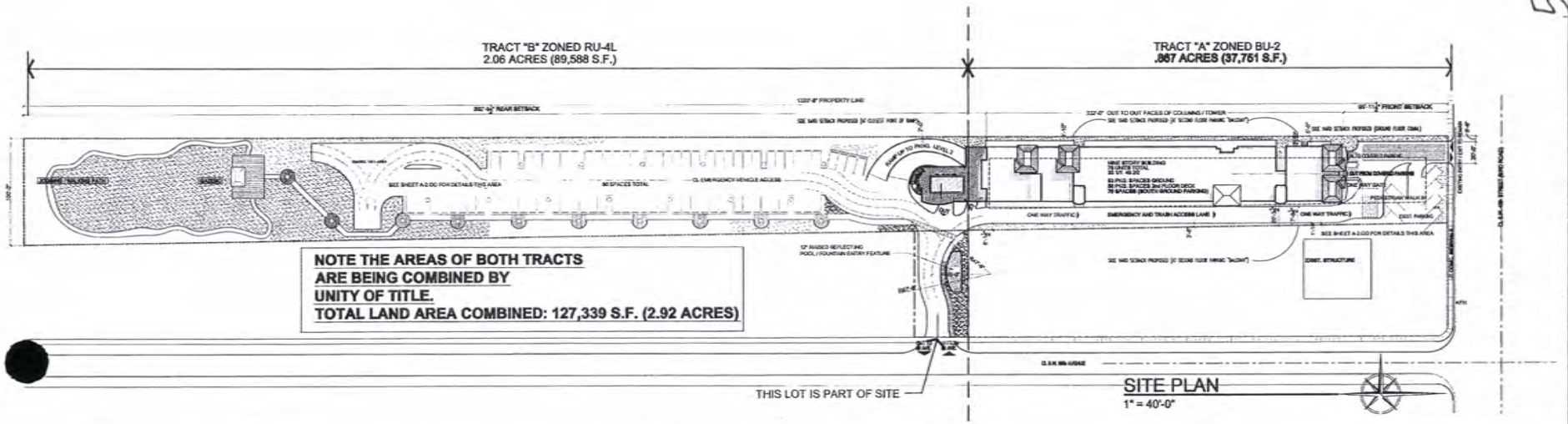
Seal

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.



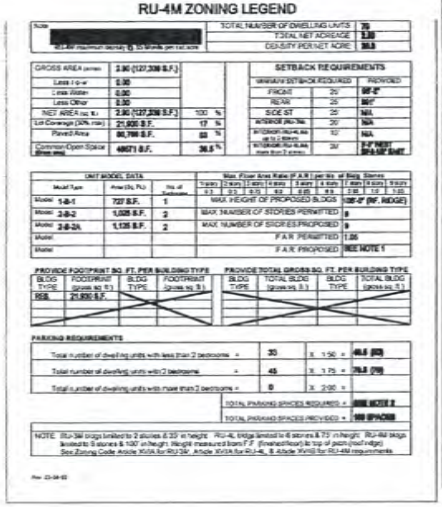
RECEIVED
213-077
JUN 14 2014
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC
RESOURCES DEVELOPMENT SERVICES
By HV FE

ENLARGED SITE PLAN



SITE PLAN
1" = 40'-0"

RU-4M ZONING LEGEND



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
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		2,787 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

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213-077
JUN 11 2014
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES
By for fE

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" deep 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.

213-077
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NO. | DATE | REVISION TYPE

COLLADO AND PARTNERS INC
ARCHITECTURE PLANNING INTERIORS
LIC. AA 26000897

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

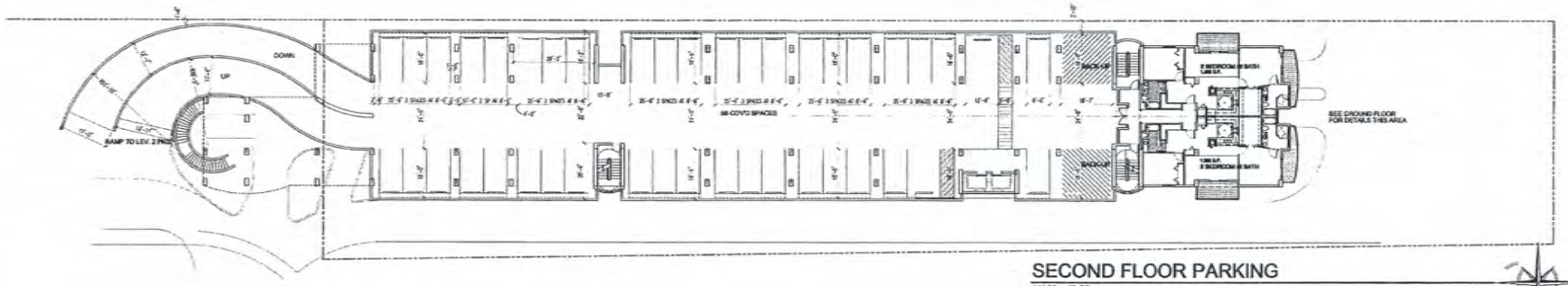
A NEW DEVELOPMENT
Central Park Apartments
Manuel J. Menendez as Trustee (owner)
6950 S.W. 40TH St. Miami, Florida 33155

TITLE: SITE PLAN AT 1"=40'-0"

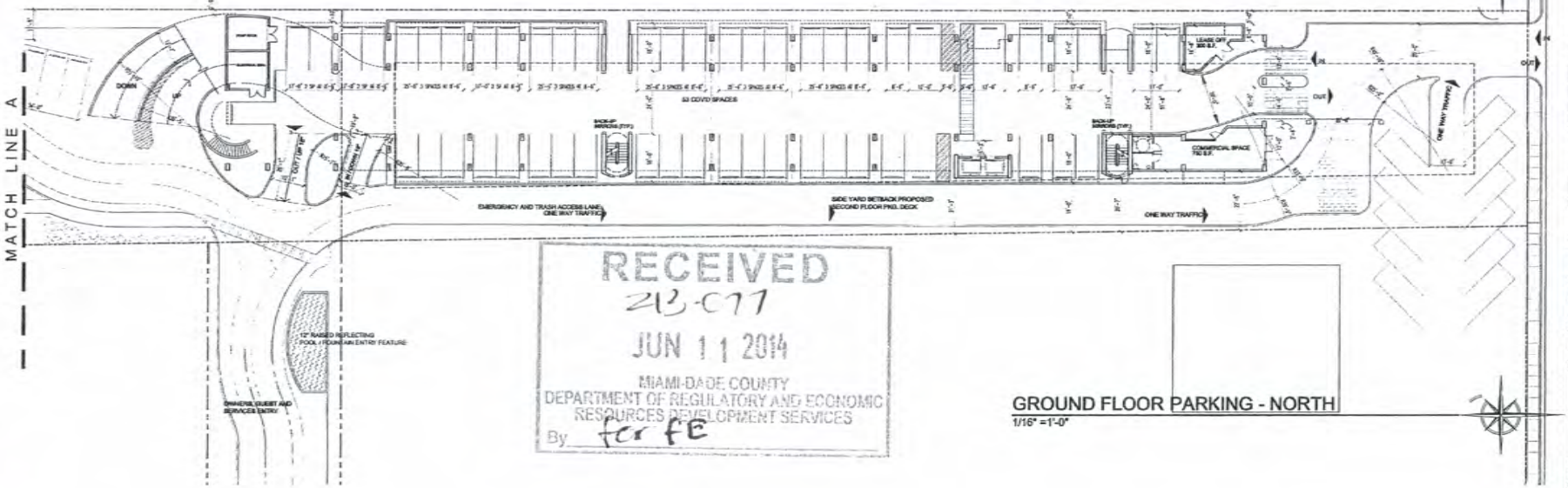
SEAL

RAMON J. COLLADO
FLA. REG. ARCHITECT
LIC. AR0013294

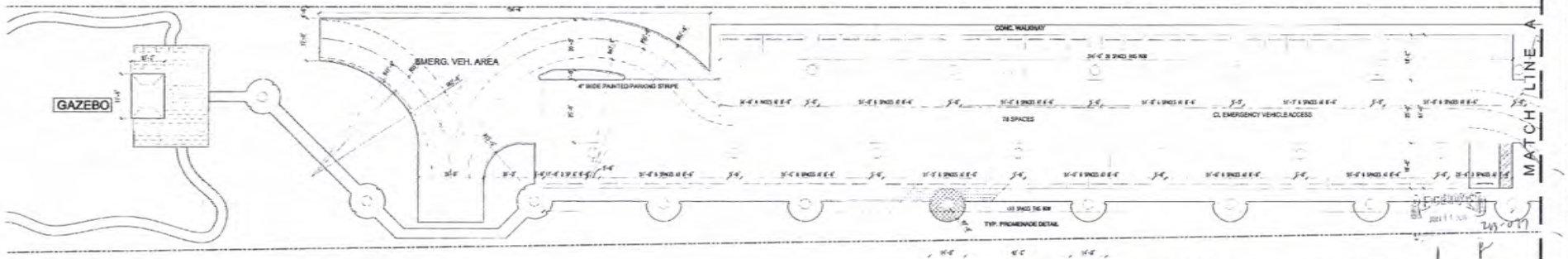
SHEET NO.:
A–1.00



SECOND FLOOR PARKING
1/16" =1'-0"



GROUND FLOOR PARKING - NORTH
1/16" =1'-0"



GROUND FLOOR (SURFACE PARKING) - SOUTH
1/16" =1'-0"

RECEIVED
JUN 11 2014
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES DEVELOPMENT SERVICES
By for FE

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COLLADO AND PARTNERS INC
ARCHITECTURE PLANNING INTERIORS
LIC. AA 26000607

NO.	DATE	REVISION TYPE

JOB NO.: -
DRAWN BY: RJC
DATE: 6-11-14
SCALE: AS NOTED
CHECKED: RJC

A NEW DEVELOPMENT
Central Park Apartments
Manuel J. Menendez as Trustee (owner)
6960 S.W. 40TH St. Miami, Florida 33155

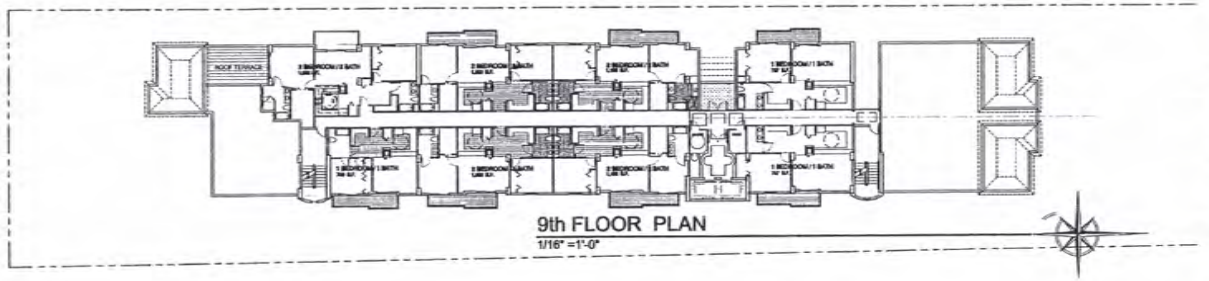
TITLE: GROUND AND SECOND FLOOR

SEAL

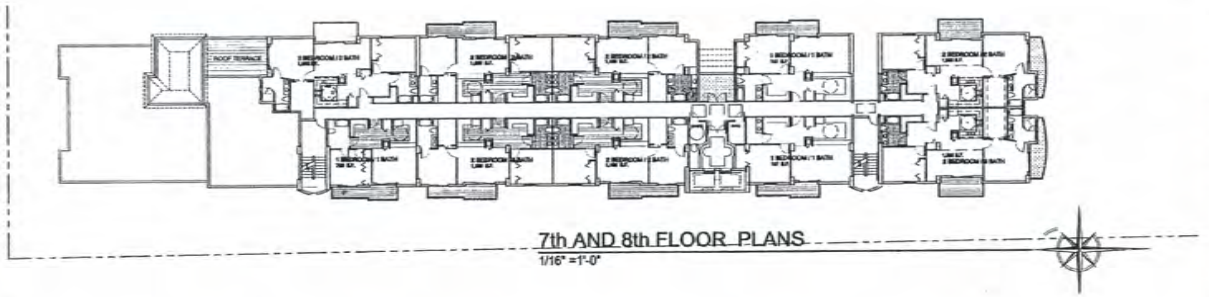
RAMON J. COLLADO
FLA. REG. ARCHITECT
LIC. AR0013554

SHEET NO.:
A-2.00

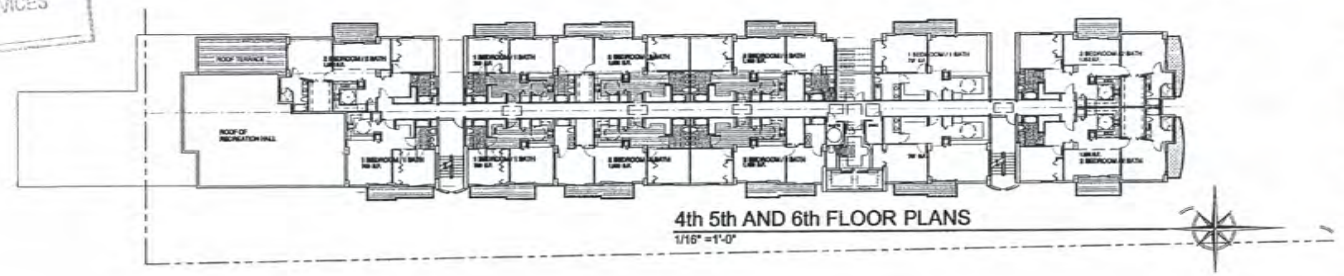
52



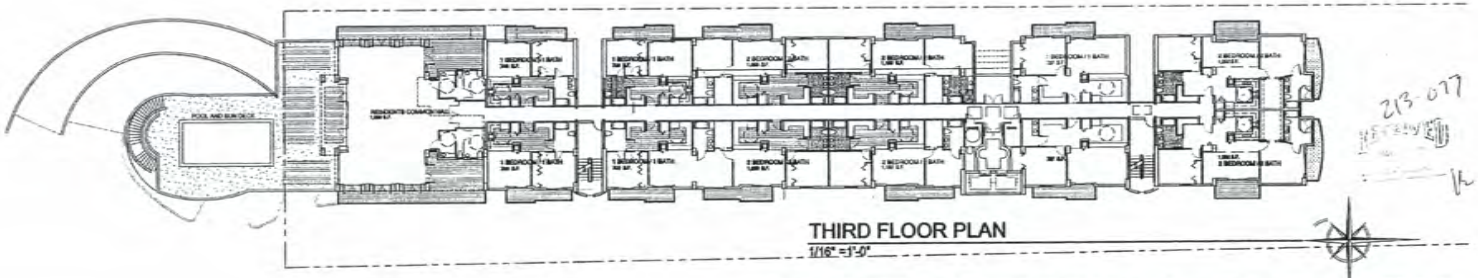
9th FLOOR PLAN
1/16" =1'-0"



7th AND 8th FLOOR PLANS
1/16" =1'-0"



4th 5th AND 6th FLOOR PLANS
1/16" =1'-0"



THIRD FLOOR PLAN
1/16" =1'-0"

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213-077
MAY 14 2014
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC
RESOURCES DEVELOPMENT SERVICES
By for FE

213-077

COLLADO AND PARTNERS INC
ARCHITECTURE PLANNING INTERIORS
LIC. AA 26000867

A NEW DEVELOPMENT
Central Park Apartments
Manuel J. Menendez as Trustee (owner)
6850 S.W. 40TH St. Miami, Florida 33155
FLOORS 3 TO 9

RAMON J. COLLADO
PLA REG. ARCHITECT
LIC. AR0013384

SHEET NO.:
A-2.01

EAST ELEVATION (TO POST OFFICE NEIGHBOR)
1/16" =1'-0"

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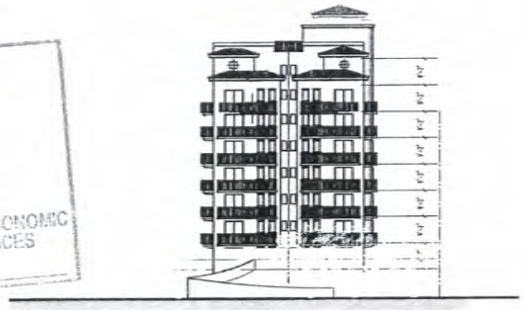
2B-077
MAY 14 2014
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES
PLANNING SERVICES
By for CE



REAR (SOUTH ELEVATION)
1/16" =1'-0"

BIRD ROAD FACADE (NORTH ELEVATION)
1/16" =1'-0"

WEST ELEVATION (TO LINEAR PARK / EX-RR EASMENT)
1/16" =1'-0"

213-077
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COLLADO AND PARTNERS INC
ARCHITECTURE PLANNING INTERIORS
LIC. AA 26000867

NO.	DATE	REVISION TYPE

JOB NO.: -
DRAWN BY: RJC
DATE: 5-05-14
SCALE: AS NOTED
CHECKED: RJC

A NEW DEVELOPMENT
Central Park Apartments
Manuel J. Menendez as Trustee (owner)
6950 S.W. 40TH St. Miami, Florida 33155

TITLE: ELEVATIONS

SEAL

RAMON J. COLLADO
FLA. REG. ARCHITECT
LIC. AR0013264

SHEET NO.:
A-4.00

54

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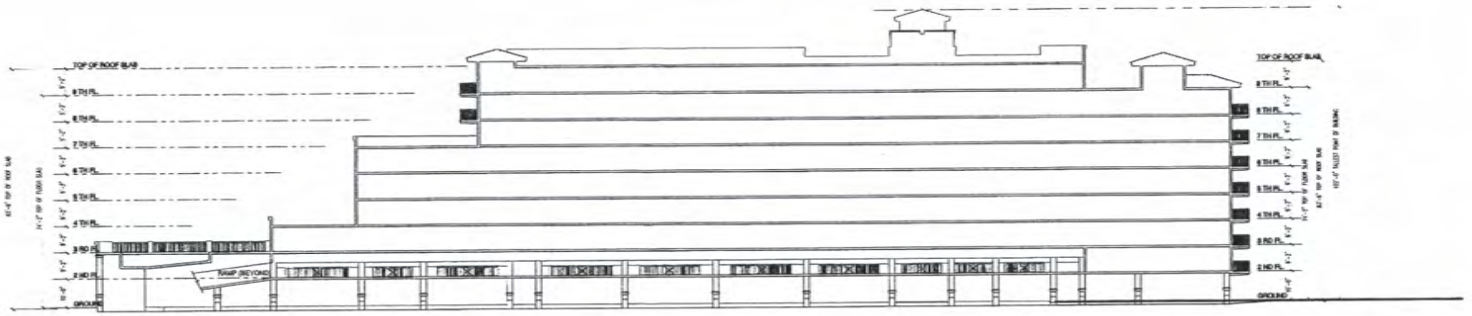
213-077
MAY 14 2014
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC
RESOURCES/DEVELOPMENT SERVICES
By Jaffe.



SOUTH TO NORTH (LONGITUDINAL) BUILDING SECTION
1/16" =1'-0"

213-077
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NO. | DATE | REVISION TYPE

COLLADO AND PARTNERS INC
ARCHITECTURE PLANNING INTERIORS
LIC. AA 26000927

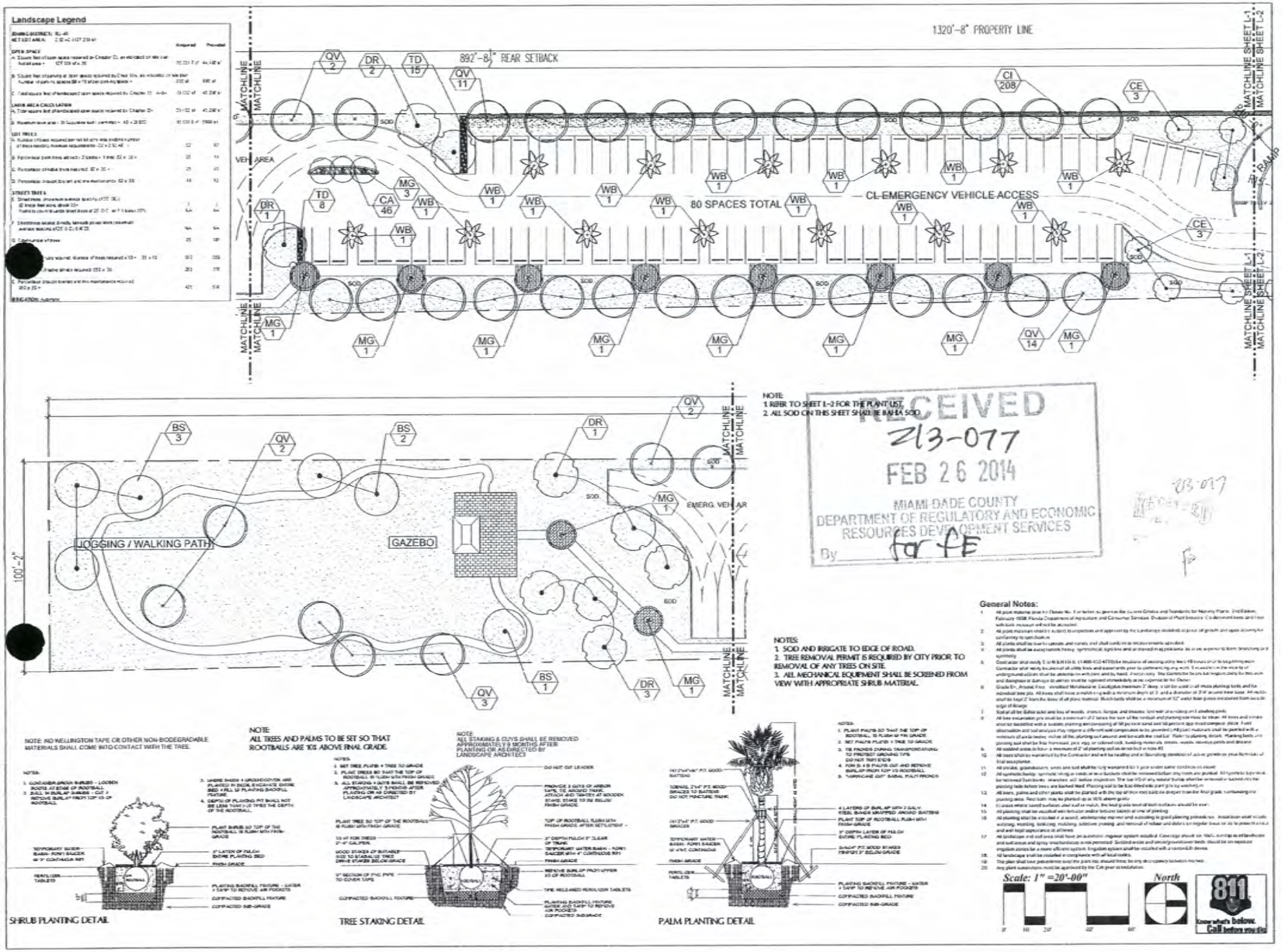
JOB NO.: -
DRAWN BY: RJC
DATE: 5-15-14
SCALE: AS NOTED
CHECKED: RJC

A NEW DEVELOPMENT
Central Park Apartments
Manuel J. Menendez as Trustee (owner)
6950 S.W. 40TH St. Miami, Florida 33155

TITLE: BUILDING SECTION

SEAL
RAMON J. COLLADO
R.A. REG. ARCHITECT
LIC. AR0010254

SHEET NO.:
A-5.00



PREPARED BY:
Kimberly Moyer, RLA
Landscape Architecture
(954) 492-9609
Lic. No. #LA0000952

PREPARED FOR
Collado and Partners
Architecture, Planning, Interiors
300 Aragon Ave. 205
Coral Gables, FL 33134
(305) 569-9911

CENTRAL PARK APARTMENTS

6950 SW 40TH STREET, MIAMI, FL 33155

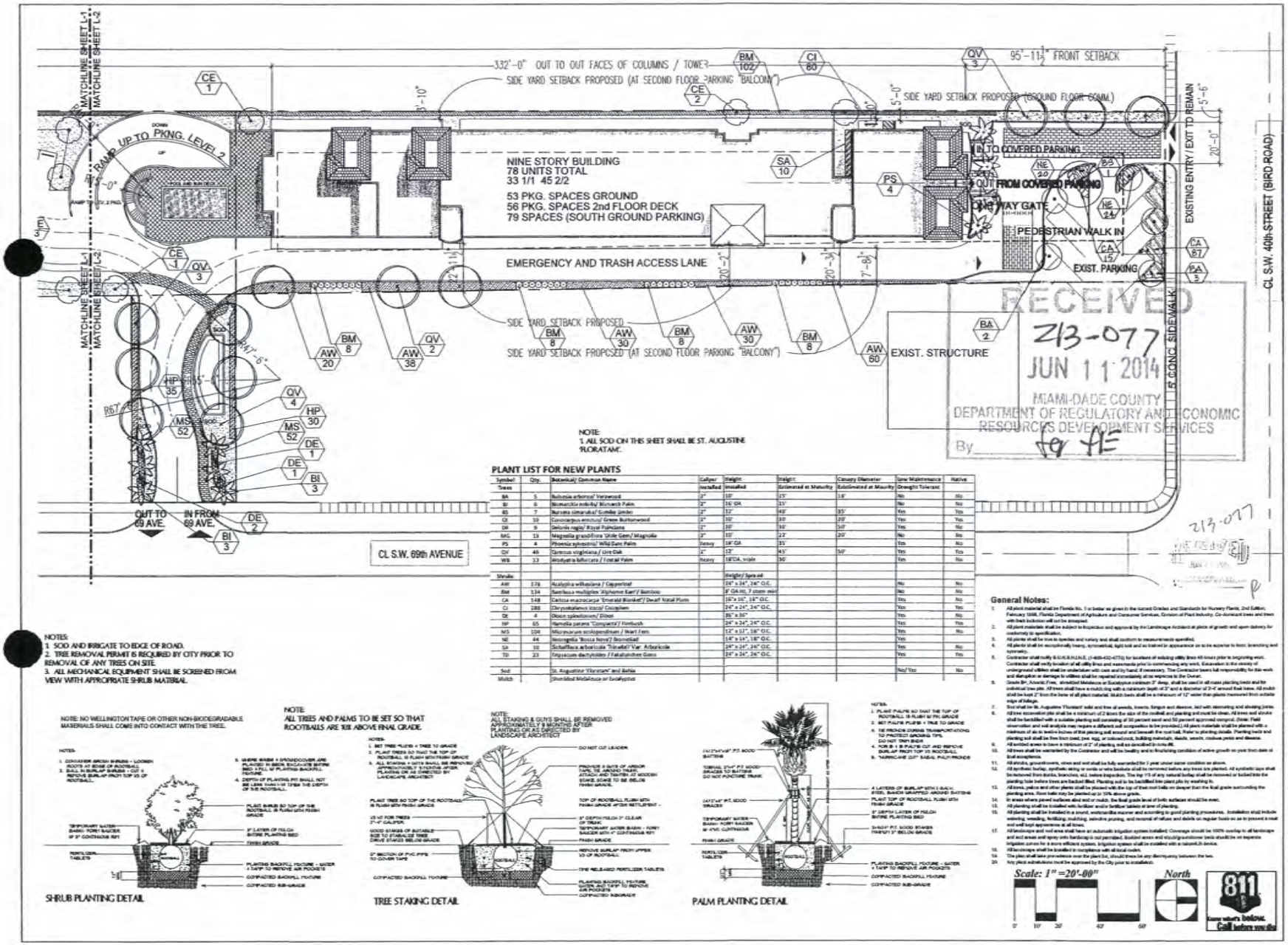
LANDSCAPE PLAN

DATE:	MAY 21, 2013
PROJECT NUMBER	1315
DRAWN BY	J.B.E.
CHECKED BY	K.M.
SCALE	1"=20'-00"

REVISION	DATE	BY
1 Planting Rev	3-20-2014	K.M.
2		
3		
4		
5		

SHEET NUMBER:

L-1



RECEIVED
Z13-077
JUN 11 2014
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC
RESOURCES DEVELOPMENT SERVICES
By

NOTE:
1. ALL SOD ON THIS SHEET SHALL BE ST. AUGUSTINE 'FLORATAM'.

NOTES:
1. SOD AND IRRIGATE TO EDGE OF ROAD.
2. TREE REMOVAL PERMIT IS REQUIRED BY CITY PRIOR TO REMOVAL OF ANY TREES ON SITE.
3. ALL MECHANICAL EQUIPMENT SHALL BE SCREENED FROM VIEW WITH APPROPRIATE SHRUB MATERIAL.

PLANT LIST FOR NEW PLANTS

Symbol	Qty.	Botanical/ Common Name	Caliper Installed	Height Installed	Height Estimated at Maturity	Canopy Diameter Estimated at Maturity	Low Maintenance Drought Tolerant	Native
Trees								
BA	5	Bulnesia arborea/ Verawood	2"	10'	15'	10'	No	No
BI	6	Biomarckia indivisa/ Bismarck Palm	2"	16' OA	35'		No	No
BS	7	Bursera simaruba/ Gumbo Limbo	2"	12'	40'	35'	Yes	Yes
CE	10	Conocarpus erectus/ Green Buttonwood	2"	10'	30'	20'	Yes	Yes
DR	9	Delonix regia/ Royal Poinciana	2"	10'	30'	50'	Yes	No
MG	13	Magnolia grandiflora 'Little Gem'/ Magnolia	2"	10'	20'	20'	No	No
PS	4	Phoenix sylvestris/ Wild Date Palm	heavy	18' OA	35'		Yes	No
QV	46	Quercus virginiana / Live Oak	2"	12'	45'	50'	Yes	Yes
WB	13	Windsorla bifurcata / Foxtail Palm	heavy	18'OA, triple	30'		Yes	No
Shrubs				Height/ Spread				
AW	178	Acalypha wilkesiana / Copperleaf		24" x 24", 24" O.C.			No	No
BM	134	Bambusa multiplex 'Alphome Karl'/ Bamboo		8' OA HG, 7' stem min.			No	No
CA	148	Calliza macrocarpa 'Emerald Blanket'/ Dwarf Natal Plum		16"x 16", 18" O.C.			Yes	No
CI	288	Chrysobalanus icaco/ Cocoplum		24" x 24", 24" O.C.			Yes	Yes
DE	4	Dioon spinulosum/ Dioon		36" x 36"			Yes	No
HP	65	Hamelia patens 'Compacta'/ Firebush		24" x 24", 24" O.C.			Yes	Yes
MS	104	Microsorum scolopendrium / Wart Fern		12" x 12", 18" O.C.			Yes	No
NE	44	Neoregelia 'Rosco Nova'/ Bromeliad		14" x 14", 18" O.C.			Yes	
SA	10	Schefflera arboricola 'Trinette'/ Var. Arboricola		24" x 24", 24" O.C.			Yes	No
TD	23	Tripsacum dactyloides / Fakahatchee Grass		24" x 24", 24" O.C.			Yes	Yes
Sod		St. Augustine 'Floratam' and Bahia					No/ Yes	No
Mulch		Shredded Melaleuca or Eucalyptus						

General Notes:

1. All plant material shall be Florida No. 1 or better as given in the current Grades and Standards for Nursery Plants, 2nd Edition, February 1998, Florida Department of Agriculture and Consumer Services, Division of Plant Industry. Co-dominant trees and trees with bark inclusion will not be accepted.
2. All plant materials shall be subject to inspection and approval by the Landscape Architect at place of growth and upon delivery for conformity to specifications.
3. All plants shall be true to species and variety and shall conform to measurements specified.
4. All plants shall be exceptionally heavy, symmetrical, tight knit and so trained in appearance as to be superior to basic branching and habit plants.
5. Contractor shall notify SUNSHINE (1-800-432-4770) for locations of existing utility lines 48 hours prior to beginning work. Contractor shall verify location of all utility lines and easements prior to commencing any work. Excavation in the vicinity of underground utilities shall be undertaken with care and by hand, if necessary. The Contractor bears full responsibility for this work and damage to utilities shall be repaired immediately at no expense to the Owner.
6. Seeds Bermuda, Annual Rye, Annual Lespedeza or Sudan grass minimum 3" deep, shall be used in all mass planting beds and the individual tree pits. All trees shall have a mulch ring with a minimum depth of 3" and a diameter of 3'-4" around their base. All mulch shall be kept 3" from the base of all plant material. Mulch beds shall be a minimum of 12" wider than plants measured from outside edge of foliage.
7. Sod shall be St. Augustine 'Floratam' solid and free of weeds, insects, fungus and disease, laid with alternating and abutting joints. All new excavation pits shall be a minimum of 2 times the size of the rootball and planting and must be clean. All trees and shrubs shall be backfilled with a suitable planting soil consisting of 50 percent sand and 50 percent approved compost. (Note: Field observation and soil analysis may require a different soil composition to be provided.) All plant materials shall be planted with a minimum of six to twelve inches of this planting soil around and beneath the root ball. Refer to planting details. Planting beds and planting soil shall be free from weed, tree, sod, or cultivated rock, building materials, stands, wreck, rootless pests and disease.
8. All landscape areas to have a minimum of 2" of planting soil as described in note #6.
9. All trees shall be warranted by the Contractor and will be healthy and in flourishing condition of active growth on year from date of final acceptance.
10. All shrubs, groundcovers, vines and sod shall be fully warranted for 1 year under same condition as above.
11. All synthetic burlap, synthetic string or cords or wire baskets shall be removed before any trees are planted. All synthetic tape shall be removed from trunks, branches, etc. before inspection. The top 1/3 of any natural burlap shall be removed or folded into the planting hole before trees are backed filled. Planting soil to be backfilled into plant pits by washing in.
12. All trees, palms and other plants shall be placed with the top of their root balls no deeper than the final grade surrounding the planting area. Root balls may be planted up to 10% above grade.
13. In areas where paved surfaces abut sod or mulch, the final grade level of both surfaces should be even.
14. All planting shall be installed with fertilizer and/or fertilizer tablets at time of planting.
15. All planting shall be installed in a sound, workmanlike manner and according to good planting procedures. Installation shall include watering, weeding, fertilizing, mulching, selective pruning, and removal of refuse and debris on regular basis so as to present a neat and well kept appearance at all times.
16. All landscape and sod areas shall have an automatic irrigation system installed. Coverage should be 100% overlap to all landscape and sod areas and spray with hardpiping is not permitted. Banked areas and shrub/groundcover beds should be on separate irrigation zones for a more efficient system. Irrigation system shall be installed with a rain/off-device.
17. All landscape shall be installed in compliance with all local codes.
18. The plan shall take precedence over the plant list, should there be any discrepancy between the two.
19. Any plant substitutions must be approved by the City prior to installation.

NOTE: NO WELLINGTON TAPE OR OTHER NON-BIODEGRADABLE MASERIALS SHALL COME INTO CONTACT WITH THE TREE.

SHRUB PLANTING DETAIL

NOTE:
ALL TREES AND PALMS TO BE SET SO THAT ROOTBALLS ARE 10% ABOVE FINAL GRADE.

TREE STAKING DETAIL

NOTE:
ALL STAKING & GUYS SHALL BE REMOVED APPROXIMATELY 9 MONTHS AFTER PLANTING OR AS DIRECTED BY LANDSCAPE ARCHITECT

PALM PLANTING DETAIL

Scale: 1" =20'-00"

North

811 Know what's below. Call before you dig.

PREPARED BY:
Kimberly Moyer, RLA
Landscape Architecture
(954) 492-9609
Lic. No. #LA0000952

PREPARED FOR:
Collado and Partners
Architecture, Planning, Interiors
300 Aragon Ave. 205
Coral Gables, FL 33134
(305) 569-9911

CENTRAL PARK APARTMENTS

6950 SW 40TH STREET, MIAMI, FL 33155

LANDSCAPE PLAN

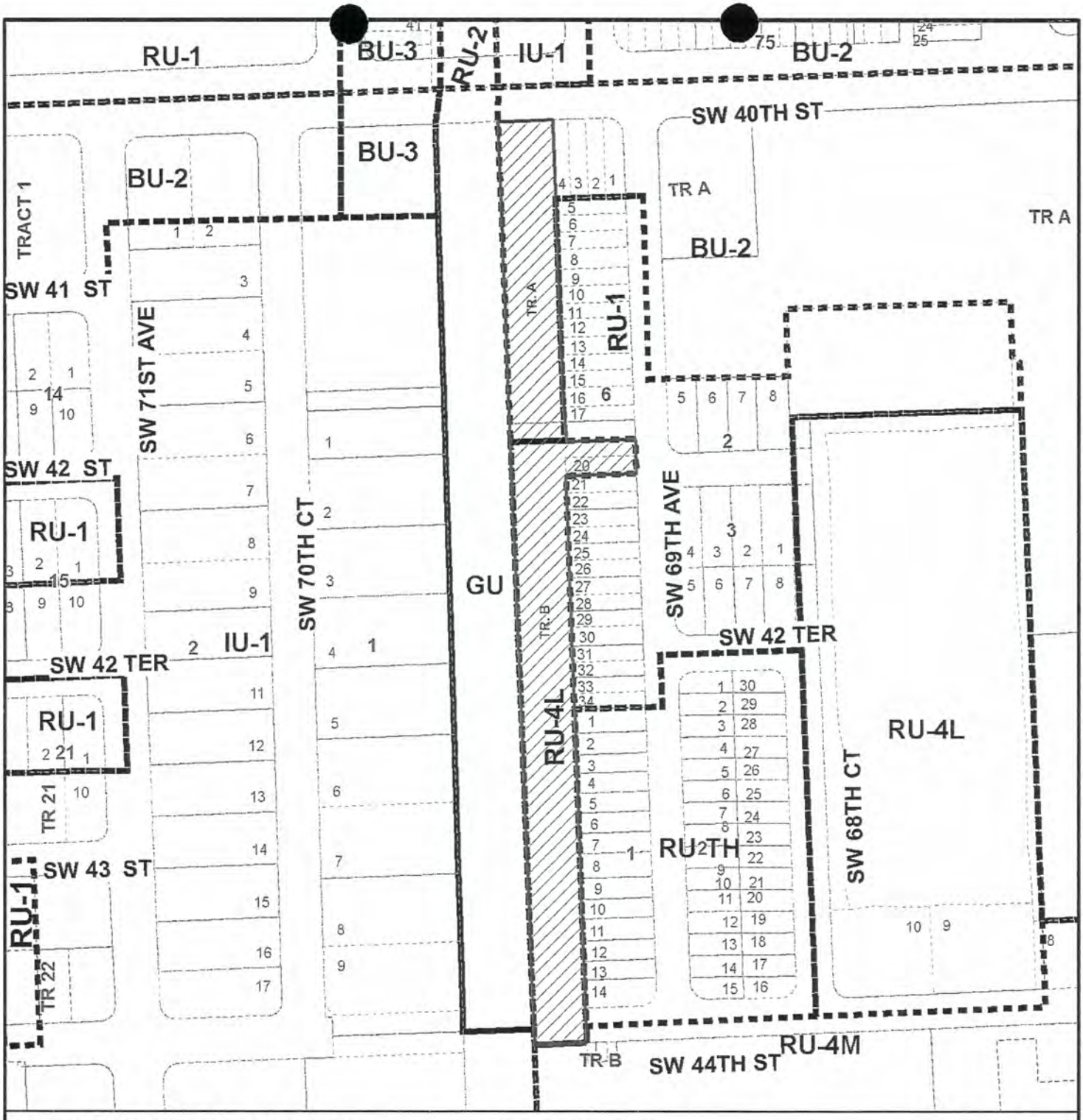
DATE:	MAY 21, 2013
PROJECT NUMBER:	1315
DRAWN BY:	J.B.E.
CHECKED BY:	K.M.
SCALE:	1"=20'-00"

REVISION:	DATE:	BY:
1 Planting Rev.	1-30-2014	K.M.
2	6/9/14	
3		
4		
5		

SHEET NUMBER:

L-2

5 6



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

N
W E
S

Legend

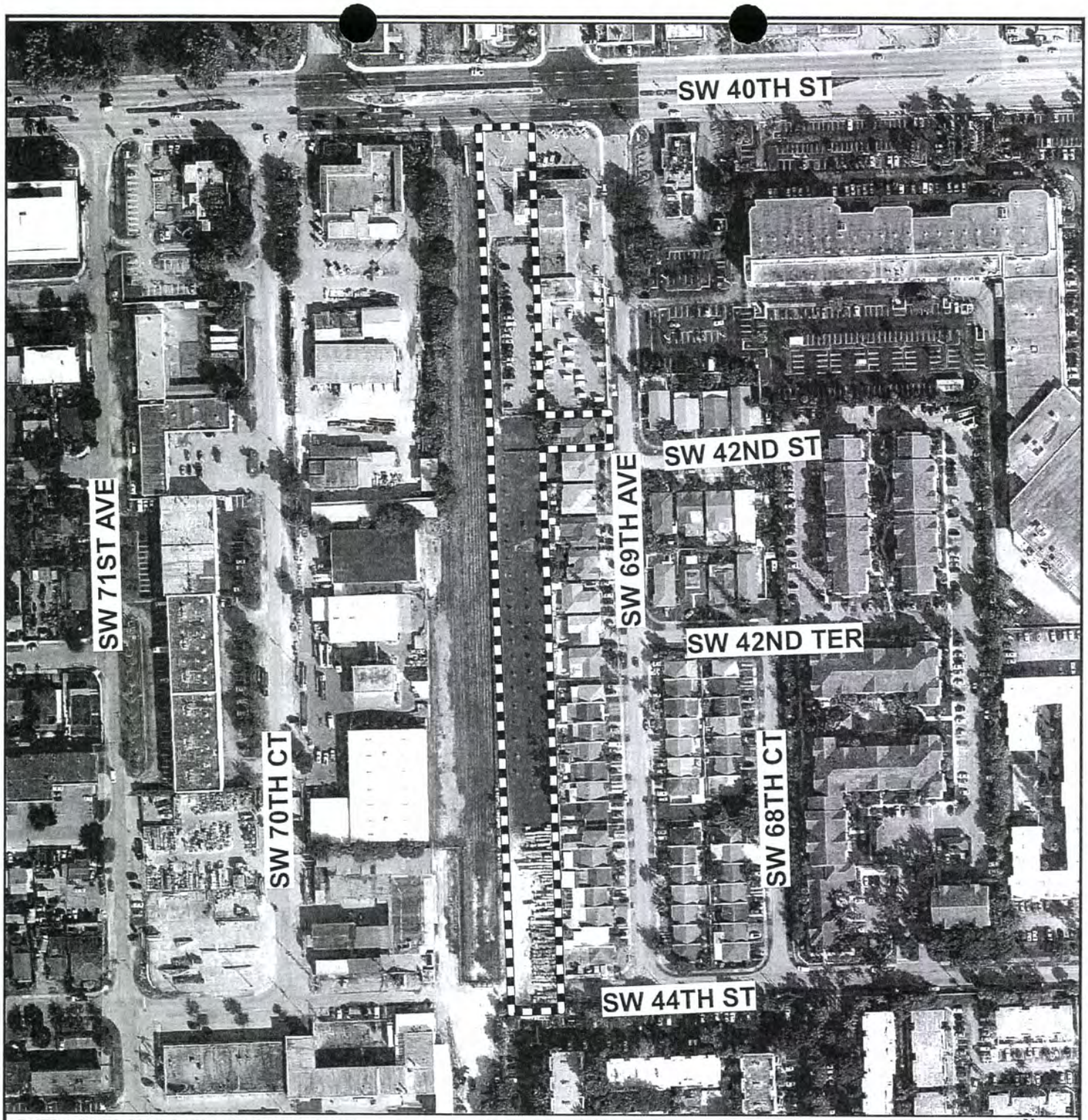
Subject Property Case

Zoning

MIAMI-DADE COUNTY

SKETCH CREATED ON: Wednesday, June 4, 2014

REVISION	DATE	BY
		57



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

N
W E
S

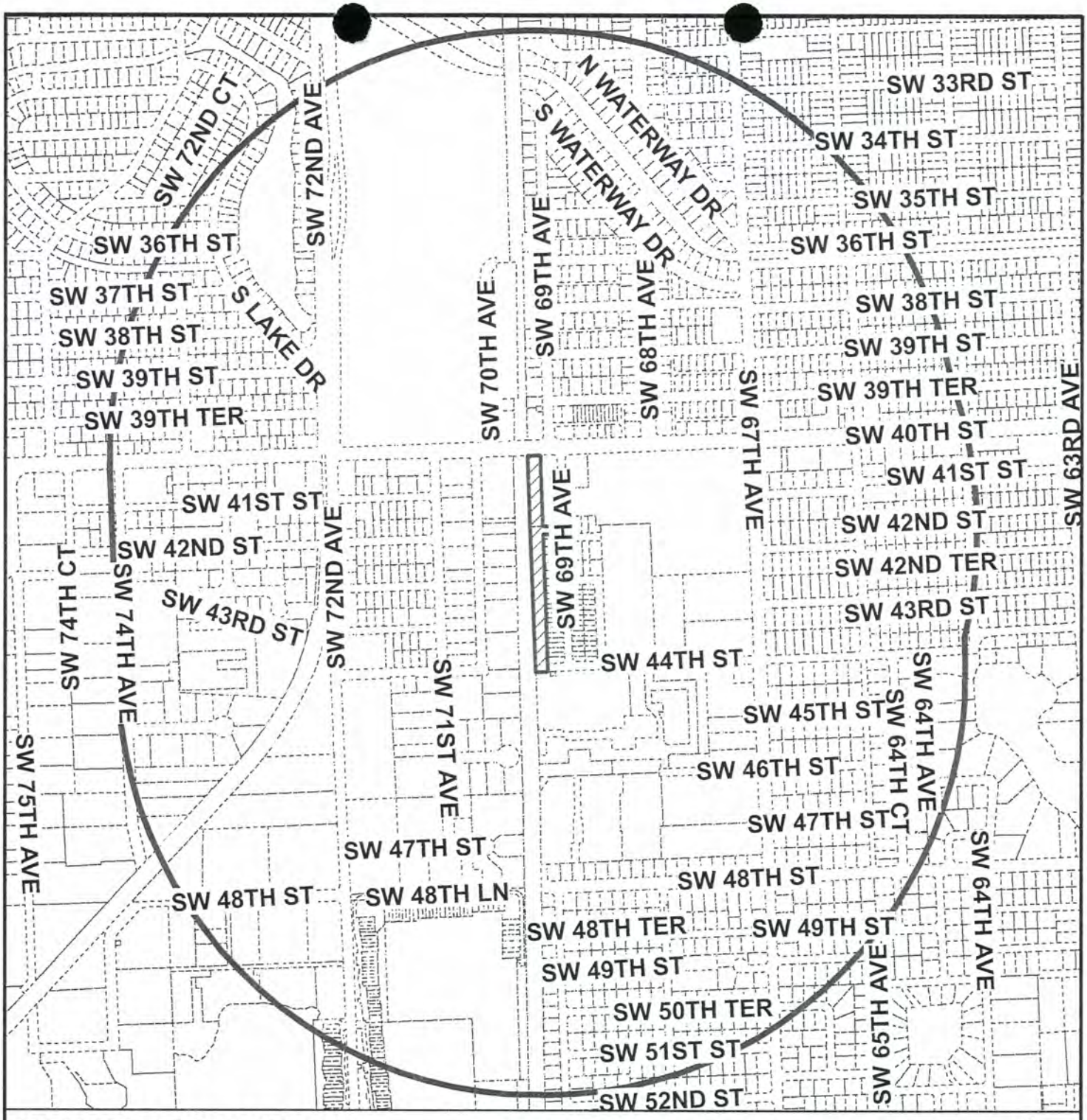
Legend

Subject Property

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, September 12, 2013

REVISION	DATE	BY



MIAMI-DADE COUNTY

RADIUS MAP

Process Number

Z2013000077

RADIUS: 2640

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

N
W E
S

Legend

Subject Property

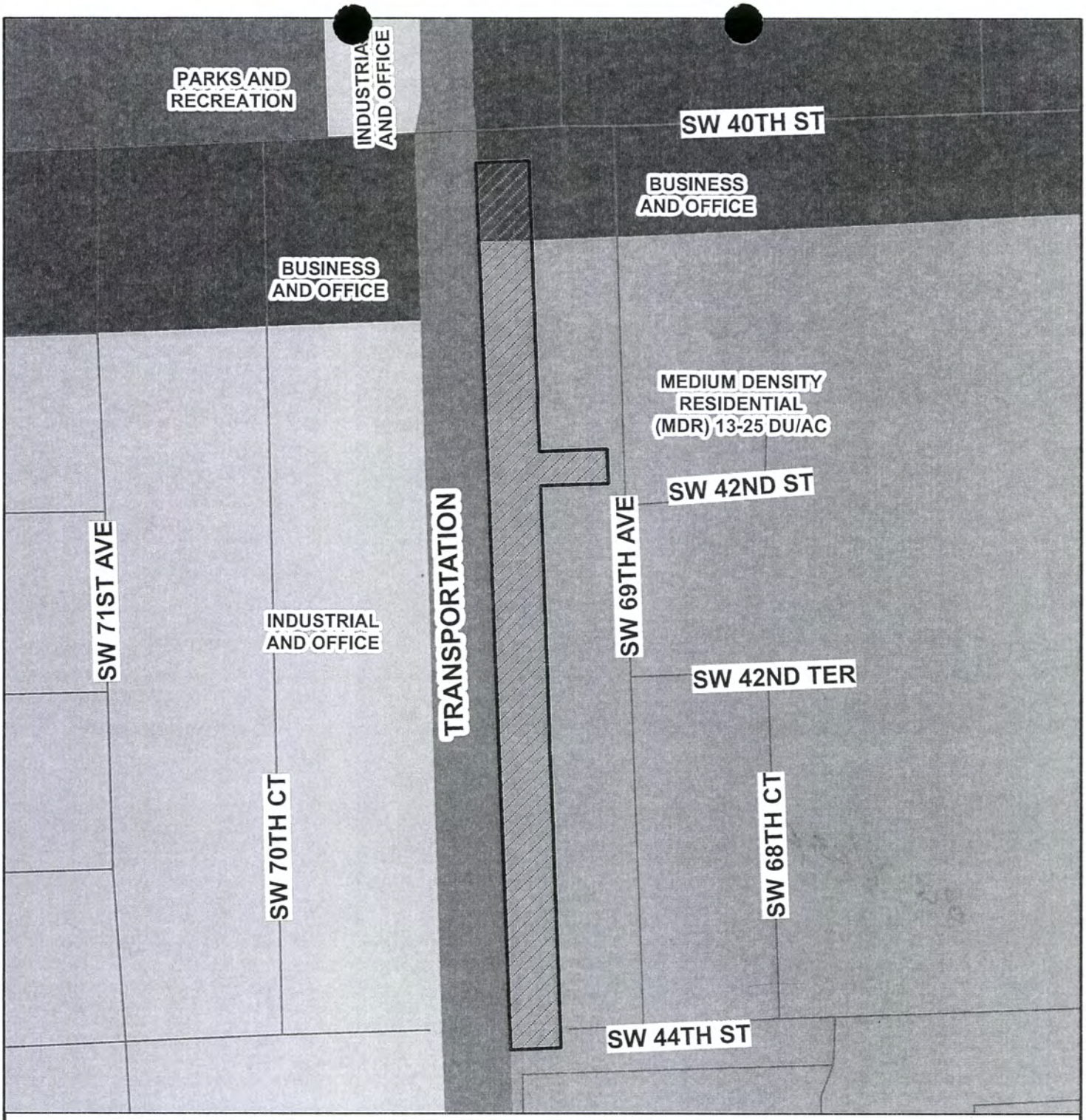
Buffer

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, September 12, 2013

REVISION	DATE	BY

59



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

N
W E
S

Legend

Subject Property Case

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, September 12, 2013

REVISION	DATE	BY

DRAFT

Manuel Menendez Trust
CZAB 12 10/13/15
Z13-077
V. 3 10/6/15

This instrument was prepared by:

Ben Fernandez, Esq.
Bercow Radell & Fernandez, P.A.
200 S. Biscayne Boulevard, Suite 850
Miami, Florida 33131

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner, MANUEL J. MENENDEZ TRUST, holds 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

IN ORDER TO ASSURE the County that the representations made by the Owner during consideration of Public Hearing No. Z2013000077 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

(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 69th Avenue (folio number 30-4023-099-0020) and 4100 SW 69th Avenue (folio number 30-4023-009-0160).

(3) That the Owner will file an application to rezone the single family home located at 4090 SW 69th Avenue (folio number 03-4023-099-0020) and described in Exhibit B, attached hereto, to RU-1 prior to obtaining a certificate of occupancy for any residential development on said parcel referenced in Exhibit A.

(4) That the property will be developed with a maximum of seventy-seven (77) dwelling units.

County Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

Covenant Running with the Land. This Declaration on the part of the Owners shall constitute a covenant running with the land and may be recorded, at Owners' expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owners, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owners, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

Term. This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the then-owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

Modification, Amendment, Release. This Declaration may be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the then-owner(s) of the property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, or the Director as provided by the Miami-Dade County Code of Ordinances. It is provided, however, in the event that the Property is annexed to an existing municipality or the Property is incorporated into a new municipality, any modification, amendment, or release shall not become effective until it is approved by such municipality and is thereafter approved by the Board of County Commissioners, in accordance with applicable procedures.

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

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

Election of Remedies. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

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

Severability. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office

in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owners to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

Owner. The term Owners shall include the Owners, and its heirs, successors and assigns.

[Execution Pages Follow]

ACKNOWLEDGMENT
TRUSTEE

Signed, witnessed, executed and acknowledged on this _____ day of _____ _____, 2015.

WITNESSES:

_____
Signature

_____
Print Name

_____
Signature

_____
Print Name

_____
Trustee Signature

_____
Print Name
Address:
_____
_____
_____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by _____ _____, Trustee, to me personally known or produced _____ _____, as identification and who acknowledged the foregoing instrument for the purposes herein contained, and acknowledged that they were authorized under the trust to execute said instrument on behalf of the beneficiaries of the trust.

Witness my signature and official seal this _____ day of _____, 2015, in the County and State aforesaid.

☐ did take an oath
☐ did not take an oath

My Commission expires:

_____
Notary Public

_____
Print Name

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.

Miami-Dade County
Department of Regulatory and Economic Resources

PHOTOGRAPH OF SIGN POSTED FOR ZONING HEARING

HEARING NUMBER: Z2013000077

BOARD: C12

LOCATION OF SIGN: 6950 SW 40 ST, MIAMI-DADE COUNTY, FLORIDA.

Miami Dade County, Florida

Date of Posting: 21-SEP-15

This is to certify that the above photograph is true and correct and that the sign concerning a Zoning Hearing application was posted as indicated above.

SIGNATURE: _____

PRINT NAME: FELIX ACOSTA

MIAMI-DADE COUNTY

Miami-Dade County
Department of Regulatory and Economic Resources

PHOTOGRAPH OF SIGN POSTED FOR ZONING HEARING

HEARING NUMBER: Z2013000077

BOARD: C12

LOCATION OF SIGN: 6950 SW 40 ST, MIAMI-DADE COUNTY, FLORIDA.

Miami Dade County, Florida

Date of Posting: 21-SEP-15

This is to certify that the above photograph is true and correct and that the sign concerning a Zoning Hearing application was posted as indicated above.

SIGNATURE: _____

PRINT NAME: FELIX ACOSTA

HEARING NO. 14-7-CZ12-1 (13-77)

23-54-40
Council Area 12
Comm. Dist. 7

APPLICANT: MANUEL J. MENENDEZ TRUST

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.

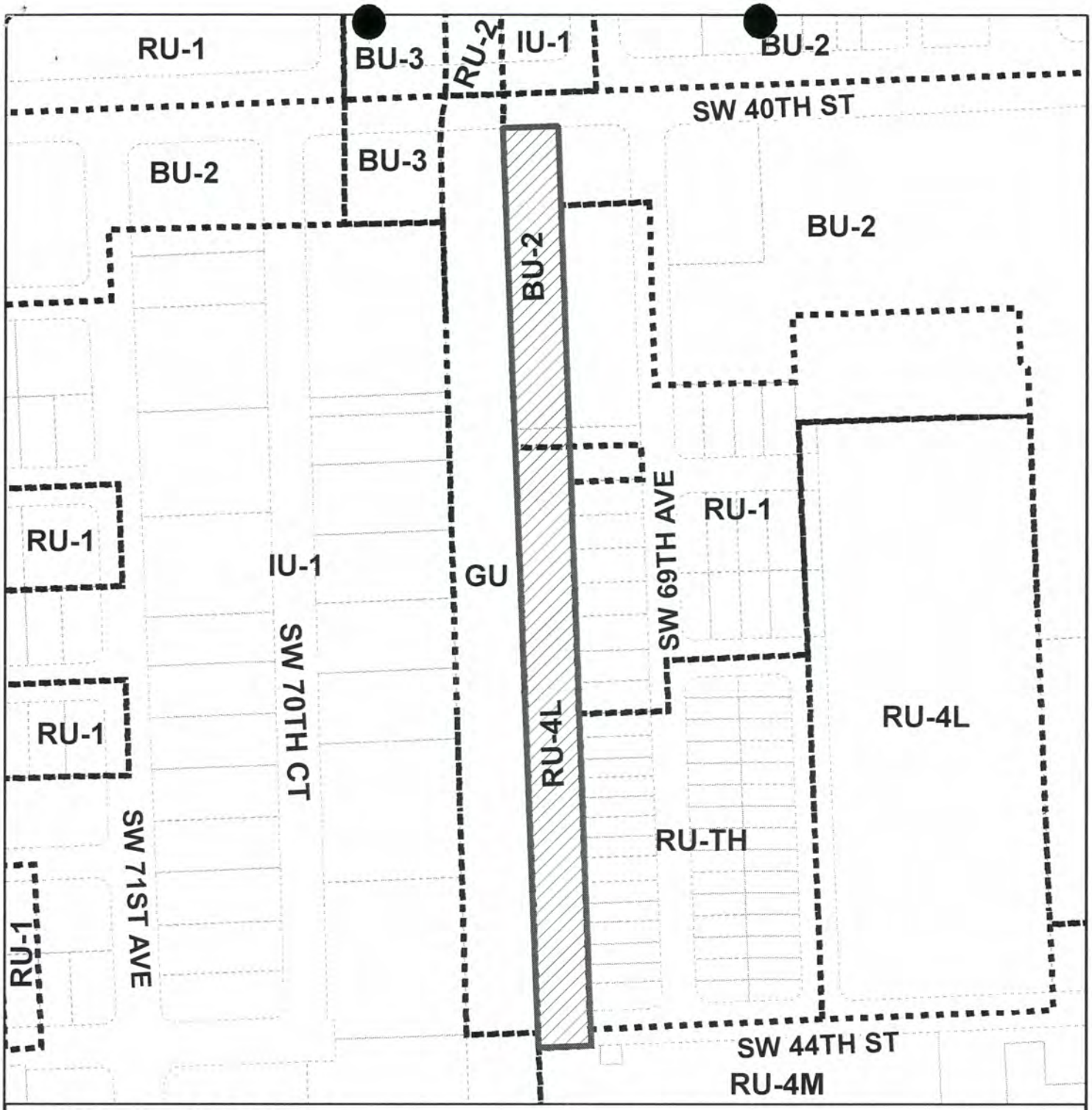
SIZE OF PROPERTY: 2.8 +/- Acres

CONTINUED ON PAGE TWO

HEARING NO. 14-7-CZ12-1 (13-77)

APPLICANT: MANUEL J. MENENDEZ TRUST

BU-2 (Business-Special District)
RU-4L (Limited Apt. House 23 units/net acre)
RU-4M (Modified Apt. House 35.9 units/net acre)



MIAMI-DADE COUNTY

HEARING MAP

Process Number

Z2013000077

Legend

Subject Property Case

Zoning

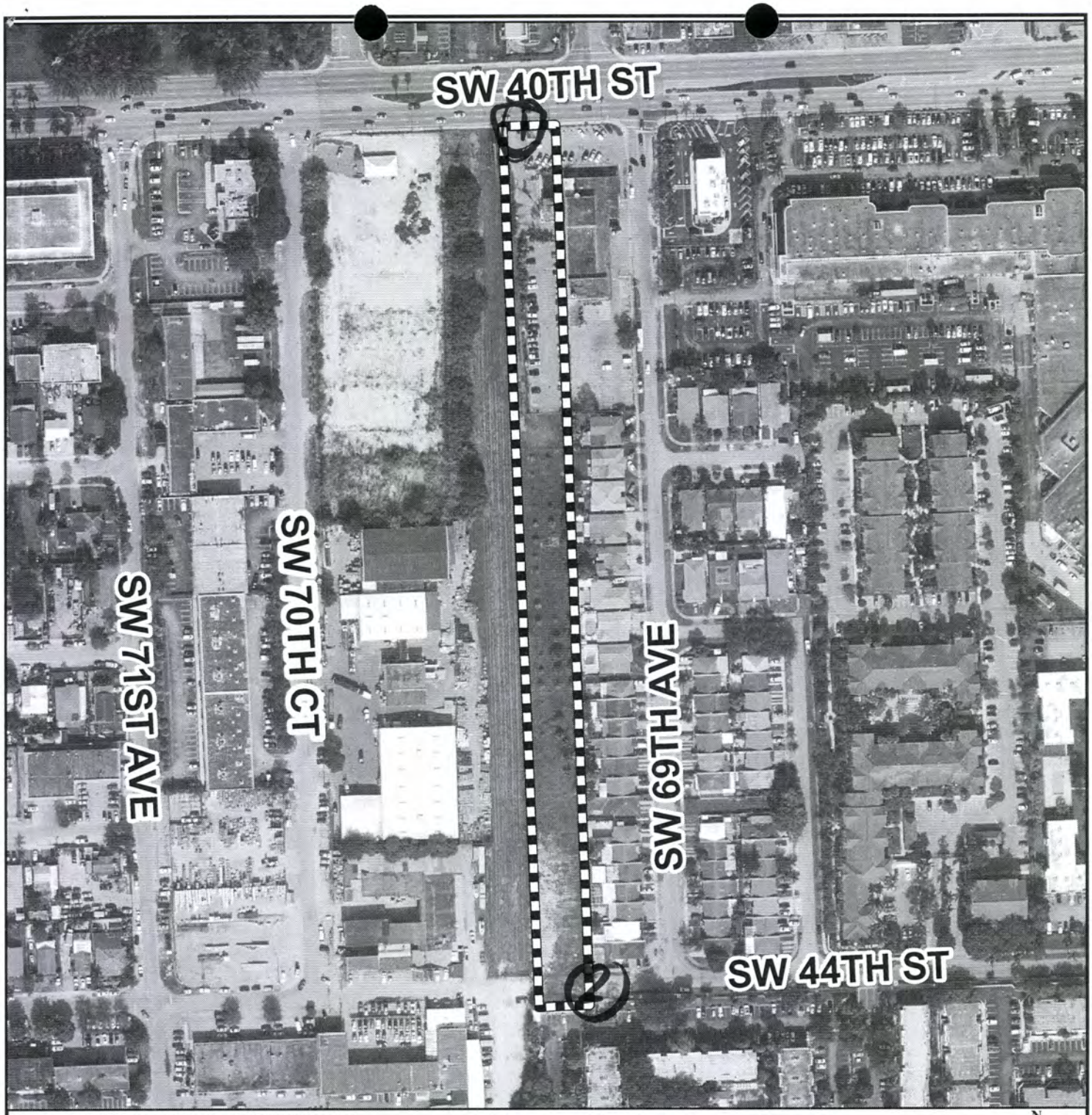
N W E S

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

MIAMI-DADE COUNTY

SKETCH CREATED ON: Friday, July 31, 2015

REVISION	DATE	BY



MIAMI-DADE COUNTY
AERIAL YEAR 2014

Process Number
Z2013000077

Legend
Subject Property

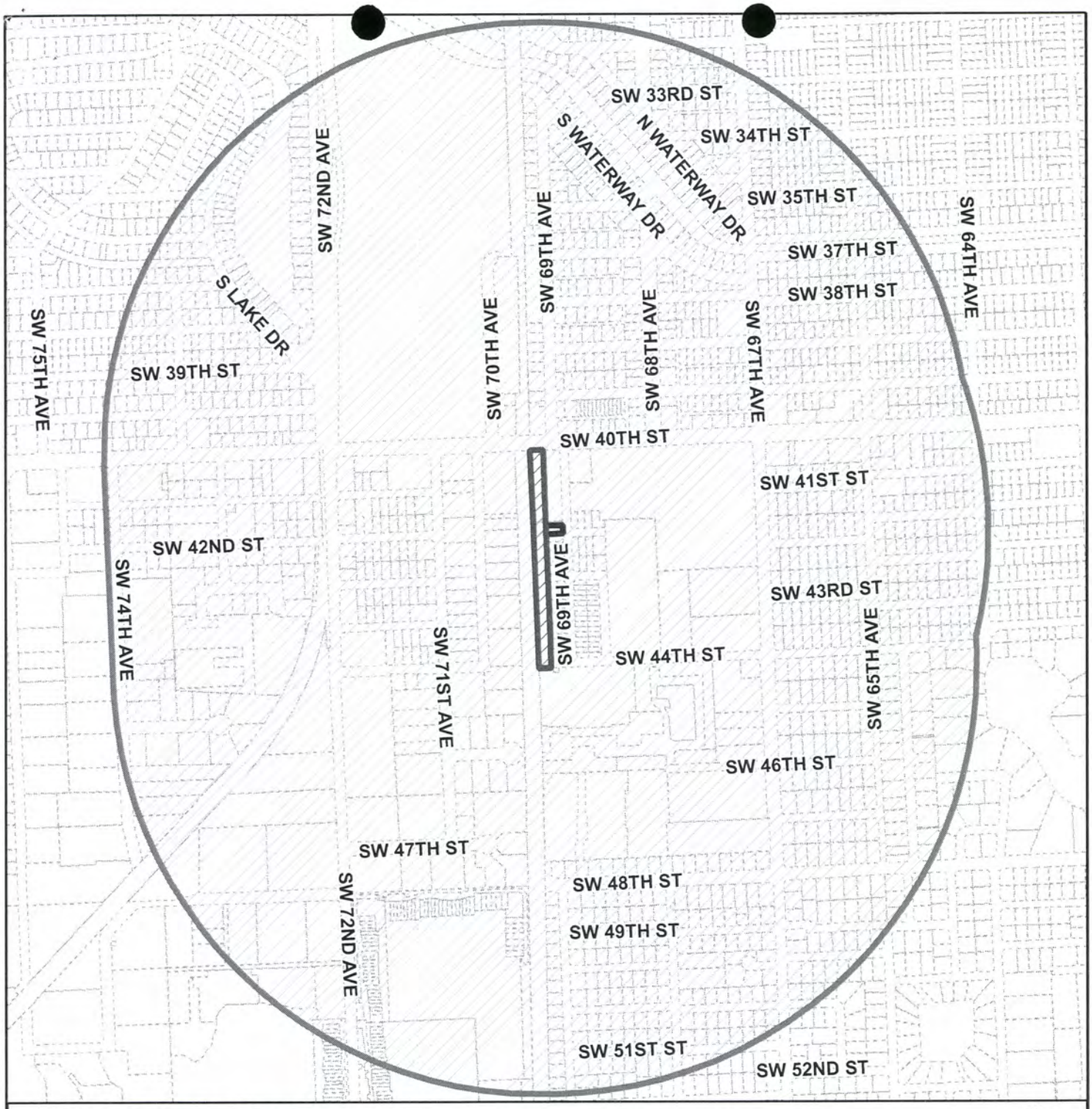
N
W E
S

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

MIAMI-DADE COUNTY

SKETCH CREATED ON: Friday, July 31, 2015

REVISION	DATE	BY



MIAMI-DADE COUNTY

RADIUS MAP

Process Number

Z2013000077

RADIUS: 2640

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

Legend

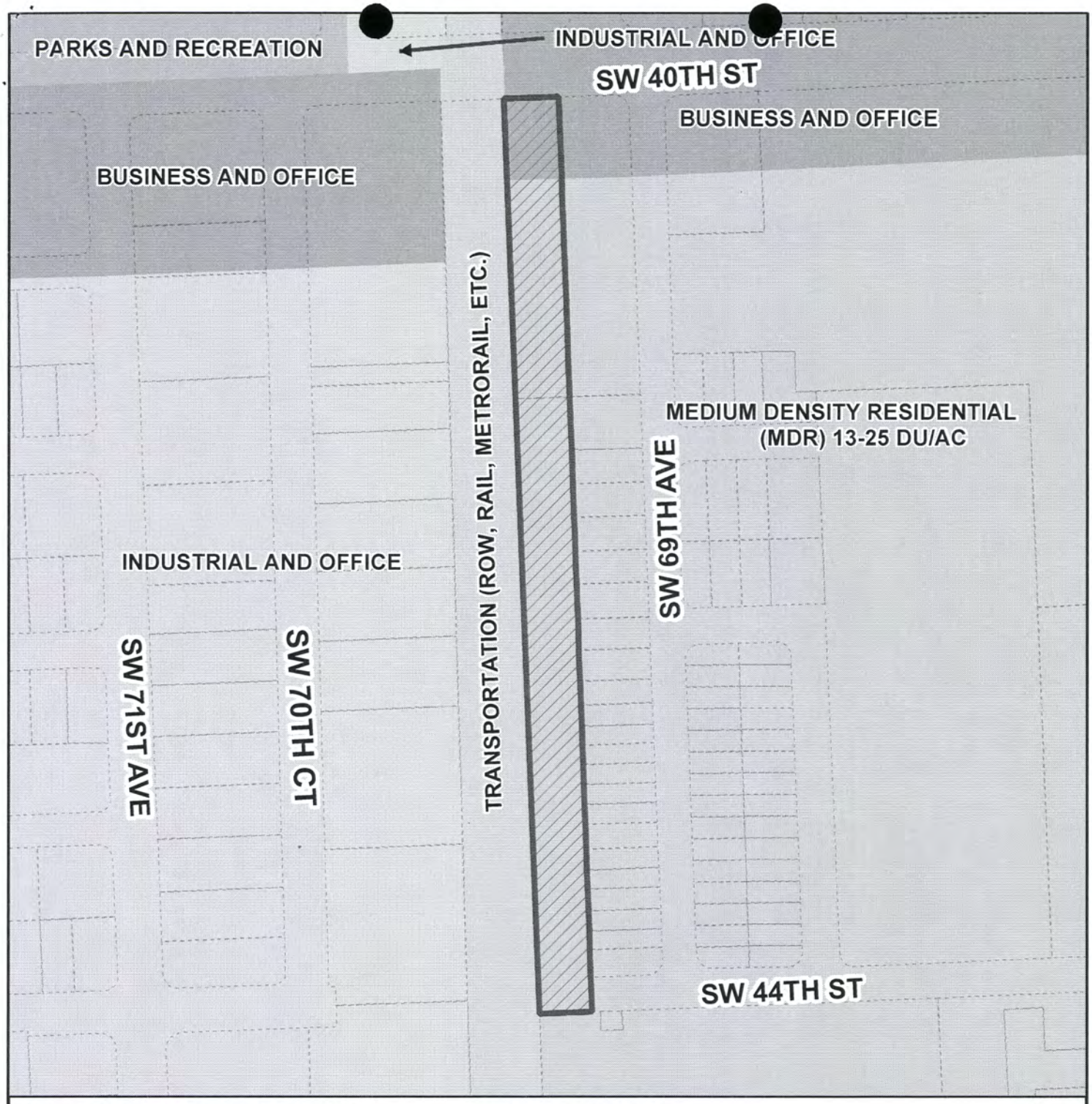
- Subject Property
- Contiguous Properties
- Buffer
- Property Boundaries

N W E S

MIAMI-DADE COUNTY

SKETCH CREATED ON: Friday, July 31, 2015

REVISION	DATE	BY



MIAMI-DADE COUNTY

CDMP MAP

Process Number

Z2013000077

Legend

Subject Property Case

N
W E
S

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

MIAMI-DADE COUNTY

SKETCH CREATED ON: Friday, July 31, 2015

REVISION	DATE	BY

Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to the Board of County Commissioners

PH: Z13-077(14-7-CZ12-1) **April 23, 2015**
Item No. B

Appeal Application Summary	
Commission District	7
Applicant	Manuel J. Menendez Trust.
Summary of Requests	The applicant is seeking to permit a 78-unit multi-family residential and commercial development on a commercial and residentially zoned site. Additionally, the applicant seeks to waive the requirement for a wall between the residential and commercial zoned portions of the dual zoned subject property as well as variances to the setback and landscape requirements.
Location	6950 SW 40 Street, Miami, Florida.
Property Size	2.92 acres
Existing Zoning	RU-4L, Limited Apartment House District, BU-2, Special Business District
Existing Land Use	Commercial Buildings
2020-2030 CDMP Land Use Designation	Business and Office/Medium Density Residential, 13 - 25 dua *(see attached Zoning Recommendation Addendum)*
Comprehensive Plan Consistency	Consistent with the LUP map, and the interpretative text and policies of the CDMP

This item was deferred from the March 19, 2015, meeting of the Board of County Commissioners (BCC) due to a lack of quorum.

CZAB Action

CZAB 12 **January 6, 2015**	**Denial without prejudice**

Staff Recommendation

Recommendation of the Appeal	**Approval** **(Overrule CZAB decision – requires a 2/3 vote of the BCC of the members present).**
Previous Recommendation to the CZAB	**Approval** **(Original Staff Recommendation to the CZAB is attached)**

Timeline

1. On January 6, 2015, the Community Zoning Appeals Board (CZAB) #12, denied without prejudice the subject application.

2. On January 20, 2015, the appellant, Manuel Menendez Trust, appealed the CZAB #12 decision to the BCC.

Analysis

For the reasons outlined in the Comprehensive Development Master Plan and Zoning analysis of the attached staff recommendation, staff opines that the appellants' request for a reversal of the CZAB #12 decision should be **approved**.

Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to the Board of County Commissioners

PH: Z13-077(14-7-CZ12-1) **April 23, 2015**
Item No. B

Recommendation Summary	
Commission District	7
Applicant	Manuel J. Menendez Trust
Summary of Requests	The applicant is seeking to permit a 78-unit multi-family residential and commercial development on a commercial and residentially zoned site. Additionally, the applicant seeks to waive the requirement for a wall between the residential and commercial zoned portions of the dual zoned subject property as well as variances to the setback and landscape requirements.
Location	6950 SW 40 Street, Miami-Dade County, Florida.
Property Size	2.92 acres
Existing Zoning	RU-4L, Limited Apartment House District, BU-2, Special Business District
Existing Land Use	Commercial building
2020-2030 CDMP Land Use Designation	Business and Office/Medium Density Residential, 13 - 25 dua *(see attached Zoning Recommendation Addendum)*
Comprehensive Plan Consistency	Consistent with the LUP map, and the interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311 District Boundary Change Section 33-311(A)(3), Special Exception, Unusual use and New Uses, Section 33-311(A)(4)(b), Non-Use Variance standards, Section 33-311(A)(7), Generalized Modification Standards *(see attached Zoning Recommendation Addendum)*
Recommendation	**Approval with conditions of request #1, subject to the acceptance of the covenant, and approval with conditions of requests #2 through #9.**

REQUESTS:

REQUESTS #1 - #3 ON TRACT "B"

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

(2) Deletion of Declaration of Restrictions recorded in Official Records Book 24126, pages 0768-0772.

(3) Deletion of Declaration of Restrictions recorded in Official Records Book 26198, pages 4915 - 4919.

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

REQUEST #4 ON TRACT "A"

(4) SPECIAL EXCEPTION to permit residential use in the BU-2 zoning district.

REQUESTS #5 - #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 multi-family residential building setback a minimum of 2' (20' required) from the interior side (west) property line.

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

(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.

(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.

PROJECT DESCRIPTION AND PROJECT HISTORY:

This application seeks approval of requests to rezone the southern portion of the subject property and to permit a residential development on the commercially zoned, northern portion of the parcel in order to permit a mixed use multi-family residential and commercial development. Said requests are contingent on the approval of requests to delete prior declarations of restrictions that pertained to a previously approved townhome development on a portion of the subject property. Along with said requests, the applicant also seeks to permit the proposed development with ancillary non-use variances to the setback and landscape regulations.

The applicant seeks to rezone the southern 2.057-acres of the approximately 2.92-acre subject property from RU-4L, Limited Apartment House District, to RU-4M, Modified Apartment House District, and to delete the prior declarations of restrictions. This will permit the applicant to develop the subject parcel with 78 multi-family residential units and 1,050 sq. ft. of commercial space.

The subject property is narrow strip of land, approximately 2.92-acres in size abutting Bird Road (SW 40 Street), which is a section line roadway. The property is approximately 1,320' in length and approximately 100' wide and consists of two (2) separate zoning districts. The northern, approximately 0.87-acres' of the subject property is zoned BU-2, Special Business District and the remaining approximately 2.105-acres' to the south is currently zoned RU-4L.

In addition, the northern approximately 120' of the BU-2 portion of the property is designated on the Comprehensive Development Master Plan (CDMP) Future Land Use Plan (LUP) map for Business and Office uses. The remaining 1,200' southern portion of the property is designated Medium Density Residential on the CDMP LUP map.

Staff's research of the Department's zoning maps, indicate that the northern 120' of the subject property has been zoned BU-2 from as far back as 1948. Pursuant to Resolution #CZAB12-30-05 and Resolution #CZAB12-35-05, the existing RU-4L zoning district was approved on the on the remaining southern portion of the parcel. The RU-4L zoning district allows development at 23 residential units per acre, which would have allowed the development of the approximately 2.22 acre residential portion of the parcel with 52 residential units. However, the approval of the RU-4L portion of the property was approved subject to the acceptance of a covenant proffered by the applicant that restricted the development of the site to a site plan showing 26 residential units, along with other restrictions. Said covenant was subsequently modified pursuant to Resolution #CZAB12-37-06, to correct an error in the legal description of the residential parcel. The plan approved pursuant to Resolution #CZAB12-35-05, indicated a three (3) story townhome development with parking on the ground level. Additionally, said plans showed the development with two (2) ingress/egress drives for the residential development. One of the drives was located to the south from SW 44 Street and the other drive to the north, was located approximately in the area of SW 42 Street. No development was shown on the BU-2 portion of the subject site.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	**Land Use Designation**
Subject Property	RU-4L/BU-2:commercial building	Medium Density Residential (13-25 dua)/ Business and Office
North	IU-1: carwash	Business and Office
South	RU-4M; apartment buildings	Medium Density Residential (13-25 dua)
East	BU-2; post office RU-1/RU-TH: single-family residences and townhouses	Business and Office/Medium Density Residential (13-25 dua)
West	GU; railway easement	Transportation

NEIGHBORHOOD COMPATIBILITY:

The 2.92-acre subject property is a mostly vacant parcel located along Bird Road (SW 40 Street), which is designated as a Major Roadway on the CDMP Future LUP map. The property abuts residential uses to the south and east. However, to the north and west of the subject property are commercial and industrial uses.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to provide the community with additional housing. However, the proposed nine (9)-story development could have a visual impact on the surrounding area and create additional impacts on traffic, schools and other community resources in the area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

Staff notes that approximately northern approximately 120' of Tract "A" of the subject property, approximately 0.223-acres, is designated **Business and Office** on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. The Business and Office category *accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, entertainment and cultural facilities, amusements and commercial recreation.*

In addition, the CDMP Land Use Element interpretative text for Business and Office states that, *residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity.* When the above conditions are met, *residential development may be authorized to occur in the Business and Office category at a density up to one category higher than the LUP designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development or zoning if the adjacent or adjoining land is undeveloped whichever is higher.* The remaining southern portion of the subject property is designated **Medium Density Residential** on the CDMP LUP map, which allows a range in density of 13 to 25 dwelling units per gross acre. *The types of housing structures typically permitted in this category include townhouses and low-rise and medium-rise apartments.* Therefore, subject to the conditions outlined in the CDMP Land Use Element interpretative text for areas designated Business and Office, the 0.223-acre Business and Office designated portion of the subject property could be developed under the designation of **Medium-High Density Residential** at 25 to 60 dwelling units per acre. **This would allow the applicant to develop the approximately 0.223-acre Business and Office designated portion of the property with a maximum of thirteen (13) residential units.**

The remaining southern portion of Tract "A", which is approximately 0.64-acres in size, and Tract "B" of the subject property, which is 2.057-acres, for a total of 2.69-acres, are designated **Medium Density Residential** use on the CDMP Land Use Plan map. **Therefore, based on the density threshold allowed in this land use category, this portion of the subject property could be developed with a maximum of 67 residential units.**

The CDMP Land Use Element interpretative text for Residential Communities states that where a parcel or group of contiguous parcels under a single ownership or legally unified development has two different LUP map residential designations, the number of units permitted under one designation may be averaged with the number of units permitted under the other and developed at varying densities providing that the total number of units built on such property does not exceed the total number permitted under the two designations. **Based on the aforementioned analysis, the applicant would be able to develop the 2.92-acre parcel with a unified development that has two (2) different LUP map designations, with a combined total of 80 residential units**.

The applicant seeks to rezone the southern approximately 2.057-acres of the subject property to RU-4M, Modified Apartment House District. The RU-4M zoning district allows development at a

maximum of 35.9 units per acre. However, the applicant has proffered a covenant that will restrict the development of the entire subject property to a maximum of 78 residential units. This would allow for the development of Tract "B" within the density threshold allowed under the Medium Density designation on the CDMP Plan map. Therefore, staff opines that the proposed development of the subject property, as restricted by the proffered covenant to a maximum of 78 residential units is within the density threshold allowed in areas designated Business and Office and Medium Density Residential on the CDMP LUP map.

Further, staff notes that the CDMP Land Use Element interpretative text for Business and Office states that, *residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity.* The CDMP Land Use Element, **Policy LU-4A** states that when evaluating compatibility among proximate land uses, the County shall consider such factors as height, bulk and scale of architectural elements and parking among other things. For the reasons that will be further explained in the zoning analysis, staff opines that the proposed nine (9)-story, 78-unit residential development satisfies the criteria for compatibility set forth in the CDMP Land Use Element, **Policy LU-4A**.

Therefore, staff opines, that subject to the acceptance of the proffered covenant, approval of the application would be **consistent** with the CDMP Land Use Element interpretative text concerning density averaging for residential uses and the density threshold permitted in areas designated for **Business and Office** and **Medium Density Residential** uses on the CDMP Land Use Plan (LUP) map and would satisfy the criteria for compatibility outlined in the CDMP Land Use Element, **Policy LU-4A**.

ZONING ANALYSIS:

The subject property is a 2.92-acre parcel, of which, the northern 0.863 acre portion, identified as Tract "A" on the submitted plans is currently zoned BU-2. The remaining southern portion of the subject property, approximately 2.057 acres in size, Tract "B", is currently zoned RU-4L. For reasons that were previously outlined in the CDMP analysis, the applicant is now seeking approval of a district boundary change from RU-4L to RU-4M District (request #1) on Tract "B" of the subject property under Section 33-311(District Boundary Change), along with requests to delete prior declarations of restrictions on said tract (requests #2 and #3), under Section 33-311(A)(7), Generalized Modification Standards.

As previously noted, Tract "B" of the subject property was rezoned to RU-4L, which permitted the development of the residential portion of the parcel at a maximum of 23 units per acre, which would allow the development of the parcel with a maximum of 47 residential units. However, the applicant, at that time proffered a covenant restricting the development to 26 residential units. The proposed RU-4M zoning district allows development at a maximum of 35.9 residential units per acre, which could allow the applicant to develop the aforementioned 2.057 acre residentially zoned portion of the parcel with a maximum of 73 residential units. In addition, the northern 0.863 acre, BU-2 zoned portion of the site that is designated Business and Office and Medium Density Residential on the CDMP LUP map, could be developed with a maximum of 29 residential units. Therefore, if the proposed RU-4M zoning district is approved, the applicant would be able to develop the entire subject property with a maximum of 102 residential

units. However, the applicant has proffered a covenant that will restrict the development of the entire subject property to a maximum of 78 residential units. This would allow for the development of Tract "B" within the density threshold allowed under the Medium Density designation on the CDMP Plan map.

With the aforementioned requests (requests #1- #3), the applicant also seeks approval of a request to permit a multifamily residential development on the commercially zoned portion of the subject parcel, Tract A (request #4), under Section 33-311(A(3), Special Exception, Unusual use and New Uses. This will allow the applicant to develop the entire subject property as a unified multi-family residential development.

Staff opines that based on memoranda submitted by the various Departments reviewing the application, approval of requests #1 through #4 will not have an unfavorable economic impact on Miami-Dade County and will not unduly burden water, sewer, solid waste disposal, or other necessary public facilities. Staff notes that the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) does not object to the application and indicated in its memorandum that the application meets traffic concurrency since it lies within the Urban Infill Area (UIA) where traffic concurrency does not apply. As such, staff opines that the approval of the application, including requests #1 through #4 to rezone a portion of the parcel and to delete prior declarations of restrictions in order to permit a residential development on both a commercial and residentially zoned parcel would efficiently use the roads, streets and highways which have been constructed, planned or budgeted for in this area and further, would not result in excessive traffic.

Similarly, the memorandum from the Division of Environmental Resources Management (DERM) of the Department of Regulatory and Economic Resources (RER) indicates that the approval of the aforementioned requests will not have an unfavorable impact on the environmental resources of the County. The DERM memorandum states that a concurrency review has been conducted for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Additionally, staff notes that the Miami-Dade Fire Rescue Department (MDFRD) does not object to the application. Therefore, based on the aforementioned memoranda and memoranda from the other departments that reviewed the application among which were the Miami-Dade County's Parks Recreation and Open Spaces (PROS), staff opines that approval of this application will not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction. Further, staff opines that approval of the requests, which will allow the multi-family development, will not tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area.

The submitted plan depicts the proposed nine (9)-story building with 78 residential units and 1,050 sq. ft. of commercial space on the commercial and residentially zoned parcel. The linear shaped building is depicted on the northern portion of the subject property, Tract A, that is currently zoned BU-2, which is the subject of request #4. However, staff opines that the elevations submitted by the applicant indicate that the linear shaped building is designed with a gradual step design, with the highest point, approximately 100' high, abutting the SW 40 Street

frontage of the property located to the north. The building height is gradually reduced towards the south, to a maximum height of approximately 59', closer to the area where the property abuts a townhouse development located to the east. Along the east and west property lines of Tract "B", the submitted plans indicate a continuous row of trees and to the south, the trees taper off into a small green area with trees and a walking path, where the property abuts a multi-family residential development to the south. Staff opines that said trees provide an adequate visual buffer that will mitigate the negative visual impact of the proposed development on the single-story residential uses to the east. Further, contingent on the approval of the request to permit the residential development in the BU-2 district, the applicant is also seeking ancillary non-use variances, among which are variances that will permit structures encroaching into the interior side (west) setback areas (request #6 and #7). Staff is supportive of these requests since it will allow the applicant to site the buildings away from the less intensive town houses to the east and thereby, will mitigate the visual impact of the more intensive development on same. Additionally, the submitted plans indicate that the project complies with the FAR, open space, lot coverage and complies with the numerical parking requirements. Further, staff notes that the subject property abuts Bird Road (SW 40 Street), which is a well-travelled, east/west section line roadway and is approximately 0.6 miles east of the Palmetto Expressway (SR 826).

As such, based on the foregoing analysis and the memoranda from the Departments concerned, staff opines that the approval of the request to rezone a portion of the subject property (request #1) along with the requests to delete two (2) previous declarations of restrictions that tied the property to previously approved plans (requests #2 and #3), in order to permit a proposed residential and commercial development on the commercial and residentially zoned parcel, will be **compatible** with the area and **consistent** with the CDMP. Further, staff opines that approval of said requests will not have an unfavorable impact on the economy of the County and would not have an unfavorable impact on the environmental and natural resources or create an unnecessary burden on the water, sewer, solid waste or recreational resources among others which have been constructed, planned or budgeted for. **Therefore, subject to the Board's acceptance of the proffered covenant, staff recommends approval of request #1 under Section 33-311, District Boundary Change, approval with conditions of requests #2 and #3, under Section 33-311(A)(7), Generalized Modification Standards; and approval with conditions of request #4, under Section 33-311(A(3), Special Exception, Unusual use and New Uses**.

The applicant also seeks approval of ancillary Non-Use Variance requests to permit the development with one-way drives below the minimum width requirement (request #5), to permit the proposed residential building and an accessory structure encroaching into the interior side (west) setback areas (requests #6 and #7, respectively), to waive the required dissimilar land use buffer including a wall, along portions of the property lines (request #8) and the required 5' high masonry wall interior to the site where a BU zoned property abuts RU, EU or GU zoned property (request #9).

When the aforementioned requests (requests #5 through #9) are analyzed under section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations, staff opines that approval of said requests would maintain the basic intent and purpose of the zoning and subdivision regulations and would not affect the stability and appearance of the community. Further, based on the analysis below, staff opines that approval of the aforementioned requests would be **compatible** with the surrounding residential and commercial uses in the area.

Staff opines that approval of the applicant's request to permit one-way drives a minimum of 10' wide within the subject property (request #5) would not affect the character of the development and would not have an impact on the movement of vehicular traffic within the subject property. Staff notes that the Platting and Traffic Review Section of RER does not object to this request. Therefore, staff opines that approval would not have a negative impact on the abutting roadways or create any hazard within the subject property. For reasons that were previously explained, staff opines that the encroachment of the proposed residential building and the accessory structure, which are the subjects of requests #6 and #7 into the interior side (west) setback area, ensures a degree of sensitivity towards the less intensive town house residential development located to the east. Along with the location of the multi-family building on the northern portion of the parcel, Tract "A", and the abundant landscaping being provided along the east and west property lines of the southern tract, Tract "B", staff opines that the encroachment of the buildings into the interior side (west) setback areas, further mitigates the visual impact of the proposed development on the residences to the east.

Further, staff opines that although the submitted plans indicate that the applicant has not met the dissimilar use landscape buffer requirement along portions of the east and west property lines (request #8), the landscaping provided mitigates the visual impact of the development on the surrounding areas. Said plans indicate a continuous row of trees and hedge in conjunction with an existing wall and wood fence along the portions of the interior side (east) property line that abut the less intensive residential development to the east. Further, as previously opined, staff is supportive of the submitted plans, which depict the most intensive portion of the development, the nine-story building, on the north portion of the property, which abuts the existing post office use to the east and the vacant rail easement to the west. In addition, staff is supportive of the applicant's request to waive the decorative wall between the business and residential portions of the subject property (request #9). Staff opines that the required wall would disrupt the cohesiveness of the project and adversely affect the appearance of the development. **Staff therefore, recommends approval with conditions of requests #5 through #7 and #9, and approval with conditions of request #8, under Section 33-311(A)(4)(b), the Non-Use Variance Standards**.

ACCESS, CIRCULATION AND PARKING: The submitted plans indicate a main ingress/egress points along Bird Road to the north and SW 69 Avenue to the east. Additionally, the plans indicate that there will be adequate parking within the proposed development in both parking lots and surface parking areas for both the residents and visitors.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

Approval of request #1, subject to the Board's acceptance of the proffered covenant, and approval with conditions of requests #2 through # #9.

CONDITIONS FOR APPROVAL (For requests #2 through #9 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 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.

3. That the applicant shall install all the required landscaping along the property lines prior to obtaining a Certificate of Occupancy.

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.

ES:MW::NN:JV:CH

Eric Silva, AICP, Senior Division Chief
Development Services Division
Miami-Dade County
Department of Regulatory and Economic Resources

B. MANUEL J. MENENDEZ TRUST
(Applicant)

14-7-CZ12-1 (13-077)
Area 12/District 07
Hearing Date: 04/23/15

Property Owner (if different from applicant) **Same.**

Is there an option to purchase ☐ /lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☑

If so, who are the interested parties?

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1989	United States Postal Service	- Unusual Use to permit Non-Commercial parking.	ZAB	Modified Approval with Condition(s)
2005	Pancho Menendez Land Trust II, ET	- Zone change from GU, RU-1 & RU-4M to BU-2.	C-12	Approved with Condition(s)
2005	Pancho Menendez Land Trust II, ET	- Zone change from GU, Ru-1, RU-4M and IU-1 to RU-4L, Gu, RU-1 & RU-4m to BU-2.	C-12	Approved with Condition(s)
2006	Pancho Menendez Land Trust II	- Modification of Resolution. - Deletion of Legal Description.	C-12	Approved with Condition(s)

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

ZONING ACTION

MEMORANDUM
Harvey Ruvin
Clerk of the Circuit and County Courts
Clerk of the Board of County Commissioners
(305) 375-5126
(305) 375-2484 FAX
www.miami-dadeclerk.com

DATE: 03/19/2015 **#Z-**

ITEM: 14-7-C12-1 (13-077)

APPLICANT: MANUEL J. MENENDEZ TRUST (APPEALS)

MOTION: CANCELLED DUE TO LACK OF QUORUM/ RESCHEDULED TO 4/23/2015 AT 9:30 AM

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				
Levine Cava				
Diaz				
Edmonson				
Heyman				
Jordan				
Moss				
Sosa				
Souto				
Suarez				
Zapata				
Vice Chairman Bovo				
Chairman Monestime				
TOTAL				

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

#A

APPLICANT'S NAME: MANUEL J. MENENDEZ TRUST

REPRESENTATIVE: BEN FERNANDEZ/ GUILLERMO OLMEDILLO

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
14-7-CZ12-1 (13-077)	January 6, 2015	CZAB12	2	15

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:_____ ☐ 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:

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN	**M**	Peggy **BRODEUR**	X		
COUNCILMAN		Javier **GONZALEZ-ABREU**	X		
COUNCILMAN		Matthew **LARSH**	X		
VICE CHAIRMAN		Alberto **SANTANA**			X
COUNCILMAN	**S**	Jose I. **VALDES** (C.A.)	X		
COUNCIL WOMAN		Angela M. **VAZQUEZ**	X		
CHAIRMAN		Elliot N. **ZACK**	X		
		VOTE:	**6**	**0**	

EXHIBITS: ■ YES ☐ NO COUNTY ATTORNEY: Abbie Schwartz

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		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

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

PETITION OF APPEAL FROM DECISION OF
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY _____ AMOUNT OF FEE _____

RECEIPT # _____

DATE HEARD: 1/16/15

BY CZAB # CZAB 12

RECEIVED
13-077
JAN 15 2015
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC
RESOURCES DEVELOPMENT SERVICES
By _____

DATE RECEIVED STAMP

****

This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. Z13-077

Filed in the name of (Applicant) Manuel J. Menendez, Trust

Name of Appellant, if other than applicant Ben J. Fernandez, Esq.

Address/Location of APPELLANT'S property: 6950 SW 40th Street
Miami-Dade County, Florida

Application, or part of Application being Appealed (Explanation):

Entire appealable application

Appellant (name): Manuel J. Menendez
hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:
(State in brief and concise language)

The decision of CZAB 12 to deny the application was not based on substantial and competent evidence. The aplication was supported by the Department of Regulatory and Econmomic Resources and by additional facts and evidence presented by the Applicant at the public hearing. This information is competent and substantial and is the basis for the Appellant's appeal to the Board of County Commissioners.

APPELLANT MUST SIGN THIS PAGE

Date: 15 day of January, year: 2015

Signed _____

Manuel J. Menendez
Print Name

7035 S.W. 44ST. MIAMI, FL. 33155
Mailing Address

305-609-6388 305-667-0592
Phone Fax

REPRESENTATIVE'S AFFIDAVIT

If you are filing as representative of an association or other entity, so indicate:

Representing

_____
Signature

Ben Fernandez, Esq.
Print Name

200 S. Biscayne Blvd., # 850
Address

Miami FL 33131
City State Zip

305-377-6235
Telephone Number

Subscribed and Sworn to before me on the 15 day of January, year 2015

_____
Notary Public

(stamp/seal)

Notary Public State of Florida
Ana Hernandez
My Commission EE075919
Expires 04/29/2015

Commission expires:

4/29/15

APPELLANT'S AFFIDAVIT OF STANDING
(must be signed by each Appellant)

STATE OF Florida

COUNTY OF Miami-Dade

Before me the undersigned authority, personally appeared Manuel J. Menendez (Appellant) who was sworn and says that the Appellant has standing to file the attached appeal of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community Zoning Appeals Board matter because of the following:

(Check all that apply)

__x__ 1. Participation at the hearing
__x__ 2. Original Applicant
____ 3. Written objection, waiver or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury, and that under penalties of perjury, Affiant declares that the facts stated herein are true.

Further Appellant says not.

Witnesses:

Signature

Jose Menendez
Print Name

Signature

Erick Valle
Print Name

Appellant's signature

Manuel J. Menendez
Print Name

Sworn to and subscribed before me on the 15 day of January, year 2015.

Appellant is personally know to me or has produced Drivers licenses as identification.

Notary
(Stamp/Seal)

Commission Expires: March 17, 2018

[b:forms/affidapl.sam(9/08)]

ISABEL D GONZALEZ
MY COMMISSION #FF103248
EXPIRES March 17, 2018
(407) 398-0153 FloridaNotaryService.com

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
rd

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

MIAMI-DADE COUNTY

Department of Regulatory and Economic Resources
Development Services Division
111 NW 1st Street • Suite 1110
Miami, Florida 33128-1902
T 305-375-2640
www.miamidade.gov/economy

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,

Rosa Davis
Deputy Clerk

Enclosure

Memorandum

Date: June 19, 2014

To: Jack Osterholt, Deputy Mayor/Director
Department of Regulatory and Economic Resources

From: Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources

Subject: C-12 #Z2013000077-2nd Revision
Collado & Partners
6950 SW 40th Street AND 4090 SW 69th Avenue, Miami, FL 33155
Special Exception to Permit a Multi-Family Residential Development
(BU-2) (2.98 Acres)
23-54-40

The subject application has been reviewed by the Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Potable Water Service and Wastewater Disposal

Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required in accordance with Code requirements.

Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management

A Surface Water Management General Permit from DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to any future development order approval. The applicant is advised to contact the Water Control Section of DERM for further information regarding permitting procedures and requirements.

Stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage system. Drainage must be provided for the 5-year/1-day storm event.

Site grading and development shall provide for the full retention of the 25-year/3-day storm event and shall also comply with the requirements of Chapter 11C of the Code, as well as with all State and Federal Criteria, and shall not cause flooding of adjacent properties.

Any proposed development shall comply with county and federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP subject to compliance with the conditions required for this proposed development order.

Pollution Remediation
There are no records of current contamination assessment/remediation issues on the subject site or records of current contamination assessment/remediation issues for sites directly abutting the property.

Wetlands
The subject properties do not contain wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation
The subject property may contain specimen-sized trees (trunk diameter 18 inches or greater). Section 24-49.2(II) of the Code requires that specimen-sized trees be preserved whenever reasonably possible. A Miami-Dade County Tree Removal/Relocation Permit is required prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application.

The applicant is advised to contact the Tree Permitting Program at 305-372-6574 for additional information regarding tree permitting procedures and requirements prior to site development.

Enforcement History
There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property.

Concurrency Review Summary
A concurrency review has been conducted for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute written approval as required by Chapter 24 of the Code.

If you have any questions concerning the comments or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

cc: Nathan Kogon, Department of Regulatory and Economic Resources

Memorandum

MIAMI-DADE COUNTY

Date: May 19, 2014

To: Eric Silva, Development Coordinator
Department of Regulatory and Economic Resources

From: Raul A. Pino, PLS, Chief
Platting and Traffic Review Section
Department of Regulatory and Economic Resources

Subject: Z2013000077
Name: Manuel J. Menendez Trust
Location: 6950 SW 40 Street
Section 23 Township 54 South Range 40 East

The Department of Regulatory and Economic Resources Platting and Traffic Review Section has reviewed the subject application and has no objections.

This land complies with Chapter 28 of the Miami-Dade County Code. The property is platted as Tracts A & B of Plat Book 167, Page 52.

Additional improvements may be required at time of permitting.

This application meets the traffic concurrency criteria because it lies within the urban infill area where traffic concurrency does not apply.

Memorandum

MIAMI-DADE COUNTY

Date: September 18, 2013

To: Eric Silva, Assistant Director
Regulatory and Economic Resources Department

From: Paul Mauriello, Assistant Director, Waste Operations
Public Works and Waste Management Department

Subject: Manuel J Menendez, Trust (#13_077)

The Department's review of the above-referenced item is provided below. Additional comments will be provided as needed. If you should have any questions, please do not hesitate to contact Stacey McDuffie of the Fiscal Management and Planning Division at 305-514-6661. **The PWWM has no objections to the proposed application.**

Application: ***Manuel J Menendez, Trust*** is requesting a non-use variance of a side setback, a special exemption, modification of previously approved plans and elimination of a previously proffered covenant related to the construction of residential building on the property. The property is presently zoned in a Special Business District (BU-2) and Limited Apartment House District (RU-4L).

Size: The subject property is approximately 2.98 acres.

Location: The subject property is located at 6950 SW 40th Street and 4090 SW 69th Avenue, in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (PWWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 28, 2012, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Sustainability, Planning and Economic Enhancement Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

Pursuant to Chapter 15 of the Miami-Dade County Code (Code), entitled Solid Waste Management, the residential building to be established on the property will likely be considered development for multi-family residential units. Per the Code the following is required of multi-family developments located in unincorporated Miami-Dade County:

"every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department." Therefore, the landlord or property owner is required to contact a private hauler to provide waste and recycling collection service, once the building is developed.

4. Recycling

Regarding multi-family units, **Section 15-2.2a** of the Code requires "every multi-family residential establishment shall provide for a recycling program which shall be serviced by a permitted hauler or the appropriate governmental agency and shall include, at a minimum, the five (5) materials listed in Section 15-2.2 below."

1) Newspaper
2) Glass (flint, emerald, amber)
3) Aluminum cans
4) Steel cans
5) Plastics (PETE, HDPE-natural, HDPE-colored)

Section 15-2.2b of the Code states the failure of a multi-family residential establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner(s) shall be liable, provided, however, that in the case of a condominium or cooperative apartment having a condominium association or cooperative apartment association, said association, rather than individual unit owners, shall be liable for any such violation.

Applicants are ***strongly*** advised to incorporate adequate space and facilities in their building plans to accommodate the required recycling program. Requests for approval of modified recycling programs must be made directly to the Department at 305 514-6666.

4. Waste Storage/Setout Considerations

Section 15-4 of the Code requires that plans for storage and collection of solid waste be adequate before a building permit may be issued. Site plans must address location, accessibility, number and adequacy of solid waste collection and storage facilities. The site plan legend must contain the following statement: "Facilities for the collection and storage of solid waste are shown in accordance with Section 15-4 of the Miami-Dade County Code."

5. Site Circulation Considerations

It is required that development plans associated with this project incorporate at least one of the following traffic circulation criteria to minimize the reversing of waste vehicles and hence, provide for the safe circulation of service vehicles:

a. Cul-de-sac with a minimum 49 foot turning radius (no "dead-ends")
b. "T" shaped turnaround 60 feet long by 10 feet wide
c. Paved throughway of adequate width (minimum 15 feet)

In addition, any and all alleyways designed with utilities, including waste collection, provided at the rear of the property should be planned in accordance with standard street specifications with sufficient width and turning radii to permit large vehicle access. Additionally, there should be no "dead-end" alleyways developed. Also, a sufficient waste set-out zone should be preserved (between the edge of the pavement and any possible obstructions such as parked cars, fencing, etc.,) that would interrupt or preclude waste collection.

Memorandum

MIAMI-DADE COUNTY

Date: May 16, 2014

To: Jack Osterholt, Deputy Mayor
Director, Regulatory and Economic Resources Department

From: Maria I. Nardi, Chief
Planning and Research Division
Parks, Recreation and Open Spaces Department

Subject: Z2013000077: MANUEL J.MENENDEZ TRUST
Revised Plans Submitted Dated Stamped Received 5/15/2014

Application Name: MANUEL J.MENENDEZ TRUST

Project Location: The site is located at 6950 SW 40 ST, Miami-Dade County.

Proposed Development: The request is for approval of special exception to permit residential development. Based on plans submitted it is estimated that 78 units could be developed.

Impact and Demand: This application proposes future development of multi-family use which has the potential to result in an impact of up to .47 acres to the level of service for this park benefit district.

Recreation and Open Space Element policies ROS-2a (i); (ii); (iii); (iv); and (v) provide for the establishment of Miami-Dade County's minimum Level of Service standard for the provision of local recreation open space. The site is located in Park Benefit District 2 (PBD2) which has a surplus of 494.95 acres of local parkland and therefore meets concurrency when analyzed in terms of (2.75) acres per 1,000 unincorporated areas residents within this Park Benefits District.

County-owned local parks that are within three miles of the subject application are described in Table A which lists the name, type and acreage for each park. Brothers to the Rescue Memorial Park is the nearest local park to the application site. A.D. "Doug" Barnes, an areawide park, is located within walking distance.

Table A - County Parks (local only)
Within a 3 Mile Radius of Application Area.

Park Facility	Classification	Acreage
Sunset Heights Park	MINI-PARK	0.32
Schenley Park	NEIGHBORHOOD PARK	2.00
Humble Mini Park	MINI-PARK	0.50
Brothers To The Rescue Memorial Park	SINGLE PURPOSE PARK	5.70
Banyan Park	NEIGHBORHOOD PARK	3.14
Rockway Park	COMMUNITY PARK	2.52
Miller Drive Park	COMMUNITY PARK	4.07
Blue Lakes Park	NEIGHBORHOOD PARK	6.00
Sudlow Park	MINI-PARK	1.12
Sunkist Park	NEIGHBORHOOD PARK	0.77
San Jacinto Park	MINI-PARK	0.92
Francisco Human Rights Park	MINI-PARK	3.78
Coral Villas Park	MINI-PARK	0.37

Objective ROS-8 of the Recreation and Open Space Element of the CDMP states the following: ***The 2007 Miami-Dade County Parks and Open Space System Master Plan (OSMP), through a 50-year planning horizon, shall guide the creation of an interconnected framework of parks, public spaces, natural and cultural areas, greenways, trails, and streets that promote sustainable communities, the health and wellness of County residents, and that serve the diverse local, national, and international communities.***

Recommendation: Based on our findings described herein **PROS HAS NO OBJECTION TO THIS APPLICATION**.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb
Cc: John M. Bowers, Parks Property Management Supervisor

Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Alberto M. Carvalho

Miami-Dade County School Board
Perla Tabares Hantman, Chair
Dr. Lawrence S. Feldman, Vice Chair
Dr. Dorothy Bendross-Mindingall
Susie V. Castillo
Carlos L. Curbelo
Dr. Wilbert "Tee" Holloway
Dr. Martin Karp
Dr. Marta Pérez
Raquel A. Regalado

April 28, 2014

VIA ELECTRONIC MAIL

Mr. Guillermo Olmedillo, OlmedilloX5, Inc.
c/o Manuel J. Menendez Trust
3305 Alhambra Circle
Miami, FL 33134
guillermo@olmedilloX5.com

RE: PUBLIC SCHOOL CONCURRENCY PRELIMINARY ANALYSIS
MANUEL J. MENENDEZ TRUST - Z2013000077
LOCATED 6950 SW 40 STREET
PH3014040800800 – FOLIO Nos.: 3040230990010 and 3040230990020

Dear Applicant:

Pursuant to State Statutes and the Interlocal Agreements for Public School Facility Planning in Miami-Dade County, the above-referenced application was reviewed for compliance with Public School Concurrency. Accordingly, enclosed please find the School District's Preliminary Concurrency Analysis (Schools Planning Level Review) for informational purposes only.

As noted in the Preliminary Concurrency Analysis (Schools Planning Level Review), the proposed development would yield a maximum residential density of 78 multifamily units, which generate 9 students; 4 elementary, 2 middle and 3 senior high students. **At this time, all three school levels have sufficient capacity available to serve the application.** However, a final determination of Public School Concurrency and capacity reservation will only be made at the time of approval of final plat, site plan or functional equivalent. As such, this analysis does not constitute a Public School Concurrency approval.

Should you have any questions, please feel free to contact me at 305-995-4501.

Sincerely,

Ivan M. Rodriguez, R.A.
Director I

IMR:ir
L-574
Enclosure

cc: Ms. Ana Rijo-Conde, AICP
Mr. Mike A. Levine
Ms. Vivian G. Villaamil
Miami-Dade County
School Concurrency Master File

Ana Rijo-Conde, Deputy Chief Facilities & Eco-Sustainability Officer • Planning, Design & Sustainability
School Board Administration Building • 1450 N.E. 2nd Ave. • Suite 525 • Miami, FL 33132
305-995-7285 • 305-995-4760 (FAX) • arijo@dadeschools.net

Miami-Dade County Public Schools

Concurrency Management System
Preliminary Concurrency Analysis

MDCPS Application Number:	PH3014040800800	Local Government (LG):	Miami-Dade
Date Application Received:	4/8/2014 9:53:55 AM	LG Application Number:	Z2013000077
Type of Application:	Public Hearing	Sub Type:	Zoning

Applicant's Name: Manuel J. Menendez Trust
Address/Location: 3305 Alhambra Circle, Miami, FL 33134
Master Folio Number: 3040230990010
Additional Folio Number(s): *3040230990020, 3040230990020,*

PROPOSED # OF UNITS: 78

SINGLE-FAMILY DETACHED UNITS: 0

SINGLE-FAMILY ATTACHED UNITS: 0

MULTIFAMILY UNITS: 78

CONCURRENCY SERVICE AREA SCHOOLS						
CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
5241	SOUTH MIAMI K-8 CENTER (ELEM COMP)	26	4	4	YES	Current CSA
5242	SOUTH MIAMI K-8 CENTER (MID COMP)	69	2	2	YES	Current CSA
7721	SOUTH MIAMI SENIOR	0	3	0	NO	Current CSA
7721	SOUTH MIAMI SENIOR	0	3	0	NO	Current CSA Five Year Plan
ADJACENT SERVICE AREA SCHOOLS						
7361	MIAMI KILLIAN SENIOR	714	3	3	YES	Adjacent CSA
*An Impact reduction of 21.13% included for charter and magnet schools (Schools of Choice).						

MDCPS has conducted a preliminary public school concurrency review of this application; please see results above. A final determination of public school concurrency and capacity reservation will be made at the time of approval of plat, site plan or functional equivalent. **THIS ANALYSIS DOES NOT CONSTITUTE PUBLIC SCHOOL CONCURRENCY APPROVAL.**

1450 NE 2 Avenue, Room 525, Miami, Florida 33132 / 305-995-7634 / 305-995-4760 fax / concurrency@dadeschools.net

REVISION 7

Memorandum

Date: 03-JUN-14

To: Jack Osterholt, Director
Department of Regulatory and Economic Resources

From: Dave Downey, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2013000077

Fire Prevention Unit:

This memo supesedes MDFR memorandum dated April 15, 2014.
APPROVAL:
Only for Sheet A:1.00

Service Impact/Demand

Development for the above Z2013000077
located at 6950 SW 40 ST, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1596 is proposed as the following:

78 dwelling units	residential	N/A square feet	industrial
N/A square feet	Office	N/A square feet	institutional
N/A square feet	Retail	N/A square feet	nursing home/hospitals

Based on this development information, estimated service impact is: 27 alarms-annually.
The estimated average travel time is: 6:01 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:

Station 3 - Tropical Park - 3911 SW 82 Avenue

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:

None.

Fire Planning Additional Comments

N/A

For information regarding the aforementioned comments, please contact the Miami-Dade Fire Rescue Department Planning Section at 786-331-4540.

DATE: 10-FEB-15

REVISION 3

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

MANUEL J. MENENDEZ TRUST

APPLICANT

6950 SW 40 ST, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2013000077

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: No open case. Prior case 201403002323 was opened March 13, 2014 for Unauthorized Use and warning issued. On April 16, 2014 extension was requested and given until May 17, 2014. Violation corrected and case close on February 6, 2015. BNC: No open cases

Manuel J Menendez Trust

OUTSTANDING FINES, PENALTIES, COST OR LIENS INCURRED PURSUANT TO CHAPTER 8CC:

REPORTER NAME:

Subj: **(no subject)**
Date: 7/10/2013 3:10:23 P.M. Eastern Daylight Time
From: cartpathos101@aol.com
To: cartpathos101@aol.com

Sent from my iPhone

RECEIVED
7/2/07
AUG 2 1 2013
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY

N

REAR ELEVATION

Subj: **(no subject)**
Date: 7/10/2013 2:57:07 P.M. Eastern Daylight Time
From: carlpathos101@aol.com
To: carlpathos101@aol.com

Sent from my iPhone

2/3017

RECEIVED
AUG 21 2013
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY

SF

SIDE ELEVATION

Subj: **(no subject)**
Date: 7/10/2013 2:53:23 P.M. Eastern Daylight Time
From: carlpathos101@aol.com
To: carlpathos101@aol.com

Sent from my iPhone

RECEIVED
AUG 2 1 2013
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY

213-077

S

FRONT ELEVATION

DISCLOSURE OF INTEREST*

If a CORPORATION owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: _____

NAME AND ADDRESS	Percentage of Stock

RECEIVED
AUG 27 2013
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and the percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME **M J Menendez Trust**

NAME AND ADDRESS	Percentage of Interest
Manuel J, Menendez	**100%**
Teresita F. Menendez	
3305 Alhambra Circle	
Coral Gables, Florida 33134	

If a PARTNERSHIP owns or leases the subject property, list the principals including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percentage of Ownership

If there is a **CONTRACT FOR PURCHASE**, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: HONG

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest
N/A	

Date of contract: N/A

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust.

N/A	

NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature _____ MANUEL. MENENDEZ JR.
(Applicant) (Print Applicant name)

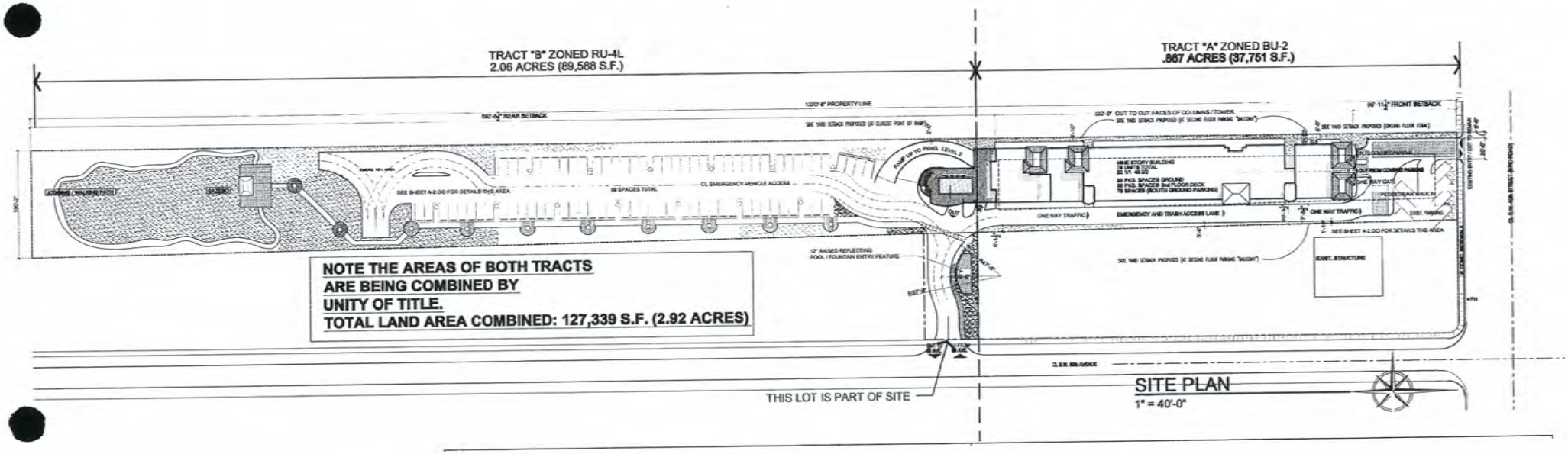
Sworn to and subscribed before me this 29 day of July, 2013. Affiant is personally know to me or has produced N/A as identification.

_____
(Notary Public)

ERICK M. VALLE
MY COMMISSION # EE 178938
EXPIRES: March 27, 2016
Bonded Thru Notary Public Underwriters

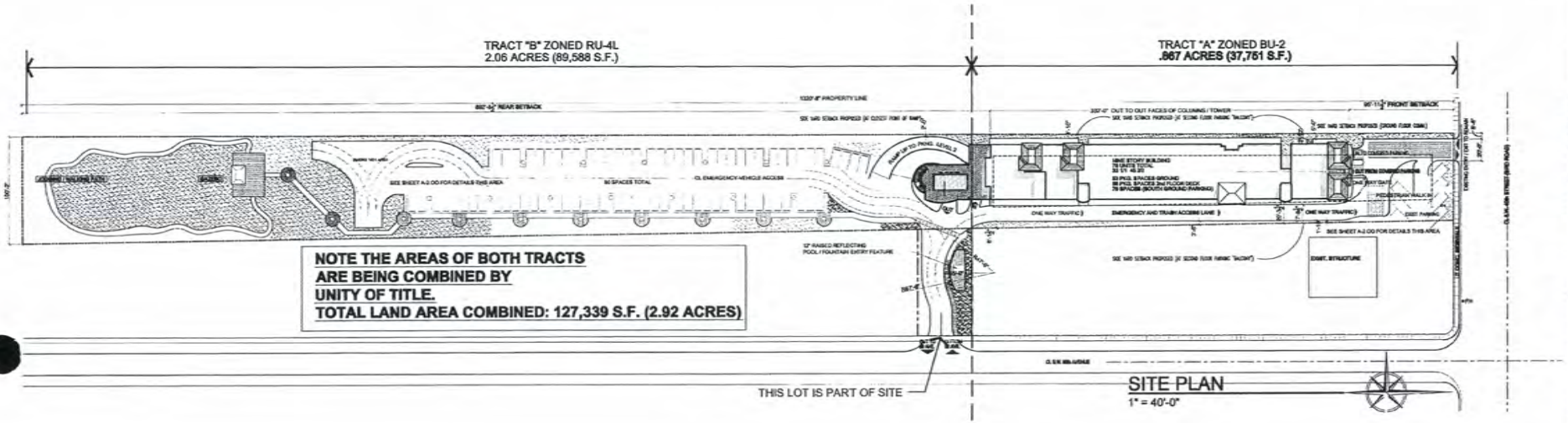
My commission expires: March 27/16 Seal

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.



RECEIVED
213-077
JUN 14 2014
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC
RESOURCES DEVELOPMENT SERVICES
By FOV FB

ENLARGED SITE PLAN



SITE PLAN
1" = 40'-0"

RU-4M ZONING LEGEND

TOTAL NUMBER OF DWELLING UNITS	78
TOTAL NET ACREAGE	2.33
DENSITY PER NET ACRE	33.5

GROSS AREA (acres)	2.90 (127,336 S.F.)		
Less R-o-w	0.00		
Less Water	0.00		
Less Other	0.00		
NET AREA (sq. ft.)	2.90 (127,336 S.F.)	100	%
Lot Coverage (30% max)	21,800 S.F.	17	%
Paved Area	60,750 S.F.	53	%
Common Open Space (Street area)	48671 S.F.	38.5	%

SETBACK REQUIREMENTS		PROVIDED
MINIMUM SETBACK REQUIRED		
FRONT	25'	96'-0"
REAR	25'	892'
SIDE ST.	25'	N/A
INTERIOR (RU-3&)	20'	N/A
KITCHEN (RU-4L&4M of 2 or more)	10'	N/A
INTERIOR (RU-4L&4M more than 2 story)	20'	3'-0" WEST 20'-0" EAST

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
			0.5	0.5	0.75	1.0	0.85	1.0	1.15	1.4	1.65
Model: 1-B-1	727 S.F.	1	MAX. HEIGHT OF PROPOSED BLDGS.								100'-0" (INC. RIDGE)
Model: 2-B-2	1,000 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	21,800 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 =	78.8 (79)	
Total number of dwelling units with more than 2 bedrooms =	0	X 2.00 =		
		TOTAL PARKING SPACES REQUIRED =	129 NOTE 2	
		TOTAL PARKING SPACES PROVIDED =	189 SPACES	

NOTE: RU-1M bldgs. limited to 2 stories & 30' in height. RU-4L bldgs. limited to 6 stories & 75' in height. RU-4M bldgs. limited to 8 stories & 100' in height. Height measured from F.F. (finished floor) to top of parapet (roof ridge). See Zoning Code: Article XXVIA for RU-2M, Article XXVIA for RU-4L & Article XXVIB for RU-4M requirements.

Rev. 03-04-02

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
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		2,787 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

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JUN 11 2014
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES DEVELOPMENT SERVICES
By for FE

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" deep 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.

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COLLADO AND PARTNERS INC
ARCHITECTURE PLANNING INTERIORS
LIC. AA 26000697

NO.	DATE	REVISION TYPE

Job No. -
DRAWN BY: RJC
DATE: 6-4-14
SCALE: AS NOTED
CHECKED: RJC

A NEW DEVELOPMENT
Central Park Apartments
Manuel J. Menendez as Trustee (owner)
6950 S.W. 40TH St. Miami, Florida 33155

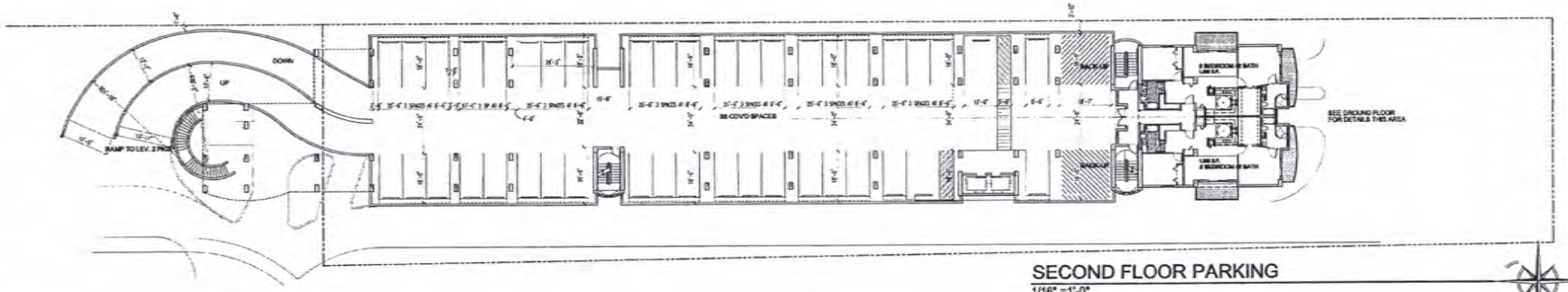
TITLE: SITE PLAN AT 1"=40'-0"

SEAL

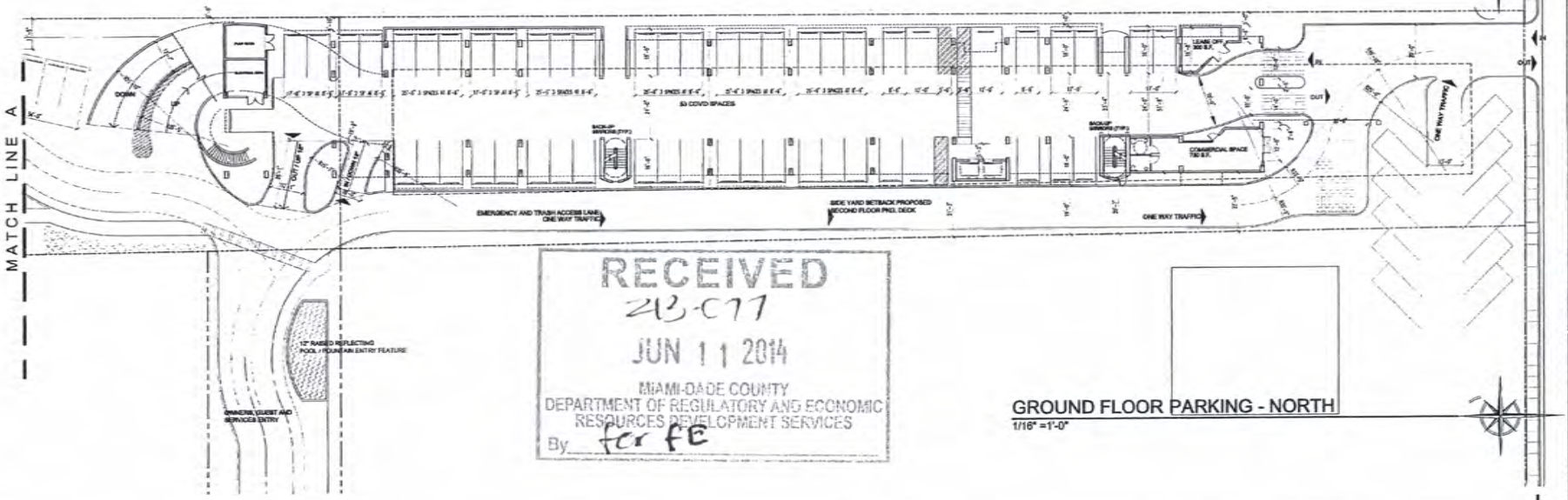
RAMON J. COLLADO
PLA. REG. ARCHITECT
LIC. AR0013554

SHEET NO.:
A-1.00

45



SECOND FLOOR PARKING
1/16" =1'-0"



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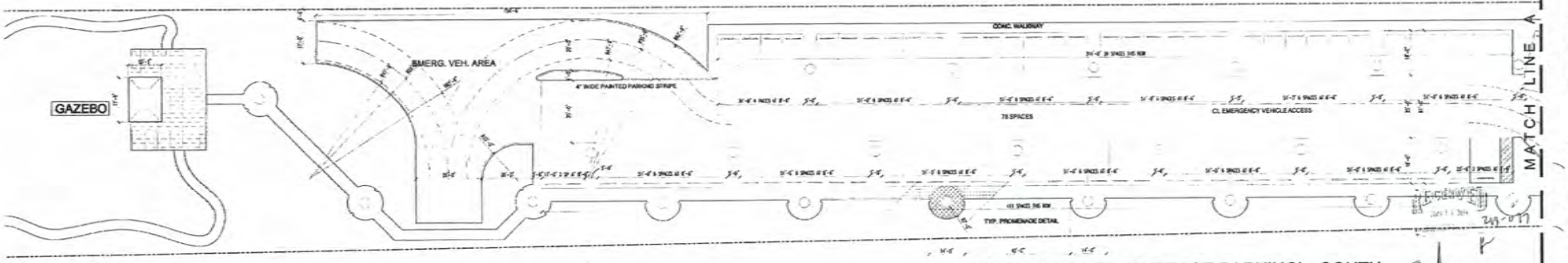
JUN 11 2014
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES DEVELOPMENT SERVICES
By for FE

GROUND FLOOR PARKING - NORTH
1/16" =1'-0"



GROUND FLOOR (SURFACE PARKING) - SOUTH
1/16" =1'-0"

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46

NO.	DATE	REVISION TYPE

COLLADO AND PARTNERS INC.
ARCHITECTURE PLANNING INTERIORS
LIC. AA 26000697

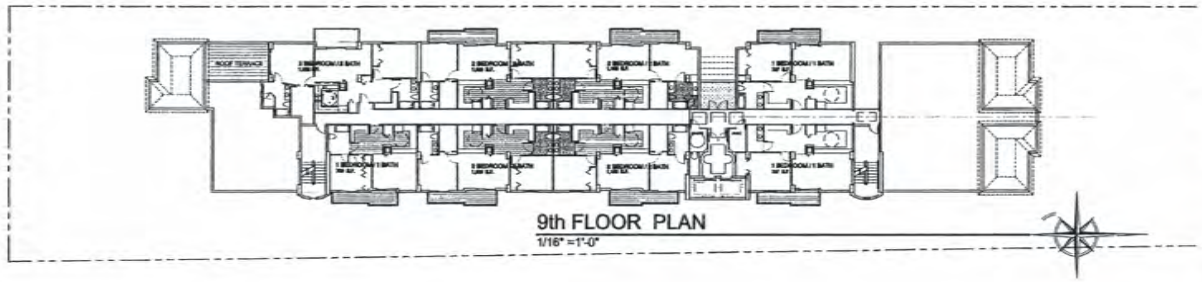
JOB NO. -
DRAWN BY: RJC
DATE: 6-4-14
SCALE: AS NOTED
CHECKED: RJC

A NEW DEVELOPMENT
Central Park Apartments
Manuel J. Menendez as Trustee (owner)
6950 S.W. 40TH St. Miami, Florida 33155
TITTLE: GROUND AND SECOND FLOOR

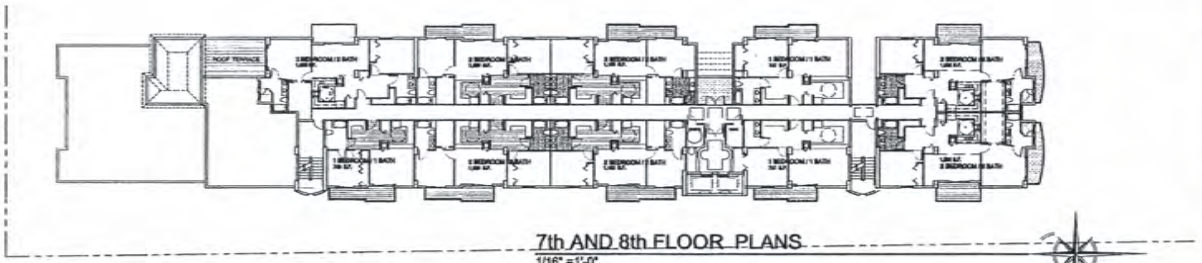
SEAL

RAMON J. COLLADO
P.A. REG. ARCHITECT
LIC. AR0013204

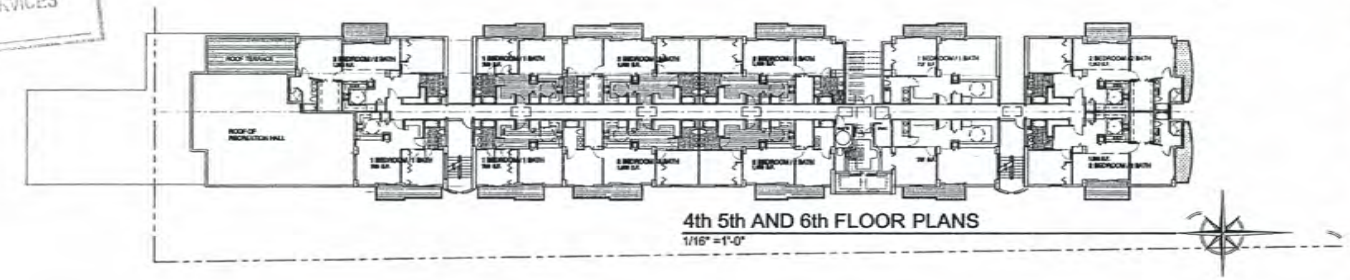
SHEET NO.:
A-2.00



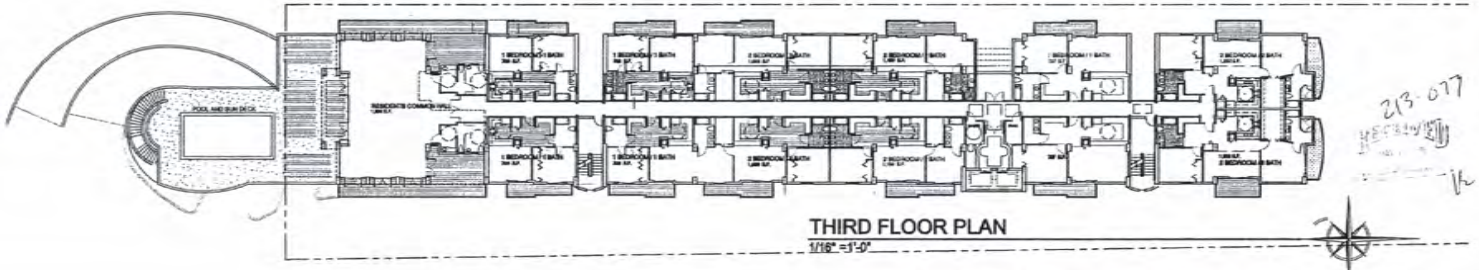
9th FLOOR PLAN
1/16" =1'-0"



7th AND 8th FLOOR PLANS
1/16" =1'-0"



4th 5th AND 6th FLOOR PLANS
1/16" =1'-0"



THIRD FLOOR PLAN
1/16" =1'-0"

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MAY 14 2014
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ARCHITECTURE PLANNING INTERIORS
LIC. AA 26000897

NO. | DATE | REVISIONS - TYPE

JOB NO. -
DRAWN BY: RJG
DATE: 2-28-14
SCALE: AS NOTED
CHECKED: RJG

A NEW DEVELOPMENT
Central Park Apartments
Manuel J. Menendez as Trustee (owner)
6950 S.W. 40TH St. Miami, Florida 33165
TITTLE: FLOORS 3 TO 9

SEAL
RAMON J. COLLADO
R.A. REG. ARCHITECT
LIC. AR0015284

SHEET NO.:
A-2.01

EAST ELEVATION (TO POST OFFICE NEIGHBOR)
1/16" =1'-0"

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MIAMI-DADE COUNTY
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By FOR PE

REAR (SOUTH ELEVATION)
1/16" =1'-0"

BIRD ROAD FACADE (NORTH ELEVATION)
1/16" =1'-0"

WEST ELEVATION (TO LINEAR PARK / EX-RR EASMENT)
1/16" =1'-0"

213-077
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COLLADO AND PARTNERS INC
ARCHITECTURE PLANNING INTERIORS
LIC. AA 26000867

NO.	DATE	REVISION TYPE

JOB NO.: —
DRAWN BY: RJC
DATE: 5-05-14
SCALE: AS NOTED
CHECKED: RJC

A NEW DEVELOPMENT
Central Park Apartments
Manuel J. Menendez as Trustee (owner)
6950 S.W. 40TH St. Miami, Florida 33155
TITLE: ELEVATIONS

SEAL
RAMON J. COLLADO
R.A. REG. ARCHITECT
LIC. AR0013284

SHEET NO.:
A-4.00

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MIAMI-DADE COUNTY
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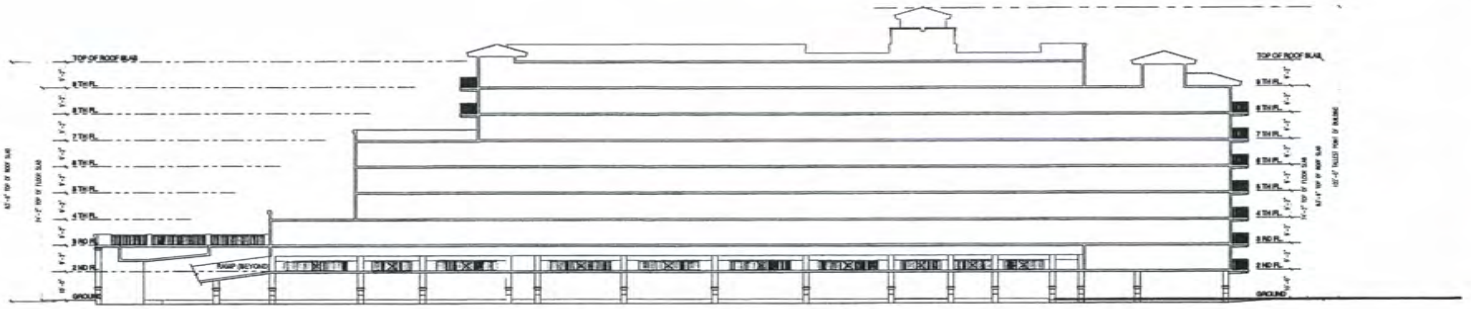
RESOURCES DEVELOPMENT SERVICES
By for PE.



SOUTH TO NORTH (LONGITUDINAL) BUILDING SECTION
1/16" =1'-0"

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NO. | DATE | REVISION TYPE

COLLADO AND PARTNERS INC
ARCHITECTURE PLANNING INTERIORS
LIC. AA 26000807

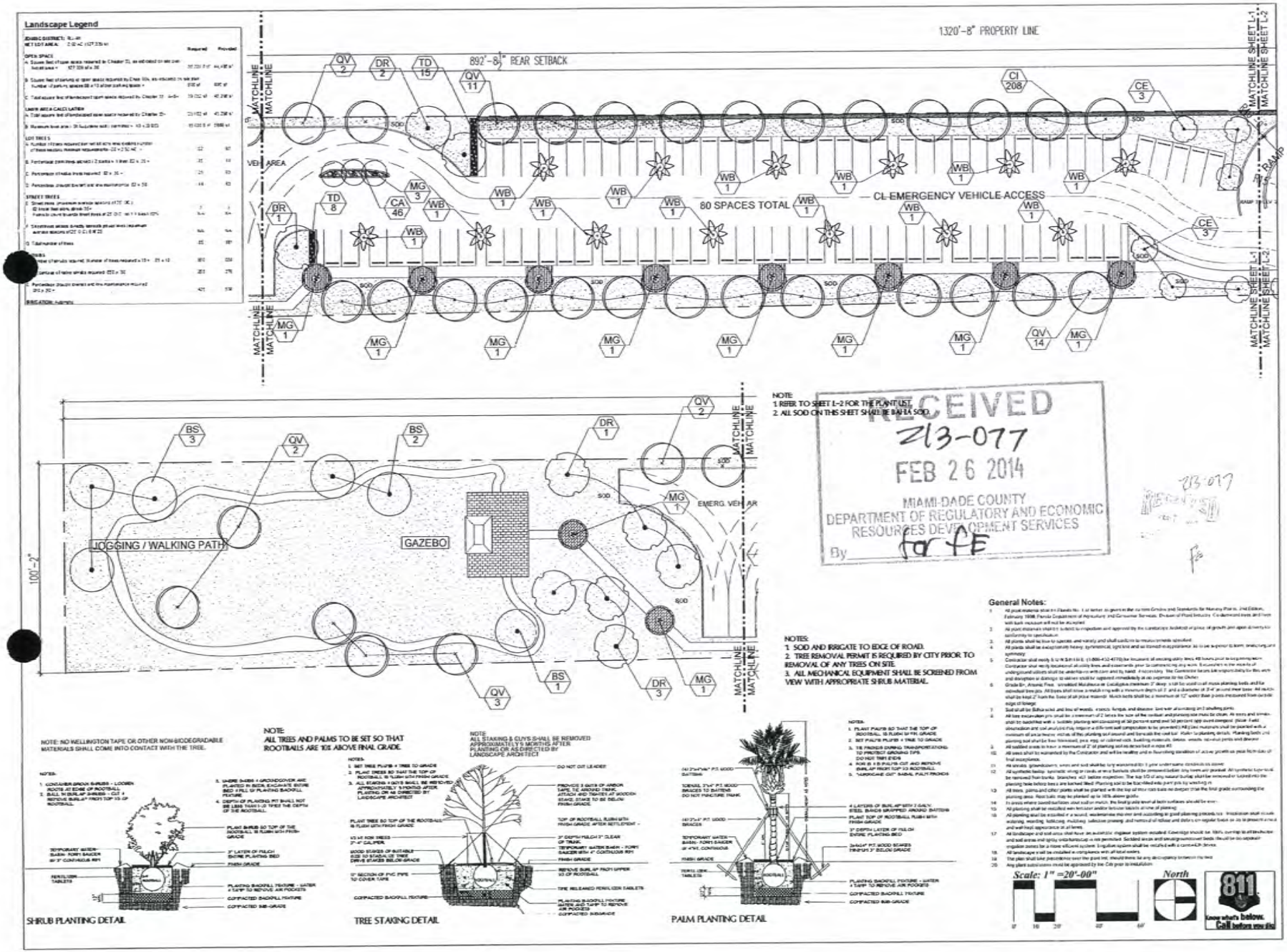
JOB NO. -
DRAWN BY: EJG
DATE: 5-15-14
SCALE: AS NOTED
CHECKED: RJC

A NEW DEVELOPMENT
Central Park Apartments
Manuel J. Menendez as Trustee (owner)
6950 S.W. 40TH St. Miami, Florida 33155

TITTLE: BUILDING SECTION

SEAL
RAMON J. COLLADO
FLA. REG. ARCHITECT
LIC. AR0015856

SHEET NO.:
A-5.00



NOTE
1 REFER TO SHEET L-2 FOR THE PLANT LIST.
2. ALL SOD ON THIS SHEET SHALL BE BAHIA SOD.

NOTES:
1. SOD AND IRRIGATE TO EDGE OF ROAD.
2. TREE REMOVAL PERMIT IS REQUIRED BY CITY PRIOR TO REMOVAL OF ANY TREES ON SITE.
3. ALL MECHANICAL EQUIPMENT SHALL BE SCREENED FROM VIEW WITH APPROPRIATE SHRUB MATERIAL.

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FEB 26 2014
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES DEVELOPMENT SERVICES
By tar fe

Z13-077

NOTE: NO KELLINGTON TAPE OR OTHER NON-BIODEGRADABLE MATERIALS SHALL COME INTO CONTACT WITH THE TREE.

NOTE:
ALL TREES AND PALMS TO BE SET SO THAT ROOTBALLS ARE 10% ABOVE FINAL GRADE.

NOTE:
ALL STAKING & GUYS SHALL BE REMOVED APPROXIMATELY 6 MONTHS AFTER PLANTING OR AS DIRECTED BY LANDSCAPE ARCHITECT

SHRUB PLANTING DETAIL

TREE STAKING DETAIL

PALM PLANTING DETAIL

General Notes:

1. All plant material shall conform to Florida No. 1 or better as given in the current Grades and Standards for Nursery Plants, 2nd Edition, February 1998, Florida Department of Agriculture and Consumer Services, Division of Plant Industry. Condemned trees and trees with bark inclusion will not be accepted.
3. All plant materials shall be subject to inspection and approval by the Landscape Architect or place of growth and upon delivery for conformity to specification.
4. All plants shall be true to species and variety and shall conform to measurements specified.
5. All plants shall be staked, guyed, fertilized, pruned, mulched, watered and maintained in a healthy growing condition. Contractor shall verify location of utility lines and easements prior to commencing any work. Subcontractor to be aware of underground utilities and shall be undertaken with care and by hand if necessary. The Contractor bears full responsibility for any work and damages or damage to adjacent shall be repaired immediately at no expense to the Owner.
6. Grade Br. Arsenic Free, shredded Melaleuca or Eucalyptus chestnuts 3" deep; soil for shrub and vine planting beds and for individual tree pits. All trees shall have a mulch ring with a minimum depth of 3" and a diameter of 3'-0" around their base. All mulch shall be kept 2" from the base of all plant material. Mulch beds shall be a minimum of 12" wide / tree pits measured from outside edge of forage.
7. Sod shall be Bahia solid and free of weeds, insects, fungus, and disease. Sod with alternating and shielding joints.
8. All tree excavation pits shall be a minimum of 2' below the size of the rootball and planting soil mix for clean. All trees and shrubs shall be backfilled with a suitable planting soil consisting of 50 percent sand and 50 percent spp/ sand compost. (Note: If soil amendation and soil analysis may require a different soil composition to be provided.) All pine materials shall be planted with a minimum of an arc two-inc. inches of the planting soil around and beneath the root ball. Refer to planting details. Planting beds and planting soil shall be free from sod, grass, crop, or cultivated roots. Building materials, debris, weeds, no-shut points and diseases.
9. All sodded areas to have a minimum of 2" of planting soil as described in note #8.
10. All trees shall be maintained by the Contractor and will be healthy and in flourishing condition of active growth as year from date of final acceptance.
11. All shrubs, groundcovers, vines and sod shall be fully watered after 1 year under same conditions as stated.
12. All synthetic burlap, synthetic string or cords, or wire baskets shall be removed before any trees are planted. All synthetic burlap shall be removed from banks, branches and trunks before inspection. The top 1/3 of any natural burlap shall be removed or folded into the planting hole before trees are backed filled. Planting soil to be backfilled into plant pits by watering in.
13. All trees, palms and other plants shall be planted with the top of their root balls no deeper than the final grade surrounding the planting area. Root balls may be planted up to 10% above grade.
14. In areas where sweet bahiagrass sod not mulch, the finish grade level of both surfaces should be even.
15. All planting shall be installed in a sound, workmanlike manner and according to good planting practices. Installation shall include watering, weeding, fertilizing, mulching, selective pruning, and removal of refuse and debris on regular basis so as to present a neat and well kept appearance at all times.
16. All landscape and sod areas shall have an automatic irrigation system installed. Coverage should be 100% coverage to all landscape and sod areas and slightly overlapping and hydrozoned in not permitted. Sodded areas and shrub/groundcover beds should be on separate irrigation zones for a more efficient system. Irrigation system shall be installed with a current Fl. Irrig.
17. All landscape work shall be installed in compliance with all local codes.
18. The plan shall take precedence over the plant list, should there be any discrepancy between the two.
19. Any plant substitutions must be approved by the Cde prior to installation.

Scale: 1" =20'-00"
North

811 Know what's below. Call before you dig!

PREPARED BY:
Kimberly Moyer, RLA
Landscape Architecture
(954) 492-9609
Lic. No. #LA0000952

PREPARED FOR
Collado and Partners
Architecture, Planning, Interiors
300 Aragon Ave. 205
Coral Gables, FL 33134
(305) 569-9911

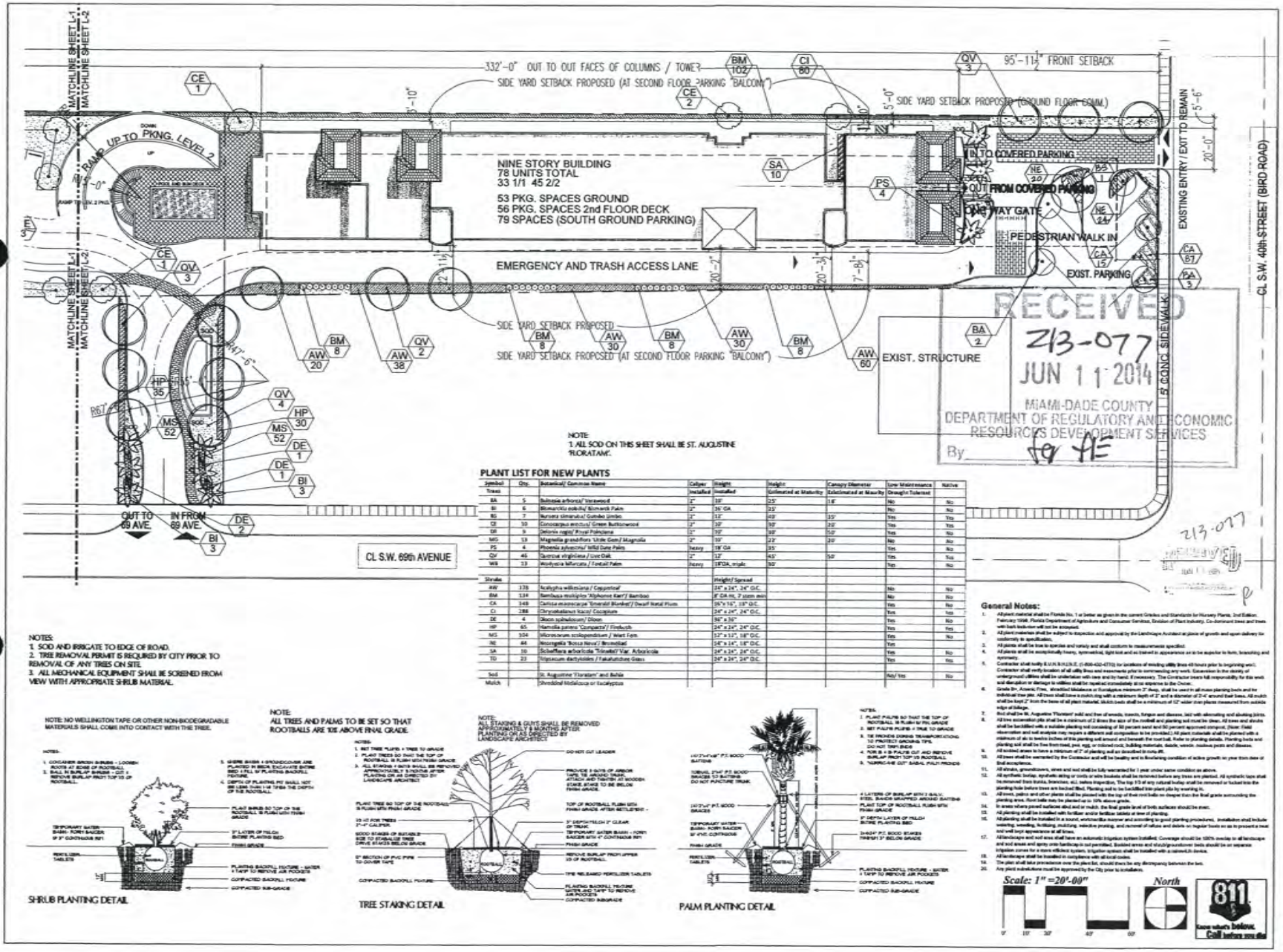
CENTRAL PARK APARTMENTS

6950 SW 40TH STREET, MIAMI, FL 33155

LANDSCAPE PLAN

DATE	MAY 21, 2013
PROJECT NUMBER	1315
DRAWN BY	J.B.F.
CHECKED BY	K.M.
SCALE	1"-20'-00"
REVISION	DATE / BY
1 Planting Rev	1-30-2014 K.M.
2	
3	
4	
5	

SHEET NUMBER:
L-1



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JUN 11 2014
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC
RESOURCES DEVELOPMENT SERVICES
By

NOTE:
1. ALL SOD ON THIS SHEET SHALL BE ST. AUGUSTINE 'FLORATAM'.

NOTES:
1. SOD AND IRRIGATE TO EDGE OF ROAD.
2. TREE REMOVAL PERMIT IS REQUIRED BY CITY PRIOR TO REMOVAL OF ANY TREES ON SITE.
3. ALL MECHANICAL EQUIPMENT SHALL BE SCREENED FROM VIEW WITH APPROPRIATE SHRUB MATERIAL.

PLANT LIST FOR NEW PLANTS

Symbol	Qty.	Botanical / Common Name	Caliper Installed	Height Installed	Height Estimated at Maturity	Canopy Diameter Estimated at Maturity	Low Maintenance Drought Tolerant	Native
Trees								
BA	5	Bulnesia arborea/ Verawood	2"	10'	25'	18'	No	No
BI	6	Bismarckia nobilis/ Bismarck Palm	2"	16' Gk	25'		No	No
BG	7	Nyssera sinensis/ Ginkbo Jimbo	2"	12'	40'	15'	Yes	Yes
CE	10	Conocarpus erectus/ Green Buttonwood	2"	10'	30'	20'	Yes	Yes
DR	9	Delonix regia/ Royal Poinciana	2"	10'	30'	50'	Yes	No
MG	13	Magnolia grandiflora 'Little Gem'/ Magnolia	2"	10'	25'	20'	No	No
PS	4	Phoenix sylvestris/ Wild Date Palm	heavy	18' Gk	35'		Yes	No
QV	46	Quercus virginiana / Live Oak	2"	12'	60'	50'	Yes	Yes
WB	13	Wodyetia bifurcata / Foxtail Palm	heavy	18'Gk, triple	30'		Yes	No
Shrubs				Height/ Spread				
AW	178	Acalypha wilkesiana / Copperleaf		24" x 24", 24" O.C.			No	No
BM	134	Bambusa multiplex 'Alphonse Karr'/ Bamboo		8' Gk ht, 3' stem min			No	No
CA	148	Carissa macrocarpa 'Emerald Blanket'/ Dwarf Natal Plum		16"x 16", 18" O.C.			Yes	No
CI	288	Chrysobalanus icaco/ Cocoplum		24" x 24", 24" O.C.			Yes	Yes
DE	4	Dixon asphodioum / Dixon		36" x 36"			Yes	No
HP	65	Hamelia patens 'Compacta'/ Firebush		24" x 24", 24" O.C.			Yes	Yes
MS	104	Microsorum scolopendrium / Waxi Fern		12" x 12", 18" O.C.			Yes	No
NE	44	Nicotiana 'Bossa Nova'/ Bromeliad		14" x 14", 18" O.C.			Yes	
SA	10	Schefflera arboricola 'Trinette'/ Var. Arboricola		24" x 24", 24" O.C.			Yes	No
TO	23	Trilpsacum dactyloides / Fakahatchee Grass		24" x 24", 24" O.C.			Yes	Yes
Sod		St. Augustine 'Floratam' and Bahia					No/ Yes	No
Mulch		Shredded Melaleuca or Eucalyptus						

NOTE: NO WELLINGTON TAPE OR OTHER NON-BIODEGRADABLE MATERIALS SHALL COME INTO CONTACT WITH THE TREE.

SHRUB PLANTING DETAIL

NOTE:
ALL TREES AND PALMS TO BE SET SO THAT ROOTBALLS ARE 10% ABOVE FINAL GRADE.

TREE STAKING DETAIL

NOTE:
ALL STAKING & GUYS SHALL BE REMOVED APPROXIMATELY 6 MONTHS AFTER PLANTING OR AS DIRECTED BY LANDSCAPE ARCHITECT

PALM PLANTING DETAIL

General Notes:

1. All plant material shall be Florida No. 1 or better as given in the current Grades and Standards for Nursery Plants, 2nd Edition, February 1998, Florida Department of Agriculture and Consumer Services, Division of Plant Industry. Co-dominant trees and trees with bark inclusion will not be accepted.
2. All plant materials shall be subject to inspection and approval by the Landscape Architect at place of growth and upon delivery for conformity to specifications.
3. All plants shall be true to species and variety and shall conform to measurements specified.
4. All plants shall be exceptionally heavy, symmetrical, tight knit and so trained in appearance as to be superior to form, branching and symmetry.
5. Contractor shall notify 8 U.N.D.E.R.G.R.O.U.N.D. (1-800-432-4770) for locations of existing utility lines 48 hours prior to beginning excl. Contractor shall verify location of all utility lines and easements prior to commencing any work. Excavation in the vicinity of underground utilities shall be undertaken with care and by hand, if necessary. The Contractor bears full responsibility for this work and destruction or damage to utilities shall be repaired immediately at no expense to the Owner.
6. Grade Br. Arborist Fines, shredded Melaleuca or Eucalyptus minimum 2" deep, shall be used in all mass planting beds and for individual tree pits. All trees shall have a mulch ring with a minimum depth of 3" and a diameter of 2'-6" around their bases. All mulch shall be kept 2" from the base of all plant material. Mulch beds shall be a minimum of 12" wider than plants measured from outside edge of foliage.
7. Sod shall be St. Augustine 'Floratam' solid and free of weeds, insects, fungus and disease, laid with alternating and abutting joints.
8. All tree excavation pits shall be a minimum of 2 times the size of the rootball and planting soil must be clean. All trees and shrubs shall be backfilled with a suitable planting soil consisting of 50 percent sand and 50 percent approved compost. (Note: Field observation and soil analysis may require a different soil composition to be provided.) All plant materials shall be planted with a minimum of six to twelve inches of this planting soil around and beneath the root ball. Refer to planting details. Planting beds and planting soil shall be free from trash, peat, egg, or rubbed coral, building materials, debris, weeds, noxious pests and diseases.
9. All sodded areas to have a minimum of 2" of planting soil as described in note #8.
10. All trees shall be warranted by the Contractor and will be healthy and in flourishing condition of active growth on year from date of final acceptance.
11. All shrubs, groundcovers, vines and sod shall be fully warranted for 1 year under same condition as above.
12. All synthetic burlap, synthetic string or cords or wire baskets shall be removed before any trees are planted. All synthetic tape shall be removed from trunks, branches, etc. before inspection. The top 1/3 of any natural burlap shall be removed or tucked into the planting hole before trees are backed filled. Planting soil to be backfilled into plant pits by shoveling in.
13. All trees, palms and other plants shall be planted with the top of their rootballs no deeper than the final grade surrounding the planting area. Root balls may be planted up to 10% above grade.
14. In areas where paved surfaces abut sod or mulch, the final grade level of both surfaces should be even.
15. All planting shall be installed with fertilizer and/or fertilizer tablets at time of planting.
16. All planting shall be installed in a sound, workmanlike manner and according to good planting procedures. Installation shall include watering, weeding, fertilizing, mulching, selective pruning, and removal of refuse and debris on regular basis so as to present a neat and well kept appearance at all times.
17. All landscape and sod area shall have an automatic irrigation system installed. Coverage should be 100% overlap in all landscape and sod areas and spray zone hardscape is not permitted. Sodded areas and shrub/groundcover beds should be on separate irrigation zones for a more efficient system. Irrigation system shall be installed with a rainswitch device.
18. All landscape shall be installed in accordance with all local codes.
19. The plan shall take precedence over the plant list, should there be any discrepancy between the two.
20. Any plant substitutions must be approved by the City prior to installation.

Scale: 1" =20'-00"

North

811 Know what's below. Call before you dig.

PREPARED BY:
Kimberly Moyer, RLA
Landscape Architecture
(954) 492-9609
Lic. No. #LA0000952

PREPARED FOR:
Collado and Partners
Architecture, Planning, Interiors
300 Aragon Ave. 205
Coral Gables, FL 33134
(305) 569-9911

CENTRAL PARK APARTMENTS

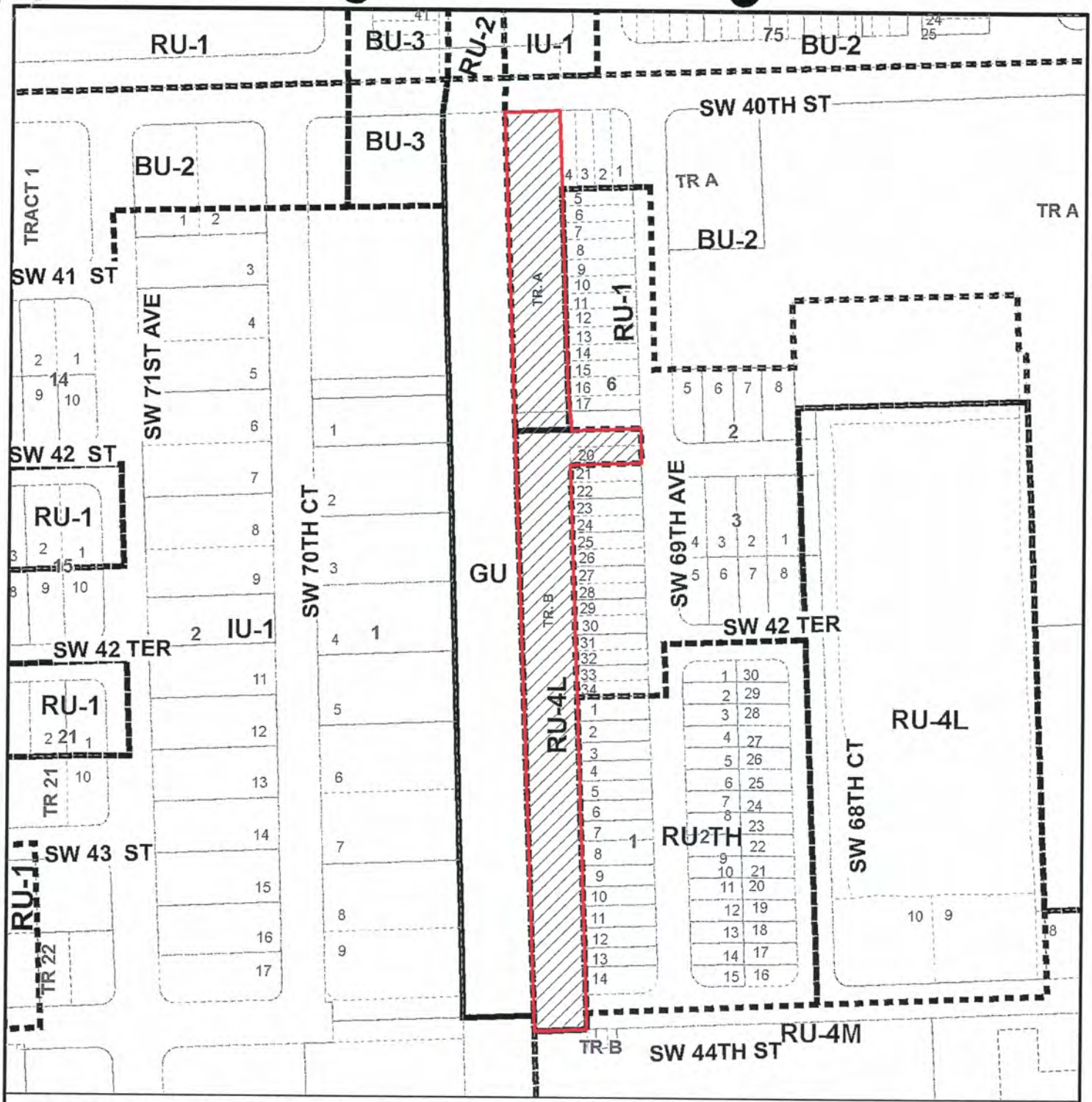
6950 SW 40TH STREET, MIAMI, FL 33155

LANDSCAPE PLAN

DATE:	MAY 21, 2013
PROJECT NUMBER:	1315
DRAWN BY:	J.B/E.
CHECKED BY:	K.M.
SCALE:	1"=20'-00"
REVISIONS: DATE:	BY:
1 Planting Rev. 1-30-2014	K.M.
2 5/9/14	
3	
4	
5	

SHEET NUMBER:

L-2



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

N
W E
S

Legend

Subject Property Case

Zoning

MIAMI-DADE COUNTY

SKETCH CREATED ON: Wednesday, June 4, 2014

REVISION	DATE	BY

52

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

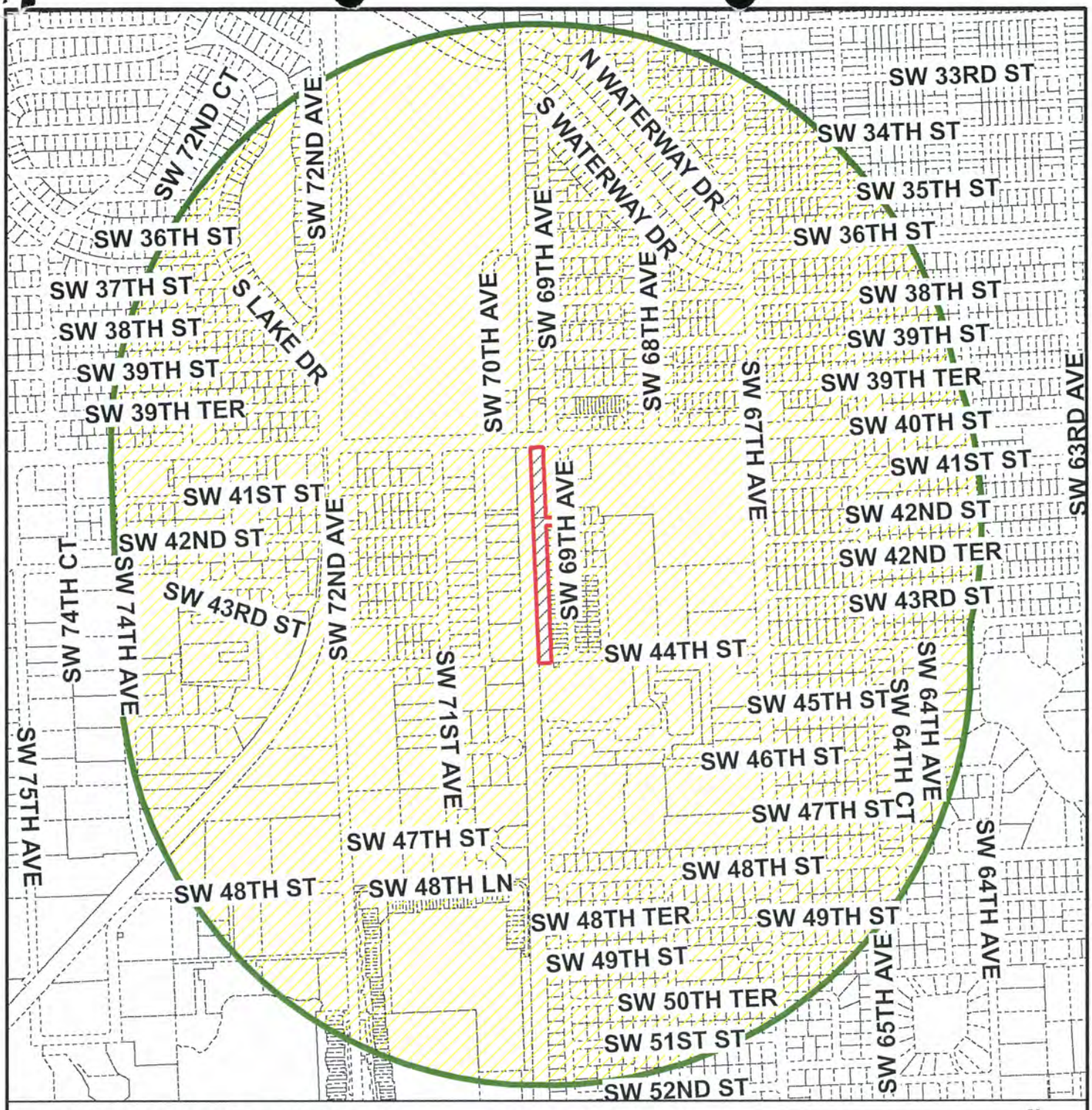
Legend

Subject Property

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, September 12, 2013

REVISION	DATE	BY
		53



MIAMI-DADE COUNTY

RADIUS MAP

Process Number

Z2013000077

RADIUS: 2640

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

N
W E
S

Legend

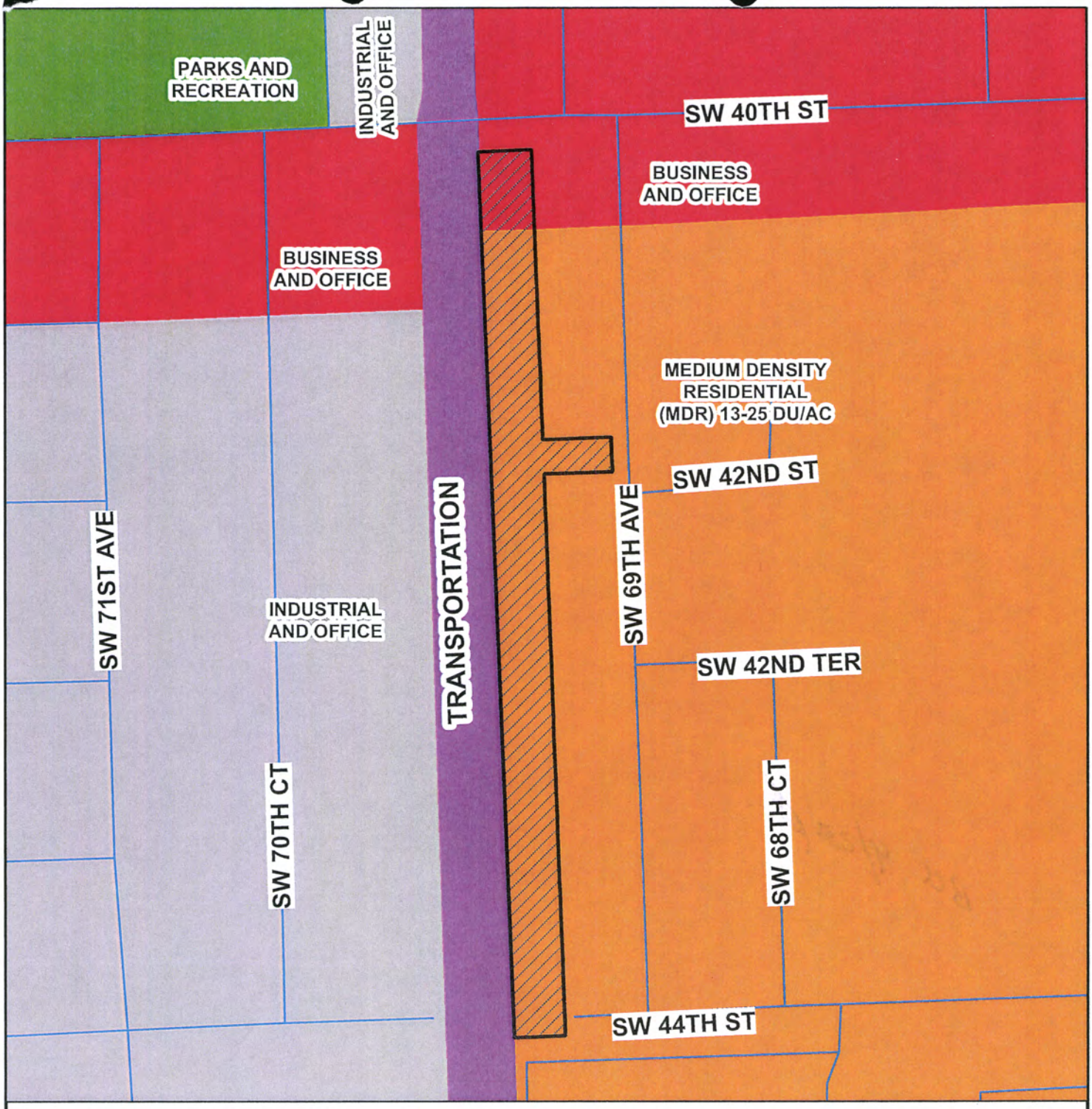
Subject Property

Buffer

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, September 12, 2013

REVISION	DATE	BY
		54



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

N
W E
S

Legend

Subject Property Case

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, September 12, 2013

REVISION	DATE	BY

Manuel Menendez Trust
3/19/15

PLANNING AND ZONING
BCC
Z13-077

This instrument was prepared by:

Ben Fernandez, Esq.
Bercow Radell & Fernandez, P.A.
200 S. Biscayne Boulevard
Suite 850
Miami, Florida 33131

PLANNING AND ZONING
2015 MAR 12 A 9:30

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner, MANUEL J. MENENDEZ TRUST, holds 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

IN ORDER TO ASSURE the County that the representations made by the Owner during consideration of Public Hearing No. Z2013000077 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

(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 5t14114, 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.

(3) That a continuous six (6') foot 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 and along the south side of the driveway to SW 69th Avenue, subject to Miami- Dade County Code regulations.

DK

County Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

Covenant Running with the Land. This Declaration on the part of the Owners shall constitute a covenant running with the land and may be recorded, at Owners' expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owners, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owners, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

Term. This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the then-owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

Modification, Amendment, Release. This Declaration may be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the then-owner(s) of the property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, , or the Director as provided by the Miami-Dade County Code of Ordinances. It is provided, however, in the event that the Property is annexed to an existing municipality or the Property is incorporated into a new municipality, any modification, amendment, or release shall not become effective until it is approved by such municipality and is thereafter approved by the Board of County Commissioners, in accordance with applicable procedures.

Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for

the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

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

Election of Remedies. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

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

Severability. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owners to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners

and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

Owner. The term Owners shall include the Owners, and its heirs, successors and assigns.

[Execution Pages Follow]

(Space reserved for Clerk)

TRUSTEE

Signed, witnessed, executed and acknowledged one this 6th day of FEB., 2015.

WITNESSES:

Signature

PATRICIA REYES
Print Name

Signature

Print Name

Trustee Signature

M.A. MENENDEZ
Print Name

Address:
3305 ALHAMBRA CIR.
CORAL GABLES, FL. 33134

STATE OF FLORIDA **COUNTY OF** MIAMI DADE

The foregoing instrument was acknowledged before me by M.A. MENENDEZ, Trustee, to me personally known or produced _____, as identification and who acknowledged the foregoing instrument for the purposes therein contained, and acknowledged that he was authorized under the trust to execute said instrument on behalf of the beneficiaries of the trust.

Witness my signature and official seal this 6 day of February, 2015 in the County and State aforesaid.

Signature
Notary Public-State of Florida.

Isabel D. Gonzalez
Print Name

My Commission Expires:

ISABEL D GONZALEZ
MY COMMISSION #FF103248
EXPIRES March 17, 2018
(407) 398-0153 FloridaNotaryService.com

[F:\forms\Acknowledgment Trustee (2/6/15)]

(4 of 4)

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.

(Space reserved for Clerk)

County Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

Covenant Running with the Land. This Declaration on the part of the Owners shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owners, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. Owners, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

Term. This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

Modification, Amendment, Release. This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing.

Should this Declaration of Restrictions be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, or the executive officer of the successor of such Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

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

Authorization for Miami-Dade County to Withhold Permits and Inspections. In the event the terms of this Declaration are not being complied with, in addition to any other remedies

available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

Election of Remedies. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

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

Severability. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owners to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

Owners. The term Owners shall include the Owners, and their heirs, successors and assigns.

[Execution Pages Follow]

(Space reserved for Clerk)

ACKNOWLEDGMENT TRUSTREE

Signed, witnessed, executed and acknowledged on this 29th day of January, 2008.

WITNESSES:

Signature

JAMES F. COMANDOR
Print Name

Signature

VICTOR VAZQUEZ
Print Name

, As TRUSTEE
Trustee Signature

M.J. MENENDEZ
Print Name

Address:

STATE OF Florida

COUNTY OF: Miami-Dade

The foregoing instrument was acknowledged before me by M. J. Menendez Trustee, to me personally known or has produced _____, as identification and who acknowledged the foregoing instrument for purposes therein contained, and acknowledged that he was authorized under the tryst to execute said document on behalf of the beneficiaries of the trust.

Witness my signature and official seal this 28 day of JANUARY, 2008, in the County and State aforesaid,

FERNANDO CHI
Notary Public - State of Florida
My Commission Expires Jan 16, 2009
Commission # DD 355905
Bonded By National Notary Assn.

Notary Signature

My Commission Expires

Exhibit A

Legal Description:

A portion of Florida East Coast Railway's Right-of- Way in Section 23, Township 54 South, Range 40 East, lying and being in Miami Dade County, Florida. Lying 19480 feet south of the centerline of S.W. 40th Street (Bird Road), said centerline of S.W. 40th Street (Bird Road) also being the North line of said section 23 bounded on the west by a line parallel to and 50 feet 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 1/2, of the Northeast ¼, of said section 23 and North line of tract D of Ludlum Point addition, according to the plat thereof as recorded in Plat Book 129, at page 84, of the public records of Miami Dade County, Florida, and bounded on the east by the West line of Lots 1 through 34, in Block 6, of Brywood, according to the plat thereof as recorded in the Plat Book 27, at page 26, of the public records of Miami Dade County, Florida; also being bounded on the East by the West line of Lots 1 through 14 and the Southerly extension thereof of Escotial, according to the Plat thereof as recorded in Plat Book 92, at page 11, of the public records of Miami Dade County, Florida, said boundary being the West line of the East ½, ofthe Northeast 1/4 of said section 23.

Also know as:

That portion of the Northwest 1/4, of the Northeast 1/4 , of section 23, Township 54 South, Range 40 East, lying 50 feet East of the centerline of the Florida East Coast Railway main track as now established, less the north 19480 feet thereof, having an area of 115, 804.0 square feet or 2, 653 acres net more or less

And

The North 25 feet of the Southwest 1/4, of the Northeast 1/4 , of section 23, Township 54 South, Range 40 East, lying 50 feet East of the centerline of Florida East Coast Railway main track as now established

And

Lots 19 and 20 and the North 5 Feet of Lot 21, in Block 6, of the Brywood, According to the Plat thereof as recorded in the Plat Book 27, at page 26, of the public records of Miami Dade County, Florida.

STATE OF FLORIDA, COUNTY OF DADE
I HEREBY CERTIFY that this is a true copy of the original filed in this office on FEB 5, 2008 day of
WITNESS my hand and Official Seal
HARVEY RUVIN, CLERK of Circuit and County Courts
By 6:33 D.C.

MIAMI DADE POLICE DEPARTMENT

57B - Summarized CFS Year Comparison By Call Type-Grid-Signal

Z2013000077 - Manuel J. Menendez Trust

Complaint Date Range: Jan 1, 2012 - Dec 31, 2012

EMERGENCY

Grid Code	CAD Signal Code	YTD 2012	LYTD 2011	P_LYTD 2010
1596	15 MEET AN OFFICER	2	0	2
	17 TRAFFIC ACCIDENT	10	6	4
	32 ASSAULT	3	0	1
	41 SICK OR INJURED PERSON	10	8	9
TOTAL FOR GRID 1596		**25**	**14**	**16**
1597	15 MEET AN OFFICER	1	0	0
	17 TRAFFIC ACCIDENT	6	3	1
	30 SHOOTING	0	0	1
	32 ASSAULT	0	1	2
	41 SICK OR INJURED PERSON	31	25	31
	44 ATTEMPTED SUICIDE	0	1	0
	49 FIRE	4	4	1
TOTAL FOR GRID 1597		**42**	**34**	**36**
		Reported: 10 Not Reported: 57	Reported: 9 Not Reported: 39	Reported: 9 Not Reported: 43
TOTAL EMERGENCY		**67**	**48**	**52**

MIAMI DADE POLICE DEPARTMENT

57B - Summarized CFS Year Comparison By Call Type-Grid-Signal

Z2013000077 - Manuel J. Menendez Trust

Complaint Date Range: Jan 1, 2012 - Dec 31, 2012

PRIORITY

Grid Code	CAD Signal Code	YTD 2012	LYTD 2011	P_LYTD 2010
1596	14 CONDUCT INVESTIGATION	5	7	2
	17 TRAFFIC ACCIDENT	0	1	1
	26 BURGLARY	2	1	0
	32 ASSAULT	5	5	5
	34 DISTURBANCE	3	8	6
	47 BOMB OR EXPLOSIVE ALERT	0	1	0
	49 FIRE	1	1	1
TOTAL FOR GRID 1596		**16**	**24**	**15**
1597	14 CONDUCT INVESTIGATION	9	8	7
	26 BURGLARY	1	1	8
	27 LARCENY	2	1	0
	29 ROBBERY	1	1	0
	32 ASSAULT	11	8	6
	34 DISTURBANCE	6	14	17
	47 BOMB OR EXPLOSIVE ALERT	0	1	3
	49 FIRE	3	0	1
TOTAL FOR GRID 1597		**33**	**34**	**42**
		Reported: 5 Not Reported: 44	Reported: 20 Not Reported: 38	Reported: 11 Not Reported: 46
TOTAL PRIORITY		**49**	**58**	**57**

MIAMI DADE POLICE DEPARTMENT

57B - Summarized CFS Year Comparison By Call Type-Grid-Signal

Z2013000077 - Manuel J. Menendez Trust

Complaint Date Range: Jan 1, 2012 - Dec 31, 2012

ROUTINE

Grid Code	CAD Signal Code	YTD 2012	LYTD 2011	P_LYTD 2010
1596	13 SPECIAL INFORMATION/ASSIGNMENT	36	36	15
	14 CONDUCT INVESTIGATION	36	48	41
	15 MEET AN OFFICER	1	5	3
	17 TRAFFIC ACCIDENT	35	53	39
	18 HIT AND RUN	11	3	13
	19 TRAFFIC STOP	27	21	38
	20 TRAFFIC DETAIL	7	4	23
	21 LOST OR STOLEN TAG	9	3	6
	22 AUTO THEFT	20	14	21
	25 BURGLAR ALARM RINGING	183	143	144
	26 BURGLARY	16	17	26
	27 LARCENY	10	13	6
	28 VANDALISM	7	8	7
	32 ASSAULT	17	8	15
	33 SEX OFFENSE	1	1	1
	34 DISTURBANCE	97	67	98
	36 MISSING PERSON	3	5	8
	37 SUSPICIOUS VEHICLE	6	9	10
	38 SUSPICIOUS PERSON	7	4	7
	39 PRISONER	2	0	5
	41 SICK OR INJURED PERSON	7	2	2
	43 BAKER ACT	3	3	6
	45 DEAD ON ARRIVAL	1	0	0
	49 FIRE	2	0	1
	52 NARCOTICS INVESTIGATION	4	2	2
	54 FRAUD	6	5	7
TOTAL FOR GRID 1596		**554**	**474**	**544**
1597	13 SPECIAL INFORMATION/ASSIGNMENT	57	34	23
	14 CONDUCT INVESTIGATION	78	71	73
	15 MEET AN OFFICER	2	5	2
	17 TRAFFIC ACCIDENT	58	60	31
	18 HIT AND RUN	20	22	12
	19 TRAFFIC STOP	10	10	12
	20 TRAFFIC DETAIL	23	34	32
	21 LOST OR STOLEN TAG	9	2	6
	22 AUTO THEFT	7	11	10
	25 BURGLAR ALARM RINGING	134	172	108
	26 BURGLARY	27	41	38
	27 LARCENY	26	33	33

MIAMI DADE POLICE DEPARTMENT

57B - Summarized CFS Year Comparison By Call Type-Grid-Signal

Z2013000077 - Manuel J. Menendez Trust

Complaint Date Range: Jan 1, 2012 - Dec 31, 2012

Grid Code	CAD Signal Code	YTD 2012	LYTD 2011	P_LYTD 2010
1597	28 VANDALISM	14	14	13
	29 ROBBERY	3	1	0
	32 ASSAULT	25	28	25
	33 SEX OFFENSE	6	3	5
	34 DISTURBANCE	185	174	227
	35 INTOXICATED PERSON - MYERS ACT	1	0	0
	36 MISSING PERSON	5	2	7
	37 SUSPICIOUS VEHICLE	10	6	12
	38 SUSPICIOUS PERSON	21	11	19
	39 PRISONER	4	2	3
	41 SICK OR INJURED PERSON	4	5	5
	43 BAKER ACT	5	5	4
	45 DEAD ON ARRIVAL	0	4	1
	49 FIRE	1	1	1
	52 NARCOTICS INVESTIGATION	5	2	6
	54 FRAUD	35	25	20
TOTAL FOR GRID 1597		**775**	**778**	**728**
		Reported: 603 Not Reported: 726	Reported: 637 Not Reported: 615	Reported: 554 Not Reported: 718
TOTAL ROUTINE		**1329**	**1252**	**1272**
GRAND TOTAL		**1445**	**1358**	**1381**

MIAMI DADE POLICE DEPARTMENT

57B - Summarized CFS Year Comparison By Call Type-Grid-Signal

Report Filters

Complaint Date Range: Jan 1, 2012 - Dec 31, 2012
Grid: 1596, 1597
Signal: 13 SPECIAL INFORMATION/ASSIGNMENT, 14 CONDUCT INVESTIGATION, 15 MEET AN OFFICER, 16 D.U.I., 17 TRAFFIC ACCIDENT, 18 HIT AND RUN, 19 TRAFFIC STOP, 20 TRAFFIC DETAIL, 21 LOST OR STOLEN TAG, 22 AUTO THEFT, 23 CLEARANCE CHECK, 24 COMPLETE CHECK, 25 BURGLAR ALARM RINGING, 26 BURGLARY, 27 LARCENY, 28 VANDALISM, 29 ROBBERY, 30 SHOOTING, 31 HOMICIDE, 32 ASSAULT, 33 SEX OFFENSE, 34 DISTURBANCE, 35 INTOXICATED PERSON - MYERS ACT, 36 MISSING PERSON, 37 SUSPICIOUS VEHICLE, 38 SUSPICIOUS PERSON, 39 PRISONER, 40 SUBJECT POSSIBLY WANTED, 41 SICK OR INJURED PERSON, 42 AMBULANCE, 43 BAKER ACT, 44 ATTEMPTED SUICIDE, 45 DEAD ON ARRIVAL, 46 MEDICAL DETAIL, 47 BOMB OR EXPLOSIVE ALERT, 48 EXPLOSION, 49 FIRE, 50 ORGANIZED CRIME FIGURE, 51 NARCOTICS VIOLATOR, 52 NARCOTICS INVESTIGATION, 53 ABDUCTION, 54 FRAUD, 55 WEAPONS VIOLATION
Agency: MIAMI-DADE
District:
Call Type: PRIORITY, ROUTINE, EMERGENCY
Primary Unit: Primary Unit not contains '0000' 'SB' 'CR' or Primary Unit does not exits

CDW Package

Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to the Board of County Commissioners

PH: Z13-077(14-7-CZ12-1) **March 19, 2015**
Item No. 1

Appeal Application Summary	
Commission District	7
Applicant	Manuel J. Menendez Trust.
Summary of Requests	The applicant is seeking to permit a 78-unit multi-family residential and commercial development on a commercial and residentially zoned site. Additionally, the applicant seeks to waive the requirement for a wall between the residential and commercial zoned portions of the dual zoned subject property as well as variances to the setback and landscape requirements.
Location	6950 SW 40 Street, Miami, Florida.
Property Size	2.92 acres
Existing Zoning	RU-4L, Limited Apartment House District, BU-2, Special Business District
Existing Land Use	Commercial Buildings
2020-2030 CDMP Land Use Designation	Business and Office/Medium Density Residential, 13 - 25 dua *(see attached Zoning Recommendation Addendum)*
Comprehensive Plan Consistency	Consistent with the LUP map, and the interpretative text and policies of the CDMP

CZAB Action

CZAB 12 **January 6, 2015**	**Denial without prejudice**

Staff Recommendation

Recommendation of the Appeal	**Approval** **(Overrule CZAB decision – requires a 2/3 vote of the BCC of the members present).**
Previous Recommendation to the CZAB	**Approval** **(Original Staff Recommendation to the CZAB is attached)**

Timeline

1. On January 6, 2015, the Community Zoning Appeals Board (CZAB) #12, denied without prejudice the subject application.

2. On January 20, 2015, the appellant, Manuel Menendez Trust, appealed the CZAB #12 decision to the Board of County Commissioners (BCC).

Analysis

For the reasons outlined in the Comprehensive Development Master Plan and Zoning analysis of the attached staff recommendation, staff opines that the appellants' request for a reversal of the CZAB #12 decision should be **approved**.

Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to the Board of County Commissioners

PH: Z13-077(14-7-CZ12-1) **March 19, 2015**
Item No. 1

Recommendation Summary	
Commission District	7
Applicant	Manuel J. Menendez Trust
Summary of Requests	The applicant is seeking to permit a 78-unit multi-family residential and commercial development on a commercial and residentially zoned site. Additionally, the applicant seeks to waive the requirement for a wall between the residential and commercial zoned portions of the dual zoned subject property as well as variances to the setback and landscape requirements.
Location	6950 SW 40 Street, Miami-Dade County, Florida.
Property Size	2.92 acres
Existing Zoning	RU-4L, Limited Apartment House District, BU-2, Special Business District
Existing Land Use	Commercial building
2020-2030 CDMP Land Use Designation	Business and Office/Medium Density Residential, 13 - 25 dua *(see attached Zoning Recommendation Addendum)*
Comprehensive Plan Consistency	Consistent with the LUP map, and the interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311 District Boundary Change Section 33-311(A)(3), Special Exception, Unusual use and New Uses, Section 33-311(A)(4)(b), Non-Use Variance standards, Section 33-311(A)(7), Generalized Modification Standards *(see attached Zoning Recommendation Addendum)*
Recommendation	**Approval with conditions of request #1, subject to the acceptance of the covenant, and approval with conditions of requests #2 through #9.**

REQUESTS:

REQUESTS #1 - #3 ON TRACT "B"

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

(2) Deletion of Declaration of Restrictions recorded in Official Records Book 24126, pages 0768-0772.

(3) Deletion of Declaration of Restrictions recorded in Official Records Book 26198, pages 4915 - 4919.

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

REQUEST #4 ON TRACT "A"

(4) SPECIAL EXCEPTION to permit residential use in the BU-2 zoning district.

REQUESTS #5 - #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 multi-family residential building setback a minimum of 2' (20' required) from the interior side (west) property line.

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

(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.

(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.

PROJECT DESCRIPTION AND PROJECT HISTORY:

This application seeks approval of requests to rezone the southern portion of the subject property and to permit a residential development on the commercially zoned, northern portion of the parcel in order to permit a mixed use multi-family residential and commercial development. Said requests are contingent on the approval of requests to delete prior declarations of restrictions that pertained to a previously approved townhome development on a portion of the subject property. Along with said requests, the applicant also seeks to permit the proposed development with ancillary non-use variances to the setback and landscape regulations.

The applicant seeks to rezone the southern 2.057-acres of the approximately 2.92-acre subject property from RU-4L, Limited Apartment House District, to RU-4M, Modified Apartment House District, and to delete the prior declarations of restrictions. This will permit the applicant to develop the subject parcel with 78 multi-family residential units and 1,050 sq. ft. of commercial space.

The subject property is narrow strip of land, approximately 2.92-acres in size abutting Bird Road (SW 40 Street), which is a section line roadway. The property is approximately 1,320' in length and approximately 100' wide and consists of two (2) separate zoning districts. The northern, approximately 0.87-acres' of the subject property is zoned BU-2, Special Business District and the remaining approximately 2.105-acres' to the south is currently zoned RU-4L.

In addition, the northern approximately 120' of the BU-2 portion of the property is designated on the Comprehensive Development Master Plan (CDMP) Future Land Use Plan (LUP) map for Business and Office uses. The remaining 1,200' southern portion of the property is designated Medium Density Residential on the CDMP LUP map.

Staff's research of the Department's zoning maps, indicate that the northern 120' of the subject property has been zoned BU-2 from as far back as 1948. Pursuant to Resolution #CZAB12-30-05 and Resolution #CZAB12-35-05, the existing RU-4L zoning district was approved on the on the remaining southern portion of the parcel. The RU-4L zoning district allows development at 23 residential units per acre, which would have allowed the development of the approximately 2.22 acre residential portion of the parcel with 52 residential units. However, the approval of the RU-4L portion of the property was approved subject to the acceptance of a covenant proffered by the applicant that restricted the development of the site to a site plan showing 26 residential units, along with other restrictions. Said covenant was subsequently modified pursuant to Resolution #CZAB12-37-06, to correct an error in the legal description of the residential parcel. The plan approved pursuant to Resolution #CZAB12-35-05, indicated a three (3) story townhome development with parking on the ground level. Additionally, said plans showed the development with two (2) ingress/egress drives for the residential development. One of the drives was located to the south from SW 44 Street and the other drive to the north, was located approximately in the area of SW 42 Street. No development was shown on the BU-2 portion of the subject site.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	**Land Use Designation**
Subject Property	RU-4L/BU-2:commercial building	Medium Density Residential (13-25 dua)/ Business and Office
North	IU-1: carwash	Business and Office
South	RU-4M; apartment buildings	Medium Density Residential (13-25 dua)
East	BU-2; post office RU-1/RU-TH: single-family residences and townhouses	Business and Office/Medium Density Residential (13-25 dua)
West	GU; railway easement	Transportation

NEIGHBORHOOD COMPATIBILITY:

The 2.92-acre subject property is a mostly vacant parcel located along Bird Road (SW 40 Street), which is designated as a Major Roadway on the CDMP Future LUP map. The property abuts residential uses to the south and east. However, to the north and west of the subject property are commercial and industrial uses.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to provide the community with additional housing. However, the proposed nine (9)-story development could have a visual impact on the surrounding area and create additional impacts on traffic, schools and other community resources in the area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

Staff notes that approximately northern approximately 120' of Tract "A" of the subject property, approximately 0.223-acres, is designated **Business and Office** on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. The Business and Office category *accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, entertainment and cultural facilities, amusements and commercial recreation.*

In addition, the CDMP Land Use Element interpretative text for Business and Office states that, *residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity.* When the above conditions are met, *residential development may be authorized to occur in the Business and Office category at a density up to one category higher than the LUP designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development or zoning if the adjacent or adjoining land is undeveloped whichever is higher.* The remaining southern portion of the subject property is designated **Medium Density Residential** on the CDMP LUP map, which allows a range in density of 13 to 25 dwelling units per gross acre. *The types of housing structures typically permitted in this category include townhouses and low-rise and medium-rise apartments.* Therefore, subject to the conditions outlined in the CDMP Land Use Element interpretative text for areas designated Business and Office, the 0.223-acre Business and Office designated portion of the subject property could be developed under the designation of **Medium-High Density Residential** at 25 to 60 dwelling units per acre. **This would allow the applicant to develop the approximately 0.223-acre Business and Office designated portion of the property with a maximum of thirteen (13) residential units.**

The remaining southern portion of Tract "A", which is approximately 0.64-acres in size, and Tract "B" of the subject property, which is 2.057-acres, for a total of 2.69-acres, are designated **Medium Density Residential** use on the CDMP Land Use Plan map. **Therefore, based on the density threshold allowed in this land use category, this portion of the subject property could be developed with a maximum of 67 residential units.**

The CDMP Land Use Element interpretative text for Residential Communities states that where a parcel or group of contiguous parcels under a single ownership or legally unified development has two different LUP map residential designations, the number of units permitted under one designation may be averaged with the number of units permitted under the other and developed at varying densities providing that the total number of units built on such property does not exceed the total number permitted under the two designations. **Based on the aforementioned analysis, the applicant would be able to develop the 2.92-acre parcel with a unified development that has two (2) different LUP map designations, with a combined total of 80 residential units**.

The applicant seeks to rezone the southern approximately 2.057-acres of the subject property to RU-4M, Modified Apartment House District. The RU-4M zoning district allows development at a

maximum of 35.9 units per acre. However, the applicant has proffered a covenant that will restrict the development of the entire subject property to a maximum of 78 residential units. This would allow for the development of Tract "B" within the density threshold allowed under the Medium Density designation on the CDMP Plan map. Therefore, staff opines that the proposed development of the subject property, as restricted by the proffered covenant to a maximum of 78 residential units is within the density threshold allowed in areas designated Business and Office and Medium Density Residential on the CDMP LUP map.

Further, staff notes that the CDMP Land Use Element interpretative text for Business and Office states that, *residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity.* The CDMP Land Use Element, **Policy LU-4A** states that when evaluating compatibility among proximate land uses, the County shall consider such factors as height, bulk and scale of architectural elements and parking among other things. For the reasons that will be further explained in the zoning analysis, staff opines that the proposed nine (9)-story, 78-unit residential development satisfies the criteria for compatibility set forth in the CDMP Land Use Element, **Policy LU-4A**.

Therefore, staff opines, that subject to the acceptance of the proffered covenant, approval of the application would be **consistent** with the CDMP Land Use Element interpretative text concerning density averaging for residential uses and the density threshold permitted in areas designated for **Business and Office** and **Medium Density Residential** uses on the CDMP Land Use Plan (LUP) map and would satisfy the criteria for compatibility outlined in the CDMP Land Use Element, **Policy LU-4A**.

ZONING ANALYSIS:

The subject property is a 2.92-acre parcel, of which, the northern 0.863 acre portion, identified as Tract "A" on the submitted plans is currently zoned BU-2. The remaining southern portion of the subject property, approximately 2.057 acres in size, Tract "B", is currently zoned RU-4L. For reasons that were previously outlined in the CDMP analysis, the applicant is now seeking approval of a district boundary change from RU-4L to RU-4M District (request #1) on Tract "B" of the subject property under Section 33-311(District Boundary Change), along with requests to delete prior declarations of restrictions on said tract (requests #2 and #3), under Section 33-311(A)(7), Generalized Modification Standards.

As previously noted, Tract "B" of the subject property was rezoned to RU-4L, which permitted the development of the residential portion of the parcel at a maximum of 23 units per acre, which would allow the development of the parcel with a maximum of 47 residential units. However, the applicant, at that time proffered a covenant restricting the development to 26 residential units. The proposed RU-4M zoning district allows development at a maximum of 35.9 residential units per acre, which could allow the applicant to develop the aforementioned 2.057 acre residentially zoned portion of the parcel with a maximum of 73 residential units. In addition, the northern 0.863 acre, BU-2 zoned portion of the site that is designated Business and Office and Medium Density Residential on the CDMP LUP map, could be developed with a maximum of 29 residential units. Therefore, if the proposed RU-4M zoning district is approved, the applicant would be able to develop the entire subject property with a maximum of 102 residential

units. However, the applicant has proffered a covenant that will restrict the development of the entire subject property to a maximum of 78 residential units. This would allow for the development of Tract "B" within the density threshold allowed under the Medium Density designation on the CDMP Plan map.

With the aforementioned requests (requests #1- #3), the applicant also seeks approval of a request to permit a multifamily residential development on the commercially zoned portion of the subject parcel, Tract A (request #4), under Section 33-311(A(3), Special Exception, Unusual use and New Uses. This will allow the applicant to develop the entire subject property as a unified multi-family residential development.

Staff opines that based on memoranda submitted by the various Departments reviewing the application, approval of requests #1 through #4 will not have an unfavorable economic impact on Miami-Dade County and will not unduly burden water, sewer, solid waste disposal, or other necessary public facilities. Staff notes that the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) does not object to the application and indicated in its memorandum that the application meets traffic concurrency since it lies within the Urban Infill Area (UIA) where traffic concurrency does not apply. As such, staff opines that the approval of the application, including requests #1 through #4 to rezone a portion of the parcel and to delete prior declarations of restrictions in order to permit a residential development on both a commercial and residentially zoned parcel would efficiently use the roads, streets and highways which have been constructed, planned or budgeted for in this area and further, would not result in excessive traffic.

Similarly, the memorandum from the Division of Environmental Resources Management (DERM) of the Department of Regulatory and Economic Resources (RER) indicates that the approval of the aforementioned requests will not have an unfavorable impact on the environmental resources of the County. The DERM memorandum states that a concurrency review has been conducted for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Additionally, staff notes that the Miami-Dade Fire Rescue Department (MDFRD) does not object to the application. Therefore, based on the aforementioned memoranda and memoranda from the other departments that reviewed the application among which were the Miami-Dade County's Parks Recreation and Open Spaces (PROS), staff opines that approval of this application will not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction. Further, staff opines that approval of the requests, which will allow the multi-family development, will not tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area.

The submitted plan depicts the proposed nine (9)-story building with 78 residential units and 1,050 sq. ft. of commercial space on the commercial and residentially zoned parcel. The linear shaped building is depicted on the northern portion of the subject property, Tract A, that is currently zoned BU-2, which is the subject of request #4. However, staff opines that the elevations submitted by the applicant indicate that the linear shaped building is designed with a gradual step design, with the highest point, approximately 100' high, abutting the SW 40 Street

frontage of the property located to the north. The building height is gradually reduced towards the south, to a maximum height of approximately 59', closer to the area where the property abuts a townhouse development located to the east. Along the east and west property lines of Tract "B", the submitted plans indicate a continuous row of trees and to the south, the trees taper off into a small green area with trees and a walking path, where the property abuts a multi-family residential development to the south. Staff opines that said trees provide an adequate visual buffer that will mitigate the negative visual impact of the proposed development on the single-story residential uses to the east. Further, contingent on the approval of the request to permit the residential development in the BU-2 district, the applicant is also seeking ancillary non-use variances, among which are variances that will permit structures encroaching into the interior side (west) setback areas (request #6 and #7). Staff is supportive of these requests since it will allow the applicant to site the buildings away from the less intensive town houses to the east and thereby, will mitigate the visual impact of the more intensive development on same. Additionally, the submitted plans indicate that the project complies with the FAR, open space, lot coverage and complies with the numerical parking requirements. Further, staff notes that the subject property abuts Bird Road (SW 40 Street), which is a well-travelled, east/west section line roadway and is approximately 0.6 miles east of the Palmetto Expressway (SR 826).

As such, based on the foregoing analysis and the memoranda from the Departments concerned, staff opines that the approval of the request to rezone a portion of the subject property (request #1) along with the requests to delete two (2) previous declarations of restrictions that tied the property to previously approved plans (requests #2 and #3), in order to permit a proposed residential and commercial development on the commercial and residentially zoned parcel, will be **compatible** with the area and **consistent** with the CDMP. Further, staff opines that approval of said requests will not have an unfavorable impact on the economy of the County and would not have an unfavorable impact on the environmental and natural resources or create an unnecessary burden on the water, sewer, solid waste or recreational resources among others which have been constructed, planned or budgeted for. **Therefore, subject to the Board's acceptance of the proffered covenant, staff recommends approval of request #1 under Section 33-311, District Boundary Change, approval with conditions of requests #2 and #3, under Section 33-311(A)(7), Generalized Modification Standards; and approval with conditions of request #4, under Section 33-311(A(3), Special Exception, Unusual use and New Uses**.

The applicant also seeks approval of ancillary Non-Use Variance requests to permit the development with one-way drives below the minimum width requirement (request #5), to permit the proposed residential building and an accessory structure encroaching into the interior side (west) setback areas (requests #6 and #7, respectively), to waive the required dissimilar land use buffer including a wall, along portions of the property lines (request #8) and the required 5' high masonry wall interior to the site where a BU zoned property abuts RU, EU or GU zoned property (request #9).

When the aforementioned requests (requests #5 through #9) are analyzed under section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations, staff opines that approval of said requests would maintain the basic intent and purpose of the zoning and subdivision regulations and would not affect the stability and appearance of the community. Further, based on the analysis below, staff opines that approval of the aforementioned requests would be **compatible** with the surrounding residential and commercial uses in the area.

Staff opines that approval of the applicant's request to permit one-way drives a minimum of 10' wide within the subject property (request #5) would not affect the character of the development and would not have an impact on the movement of vehicular traffic within the subject property. Staff notes that the Platting and Traffic Review Section of RER does not object to this request. Therefore, staff opines that approval would not have a negative impact on the abutting roadways or create any hazard within the subject property. For reasons that were previously explained, staff opines that the encroachment of the proposed residential building and the accessory structure, which are the subjects of requests #6 and #7 into the interior side (west) setback area, ensures a degree of sensitivity towards the less intensive town house residential development located to the east. Along with the location of the multi-family building on the northern portion of the parcel, Tract "A", and the abundant landscaping being provided along the east and west property lines of the southern tract, Tract "B", staff opines that the encroachment of the buildings into the interior side (west) setback areas, further mitigates the visual impact of the proposed development on the residences to the east.

Further, staff opines that although the submitted plans indicate that the applicant has not met the dissimilar use landscape buffer requirement along portions of the east and west property lines (request #8), the landscaping provided mitigates the visual impact of the development on the surrounding areas. Said plans indicate a continuous row of trees and hedge in conjunction with an existing wall and wood fence along the portions of the interior side (east) property line that abut the less intensive residential development to the east. Further, as previously opined, staff is supportive of the submitted plans, which depict the most intensive portion of the development, the nine-story building, on the north portion of the property, which abuts the existing post office use to the east and the vacant rail easement to the west. In addition, staff is supportive of the applicant's request to waive the decorative wall between the business and residential portions of the subject property (request #9). Staff opines that the required wall would disrupt the cohesiveness of the project and adversely affect the appearance of the development. **Staff therefore, recommends approval with conditions of requests #5 through #7 and #9, and approval with conditions of request #8, under Section 33-311(A)(4)(b), the Non-Use Variance Standards**.

ACCESS, CIRCULATION AND PARKING: The submitted plans indicate a main ingress/egress points along Bird Road to the north and SW 69 Avenue to the east. Additionally, the plans indicate that there will be adequate parking within the proposed development in both parking lots and surface parking areas for both the residents and visitors.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

Approval of request #1, subject to the Board's acceptance of the proffered covenant, and approval with conditions of requests #2 through # #9.

CONDITIONS FOR APPROVAL (For requests #2 through #9 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 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.

3. That the applicant shall install all the required landscaping along the property lines prior to obtaining a Certificate of Occupancy.

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.

ES:MW::NN:JV:CH

Eric Silva, AICP, Senior Division Chief
Development Services Division
Miami-Dade County
Department of Regulatory and Economic Resources

ZONING RECOMMENDATION ADDENDUM

Applicant: *Manuel J. Menendez Trust*
PH: *Z13-077*

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
Division of Environmental Resource Management (RER)	No objection*
Platting and Traffic Review Section (RER)	No objection*
Parks, Recreation and Open Spaces	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

Business and Office (Page I-41)	*This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.* *Residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity. Where these conditions are met residential development may be authorized to occur in the Business and Office category at a density up to one density category higher than the LUP-designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development, or zoning if the adjacent or adjoining land is undeveloped, whichever is higher. If there is no adjacent or adjoining residential use existing, zoned or designated on the same side of the roadway, the maximum allowable residential density will be that which exists or which this plan allows across the roadway. Where there is no residential use, zoning or designation on either side of the roadway, the intensity of residential development, including height, bulk and floor area ratio shall be no greater than that which would be permitted for an exclusively commercial use of the site. Where SURs or TDRs are transferred to Business-designated parcels which are zoned or to be used for residential development, or when a residential project utilizes the inclusionary zoning program the*

ZONING RECOMMENDATION ADDENDUM

Applicant: *Manuel J. Menendez Trust*
PH: *Z13-077*

	allowances of the Residential communities section may be used within the limits provided in this paragraph.
Medium Density Residential (Page I-31)	*This category allows densities from 13 to 25 dwelling units per gross acre. The type of housing structures typically permitted in this category includes townhouses and low-rise and medium-rise apartments.*
Medium-High Density Residential (Pg. I-31)	*This category authorizes apartment buildings ranging from 25 to 60 dwelling units per gross acre. In this category, the height of buildings and, therefore, the attainment of densities approaching the maximum, depends to a great extent on the dimensions of the site, conditions such as location and availability of services, ability to provide sufficient off-street parking, and the compatibility with and impact of the development on surrounding areas. The provisions of the section below entitled "Density Increase with Urban Design" are not applicable to this density category. At such time as Miami-Dade County's land development regulations are amended pursuant to Policy LU-9O, a density bonus can be added to each residential zoning district that falls within the Medium-High Density range of 25 to 60 dwelling units per gross acre. When land development regulations are amended, this density bonus may allow a maximum of 60 dwelling units per gross acre on properties that are designated Medium-High Density on the Land Use Plan map. These density bonuses shall not apply to existing or proposed developments with vehicular entrances that are controlled or have entry gates or existing or proposed developments with private streets.*
Density Averaging ***(Page I-32.2)***	*The land use density ceiling designated on the LUP map will apply to every parcel of land. However, in certain instances, the averaging of density may be authorized among different parcels. Specific provisions for this to occur are specified below. All of the following allowances are limited to lands located within the Urban Development Boundary which are designated for urban uses.* *Where groups of parcels under a single ownership or multiple ownerships that are legally unified (hereinafter legally unified development) are located within a unit area bounded by Major or Minor Roadways as indicated on the Land Use Plan map, portions of the unified development may be developed at densities higher than that shown on the LUP map provided that other portions are developed at correspondingly lower densities so that the average density of the entire development does not exceed the maximum gross density limits shown on the LUP map. Where a parcel or group of contiguous parcels under a single ownership or legally unified development has two different LUP map residential designations, the number of units permitted under one designation may be averaged with the number of units permitted under the other and developed at varying densities providing that the total number of units built on such property does not exceed the total number permitted under the two designations. Further, where 50 percent or more of the boundary of a parcel or group of contiguous parcels, not exceeding 20 acres in size, adjoins land that is developed or zoned for densities that are higher than those which are shown on the LUP map, such property may be zoned for a density higher than that shown on the LUP map but not higher than the highest density which is permitted by zoning on the adjoining properties. Density may be transferred across a Major or Minor roadway to an adjacent and legally unified parcel or portion thereof contiguous to the Roadway provided, further, that the site receiving the increased density shall be developed at a density no greater than the higher of adjoining or adjacent existing residential development or zoning, or if the adjoining land is undeveloped and not zoned for urban use, one density category higher than the LUP map designation of the parcel. The above provisions, however, are all conditioned upon a determination being made that the requested density and housing types are compatible with the surrounding development and would not create a significant negative impact on services within the area.*
Objective LU-4 (Page I-11)	*Miami-Dade County shall, by the year 2020, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.*
Policy LU-4A (Page I-11)	*When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.*

ZONING RECOMMENDATION ADDENDUM

Applicant: *Manuel J. Menendez Trust*
PH: *Z13-077*

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311 District Boundary Change	(A) *The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.* (F) ***Section 33-311*** *provides that the Board shall take into consideration, among other factors the extent to which:* *(1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;* *(2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;* *(3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;* *(4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;* *(5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways*
Section 33-311(A)(3) Special Exception, Unusual and New Uses.	*Special exceptions (for all applications other than public charter schools), unusual and new uses. Hear application for and grant or deny special exceptions, except applications for public charter schools; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.*

ZONING RECOMMENDATION ADDENDUM

Applicant: *Manuel J. Menendez Trust*
PH: *Z13-077*

33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations	*Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.*
Section 33-311(A)(7) Generalized Modification Standards.	*The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.*

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

#A

APPLICANT'S NAME: MANUEL J. MENENDEZ TRUST

REPRESENTATIVE: BEN FERNANDEZ/ GUILLERMO OLMEDILLO

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
14-7-CZ12-1 (13-077)	January 6, 2015	CZAB12	2	15

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:_____ ☐ 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:

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN	**M**	Peggy **BRODEUR**	X		
COUNCILMAN		Javier **GONZALEZ-ABREU**	X		
COUNCILMAN		Matthew **LARSH**	X		
VICE CHAIRMAN		Alberto **SANTANA**			X
COUNCILMAN	**S**	Jose I. **VALDES** (C.A.)	X		
COUNCIL WOMAN		Angela M. **VAZQUEZ**	X		
CHAIRMAN		Elliot N. **ZACK**	X		
		VOTE:	**6**	**0**	

EXHIBITS: ■ YES ☐ NO COUNTY ATTORNEY: Abbie Schwartz

15

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		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

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

PETITION OF APPEAL FROM DECISION OF
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY ____ AMOUNT OF FEE ____

RECEIPT # ____

DATE HEARD: 1/16/15

BY CZAB # CZAB 12

RECEIVED
13.877
JAN 15 2015
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC
RESOURCES DEVELOPMENT SERVICES
By ____

DATE RECEIVED STAMP

****

This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. Z13-077

Filed in the name of (Applicant) Manuel J. Menendez, Trust

Name of Appellant, if other than applicant Ben J. Fernandez, Esq.

Address/Location of APPELLANT'S property: 6950 SW 40th Street
Miami-Dade County, Florida

Application, or part of Application being Appealed (Explanation):

Entire appealable application

Appellant (name): Manuel J. Menendez
hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:
(State in brief and concise language)

The decision of CZAB 12 to deny the application was not based on substantial and competent evidence. The aplication was supported by the Department of Regulatory and Econmomic Resources and by additional facts and evidence presented by the Applicant at the public hearing. This information is competent and substantial and is the basis for the Appellant's appeal to the Board of County Commissioners.

APPELLANT MUST SIGN THIS PAGE

Date: 15 day of January, year: 2015

Signed _____

Manuel J. Menendez
Print Name

7035 S.W. 44ST. MIAMI, FL. 33155
Mailing Address

305-609-6388 305-667-0592
Phone Fax

REPRESENTATIVE'S AFFIDAVIT

If you are filing as representative of an association or other entity, so indicate: Representing

_____
Signature

Ben Fernandez, Esq.
Print Name

200 S. Biscayne Blvd., # 850
Address

Miami FL 33131
City State Zip

305-377-6235
Telephone Number

Subscribed and Sworn to before me on the 15 day of January, year 2015

_____
Notary Public

(stamp/seal)

Notary Public State of Florida
Ana Hernandez
My Commission EE075919
Expires 04/29/2015

Commission expires:

4/29/15

APPELLANT'S AFFIDAVIT OF STANDING
(must be signed by each Appellant)

STATE OF Florida

COUNTY OF Miami-Dade

Before me the undersigned authority, personally appeared Manuel J. Menendez (Appellant) who was sworn and says that the Appellant has standing to file the attached appeal of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community Zoning Appeals Board matter because of the following:

(Check all that apply)

__x__ 1. Participation at the hearing
__x__ 2. Original Applicant
____ 3. Written objection, waiver or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury, and that under penalties of perjury, Affiant declares that the facts stated herein are true.

Further Appellant says not.

Witnesses:

Signature

Jose Menendez
Print Name

Signature

Erick Valle
Print Name

Appellant's signature

Manuel J. Menendez
Print Name

Sworn to and subscribed before me on the 15 day of January, year 2015.

Appellant is personally know to me or has produced Drivers licences as identification.

Notary
(Stamp/Seal)

Commission Expires: March 17, 2018

[b:forms/affidapl.sam(9/08)]

ISABEL D GONZALEZ
MY COMMISSION #FF103248
EXPIRES March 17, 2018
(407) 398-0153 FloridaNotaryService.com

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
rd

STATE OF FLORIDA

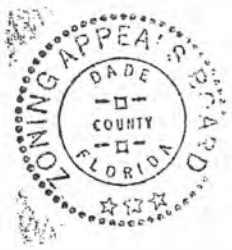
COUNTY OF MIAMI-DADE

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



MIAMI-DADE COUNTY

Department of Regulatory and Economic Resources
Development Services Division
111 NW 1st Street • Suite 1110
Miami, Florida 33128-1902
T 305-375-2640
www.miamidade.gov/economy

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,

Rosa Davis
Deputy Clerk

Enclosure

1. MANUEL J. MENENDEZ TRUST
(Applicant)

14-7-CZ12-1 (13-077)
Area 12/District 07
Hearing Date: 03/19/15

Property Owner (if different from applicant) **Same.**

Is there an option to purchase ☐ /lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☑

If so, who are the interested parties?

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
1989	United States Postal Service	- Unusual Use to permit Non-Commercial parking.	ZAB	Modified Approval with Condition(s)
2005	Pancho Menendez Land Trust II, ET	- Zone change from GU, RU-1 & RU-4M to BU-2.	C-12	Approved with Condition(s)
2005	Pancho Menendez Land Trust II, ET	- Zone change from GU, Ru-1, RU-4M and IU-1 to RU-4L, Gu, RU-1 & RU-4m to BU-2.	C-12	Approved with Condition(s)
2006	Pancho Menendez Land Trust II	- Modification of Resolution. - Deletion of Legal Description.	C-12	Approved with Condition(s)

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

Memorandum

Date: June 19, 2014

To: Jack Osterholt, Deputy Mayor/Director
Department of Regulatory and Economic Resources

From: Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources

Subject: C-12 #Z2013000077-2nd Revision
Collado & Partners
6950 SW 40th Street AND 4090 SW 69th Avenue, Miami, FL 33155
Special Exception to Permit a Multi-Family Residential Development
(BU-2) (2.98 Acres)
23-54-40

The subject application has been reviewed by the Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Potable Water Service and Wastewater Disposal

Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required in accordance with Code requirements.

Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management

A Surface Water Management General Permit from DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to any future development order approval. The applicant is advised to contact the Water Control Section of DERM for further information regarding permitting procedures and requirements.

Stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage system. Drainage must be provided for the 5-year/1-day storm event.

Site grading and development shall provide for the full retention of the 25-year/3-day storm event and shall also comply with the requirements of Chapter 11C of the Code, as well as with all State and Federal Criteria, and shall not cause flooding of adjacent properties.

Any proposed development shall comply with county and federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP subject to compliance with the conditions required for this proposed development order.

Pollution Remediation
There are no records of current contamination assessment/remediation issues on the subject site or records of current contamination assessment/remediation issues for sites directly abutting the property.

Wetlands
The subject properties do not contain wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation
The subject property may contain specimen-sized trees (trunk diameter 18 inches or greater). Section 24-49.2(II) of the Code requires that specimen-sized trees be preserved whenever reasonably possible. A Miami-Dade County Tree Removal/Relocation Permit is required prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application.

The applicant is advised to contact the Tree Permitting Program at 305-372-6574 for additional information regarding tree permitting procedures and requirements prior to site development.

Enforcement History
There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property.

Concurrency Review Summary
A concurrency review has been conducted for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute written approval as required by Chapter 24 of the Code.

If you have any questions concerning the comments or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

cc: Nathan Kogon, Department of Regulatory and Economic Resources

Memorandum

MIAMI-DADE COUNTY

Date: May 19, 2014

To: Eric Silva, Development Coordinator
Department of Regulatory and Economic Resources

From: Raul A. Pino, PLS, Chief
Platting and Traffic Review Section
Department of Regulatory and Economic Resources

Subject: Z2013000077
Name: Manuel J. Menendez Trust
Location: 6950 SW 40 Street
Section 23 Township 54 South Range 40 East

The Department of Regulatory and Economic Resources Platting and Traffic Review Section has reviewed the subject application and has no objections.

This land complies with Chapter 28 of the Miami-Dade County Code. The property is platted as Tracts A & B of Plat Book 167, Page 52.

Additional improvements may be required at time of permitting.

This application meets the traffic concurrency criteria because it lies within the urban infill area where traffic concurrency does not apply.

Memorandum

MIAMI-DADE COUNTY

Date: September 18, 2013

To: Eric Silva, Assistant Director
Regulatory and Economic Resources Department

From: Paul Mauriello, Assistant Director, Waste Operations
Public Works and Waste Management Department

Subject: Manuel J Menendez, Trust (#13_077)

The Department's review of the above-referenced item is provided below. Additional comments will be provided as needed. If you should have any questions, please do not hesitate to contact Stacey McDuffie of the Fiscal Management and Planning Division at 305-514-6661. **The PWWM has no objections to the proposed application.**

Application: ***Manuel J Menendez, Trust*** is requesting a non-use variance of a side setback, a special exemption, modification of previously approved plans and elimination of a previously proffered covenant related to the construction of residential building on the property. The property is presently zoned in a Special Business District (BU-2) and Limited Apartment House District (RU-4L).

Size: The subject property is approximately 2.98 acres.

Location: The subject property is located at 6950 SW 40th Street and 4090 SW 69th Avenue, in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (PWWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 28, 2012, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Sustainability, Planning and Economic Enhancement Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

Pursuant to Chapter 15 of the Miami-Dade County Code (Code), entitled Solid Waste Management, the residential building to be established on the property will likely be considered development for multi-family residential units. Per the Code the following is required of multi-family developments located in unincorporated Miami-Dade County:

"every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department." Therefore, the landlord or property owner is required to contact a private hauler to provide waste and recycling collection service, once the building is developed.

4. Recycling

Regarding multi-family units, **Section 15-2.2a** of the Code requires "every multi-family residential establishment shall provide for a recycling program which shall be serviced by a permitted hauler or the appropriate governmental agency and shall include, at a minimum, the five (5) materials listed in Section 15-2.2 below."

1) Newspaper
2) Glass (flint, emerald, amber)
3) Aluminum cans
4) Steel cans
5) Plastics (PETE, HDPE-natural, HDPE-colored)

Section 15-2.2b of the Code states the failure of a multi-family residential establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner(s) shall be liable, provided, however, that in the case of a condominium or cooperative apartment having a condominium association or cooperative apartment association, said association, rather than individual unit owners, shall be liable for any such violation.

Applicants are ***strongly*** advised to incorporate adequate space and facilities in their building plans to accommodate the required recycling program. Requests for approval of modified recycling programs must be made directly to the Department at 305 514-6666.

4. Waste Storage/Setout Considerations

Section 15-4 of the Code requires that plans for storage and collection of solid waste be adequate before a building permit may be issued. Site plans must address location, accessibility, number and adequacy of solid waste collection and storage facilities. The site plan legend must contain the following statement: "Facilities for the collection and storage of solid waste are shown in accordance with Section 15-4 of the Miami-Dade County Code."

5. Site Circulation Considerations

It is required that development plans associated with this project incorporate at least one of the following traffic circulation criteria to minimize the reversing of waste vehicles and hence, provide for the safe circulation of service vehicles:

a. Cul-de-sac with a minimum 49 foot turning radius (no "dead-ends")
b. "T" shaped turnaround 60 feet long by 10 feet wide
c. Paved throughway of adequate width (minimum 15 feet)

In addition, any and all alleyways designed with utilities, including waste collection, provided at the rear of the property should be planned in accordance with standard street specifications with sufficient width and turning radii to permit large vehicle access. Additionally, there should be no "dead-end" alleyways developed. Also, a sufficient waste set-out zone should be preserved (between the edge of the pavement and any possible obstructions such as parked cars, fencing, etc.,) that would interrupt or preclude waste collection.

Memorandum

MIAMI-DADE COUNTY

Date: May 16, 2014

To: Jack Osterholt, Deputy Mayor
Director, Regulatory and Economic Resources Department

From: Maria I. Nardi, Chief
Planning and Research Division
Parks, Recreation and Open Spaces Department

Subject: Z2013000077: MANUEL J.MENENDEZ TRUST
Revised Plans Submitted Dated Stamped Received 5/15/2014

Application Name: MANUEL J.MENENDEZ TRUST

Project Location: The site is located at 6950 SW 40 ST, Miami-Dade County.

Proposed Development: The request is for approval of special exception to permit residential development. Based on plans submitted it is estimated that 78 units could be developed.

Impact and Demand: This application proposes future development of multi-family use which has the potential to result in an impact of up to .47 acres to the level of service for this park benefit district.

Recreation and Open Space Element policies ROS-2a (i); (ii); (iii); (iv); and (v) provide for the establishment of Miami-Dade County's minimum Level of Service standard for the provision of local recreation open space. The site is located in Park Benefit District 2 (PBD2) which has a surplus of 494.95 acres of local parkland and therefore meets concurrency when analyzed in terms of (2.75) acres per 1,000 unincorporated areas residents within this Park Benefits District.

County-owned local parks that are within three miles of the subject application are described in Table A which lists the name, type and acreage for each park. Brothers to the Rescue Memorial Park is the nearest local park to the application site. A.D. "Doug" Barnes, an areawide park, is located within walking distance.

Table A - County Parks (local only)
Within a 3 Mile Radius of Application Area.

Park Facility	Classification	Acreage
Sunset Heights Park	MINI-PARK	0.32
Schenley Park	NEIGHBORHOOD PARK	2.00
Humble Mini Park	MINI-PARK	0.50
Brothers To The Rescue Memorial Park	SINGLE PURPOSE PARK	5.70
Banyan Park	NEIGHBORHOOD PARK	3.14
Rockway Park	COMMUNITY PARK	2.52
Miller Drive Park	COMMUNITY PARK	4.07
Blue Lakes Park	NEIGHBORHOOD PARK	6.00
Sudlow Park	MINI-PARK	1.12
Sunkist Park	NEIGHBORHOOD PARK	0.77
San Jacinto Park	MINI-PARK	0.92
Francisco Human Rights Park	MINI-PARK	3.78
Coral Villas Park	MINI-PARK	0.37

Objective ROS-8 of the Recreation and Open Space Element of the CDMP states the following: ***The 2007 Miami-Dade County Parks and Open Space System Master Plan (OSMP), through a 50-year planning horizon, shall guide the creation of an interconnected framework of parks, public spaces, natural and cultural areas, greenways, trails, and streets that promote sustainable communities, the health and wellness of County residents, and that serve the diverse local, national, and international communities.***

Recommendation: Based on our findings described herein **PROS HAS NO OBJECTION TO THIS APPLICATION**.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb
Cc: John M. Bowers, Parks Property Management Supervisor

REVISION 7

Memorandum

Date: 03-JUN-14

To: Jack Osterholt, Director
Department of Regulatory and Economic Resources

From: Dave Downey, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2013000077

Fire Prevention Unit:

This memo supesedes MDFR memorandum dated April 15, 2014.
APPROVAL:
Only for Sheet A:1.00

Service Impact/Demand

Development for the above Z2013000077
located at 6950 SW 40 ST, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1596 is proposed as the following:

78 residential	dwelling units	N/A industrial	square feet
N/A Office	square feet	N/A institutional	square feet
N/A Retail	square feet	N/A nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 27 alarms-annually.
The estimated average travel time is: 6:01 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:

Station 3 - Tropical Park - 3911 SW 82 Avenue

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:

None.

Fire Planning Additional Comments

N/A

For information regarding the aforementioned comments, please contact the Miami-Dade Fire Rescue Department Planning Section at 786-331-4540.

DATE: 10-FEB-15

REVISION 3

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

MANUEL J. MENENDEZ TRUST	6950 SW 40 ST, MIAMI-DADE COUNTY, FLORIDA.
APPLICANT	**ADDRESS**

Z2013000077

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: No open case. Prior case 201403002323 was opened March 13, 2014 for Unauthorized Use and warning issued. On April 16, 2014 extension was requested and given until May 17, 2014. Violation corrected and case close on February 6, 2015. BNC: No open cases

Manuel J Menendez Trust

OUTSTANDING FINES, PENALTIES, COST OR LIENS INCURRED PURSUANT TO CHAPTER 8CC:

REPORTER NAME:

Subj: **(no subject)**
Date: 7/10/2013 3:10:23 P.M. Eastern Daylight Time
From: cartpathos101@aol.com
To: cartpathos101@aol.com

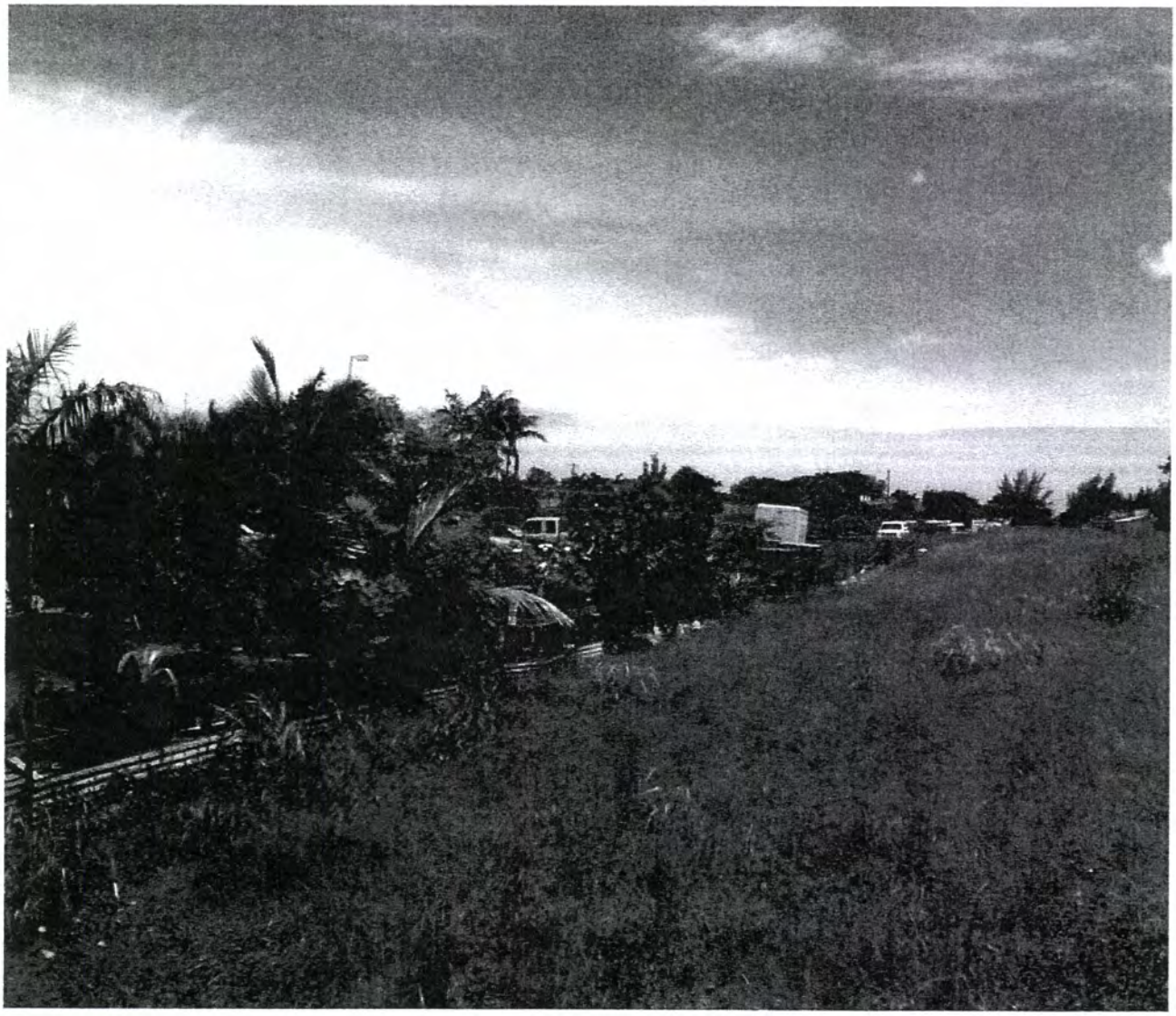
Sent from my iPhone

RECEIVED
AUG 21 2013
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY

N

REAR ELEVATION

Subj: **(no subject)**
Date: 7/10/2013 2:57:07 P.M. Eastern Daylight Time
From: carlpathos101@aol.com
To: carlpathos101@aol.com



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MIAMI-DADE PLANNING AND ZONING DEPT
BY

SE

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SIDE ELEVATION

Subj: **(no subject)**
Date: 7/10/2013 2:53:23 P.M. Eastern Daylight Time
From: caripathos101@aol.com
To: caripathos101@aol.com

Sent from my iPhone

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MIAMI-DADE PLANNING AND ZONING DEPT
BY

213-017

S

FRONT ELEVATION

41

DISCLOSURE OF INTEREST*

If a CORPORATION owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: _____

NAME AND ADDRESS	Percentage of Stock

8/30/13
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AUG 21 2013
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and the percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME **M J Menendez Trust**

NAME AND ADDRESS	Percentage of Interest
Manuel J, Menendez	**100%**
Teresita F. Menendez	
3305 Alhambra Circle	
Coral Gables, Florida 33134	

If a PARTNERSHIP owns or leases the subject property, list the principals including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percentage of Ownership

If there is a **CONTRACT FOR PURCHASE**, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: HONG

NAME, ADDRESS AND OFFICE (if applicable) | Percentage of Interest

N/A

Date of contract: N/A

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust.

N/A

NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature _____ (Applicant) MANUEL. MENENDEZ TRS. (Print Applicant name)

Sworn to and subscribed before me this 29 day of July, 2013. Affiant is personally know to me or has produced N/A as identification.

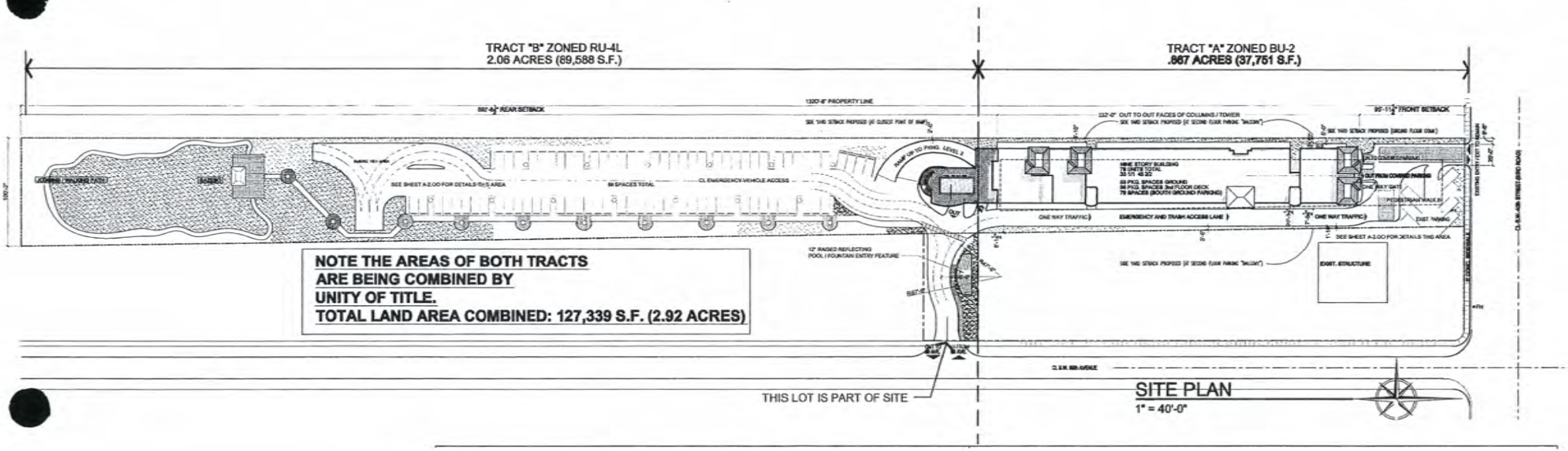
_____ (Notary Public)

ERICK M. VALLE
MY COMMISSION # EE 178938
EXPIRES: March 27, 2016
Bonded Thru Notary Public Underwriters

My commission expires: March 27/16

Seal

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.



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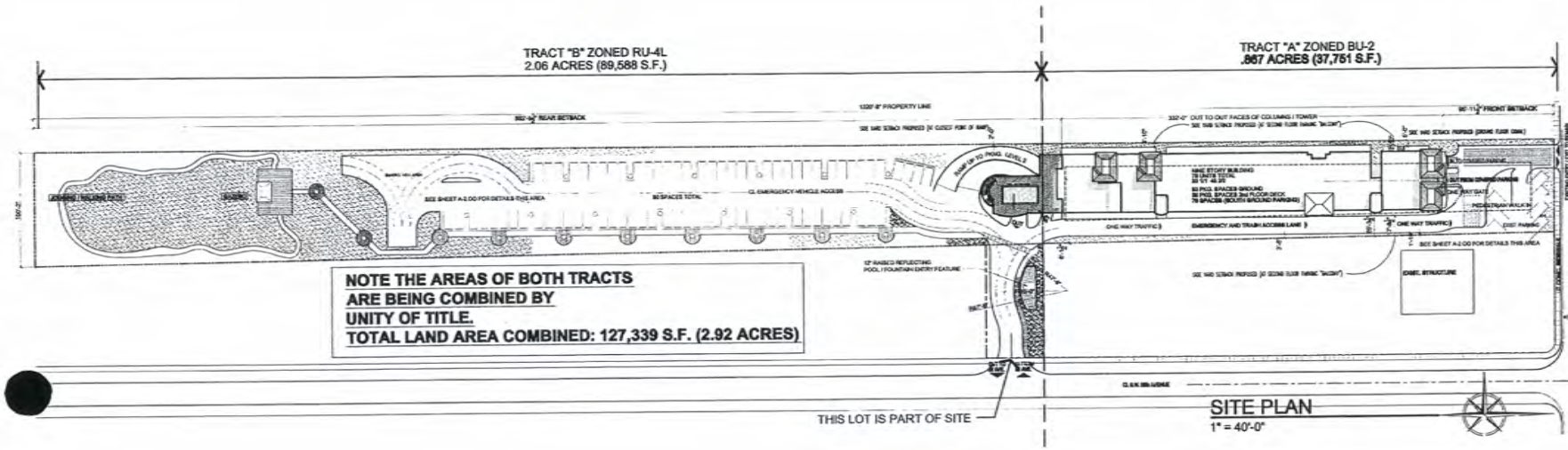
JUN 14 2014
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC
RESOURCES - DEVELOPMENT SERVICES
By for FE

ENLARGED SITE PLAN



SITE PLAN
1" = 40'-0"

RU-4M ZONING LEGEND

TOTAL NUMBER OF DWELLING UNITS	78
TOTAL NET ACREAGE	2.86
DENSITY PER NET ACRE	38.8

GROSS AREA (acres)	2.86 (127,339 S.F.)	
Less Floor	0.00	
Less Water	0.00	
Less Other	0.00	
NET AREA (ac. s.)	2.86 (127,339 S.F.)	100 %
Lot Coverage (30% max)	21,930 S.F.	17 %
Paved Area	60,709 S.F.	48 %
Common Open Space (open area)	48671 S.F.	38.5 %

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

UNIT MODEL DATA			Max. Floor Area Ratio (F.A.R.) per No. of Bldg. Stories								
Model Type	Area (Sq. Ft.)	No. of Units/Model	1 story	2 story	3 story	4 story	5 story	6 story	7 story	8 story	9 story
			0.5	0.7	0.75	0.9	0.95	0.9	0.95	1.0	1.05
Model: 1-B-1	727 S.F.	1	MAX. HEIGHT OF PROPOSED BLDGS.								105'-0" (90' - ROOF)
Model: 2-B-2	1,026 S.F.	3	MAX. NUMBER OF STORIES PERMITTED								9
Model: 2-B-2A	1,135 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	=	30	X 1.50 =	45.0 (60)
Total number of dwelling units with 2 bedrooms	=	48	X 1.75 =	78.0 (75)
Total number of dwelling units with more than 2 bedrooms	=	0	X 2.00 =	
			TOTAL PARKING SPACES REQUIRED =	SEE NOTES 2
			TOTAL PARKING SPACES PROVIDED =	189 SPACES

NOTE: RU-3M bldgs limited to 2 stories & 35' in height. RU-4L bldgs limited to 6 stories & 72' in height. RU-4M bldgs limited to 9 stories & 105' in height. Height measured from F.F. (finished floor) to top of parapet (roof ridge). See Zoning Code Article XI(A) for RU-3M, Article XI(B) for RU-4L, & Article XI(C) for RU-4M requirements.

Rev. 01-09-10

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
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

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JUN 11 2014
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES DEVELOPMENT SERVICES
By for FE

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" deep 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.

Z13-077
APPROVED

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

COLLADO AND PARTNERS INC
ARCHITECTURE PLANNING INTERIORS
LIC. AA 26000697

NO.	DATE	REVISION TYPE

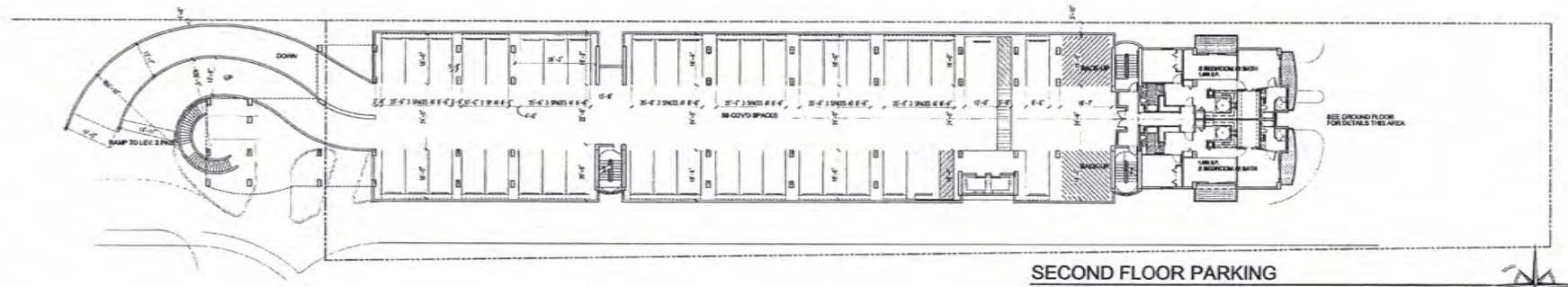
Job No. –
DRAWN BY: RJC
DATE: 6-4-14
SCALE: AS NOTED
CHECKED: RJC

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"

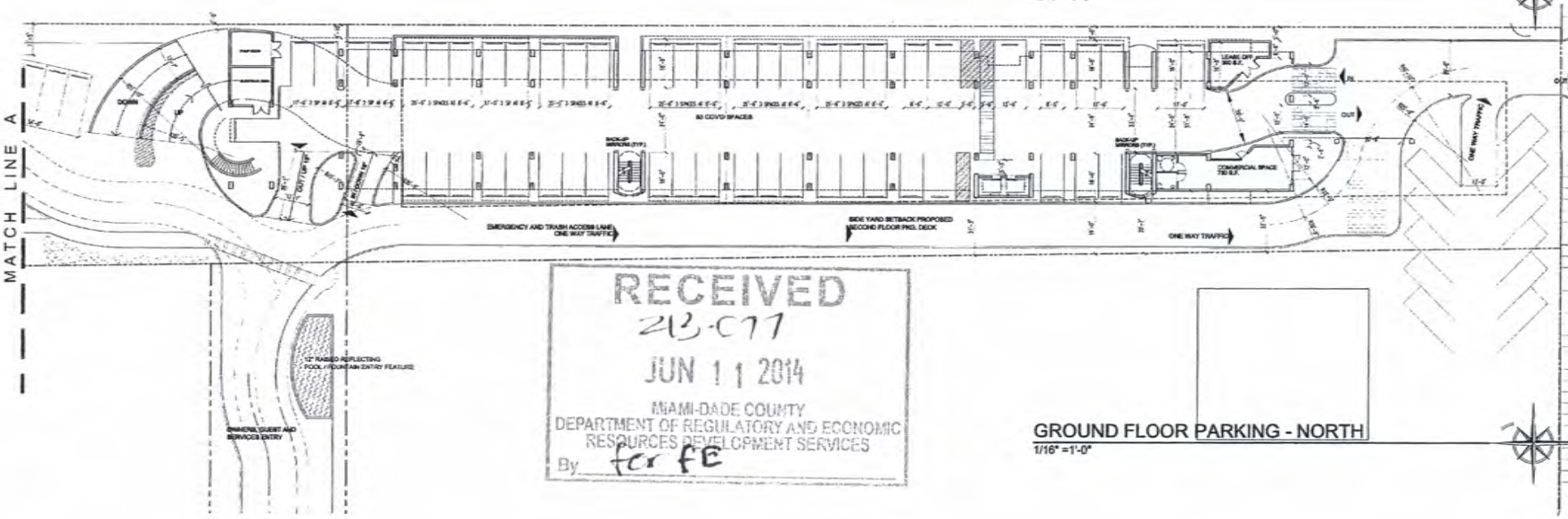
SEAL

RAMON J. COLLADO
R.A. REG. ARCHITECT
LIC. AR0013254

SHEET NO.:
A–1.00



SECOND FLOOR PARKING
1/16" =1'-0"



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JUN 11 2014
MIAMI-DADE COUNTY
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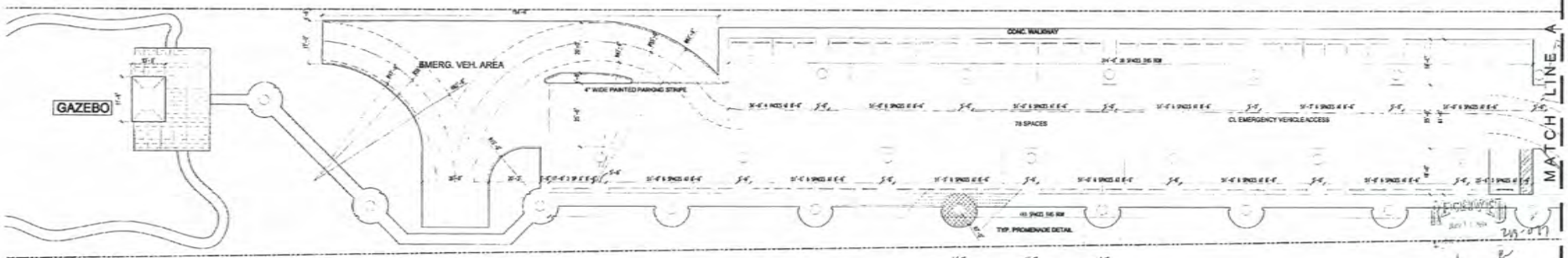
By for FE

GROUND FLOOR PARKING - NORTH
1/16" =1'-0"



GROUND FLOOR (SURFACE PARKING) - SOUTH
1/16" =1'-0"

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46

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 26000697

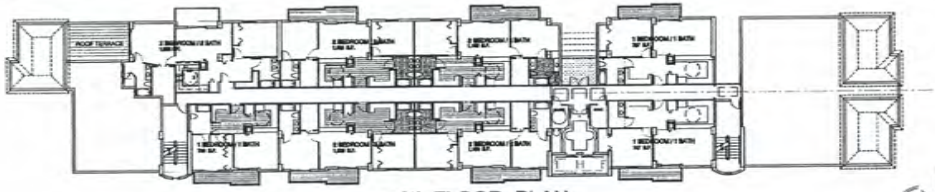
A NEW DEVELOPMENT
Central Park Apartments
Manuel J. Menendez as Trustee (owner)
6960 S.W. 40TH St. Miami, Florida 33155

TITLE: GROUND AND SECOND FLOOR

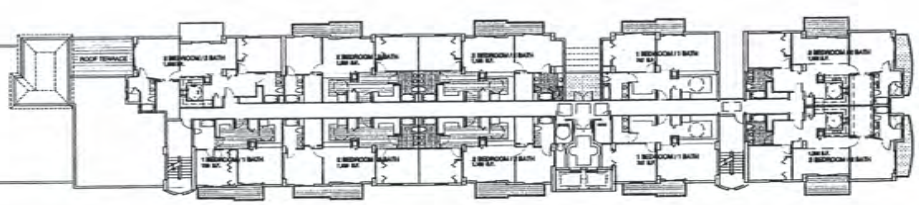
SEAL

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

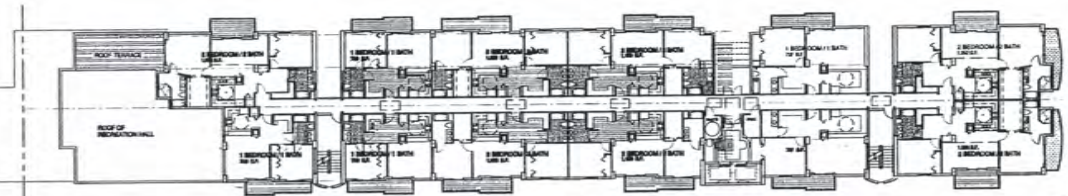
SHEET NO.:
A-2.00



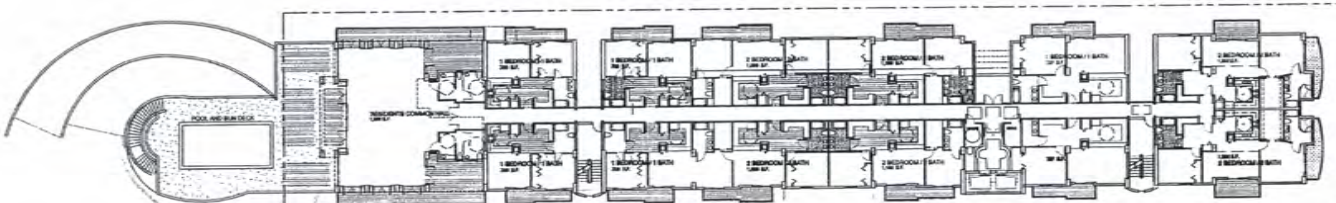
9th FLOOR PLAN
1/16" =1'-0"



7th AND 8th FLOOR PLANS
1/16" =1'-0"



4th 5th AND 6th FLOOR PLANS
1/16" =1'-0"



THIRD FLOOR PLAN
1/16" =1'-0"

RECEIVED
213-077
MAY 14 2014
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC
RESOURCES DEVELOPMENT SERVICES
By for FE

213-077
RECEIVED

COLLADO AND PARTNERS INC
ARCHITECTURE PLANNING INTERIORS
LIC. AA 26000697

A NEW DEVELOPMENT
Central Park Apartments
Manuel J. Hernandez as Trustee (owner)
0860 S.W. 40TH St. Miami, Florida 33155
FLOORS 3 TO 9

RAMON J. COLLADO
R.A. REG. ARCHITECT
LIC. AR0013264

SHEET NO.:
A-2.01

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48

EAST ELEVATION (TO POST OFFICE NEIGHBOR)
1/16" =1'-0"

REAR (SOUTH ELEVATION)
1/16" =1'-0"

BIRD ROAD FACADE (NORTH ELEVATION)
1/16" =1'-0"

WEST ELEVATION (TO LINEAR PARK / EX-RR EASMENT)
1/16" =1'-0"

RECEIVED
213-077
MAY 14 2014
MIAMI-DADE COUNTY
DEPARTMENT OF ENVIRONMENTAL AND ECONOMIC RESOURCES
for FE
By

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NO.	DATE	REVISION TYPE

COLLADO AND PARTNERS INC
ARCHITECTURE PLANNING INTERIORS
LIC. AA 26000067

JOB NO. -
DRAWN BY: RJC
DATE: 2-26-14
SCALE: AS NOTED
CHECKED: RJC

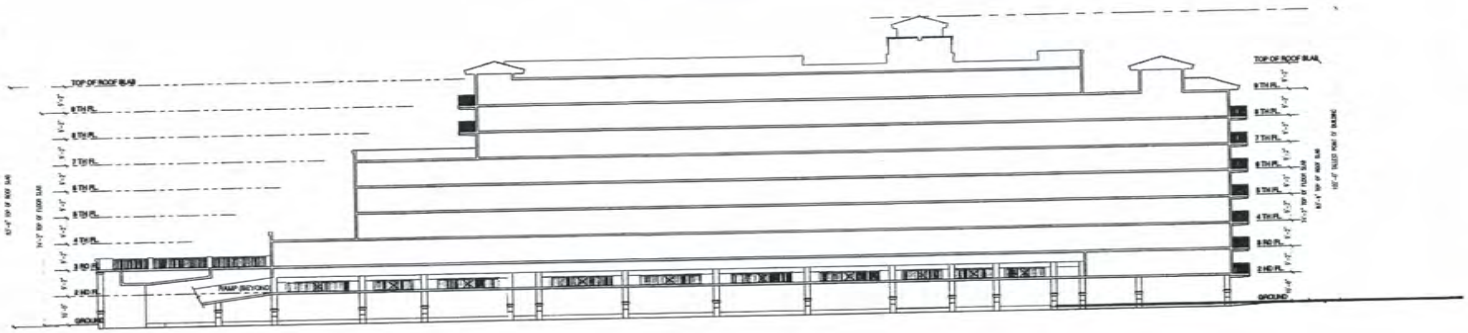
A NEW DEVELOPMENT
Central Park Apartments
Manuel J. Menendez as Trustee (owner)
6950 S.W. 40TH St. Miami, Florida 33155

TITLE: ELEVATIONS

SEAL
RAMON J. COLLADO
FLA. REG. ARCHITECT
LIC. AR0013264

SHEET NO.:
A-4.00

RECEIVED
213-077
MAY 14 2014
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC
RESOURCES DEVELOPMENT SERVICES
By for PE.



SOUTH TO NORTH (LONGITUDINAL) BUILDING SECTION
1/16" =1'-0"

213-077
RECEIVED

COLLADO AND PARTNERS INC
ARCHITECTURE PLANNING INTERIORS
LIC. AA 26000967

A NEW DEVELOPMENT
Central Park Apartments
Manuel J. Menendez as Trustee (owner)
0950 S.W. 40TH St. Miami, Florida 33155

TITLE: BUILDING SECTION

SEAL:
RAMON J. COLLADO
R.A. REG. ARCHITECT
LIC. AR0013264

SHEET NO.:
A-5.00

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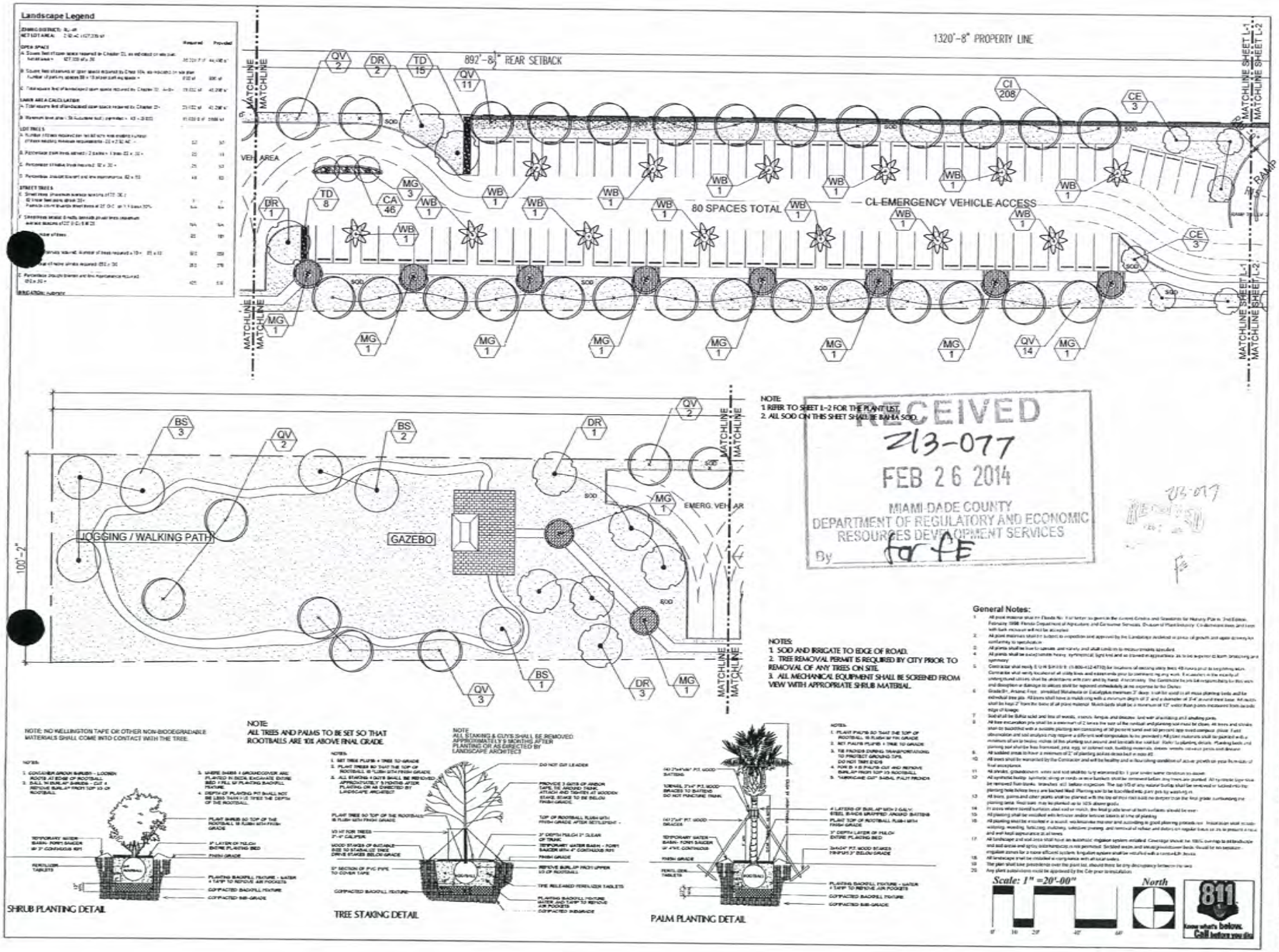
50



PREPARED BY:
Kimberly Moyer, RLA
Landscape Architecture
(954) 492-9609
Lic No. #LA0000952

PREPARED FOR
Collado and Partners
Architecture, Planning, Interiors
300 Aragon Ave. 205
Coral Gables, FL 33134
(305) 569-9911

CENTRAL PARK APARTMENTS

6950 SW 40TH STREET, MIAMI, FL 33155

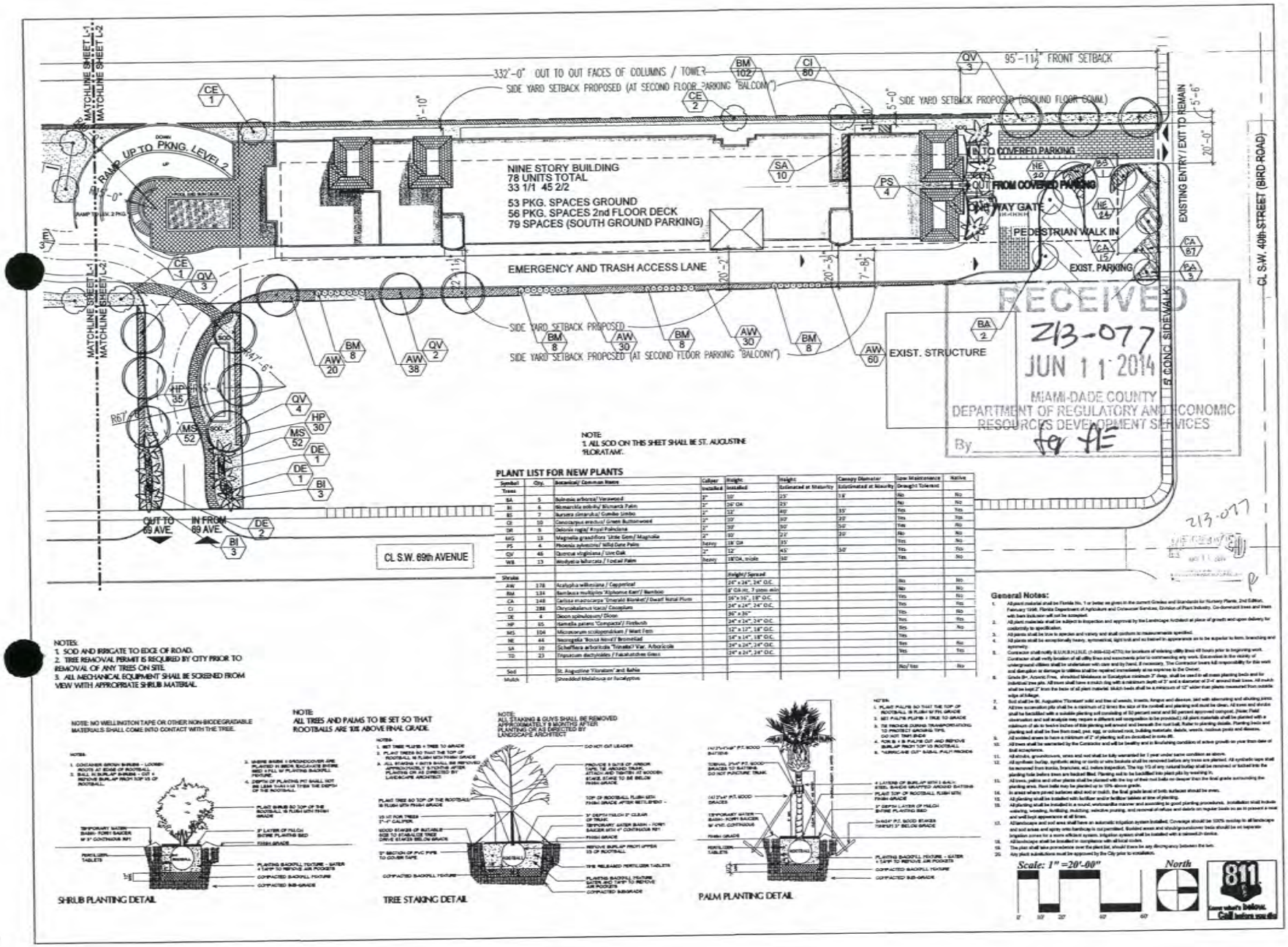
LANDSCAPE PLAN

DATE:	MAY 21, 2013
PROJECT NUMBER	1315
DRAWN BY	J.R.E.
CHECKED BY	K.M.
SCALE	1"=20'-00"

REVISION	DATE:	BY
1 Planning Rev.	1-20-2014	K.M.
2		
3		
4		
5		

SHEET NUMBER:

L-1



RECEIVED
Z13-077
JUN 11 2014
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATORY AND ECONOMIC
RESOURCES DEVELOPMENT SERVICES
By

NOTE:
1. ALL SOD ON THIS SHEET SHALL BE ST. AUGUSTINE 'FLORATAM'.

PLANT LIST FOR NEW PLANTS

Symbol	Qty.	Botanical/ Common Name	Caliper Installed	Height Installed	Height Estimated at Maturity	Canopy Diameter Estimated at Maturity	Low Maintenance Drought Tolerant	Native
Trees								
BA	5	Bulnesia arborea/ Verawood	3"	10'	25'	15'	No	No
BI	6	Bismarckia nobilis/ Bismarck Palm	3"	16' OA	25'		No	No
BS	7	Bursera simaruba/ Gumbo Limbo	3"	12'	40'	35'	Yes	Yes
CE	10	Conocarpus erectus/ Green Buttonwood	3"	10'	50'	20'	Yes	No
DR	5	Delonix regia/ Royal Poinciana	3"	10'	50'	50'	Yes	No
MG	13	Magnolia grandiflora 'Little Gem'/ Magnolia	2"	10'	25'	20'	No	No
PS	4	Phoenix sylvestris/ Wild Date Palm	heavy	18' OA	35'		Yes	No
QV	46	Quercus virginiana / Live Oak	3"	12'	45'	50'	Yes	Yes
WB	13	Wodyetia bifurcata / Foxtail Palm	heavy	18'OA, multi	30'		Yes	No
Shrubs				Height/ Spread				
AW	178	Acalypha wilkesiana / Copperleaf		24" x 24", 24" O.C.			No	No
BM	134	Bambusa multiplex 'Alphonse Karr'/ Bamboo		8' OA ht., 7 poles min.			No	No
CA	148	Carissa macrocarpa 'Emerald Blanket'/ Dwarf Natal Plum		24"x 36", 18" O.C.			Yes	Yes
CI	288	Chrysobalanus icaco/ Cocoplum		24" x 24", 24" O.C.			Yes	No
DE	4	Dioon spinulosum/ Dioon		36" x 36"			Yes	No
HP	65	Hamelia patens 'Compacta'/ Firebush		24" x 24", 24" O.C.			Yes	No
MS	104	Microsorum scolopendrium / Wart Fern		12" x 12", 18" O.C.			Yes	
NE	44	Neoregelia 'Rosa Nova'/ Bromeliad		14" x 14", 18" O.C.			Yes	No
SA	10	Schefflera arboricola 'Trinette'/ Var. Arboricola		24" x 24", 24" O.C.			Yes	Yes
TD	23	Tripsacum dactyloides / Fakahatchee Grass		24" x 24", 24" O.C.				
Sod		St. Augustine 'Floratam' and Bahia					No/ Yes	No
Mulch		Shredded Melaleuca or Eucalyptus						

NOTES:
1. SOD AND IRRIGATE TO EDGE OF ROAD.
2. TREE REMOVAL PERMIT IS REQUIRED BY CITY PRIOR TO REMOVAL OF ANY TREES ON SITE.
3. ALL MECHANICAL EQUIPMENT SHALL BE SCREENED FROM VIEW WITH APPROPRIATE SHRUB MATERIAL.

NOTE: NO WELLINGTON TAPE OR OTHER NON-BIODEGRADABLE MATERIALS SHALL COME INTO CONTACT WITH THE TREE.

SHRUB PLANTING DETAIL

NOTE:
ALL TREES AND PALMS TO BE SET SO THAT ROOTBALLS ARE 10% ABOVE FINAL GRADE.

NOTE:
ALL STAKING & GUYS SHALL BE REMOVED APPROXIMATELY 6 MONTHS AFTER PLANTING OR AS DIRECTED BY LANDSCAPE ARCHITECT

TREE STAKING DETAIL

PALM PLANTING DETAIL

General Notes:

1. All plant material shall be Florida No. 1 or better as given in the current Grades and Standards for Nursery Plants, 2nd Edition, February 1998, Florida Department of Agriculture and Consumer Services, Division of Plant Industry. Co-dominant trees and trees with bark inclusion will not be accepted.
2. All plant materials shall be subject to inspection and approval by the Landscape Architect at place of growth and upon delivery for conformity to specification.
3. All plants shall be true to species and variety and shall conform to measurements specified.
4. All plants shall be exceptionally heavy, symmetrical, typical and so trained in appearance as to be superior in form, branching and symmetry.
5. Contractor shall notify SUNSHINE (1-800-432-4770) for locations of existing utility lines 48 hours prior to beginning work. Contractor shall verify location of all utility lines and easements prior to commencing any work. Excavation in the vicinity of underground utilities shall be undertaken with care and by hand, if necessary. The Contractor bears full responsibility for this work and disruption or damage to utilities shall be repaired immediately at no expense to the Owner.
6. Grade B+, Acceptable Fines, shredded Melaleuca or Eucalyptus minimum 3" deep, shall be used in all areas planting beds and for individual tree pits. All trees shall have a mulch ring with a minimum depth of 3" and a diameter of 2'-0" around their bases. All mulch shall be kept 2" from the base of all plant material. Mulch beds shall be a minimum of 12" wider than plants measured from outside edge of foliage.
7. Sod shall be St. Augustine 'Floratam' solid and free of weeds, insects, fungus and disease, laid with alternating and abutting joints.
8. All tree excavation pits shall be a minimum of 2 times the size of the rootball and planting soil must be clean. All trees and shrubs shall be backfilled with a suitable planting soil consisting of 50 percent sand and 50 percent approved compost. (Note: Field observation and soil analysis may require a different soil composition to be provided.) All plant materials shall be planted with a minimum of six to twelve inches of this planting soil around and beneath the root ball. Refer to planting details. Planting beds and planting soil shall be free from road, pea, egg, or colored rock, building materials, debris, weeds, noxious pests and diseases.
9. All sodded areas to have a minimum of 2" of planting soil on smoothed in soils #8.
10. All plants shall be warranted by the Contractor and will be healthy and in flourishing conditions of active growth on year from date of final acceptance.
11. All shrubs, groundcovers, vines and sod shall be fully warranted for 1 year under same conditions as above.
12. All synthetic burlap, synthetic string or cords or wire baskets shall be removed before any trees are planted. All synthetic tape shall be removed from trunks, branches, etc. before inspection. The top 1/3 of any natural burlap shall be removed or tucked into the planting hole before trees are backed filled. Planting soil to be backfilled into plant pits by mixing in.
13. All trees, palms and other plants shall be planted with the top of their root balls no deeper than the final grade surrounding the planting area. Root balls may be planted up to 10% above grade.
14. In areas where paved surfaces abut sod or mulch, the final grade level of both surfaces should be even.
15. All planting shall be installed with fertilizer and/or fertilizer tablets at time of planting.
16. All planting shall be installed in a sound, workmanlike manner and according to good planting procedures. Installation shall include watering, weeding, fertilizing, mulching, selective pruning, and removal of refuse and debris on regular basis so as to present a neat and well kept appearance at all times.
17. All landscape areas and sod areas shall have an automatic irrigation system installed. Coverage should be 100% overlap to all landscape and sod areas and spray onto hardscape is not permitted. Sodded areas and shrub/groundcover beds should be on separate irrigation zones for a more efficient system. Irrigation system shall be installed with a rainswitch device.
18. All landscape shall be installed in compliance with all local codes.
19. The plan shall take precedence over the plant list, should there be any discrepancy between the two.
20. Any plant substitutions must be approved by the City prior to installation.

Scale: 1" =20'-00"

North

811 Know what's below. Call before you dig

PREPARED BY:
Kimberly Moyer, RLA
Landscape Architecture
(954) 492-9609
Lic. No. #LA0000952

PREPARED FOR:
Collado and Partners
Architecture, Planning, Interiors
300 Aragon Ave. 205
Coral Gables, FL 33134
(305) 569-9911

CENTRAL PARK APARTMENTS

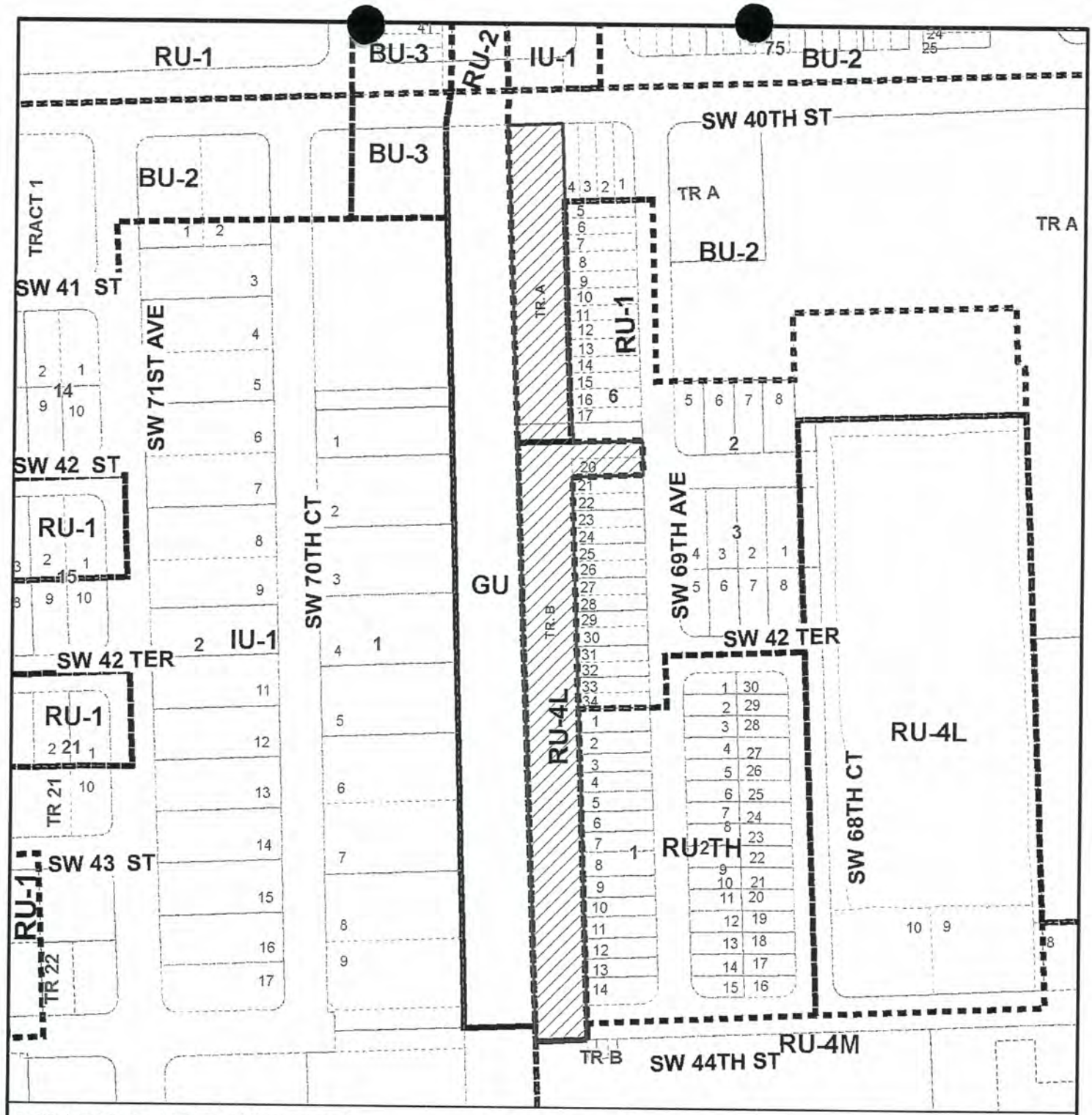
6950 SW 40TH STREET, MIAMI, FL 33155

LANDSCAPE PLAN

DATE:	MAY 21, 2013	
PROJECT NUMBER:	1315	
DRAWN BY:	J.B.E.	
CHECKED BY:	K.M.	
SCALE:	1"=20'-00"	
REVISION:	DATE:	BY:
1 Planting Rev.	1-30-2014	K.M.
2	6/5/14	
3		
4		
5		

SHEET NUMBER:

L-2



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

N
W E
S

Legend

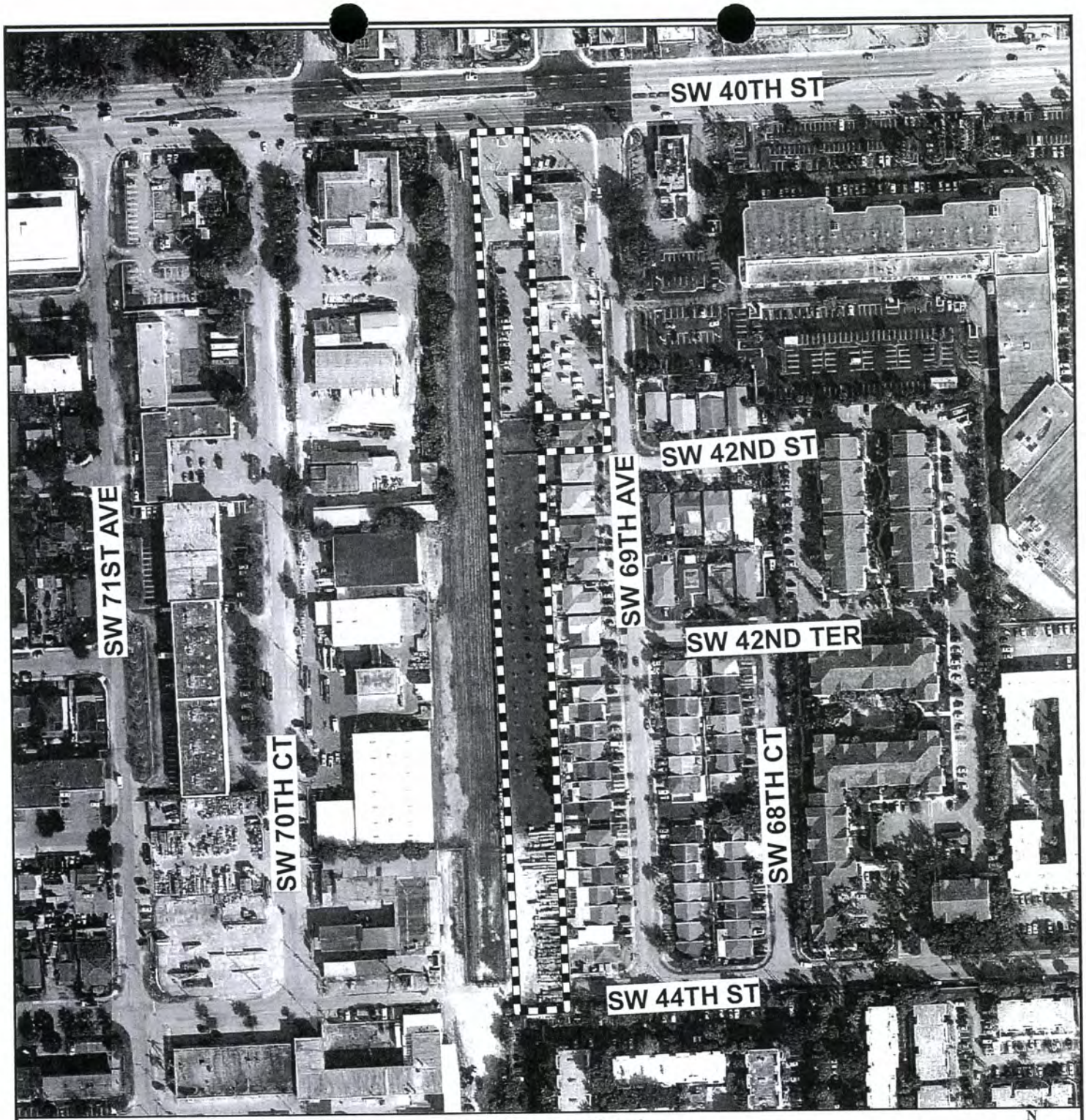
Subject Property Case

Zoning

MIAMI-DADE COUNTY

SKETCH CREATED ON: Wednesday, June 4, 2014

REVISION	DATE	BY
		52



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

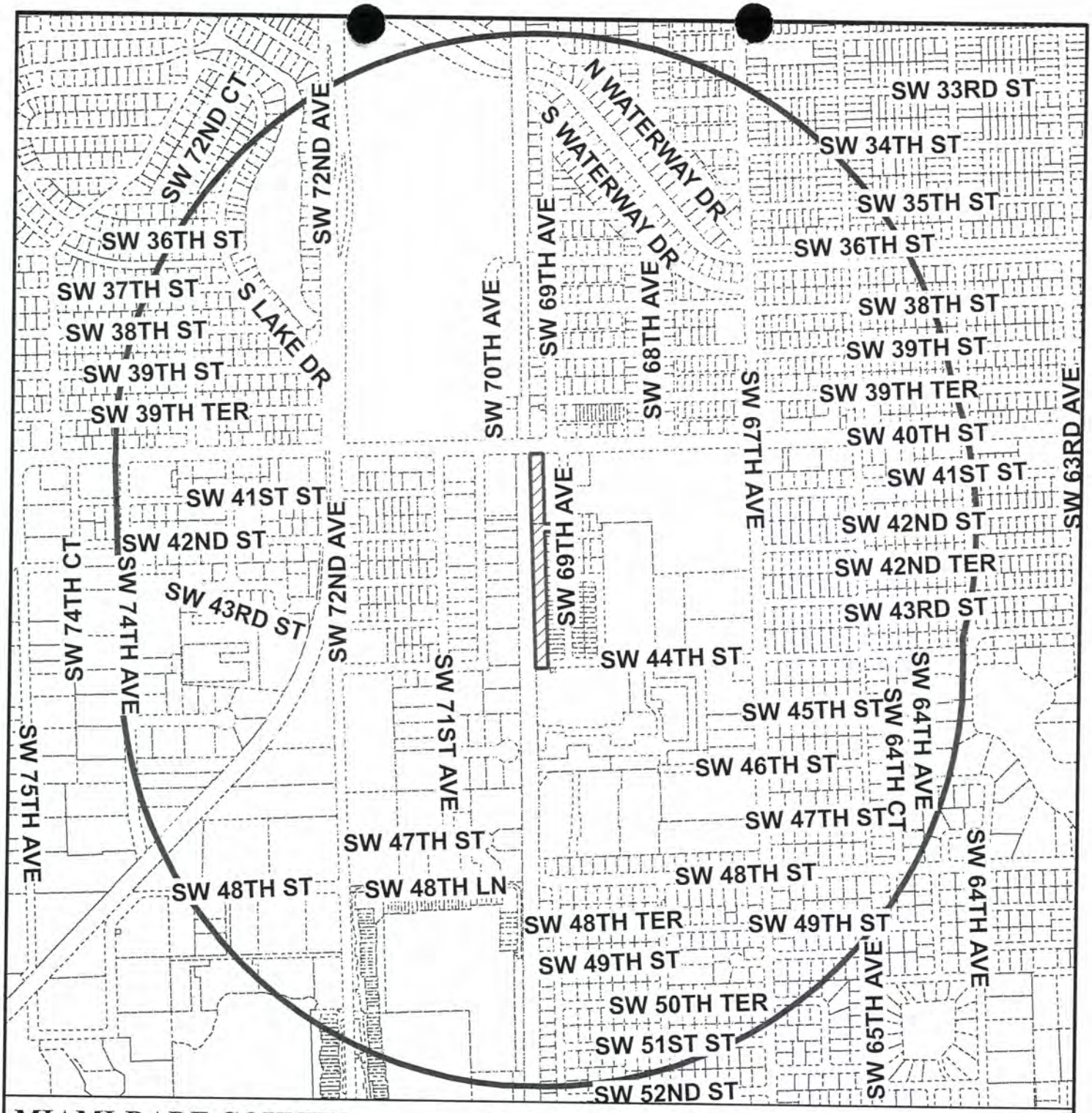
Legend

Subject Property

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, September 12, 2013

REVISION	DATE	BY
		53



MIAMI-DADE COUNTY

RADIUS MAP

Process Number

Z2013000077

RADIUS: 2640

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

N
W E
S

Legend

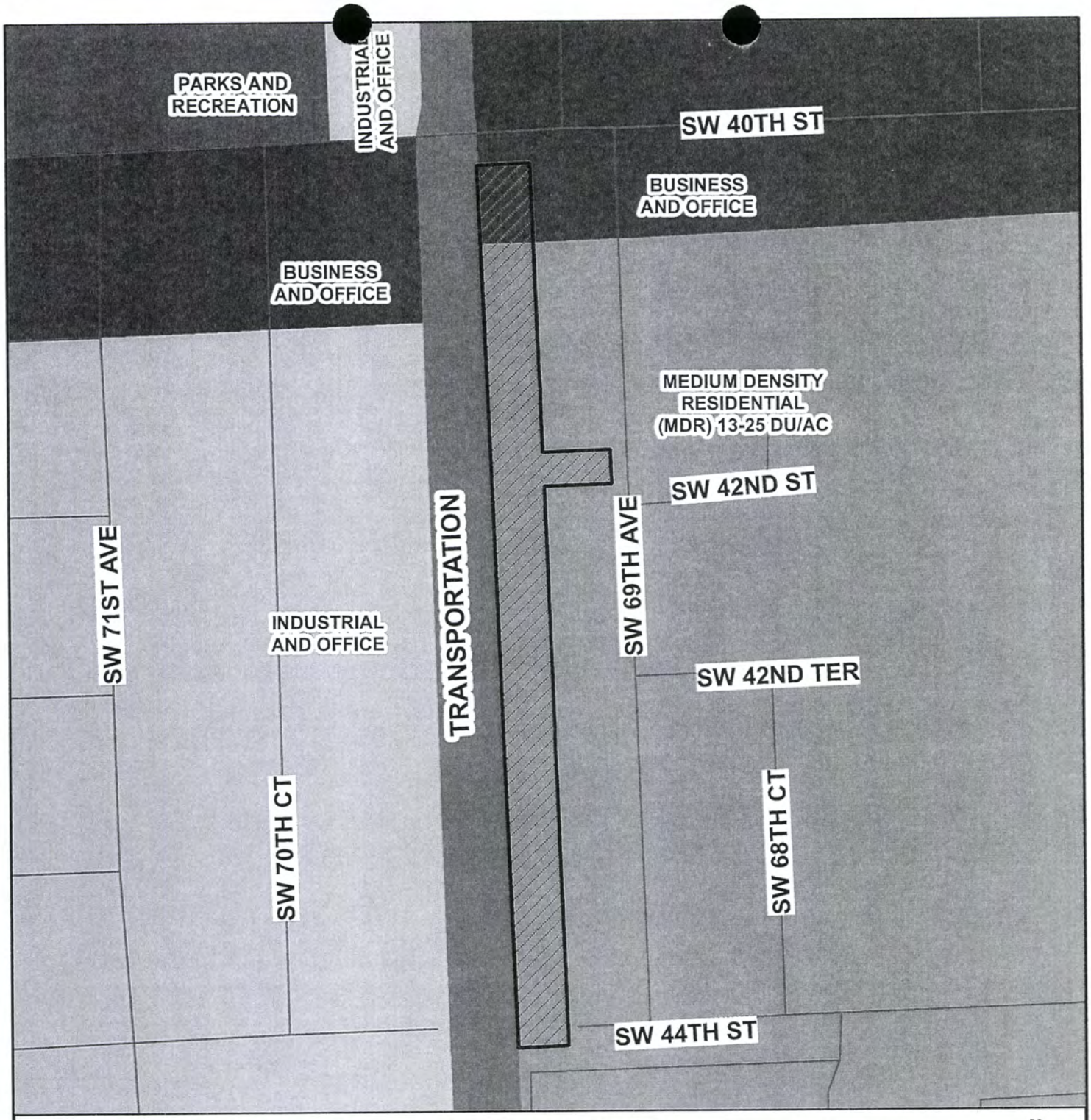
Subject Property

Buffer

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, September 12, 2013

REVISION	DATE	BY
		54



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

N
W E
S

Legend

Subject Property Case

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, September 12, 2013

REVISION	DATE	BY

Miami-Dade County
Department of Regulatory and Economic Resources

PHOTOGRAPH OF SIGN POSTED FOR ZONING HEARING

#1

HEARING NUMBER: Z2013000077

BOARD: BCC

LOCATION OF SIGN: 6950 SW 40 ST, MIAMI-DADE COUNTY, FLORIDA.

Miami Dade County, Florida

Date of Posting: 23-FEB-15

This is to certify that the above photograph is true and correct and that the sign concerning a Zoning Hearing application was posted as indicated above.

SIGNATURE: _____

PRINT NAME: FELIX ACOSTA

MIAMI-DADE COUNTY

Miami-Dade County
Department of Regulatory and Economic Resources

PHOTOGRAPH OF SIGN POSTED FOR ZONING HEARING

#2

HEARING NUMBER: Z2013000077

BOARD: BCC

LOCATION OF SIGN: 6950 SW 40 ST, MIAMI-DADE COUNTY, FLORIDA.

Miami Dade County, Florida

Date of Posting: 23-FEB-15

This is to certify that the above photograph is true and correct and that the sign concerning a Zoning Hearing application was posted as indicated above.

SIGNATURE: _____

PRINT NAME: FELIX ACOSTA

FA

HEARING NO. 14-7-CZ12-1 (13-77)
APPLICANT: MANUEL J. MENENDEZ TRUST
The applicant is appealing the decision of the COMMUNITY ZONING APPEALS BOARD #12, which denied without prejudice 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.
LOCATION: 6950 SW 40 Street, MIAMI-DADE COUNTY, FLORIDA.
SIZE OF PROPERTY: 2.92 +/- Acres

Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 12

PH: Z13-077(14-7-CZ12-1) **January 6, 2015**
Item No. A

Recommendation Summary	
Commission District	7
Applicant	Manuel J. Menendez Trust
Summary of Requests	The applicant is seeking to permit a 78-unit multi-family residential and commercial development on a commercial and residentially zoned site. Additionally, the applicant seeks to waive the requirement for a wall between the residential and commercial zoned portions of the dual zoned subject property as well as variances to the setback and landscape requirements.
Location	6950 SW 40 Street, Miami-Dade County, Florida.
Property Size	2.92 acres
Existing Zoning	RU-4L, Limited Apartment House District, BU-2, Special Business District
Existing Land Use	Commercial building
2020-2030 CDMP Land Use Designation	Business and Office/Medium Density Residential, 13 - 25 dua *(see attached Zoning Recommendation Addendum)*
Comprehensive Plan Consistency	Consistent with the LUP map, and the interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311 District Boundary Change Section 33-311(A)(3), Special Exception, Unusual use and New Uses, Section 33-311(A)(4)(b), Non-Use Variance standards, Section 33-311(A)(7), Generalized Modification Standards *(see attached Zoning Recommendation Addendum)*
Recommendation	**Approval with conditions of request #1, subject to the acceptance of the covenant, and approval with conditions of requests #2 through #9.**

This item was deferred from the July 8, 2014, meeting of Community Zoning Appeals Board (CZAB) #14, at the request of the Board, to allow the applicant to amend the site plans for the proposed residential development. The applicant met with staff and indicated their intent to revise the plans, and to defer the item with leave to amend. Subsequently, the item was deferred indefinitely, with leave to amend from the October 7, 2014 meeting date to allow the applicant to complete the revisions to the plan. However, the applicant has since informed staff that they have been unable to revise the plans and have asked to move forward with the existing plans without any further amendment.

REQUESTS:

REQUESTS #1 - #3 ON TRACT "B"

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

(2) Deletion of Declaration of Restrictions recorded in Official Records Book 24126, pages 0768-0772.

(3) Deletion of Declaration of Restrictions recorded in Official Records Book 26198, pages 4915 - 4919.

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REQUEST #4 ON TRACT "A"

(4) SPECIAL EXCEPTION to permit residential use in the BU-2 zoning district.

REQUESTS #5 - #9 ON TRACTS "A" AND "B"

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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.

PROJECT DESCRIPTION AND PROJECT HISTORY:

The application seeks approval of requests to rezone the southern portion of the subject property and to permit a residential development on the commercially zoned, northern portion of the parcel in order to permit a mixed use multi-family residential and commercial development. Said requests are contingent on the approval of requests to delete prior declarations of restrictions that pertained to a previously approved townhome development on a portion of the subject property. Along with said requests, the applicant also seeks to permit the proposed development with ancillary non-use variances to the setback and landscape regulations.

The applicant seeks to rezone the southern 2.057-acres of the approximately 2.92-acre subject property from RU-4L, Limited Apartment House District, to RU-4M, Modified Apartment House District, and to delete the prior declarations of restrictions. This will permit the applicant to develop the subject parcel with 78 multi-family residential units and 1,050 sq. ft. of commercial space.

The subject property is narrow strip of land, approximately 2.92-acres in size abutting Bird Road (SW 40 Street), which is a section line roadway. The property is approximately 1,320' in length and approximately 100' wide and consists of two (2) separate zoning districts. The northern, approximately 0.87-acres' of the subject property is zoned BU-2, Special Business District and the remaining approximately 2.105-acres' to the south is currently zoned RU-4L, Limited Apartment House District.

In addition, the northern approximately 120' of the BU-2 portion of the property is designated on the Comprehensive Development Master Plan (CDMP) future Land Use Plan (LUP) map for Business and Office uses. The remaining 1,200' southern portion of the property is designated Medium Density Residential on the CDMP LUP map.

Pursuant to Resolution #CZAB12-30-05 and Resolution #CZAB12-35-05, the existing BU-2 and RU-4L zoning districts were approved on the subject property. However, the approval of the RU-4L portion of the property was approved subject to the acceptance of a covenant proffered by the applicant that restricted the development of the site to a site plan along with other restrictions. Said covenant was subsequently modified pursuant to Resolution #CZAB12-37-06.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	**Land Use Designation**
Subject Property	RU-4L/BU-2:commercial building	Medium Density Residential (13-25 dua)/ Business and Office
North	IU-1: carwash	Business and Office
South	RU-4M; apartment buildings	Medium Density Residential (13-25 dua)
East	BU-2; post office RU-1/RU-TH: single-family residences and townhouses	Business and Office/Medium Density Residential (13-25 dua)
West	GU; railway easement	Transportation

NEIGHBORHOOD COMPATIBILITY:

The 2.92-acre subject property is a mostly vacant parcel located along Bird Road (SW 40 Street), which is designated as a Major Roadway on the CDMP Future LUP map. The property abuts residential uses to the south and east. However, to the north and west of the subject property are commercial and industrial uses.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to provide the community with additional housing. However, the proposed nine (9)-story development could have a visual impact on the surrounding area and create additional impacts on traffic, schools and other community resources in the area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

Staff notes that approximately northern approximately 120' of Tract "A" of the subject property, approximately 0.223-acres, is designated **Business and Office** on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. The Business and Office category *accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, entertainment and cultural facilities, amusements and commercial recreation.*

In addition, the CDMP Land Use Element interpretative text for Business and Office states that, *residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity.* When the above conditions are met, *residential development may be authorized to occur in the Business and Office category at a density up to one category higher than the LUP designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development or zoning if the adjacent or adjoining land is undeveloped whichever is higher.* The remaining southern portion of the subject property is designated **Medium Density Residential** on the CDMP LUP map, which allows a range in density of 13 to 25 dwelling units per gross acre. *The types of housing structures typically permitted in this category include townhouses and low-rise and medium-rise apartments.* Therefore, subject to the conditions outlined in the CDMP Land Use Element interpretative text for areas designated Business and Office, the 0.223-acre Business and Office designated portion of the subject property could be developed under the designation of **Medium-High Density Residential** at 25 to 60 dwelling units per acre. This would allow the applicant to develop the approximately 0.223-acre Business and Office designated portion of the property with a maximum of thirteen (13) residential units.

The remaining southern portion of Tract "A", which is approximately 0.64-acres in size, and Tract "B" of the subject property, which is 2.057-acres, for a total of 2.69-acres, are designated **Medium Density Residential** use on the CDMP Land Use Plan map. Therefore, based on the density threshold allowed in this land use category, this portion of the subject property could be developed with a maximum of 67 residential units.

The CDMP Land Use Element interpretative text for Residential Communities states that where a parcel or group of contiguous parcels under a single ownership or legally unified development has two different LUP map residential designations, the number of units permitted under one designation may be averaged with the number of units permitted under the other and developed at varying densities providing that the total number of units built on such property does not exceed the total number permitted under the two designations. Based on the aforementioned analysis, the applicant would be able to develop the 2.92-acre parcel with a unified development that has two (2) different LUP map designations, with a combined total of 80 residential units.

The applicant seeks to rezone the southern approximately 2.057-acres of the subject property to RU-4M, Modified Apartment House District. The RU-4M zoning district allows development at a maximum of 35.9 units per acre. However, the applicant has proffered a covenant that will

restrict the development of the entire subject property to a maximum of 78 residential units. This would allow for the development of Tract "B" within the density threshold allowed under the Medium Density designation on the CDMP Plan map. Therefore, staff opines that the proposed development of the subject property, as restricted by the proffered covenant to a maximum of 78 residential units is within the density threshold allowed in areas designated Business and Office and Medium Density Residential on the CDMP LUP map.

Further, staff notes that the CDMP Land Use Element interpretative text for Business and Office states that, *residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity.* The CDMP Land Use Element, **Policy LU-4A** states that when evaluating compatibility among proximate land uses, the County shall consider such factors as height, bulk and scale of architectural elements and parking among other things. For the reasons that will be further explained in the zoning analysis, staff opines that the proposed nine (9)-story, 78-unit residential development satisfies the criteria for compatibility set forth in the CDMP Land Use Element, **Policy LU-4A**.

Therefore, staff opines, that subject to the acceptance of the proffered covenant, approval of the application would be **consistent** with the CDMP Land Use Element interpretative text concerning density averaging for residential uses and the density threshold permitted in areas designated for **Business and Office** and **Medium Density Residential** uses on the CDMP Land Use Plan (LUP) map and would satisfy the criteria for compatibility outlined in the CDMP Land Use Element, **Policy LU-4A**.

ZONING ANALYSIS:

The subject property is a 2.92-acre parcel, of which, the northern 0.863 acre portion, identified as Tract "A" on the submitted plans is currently zoned BU-2. The remaining southern portion of the subject property, approximately 2.057 acres in size, Tract "B", is currently zoned RU-4L. For reasons that were previously outlined in the CDMP analysis, the applicant is now seeking approval of a district boundary change from RU-4L to RU-4M, Modified Apartment House District (request #1) on Tract "B" of the subject property under Section 33-311(District Boundary Change), along with requests to delete prior declarations of restrictions on said tract (requests #2 and #3), under Section 33-311(A)(7), Generalized Modification Standards. With the aforementioned requests (requests #1- #3), the applicant also seeks approval of a request to permit a multifamily residential development on the commercially zoned portion of the subject parcel, Tract A (request #4), under Section 33-311(A(3), Special Exception, Unusual use and New Uses. This will allow the applicant to develop the entire subject property as a unified multi-family residential development.

Staff opines that based on memoranda submitted by the various Departments reviewing the application, approval of requests #1 through #4 will not have an unfavorable economic impact on Miami-Dade County and will not unduly burden water, sewer, solid waste disposal, or other necessary public facilities. Staff notes that the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) does not object to the application and indicated in its memorandum that the application meets traffic concurrency since it lies within the Urban Infill Area (UIA) where traffic concurrency does not apply. As such, staff opines

that the approval of the application, including requests #1 through #4 to rezone a portion of the parcel and to delete prior declarations of restrictions in order to permit a residential development on both a commercial and residentially zoned parcel would efficiently use the roads, streets and highways which have been constructed, planned or budgeted for in this area and further, would not result in excessive traffic.

Similarly, the memorandum from the Division of Environmental Resources Management (DERM) of the Department of Regulatory and Economic Resources (RER) indicates that the approval of the aforementioned requests will not have an unfavorable impact on the environmental resources of the County. The DERM memorandum states that a concurrency review has been conducted for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Additionally, staff notes that the Miami-Dade Fire Rescue Department (MDFRD) does not object to the application. Therefore, based on the aforementioned memoranda and memoranda from the other departments that reviewed the application among which were the Miami-Dade County's Parks Recreation and Open Spaces (PROS), staff opines that approval of this application will not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction. Further, staff opines that approval of the requests, which will allow the multi-family development, will not tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area.

The submitted plan depicts the proposed nine (9)-story building with 78 residential units and 1,050 sq. ft. of commercial space on the commercial and residentially zoned parcel. The linear shaped building is depicted on the northern portion of the subject property, Tract A, that is currently zoned BU-2, which is the subject of request #4. However, staff opines that the elevations submitted by the applicant indicate that the linear shaped building is designed with a gradual step design, with the highest point, approximately 100' high, abutting the SW 40 Street frontage of the property located to the north. The building height is gradually reduced towards the south, to a maximum height of approximately 59', closer to the area where the property abuts a townhouse development located to the east. Along the east and west property lines of Tract "B", the submitted plans indicate a continuous row of trees and to the south, the trees taper off into a small green area with trees and a walking path, where the property abuts a multi-family residential development to the south. Staff opines that said trees provide an adequate visual buffer that will mitigate the negative visual impact of the proposed development on the single-story residential uses to the east. Further, contingent on the approval of the request to permit the residential development in the BU-2 district, the applicant is also seeking ancillary non-use variances, among which are variances that will permit structures encroaching into the interior side (west) setback areas (request #6 and #7). Staff is supportive of these requests since it will allow the applicant to site the buildings away from the less intensive town houses to the east and thereby, will mitigate the visual impact of the more intensive development on same. Additionally, the submitted plans indicate that the project complies with the FAR, open space, lot coverage and complies with the numerical parking requirements. Further, staff notes that the subject property abuts Bird Road (SW 40 Street), which is a well-travelled, east/west section line roadway and is approximately 0.6 miles east of the Palmetto Expressway (SR 826).

As such, based on the foregoing analysis and the memoranda from the Departments concerned, staff opines that the approval of the request to rezone a portion of the subject property (request #1) along with the requests to delete two (2) previous declarations of restrictions that tied the property to previously approved plans (requests #2 and #3), in order to permit a proposed residential and commercial development on the commercial and residentially zoned parcel, will be **compatible** with the area and **consistent** with the CDMP. Further, staff opines that approval of said requests will not have an unfavorable impact on the economy of the County and would not have an unfavorable impact on the environmental and natural resources or create an unnecessary burden on the water, sewer, solid waste or recreational resources among others which have been constructed, planned or budgeted for. **Therefore, subject to the Board's acceptance of the proffered covenant, staff recommends approval of request #1 under Section 33-311, District Boundary Change, approval with conditions of requests #2 and #3, under Section 33-311(A)(7), Generalized Modification Standards; and approval with conditions of request #4, under Section 33-311(A(3), Special Exception, Unusual use and New Uses**.

The applicant also seeks approval of ancillary Non-Use Variance requests to permit the development with one-way drives below the minimum width requirement (request #5), to permit the proposed residential building and an accessory structure encroaching into the interior side (west) setback areas (requests #6 and #7, respectively), to waive the required dissimilar land use buffer including a wall, along portions of the property lines (request #8) and the required 5' high masonry wall interior to the site where a BU zoned property abuts RU, EU or GU zoned property (request #9).

When the aforementioned requests (requests #5 through #9) are analyzed under section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations, staff opines that approval of said requests would maintain the basic intent and purpose of the zoning and subdivision regulations and would not affect the stability and appearance of the community. Further, based on the analysis below, staff opines that approval of the aforementioned requests would be **compatible** with the surrounding residential and commercial uses in the area.

Staff opines that approval of the applicant's request to permit one-way drives a minimum of 10' wide within the subject property (request #5) would not affect the character of the development and would not have an impact on the movement of vehicular traffic within the subject property. Staff notes that the Platting and Traffic Review Section of RER does not object to this request. Therefore, staff opines that approval would not have a negative impact on the abutting roadways or create any hazard within the subject property. For reasons that were previously explained, staff opines that the encroachment of the proposed residential building and the accessory structure, which are the subjects of requests #6 and #7 into the interior side (west) setback area, ensures a degree of sensitivity towards the less intensive town house residential development located to the east. Along with the location of the multi-family building on the northern portion of the parcel, Tract "A", and the abundant landscaping being provided along the east and west property lines of the southern tract, Tract "B", staff opines that the encroachment of the buildings into the interior side (west) setback areas, further mitigates the visual impact of the proposed development on the residences to the east.

Further, staff opines that although the submitted plans indicate that the applicant has not met the dissimilar use landscape buffer requirement along portions of the east and west property lines (request #8), the landscaping provided mitigates the visual impact of the development on the surrounding areas. Said plans indicate a continuous row of trees and hedge in conjunction

with an existing wall and wood fence along the portions of the interior side (east) property line that abut the less intensive residential development to the east. Further, as previously opined, staff is supportive of the submitted plans, which depict the most intensive portion of the development, the nine-story building, on the north portion of the property, which abuts the existing post office use to the east and the vacant rail easement to the west. In addition, staff is supportive of the applicant's request to waive the decorative wall between the business and residential portions of the subject property (request #9). Staff opines that the required wall would disrupt the cohesiveness of the project and adversely affect the appearance of the development. **Staff therefore, recommends approval with conditions of requests #5 through #7 and #9, and approval with conditions of request #8, under Section 33-311(A)(4)(b), the Non-Use Variance Standards**.

ACCESS, CIRCULATION AND PARKING: The submitted plans indicate a main ingress/egress points along Bird Road to the north and SW 69 Avenue to the east. Additionally, the plans indicate that there will be adequate parking within the proposed development in both parking lots and surface parking areas for both the residents and visitors.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

Approval of request #1, subject to the Board's acceptance of the proffered covenant, and approval with conditions of requests #2 through # #9.

CONDITIONS FOR APPROVAL (For requests #2 through #9 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 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.

3. That the applicant shall install all the required landscaping along the property lines prior to obtaining a Certificate of Occupancy.

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.

ES:MW::NN:JV:CH

Eric Silva, AICP, Senior Division Chief
Development Services Division
Miami-Dade County
Department of Regulatory and Economic Resources

ZONING RECOMMENDATION ADDENDUM

Applicant: *Manuel J. Menendez Trust*
PH: *Z13-077*

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
Division of Environmental Resource Management (RER)	No objection*
Platting and Traffic Review Section (RER)	No objection*
Parks, Recreation and Open Spaces	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

Business and Office (Page I-41)	*This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.* *Residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity. Where these conditions are met residential development may be authorized to occur in the Business and Office category at a density up to one density category higher than the LUP-designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development, or zoning if the adjacent or adjoining land is undeveloped, whichever is higher. If there is no adjacent or adjoining residential use existing, zoned or designated on the same side of the roadway, the maximum allowable residential density will be that which exists or which this plan allows across the roadway. Where there is no residential use, zoning or designation on either side of the roadway, the intensity of residential development, including height, bulk and floor area ratio shall be no greater than that which would be permitted for an exclusively commercial use of the site. Where SURs or TDRs are transferred to Business-designated parcels which are zoned or to be used for residential development, or when a residential project utilizes the inclusionary zoning program the*

ZONING RECOMMENDATION ADDENDUM

Applicant: *Manuel J. Menendez Trust*
PH: *Z13-077*

	allowances of the Residential communities section may be used within the limits provided in this paragraph.
Medium Density Residential (Page I-31)	*This category allows densities from 13 to 25 dwelling units per gross acre. The type of housing structures typically permitted in this category includes townhouses and low-rise and medium-rise apartments.*
Medium-High Density Residential (Pg. I-31)	*This category authorizes apartment buildings ranging from 25 to 60 dwelling units per gross acre. In this category, the height of buildings and, therefore, the attainment of densities approaching the maximum, depends to a great extent on the dimensions of the site, conditions such as location and availability of services, ability to provide sufficient off-street parking, and the compatibility with and impact of the development on surrounding areas. The provisions of the section below entitled "Density Increase with Urban Design" are not applicable to this density category. At such time as Miami-Dade County's land development regulations are amended pursuant to Policy LU-9O, a density bonus can be added to each residential zoning district that falls within the Medium-High Density range of 25 to 60 dwelling units per gross acre. When land development regulations are amended, this density bonus may allow a maximum of 60 dwelling units per gross acre on properties that are designated Medium-High Density on the Land Use Plan map. These density bonuses shall not apply to existing or proposed developments with vehicular entrances that are controlled or have entry gates or existing or proposed developments with private streets.*
Density Averaging ***(Page I-32.2)***	*The land use density ceiling designated on the LUP map will apply to every parcel of land. However, in certain instances, the averaging of density may be authorized among different parcels. Specific provisions for this to occur are specified below. All of the following allowances are limited to lands located within the Urban Development Boundary which are designated for urban uses.* *Where groups of parcels under a single ownership or multiple ownerships that are legally unified (hereinafter legally unified development) are located within a unit area bounded by Major or Minor Roadways as indicated on the Land Use Plan map, portions of the unified development may be developed at densities higher than that shown on the LUP map provided that other portions are developed at correspondingly lower densities so that the average density of the entire development does not exceed the maximum gross density limits shown on the LUP map. Where a parcel or group of contiguous parcels under a single ownership or legally unified development has two different LUP map residential designations, the number of units permitted under one designation may be averaged with the number of units permitted under the other and developed at varying densities providing that the total number of units built on such property does not exceed the total number permitted under the two designations. Further, where 50 percent or more of the boundary of a parcel or group of contiguous parcels, not exceeding 20 acres in size, adjoins land that is developed or zoned for densities that are higher than those which are shown on the LUP map, such property may be zoned for a density higher than that shown on the LUP map but not higher than the highest density which is permitted by zoning on the adjoining properties. Density may be transferred across a Major or Minor roadway to an adjacent and legally unified parcel or portion thereof contiguous to the Roadway provided, further, that the site receiving the increased density shall be developed at a density no greater than the higher of adjoining or adjacent existing residential development or zoning, or if the adjoining land is undeveloped and not zoned for urban use, one density category higher than the LUP map designation of the parcel. The above provisions, however, are all conditioned upon a determination being made that the requested density and housing types are compatible with the surrounding development and would not create a significant negative impact on services within the area.*
Objective LU-4 (Page I-11)	*Miami-Dade County shall, by the year 2020, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.*
Policy LU-4A (Page I-11)	*When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.*

ZONING RECOMMENDATION ADDENDUM

Applicant: *Manuel J. Menendez Trust*
PH: *Z13-077*

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311 District Boundary Change	(A) *The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.* (F) ***Section 33-311*** *provides that the Board shall take into consideration, among other factors the extent to which:* *(1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;* *(2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;* *(3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;* *(4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;* *(5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways*
Section 33-311(A)(3) Special Exception, Unusual and New Uses.	*Special exceptions (for all applications other than public charter schools), unusual and new uses. Hear application for and grant or deny special exceptions, except applications for public charter schools; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.*

ZONING RECOMMENDATION ADDENDUM

Applicant: *Manuel J. Menendez Trust*
PH: *Z13-077*

33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations	*Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.*
Section 33-311(A)(7) Generalized Modification Standards.	*The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.*

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

#A

APPLICANT'S NAME: MANUEL J. MENENDEZ TRUST

REPRESENTATIVE: BEN FERNANDEZ/ GUILLERMO OLMEDILLO

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
14-7-CZ12-1 (13-077)	January 6, 2015	CZAB12	2	15

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:_____ ☐ 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:

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN	M	Peggy **BRODEUR**	X		
COUNCILMAN		Javier **GONZALEZ-ABREU**	X		
COUNCILMAN		Matthew **LARSH**	X		
VICE CHAIRMAN		Alberto **SANTANA**			X
COUNCILMAN	S	Jose I. **VALDES** (C.A.)	X		
COUNCIL WOMAN		Angela M. **VAZQUEZ**	X		
CHAIRMAN		Elliot N. **ZACK**	X		
		VOTE:	6	0	

EXHIBITS: ■ YES ☐ NO COUNTY ATTORNEY: Abbie Schwartz

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		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

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

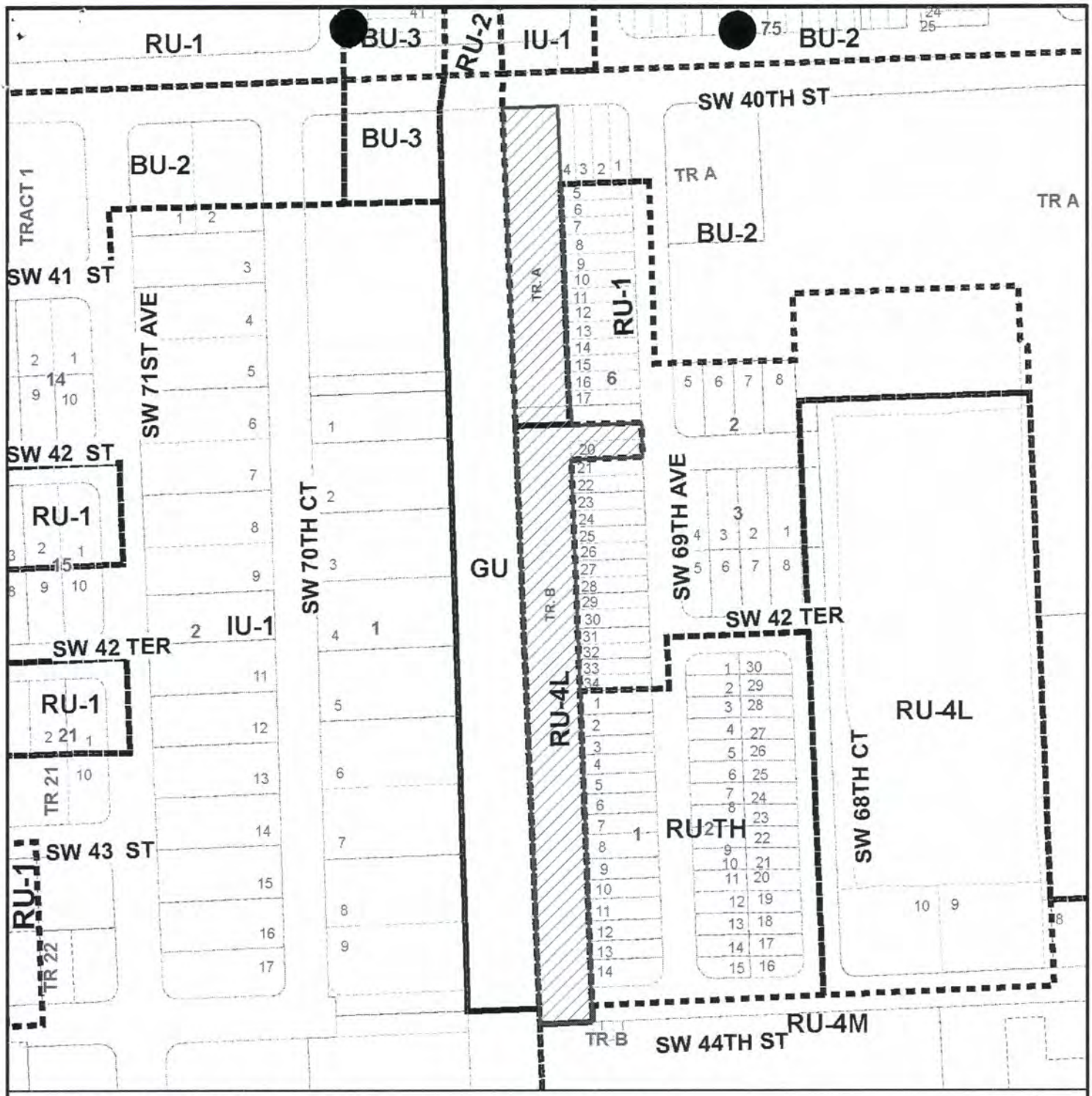
☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

☐ 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



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

N
W E
S

Legend

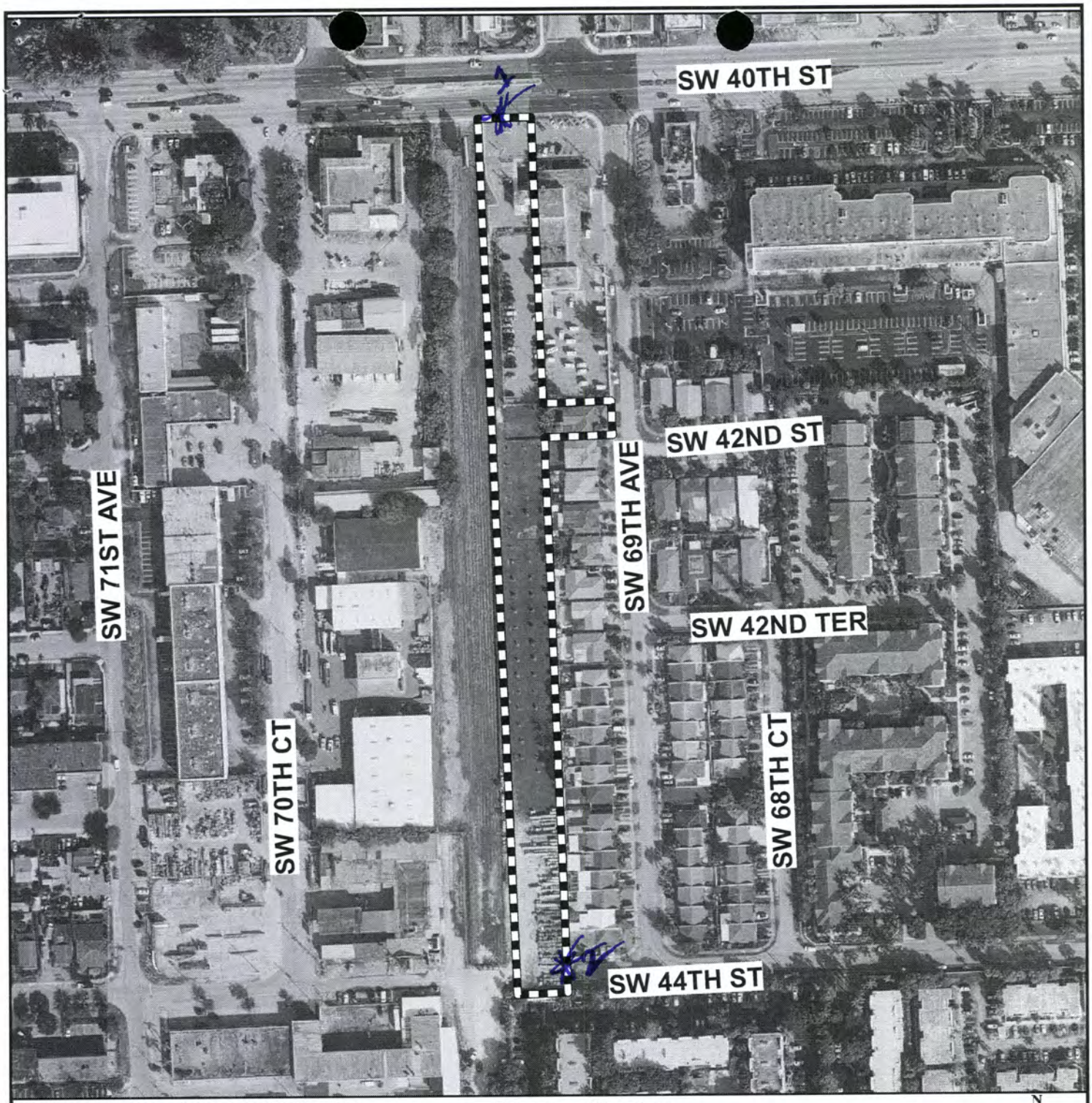
Subject Property Case

Zoning

MIAMI-DADE COUNTY

SKETCH CREATED ON: Wednesday, June 4, 2014

REVISION	DATE	BY



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

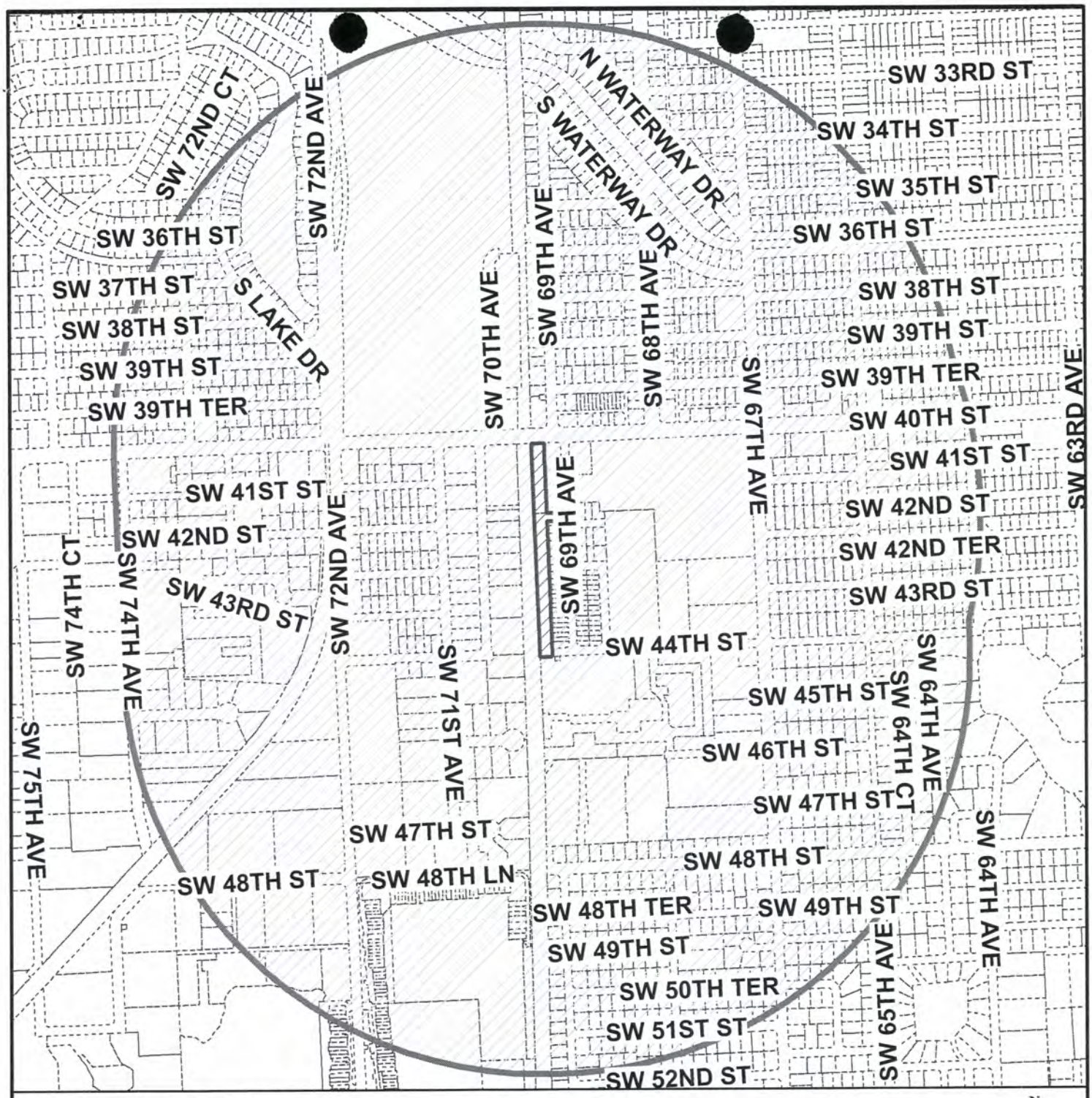
Legend

Subject Property

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, September 12, 2013

REVISION	DATE	BY



MIAMI-DADE COUNTY

RADIUS MAP

Process Number

Z2013000077

RADIUS: 2640

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

N
W E
S

Legend

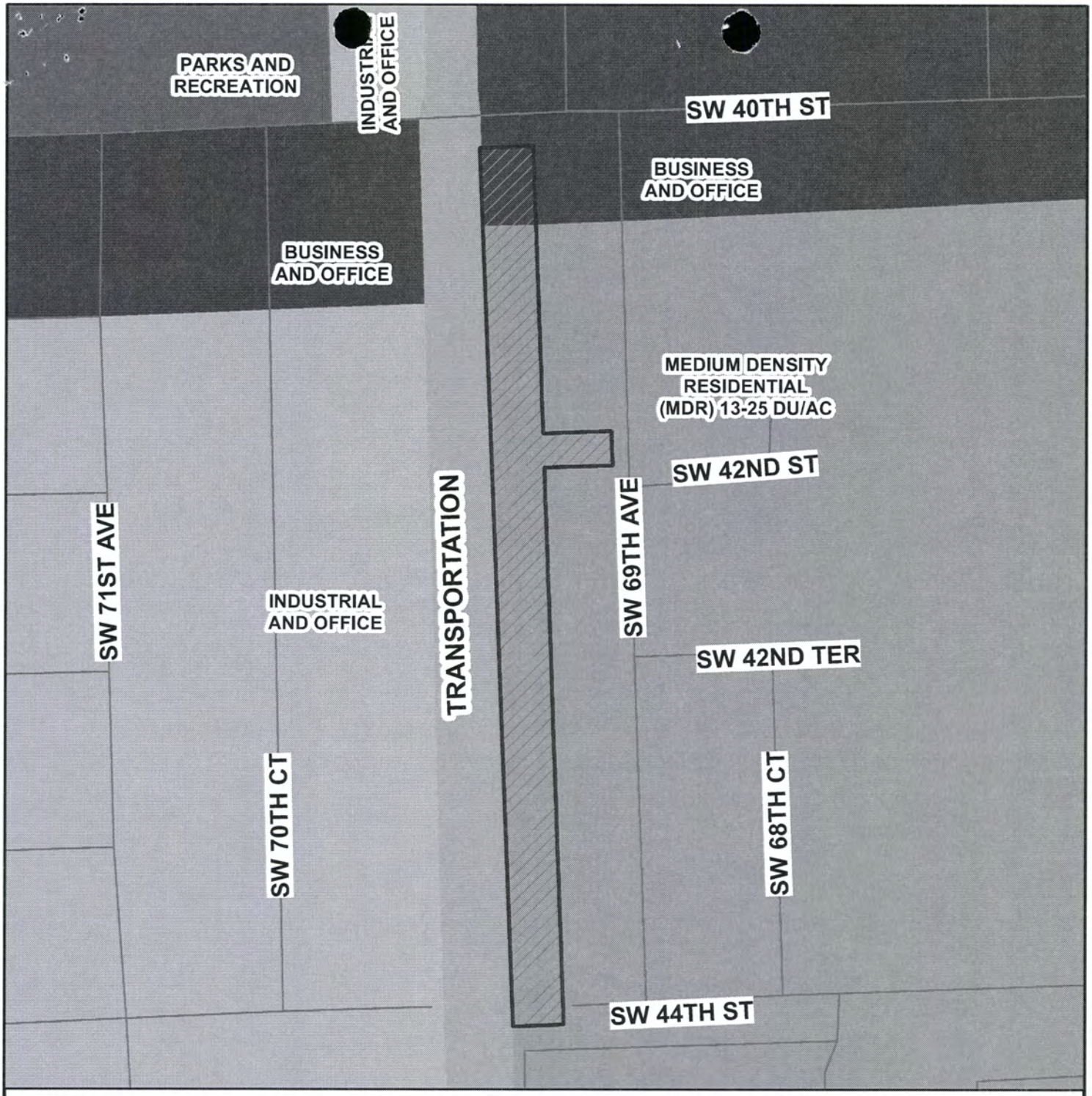
Subject Property

Buffer

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

N
W E
S

Legend

Subject Property Case

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, September 12, 2013

REVISION	DATE	BY

(4 of 4)

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.

available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

Election of Remedies. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

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

Severability. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect. However, if any material portion is invalidated, the County shall be entitled to revoke any approval predicated upon the invalidated portion

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owners to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part and to decline to accept any conveyance or dedication.

Owners. The term Owners shall include the Owners, and their heirs, successors and assigns.

[Execution Pages Follow]

Exhibit A

Legal Description:

A portion of Florida East Coast Railway's Right-of- Way in Section 23, Township 54 South, Range 40 East, lying and being in Miami Dade County, Florida. Lying 19480 feet south of the centerline of S.W. 40th Street (Bird Road), said centerline of S.W. 40th Street (Bird Road) also being the North line of said section 23 bounded on the west by a line parallel to and 50 feet 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 1/2, of the Northeast ¼, of said section 23 and North line of tract D of Ludlum Point addition, according to the plat thereof as recorded in Plat Book 129, at page 84, of the public records of Miami Dade County, Florida, and bounded on the east by the West line of Lots 1 through 34, in Block 6, of Brywood, according to the plat thereof as recorded in the Plat Book 27, at page 26, of the public records of Miami Dade County, Florida; also being bounded on the East by the West line of Lots 1 through 14 and the Southerly extension thereof of Escotial, according to the Plat thereof as recorded in Plat Book 92, at page 11, of the public records of Miami Dade County, Florida, said boundary being the West line of the East ½, ofthe Northeast 1/4 of said section 23.

Also know as:

That portion of the Northwest 1/4, of the Northeast 1/4 , of section 23, Township 54 South, Range 40 East, lying 50 feet East of the centerline of the Florida East Coast Railway main track as now established, less the north 19480 feet thereof, having an area of 115, 804.0 square feet or 2, 653 acres net more or less

And

The North 25 feet of the Southwest 1/4, of the Northeast 1/4 , of section 23, Township 54 South, Range 40 East, lying 50 feet East of the centerline of Florida East Coast Railway main track as now established

And

Lots 19 and 20 and the North 5 Feet of Lot 21, in Block 6, of the Brywood, According to the Plat thereof as recorded in the Plat Book 27, at page 26, of the public records of Miami Dade County, Florida.

STATE OF FLORIDA, COUNTY OF DADE
I HEREBY CERTIFY that this is a true copy of the original filed in this office on FEB 5 2008 day of
WITNESS my hand and Official Seal
HARVEY RUVIN, CLERK, of Circuit and County Courts
By 6533 D.C.

Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 12

PH: Z13-077(14-7-CZ12-1) **October 7, 2014**
Item No. A

Recommendation Summary	
Commission District	7
Applicant	Manuel J. Menendez Trust
Summary of Requests	The applicant is seeking to permit a 78-unit multi-family residential and commercial development on a commercial and residentially zoned site. Additionally, the applicant seeks to waive the requirement for a wall between the residential and commercial zoned portions of the dual zoned subject property as well as variances to the setback and landscape requirements.
Location	6950 SW 40 Street, Miami-Dade County, Florida.
Property Size	2.92 acres
Existing Zoning	RU-4L, Limited Apartment House District, BU-2, Special Business District
Existing Land Use	Commercial building
2020-2030 CDMP Land Use Designation	Business and Office/Medium Density Residential, 13 - 25 dua *(see attached Zoning Recommendation Addendum)*
Comprehensive Plan Consistency	Consistent with the LUP map, and the interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311 District Boundary Change Section 33-311(A)(3), Special Exception, Unusual use and New Uses, Section 33-311(A)(4)(b), Non-Use Variance standards, Section 33-311(A)(7), Generalized Modification Standards *(see attached Zoning Recommendation Addendum)*
Recommendation	**Approval with conditions of request #1, subject to the acceptance of the covenant, and approval with conditions of requests #2 through #9.**

This item was deferred from the July 8, 2014, meeting of Community Zoning Appeals Board (CZAB) #14, at the request of the Board, to allow the applicant to amend the site plans for the proposed residential development. The applicant has met with staff and indicated their intent to revise the plans, and therefore, intends to defer the item with leave to amend.

REQUESTS:

REQUESTS #1 - #3 ON TRACT "B"

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

(2) Deletion of Declaration of Restrictions recorded in Official Records Book 24126, pages 0768-0772.

(3) Deletion of Declaration of Restrictions recorded in Official Records Book 26198, pages 4915 - 4919.

The purpose of requests #2 and #3 is to remove a requirement that the property be developed in accordance with a site plan for a townhome development and to allow the applicant to submit a revised site plan showing a multi-family development in lieu of the previously approved townhome development.

REQUEST #4 ON TRACT "A"

(4) SPECIAL EXCEPTION to permit residential use in the BU-2 zoning district.

REQUESTS #5 - #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 multi-family residential building setback a minimum of 2' (20' required) from the interior side (west) property line.

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

(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.

(9) NON-USE VARIANCE to waive the dissimilar land use buffer (minimum 5' wide required) 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.

PROJECT DESCRIPTION AND PROJECT HISTORY:

The application seeks approval of requests to rezone the southern portion of the subject property and to permit a residential development on the commercially zoned, northern portion of the parcel in order to permit a mixed use multi-family residential and commercial development. Said requests are contingent on the approval of requests to delete prior declarations of restrictions that pertained to a previously approved townhome development on a portion of the subject property. Along with said requests, the applicant also seeks to permit the proposed development with ancillary non-use variances to the setback and landscape regulations.

The applicant seeks to rezone the southern 2.057-acres of the approximately 2.92-acre subject property from RU-4L, Limited Apartment House District, to RU-4M, Modified Apartment House District, and to delete the prior declarations of restrictions. This will permit the applicant to develop the subject parcel with 78 multi-family residential units and 1,050 sq. ft. of commercial space.

The subject property is narrow strip of land, approximately 2.92-acres in size abutting Bird Road (SW 40 Street), which is a section line roadway. The property is approximately 1,320' in length and approximately 100' wide and consists of two (2) separate zoning districts. The northern, approximately 0.87-acres' of the subject property is zoned BU-2, Special Business District and the remaining approximately 2.105-acres' to the south is currently zoned RU-4L, Limited Apartment House District.

In addition, the northern approximately 120' of the BU-2 portion of the property is designated on the Comprehensive Development Master Plan (CDMP) future Land Use Plan (LUP) map for Business and Office uses. The remaining 1,200' southern portion of the property is designated Medium Density Residential on the CDMP LUP map.

Pursuant to Resolution #CZAB12-30-05 and Resolution #CZAB12-35-05, the existing BU-2 and RU-4L zoning districts were approved on the subject property. However, the approval of the RU-4L portion of the property was approved subject to the acceptance of a covenant proffered by the applicant that restricted the development of the site to a site plan along with other restrictions. Said covenant was subsequently modified pursuant to Resolution #CZAB12-37-06.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	**Land Use Designation**
Subject Property	RU-4L/BU-2:commercial building	Medium Density Residential (13-25 dua)/ Business and Office
North	IU-1: carwash	Business and Office
South	RU-4M; apartment buildings	Medium Density Residential (13-25 dua)
East	BU-2; post office RU-1/RU-TH: single-family residences and townhouses	Business and Office/Medium Density Residential (13-25 dua)
West	GU; railway easement	Transportation

NEIGHBORHOOD COMPATIBILITY:

The 2.92-acre subject property is a mostly vacant parcel located along Bird Road (SW 40 Street), which is designated as a Major Roadway on the CDMP Future LUP map. The property abuts residential uses to the south and east. However, to the north and west of the subject property are commercial and industrial uses.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to provide the community with additional housing. However, the proposed nine (9)-story development could have a visual impact on the surrounding area and create additional impacts on traffic, schools and other community resources in the area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

Staff notes that approximately northern approximately 120' of Tract "A" of the subject property, approximately 0.223-acres, is designated **Business and Office** on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. The Business and Office category *accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, entertainment and cultural facilities, amusements and commercial recreation.*

In addition, the CDMP Land Use Element interpretative text for Business and Office states that, *residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity.* When the above conditions are met, *residential development may be authorized to occur in the Business and Office category at a density up to one category higher than the LUP designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development or zoning if the adjacent or adjoining land is undeveloped whichever is higher.* The remaining southern portion of the subject property is designated **Medium Density Residential** on the CDMP LUP map, which allows a range in density of 13 to 25 dwelling units per gross acre. *The types of housing structures typically permitted in this category include townhouses and low-rise and medium-rise apartments.* Therefore, subject to the conditions outlined in the CDMP Land Use Element interpretative text for areas designated Business and Office, the 0.223-acre Business and Office designated portion of the subject property could be developed under the designation of **Medium-High Density Residential** at 25 to 60 dwelling units per acre. This would allow the applicant to develop the approximately 0.223-acre Business and Office designated portion of the property with a maximum of thirteen (13) residential units.

The remaining southern portion of Tract "A", which is approximately 0.64-acres in size, and Tract "B" of the subject property, which is 2.057-acres, for a total of 2.69-acres, are designated **Medium Density Residential** use on the CDMP Land Use Plan map. Therefore, based on the density threshold allowed in this land use category, this portion of the subject property could be developed with a maximum of 67 residential units.

The CDMP Land Use Element interpretative text for Residential Communities states that where a parcel or group of contiguous parcels under a single ownership or legally unified development has two different LUP map residential designations, the number of units permitted under one designation may be averaged with the number of units permitted under the other and developed at varying densities providing that the total number of units built on such property does not exceed the total number permitted under the two designations. Based on the aforementioned analysis, the applicant would be able to develop the 2.92-acre parcel with a unified development that has two (2) different LUP map designations, with a combined total of 80 residential units.

The applicant seeks to rezone the southern approximately 2.057-acres of the subject property to RU-4M, Modified Apartment House District. The RU-4M zoning district allows development at a maximum of 35.9 units per acre. However, the applicant has proffered a covenant that will

restrict the development of the entire subject property to a maximum of 78 residential units. This would allow for the development of Tract "B" within the density threshold allowed under the Medium Density designation on the CDMP Plan map. Therefore, staff opines that the proposed development of the subject property, as restricted by the proffered covenant to a maximum of 78 residential units is within the density threshold allowed in areas designated Business and Office and Medium Density Residential on the CDMP LUP map.

Further, staff notes that the CDMP Land Use Element interpretative text for Business and Office states that, *residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity.* The CDMP Land Use Element, **Policy LU-4A** states that when evaluating compatibility among proximate land uses, the County shall consider such factors as height, bulk and scale of architectural elements and parking among other things. For the reasons that will be further explained in the zoning analysis, staff opines that the proposed nine (9)-story, 78-unit residential development satisfies the criteria for compatibility set forth in the CDMP Land Use Element, **Policy LU-4A**.

Therefore, staff opines, that subject to the acceptance of the proffered covenant, approval of the application would be **consistent** with the CDMP Land Use Element interpretative text concerning density averaging for residential uses and the density threshold permitted in areas designated for **Business and Office** and **Medium Density Residential** uses on the CDMP Land Use Plan (LUP) map and would satisfy the criteria for compatibility outlined in the CDMP Land Use Element, **Policy LU-4A**.

ZONING ANALYSIS:

The subject property is a 2.92-acre parcel, of which, the northern 0.863 acre portion, identified as Tract "A" on the submitted plans is currently zoned BU-2. The remaining southern portion of the subject property, approximately 2.057 acres in size, Tract "B", is currently zoned RU-4L. For reasons that were previously outlined in the CDMP analysis, the applicant is now seeking approval of a district boundary change from RU-4L to RU-4M, Modified Apartment House District (request #1) on Tract "B" of the subject property under Section 33-311(District Boundary Change), along with requests to delete prior declarations of restrictions on said tract (requests #2 and #3), under Section 33-311(A)(7), Generalized Modification Standards. With the aforementioned requests (requests #1- #3), the applicant also seeks approval of a request to permit a multifamily residential development on the commercially zoned portion of the subject parcel, Tract A (request #4), under Section 33-311(A(3), Special Exception, Unusual use and New Uses. This will allow the applicant to develop the entire subject property as a unified multi-family residential development.

Staff opines that based on memoranda submitted by the various Departments reviewing the application, approval of requests #1 through #4 will not have an unfavorable economic impact on Miami-Dade County and will not unduly burden water, sewer, solid waste disposal, or other necessary public facilities. Staff notes that the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) does not object to the application and indicated in its memorandum that the application meets traffic concurrency since it lies within the Urban Infill Area (UIA) where traffic concurrency does not apply. As such, staff opines

that the approval of the application, including requests #1 through #4 to rezone a portion of the parcel and to delete prior declarations of restrictions in order to permit a residential development on both a commercial and residentially zoned parcel would efficiently use the roads, streets and highways which have been constructed, planned or budgeted for in this area and further, would not result in excessive traffic.

Similarly, the memorandum from the Division of Environmental Resources Management (DERM) of the Department of Regulatory and Economic Resources (RER) indicates that the approval of the aforementioned requests will not have an unfavorable impact on the environmental resources of the County. The DERM memorandum states that a concurrency review has been conducted for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Additionally, staff notes that the Miami-Dade Fire Rescue Department (MDFRD) does not object to the application. Therefore, based on the aforementioned memoranda and memoranda from the other departments that reviewed the application among which were the Miami-Dade County's Parks Recreation and Open Spaces (PROS), staff opines that approval of this application will not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction. Further, staff opines that approval of the requests, which will allow the multi-family development, will not tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area.

The submitted plan depicts the proposed nine (9)-story building with 78 residential units and 1,050 sq. ft. of commercial space on the commercial and residentially zoned parcel. The linear shaped building is depicted on the northern portion of the subject property, Tract A, that is currently zoned BU-2, which is the subject of request #4. However, staff opines that the elevations submitted by the applicant indicate that the linear shaped building is designed with a gradual step design, with the highest point, approximately 100' high, abutting the SW 40 Street frontage of the property located to the north. The building height is gradually reduced towards the south, to a maximum height of approximately 59', closer to the area where the property abuts a townhouse development located to the east. Along the east and west property lines of Tract "B", the submitted plans indicate a continuous row of trees and to the south, the trees taper off into a small green area with trees and a walking path, where the property abuts a multi-family residential development to the south. Staff opines that said trees provide an adequate visual buffer that will mitigate the negative visual impact of the proposed development on the single-story residential uses to the east. Further, contingent on the approval of the request to permit the residential development in the BU-2 district, the applicant is also seeking ancillary non-use variances, among which are variances that will permit structures encroaching into the interior side (west) setback areas (request #6 and #7). Staff is supportive of these requests since it will allow the applicant to site the buildings away from the less intensive town houses to the east and thereby, will mitigate the visual impact of the more intensive development on same. Additionally, the submitted plans indicate that the project complies with the FAR, open space, lot coverage and complies with the numerical parking requirements. Further, staff notes that the subject property abuts Bird Road (SW 40 Street), which is a well-travelled, east/west section line roadway and is approximately 0.6 miles east of the Palmetto Expressway (SR 826).

As such, based on the foregoing analysis and the memoranda from the Departments concerned, staff opines that the approval of the request to rezone a portion of the subject property (request #1) along with the requests to delete two (2) previous declarations of restrictions that tied the property to previously approved plans (requests #2 and #3), in order to permit a proposed residential and commercial development on the commercial and residentially zoned parcel, will be **compatible** with the area and **consistent** with the CDMP. Further, staff opines that approval of said requests will not have an unfavorable impact on the economy of the County and would not have an unfavorable impact on the environmental and natural resources or create an unnecessary burden on the water, sewer, solid waste or recreational resources among others which have been constructed, planned or budgeted for. **Therefore, subject to the Board's acceptance of the proffered covenant, staff recommends approval of request #1 under Section 33-311, District Boundary Change, approval with conditions of requests #2 and #3, under Section 33-311(A)(7), Generalized Modification Standards; and approval with conditions of request #4, under Section 33-311(A(3), Special Exception, Unusual use and New Uses**.

The applicant also seeks approval of ancillary Non-Use Variance requests to permit the development with one-way drives below the minimum width requirement (request #5), to permit the proposed residential building and an accessory structure encroaching into the interior side (west) setback areas (requests #6 and #7, respectively), to waive the required dissimilar land use buffer including a wall, along portions of the property lines (request #8) and the required 5' high masonry wall interior to the site where a BU zoned property abuts RU, EU or GU zoned property (request #9).

When the aforementioned requests (requests #5 through #9) are analyzed under section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations, staff opines that approval of said requests would maintain the basic intent and purpose of the zoning and subdivision regulations and would not affect the stability and appearance of the community. Further, based on the analysis below, staff opines that approval of the aforementioned requests would be **compatible** with the surrounding residential and commercial uses in the area.

Staff opines that approval of the applicant's request to permit one-way drives a minimum of 10' wide within the subject property (request #5) would not affect the character of the development and would not have an impact on the movement of vehicular traffic within the subject property. Staff notes that the Platting and Traffic Review Section of RER does not object to this request. Therefore, staff opines that approval would not have a negative impact on the abutting roadways or create any hazard within the subject property. For reasons that were previously explained, staff opines that the encroachment of the proposed residential building and the accessory structure, which are the subjects of requests #6 and #7 into the interior side (west) setback area, ensures a degree of sensitivity towards the less intensive town house residential development located to the east. Along with the location of the multi-family building on the northern portion of the parcel, Tract "A", and the abundant landscaping being provided along the east and west property lines of the southern tract, Tract "B", staff opines that the encroachment of the buildings into the interior side (west) setback areas, further mitigates the visual impact of the proposed development on the residences to the east.

Further, staff opines that although the submitted plans indicate that the applicant has not met the dissimilar use landscape buffer requirement along portions of the east and west property lines (request #8), the landscaping provided mitigates the visual impact of the development on the surrounding areas. Said plans indicate a continuous row of trees and hedge in conjunction

with an existing wall and wood fence along the portions of the interior side (east) property line that abut the less intensive residential development to the east. Further, as previously opined, staff is supportive of the submitted plans, which depict the most intensive portion of the development, the nine-story building, on the north portion of the property, which abuts the existing post office use to the east and the vacant rail easement to the west. In addition, staff is supportive of the applicant's request to waive the decorative wall between the business and residential portions of the subject property (request #9). Staff opines that the required wall would disrupt the cohesiveness of the project and adversely affect the appearance of the development. **Staff therefore, recommends approval with conditions of requests #5 through #7 and #9, and approval with conditions of request #8, under Section 33-311(A)(4)(b), the Non-Use Variance Standards**.

ACCESS, CIRCULATION AND PARKING: The submitted plans indicate a main ingress/egress points along Bird Road to the north and SW 69 Avenue to the east. Additionally, the plans indicate that there will be adequate parking within the proposed development in both parking lots and surface parking areas for both the residents and visitors.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

Approval of request #1, subject to the Board's acceptance of the proffered covenant, approval with conditions of requests #2 through # #9.

CONDITIONS FOR APPROVAL (For requests #2 through #9 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 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.

3. That the applicant shall install all the required landscaping along the property lines prior to obtaining a Certificate of Occupancy.

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.

ES:MW::NN:JV:CH

Eric Silva, AICP, Senior Division Chief NDN
Development Services Division
Miami-Dade County
Department of Regulatory and Economic Resources

ZONING RECOMMENDATION ADDENDUM

Applicant: *Manuel J. Menendez Trust*
PH: *Z13-077*

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
Division of Environmental Resource Management (RER)	No objection*
Platting and Traffic Review Section (RER)	No objection*
Parks, Recreation and Open Spaces	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

Business and Office (Page I-41)	*This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.* *Residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity. Where these conditions are met residential development may be authorized to occur in the Business and Office category at a density up to one density category higher than the LUP-designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development, or zoning if the adjacent or adjoining land is undeveloped, whichever is higher. If there is no adjacent or adjoining residential use existing, zoned or designated on the same side of the roadway, the maximum allowable residential density will be that which exists or which this plan allows across the roadway. Where there is no residential use, zoning or designation on either side of the roadway, the intensity of residential development, including height, bulk and floor area ratio shall be no greater than that which would be permitted for an exclusively commercial use of the site. Where SURs or TDRs are transferred to Business-designated parcels which are zoned or to be used for residential development, or when a residential project utilizes the inclusionary zoning program the*

ZONING RECOMMENDATION ADDENDUM

Applicant: *Manuel J. Menendez Trust*
PH: *Z13-077*

	allowances of the Residential communities section may be used within the limits provided in this paragraph.
Medium Density Residential (Page I-31)	*This category allows densities from 13 to 25 dwelling units per gross acre. The type of housing structures typically permitted in this category includes townhouses and low-rise and medium-rise apartments.*
Medium-High Density Residential (Pg. I-31)	*This category authorizes apartment buildings ranging from 25 to 60 dwelling units per gross acre. In this category, the height of buildings and, therefore, the attainment of densities approaching the maximum, depends to a great extent on the dimensions of the site, conditions such as location and availability of services, ability to provide sufficient off-street parking, and the compatibility with and impact of the development on surrounding areas. The provisions of the section below entitled "Density Increase with Urban Design" are not applicable to this density category. At such time as Miami-Dade County's land development regulations are amended pursuant to Policy LU-9O, a density bonus can be added to each residential zoning district that falls within the Medium-High Density range of 25 to 60 dwelling units per gross acre. When land development regulations are amended, this density bonus may allow a maximum of 60 dwelling units per gross acre on properties that are designated Medium-High Density on the Land Use Plan map. These density bonuses shall not apply to existing or proposed developments with vehicular entrances that are controlled or have entry gates or existing or proposed developments with private streets.*
Density Averaging ***(Page I-32.2)***	*The land use density ceiling designated on the LUP map will apply to every parcel of land. However, in certain instances, the averaging of density may be authorized among different parcels. Specific provisions for this to occur are specified below. All of the following allowances are limited to lands located within the Urban Development Boundary which are designated for urban uses.* *Where groups of parcels under a single ownership or multiple ownerships that are legally unified (hereinafter legally unified development) are located within a unit area bounded by Major or Minor Roadways as indicated on the Land Use Plan map, portions of the unified development may be developed at densities higher than that shown on the LUP map provided that other portions are developed at correspondingly lower densities so that the average density of the entire development does not exceed the maximum gross density limits shown on the LUP map. Where a parcel or group of contiguous parcels under a single ownership or legally unified development has two different LUP map residential designations, the number of units permitted under one designation may be averaged with the number of units permitted under the other and developed at varying densities providing that the total number of units built on such property does not exceed the total number permitted under the two designations. Further, where 50 percent or more of the boundary of a parcel or group of contiguous parcels, not exceeding 20 acres in size, adjoins land that is developed or zoned for densities that are higher than those which are shown on the LUP map, such property may be zoned for a density higher than that shown on the LUP map but not higher than the highest density which is permitted by zoning on the adjoining properties. Density may be transferred across a Major or Minor roadway to an adjacent and legally unified parcel or portion thereof contiguous to the Roadway provided, further, that the site receiving the increased density shall be developed at a density no greater than the higher of adjoining or adjacent existing residential development or zoning, or if the adjoining land is undeveloped and not zoned for urban use, one density category higher than the LUP map designation of the parcel. The above provisions, however, are all conditioned upon a determination being made that the requested density and housing types are compatible with the surrounding development and would not create a significant negative impact on services within the area.*
Objective LU-4 (Page I-11)	*Miami-Dade County shall, by the year 2020, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.*
Policy LU-4A (Page I-11)	*When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.*

ZONING RECOMMENDATION ADDENDUM

Applicant: *Manuel J. Menendez Trust*
PH: *Z13-077*

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311 District Boundary Change	(A) *The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.* (F) ***Section 33-311*** *provides that the Board shall take into consideration, among other factors the extent to which:* *(1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;* *(2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;* *(3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;* *(4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;* *(5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways*
Section 33-311(A)(3) Special Exception, Unusual and New Uses.	*Special exceptions (for all applications other than public charter schools), unusual and new uses. Hear application for and grant or deny special exceptions, except applications for public charter schools; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.*

ZONING RECOMMENDATION ADDENDUM

Applicant: *Manuel J. Menendez Trust*
PH: *Z13-077*

33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations	*Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.*
Section 33-311(A)(7) Generalized Modification Standards.	*The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.*

A. MANUEL J. MENENDEZ TRUST
(Applicant)

14-7-CZ12-1 (13-077)
Area 12/District 07
Hearing Date: 10/07/14

Property Owner (if different from applicant) **Same.**

Is there an option to purchase ☐ /lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☑

If so, who are the interested parties?

Disclosure of interest form attached? Yes ☑ No ☐

Previous Zoning Hearings on the Property:

Year	Applicant	Request	Board	Decision
2005	PANCHO MENENDEZ	- Zone change from GU, RU-1 & RU-4M to BU-2.	C-12	Approved with condition(s)
2005	PANCHO MENENDEZ LAND TRUST, II	- Zone change from GU, RU-1, RU-4M & IU-1 to RU-4L, GU, RU-1 & RU-4M & BU-2.	C-12	Approved with condition(s)
2006	PANCHO MENENDEZ LAND TRUST, II	- Mod. of resolution. - Deletion of description.	C-12	Approved with condition(s)

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

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

Memorandum

MIAMI-DADE COUNTY

Date: March 26, 2014

To: Jack Osterholt, Deputy Mayor/Director
Department of Regulatory and Economic Resources

From: Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources

Subject: C-12 #Z2013000077-1st Revision
Collado & Partners
6950 SW 40th Street and 4090 SW 69th Avenue, Miami, FL 33155
Special Exception to Permit a Multi-Family Residential Development
(BU-2) (2.98 Acres)
23-54-40

The subject application has been reviewed by the Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Potable Water Service and Wastewater Disposal

Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required in accordance with Code requirements.

Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management

A Surface Water Management General Permit from DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to any future development order approval. The applicant is advised to contact the Water Control Section of DERM for further information regarding permitting procedures and requirements.

Stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage system. Drainage must be provided for the 5-year/1-day storm event.

Site grading and development shall provide for the full retention of the 25-year/3-day storm event and shall also comply with the requirements of Chapter 11C of the Code, as well as with all State and Federal Criteria, and shall not cause flooding of adjacent properties.

Any proposed development shall comply with county and federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP subject to compliance with the conditions required for this proposed development order.

Pollution Remediation
There are no records of current contamination assessment/remediation issues on the subject site or records of current contamination assessment/remediation issues for sites directly abutting the property.

Wetlands
The subject properties do not contain wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation
The subject property may contain specimen-sized trees (trunk diameter 18 inches or greater). Section 24-49.2(II) of the Code requires that specimen-sized trees be preserved whenever reasonably possible. A Miami-Dade County Tree Removal/Relocation Permit is required prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application.

The applicant is advised to contact the Tree Permitting Program at 305-372-6574 for additional information regarding tree permitting procedures and requirements prior to site development.

Enforcement History
There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property.

Concurrency Review Summary
A concurrency review has been conducted for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute written approval as required by Chapter 24 of the Code.

If you have any questions concerning the comments or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

cc: Nathan Kogon, Department of Regulatory and Economic Resources

Memorandum

Date: May 19, 2014

To: Eric Silva, Development Coordinator
Department of Regulatory and Economic Resources

From: Raul A. Pino, PLS, Chief
Platting and Traffic Review Section
Department of Regulatory and Economic Resources

Subject: Z2013000077
Name: Manuel J. Menendez Trust
Location: 6950 SW 40 Street
Section 23 Township 54 South Range 40 East

The Department of Regulatory and Economic Resources Platting and Traffic Review Section has reviewed the subject application and has no objections.

This land complies with Chapter 28 of the Miami-Dade County Code. The property is platted as Tracts A & B of Plat Book 167, Page 52.

Additional improvements may be required at time of permitting.

This application meets the traffic concurrency criteria because it lies within the urban infill area where traffic concurrency does not apply.

Memorandum

MIAMI-DADE COUNTY

Date: September 18, 2013

To: Eric Silva, Assistant Director
Regulatory and Economic Resources Department

From: Paul Mauriello, Assistant Director, Waste Operations
Public Works and Waste Management Department

Subject: Manuel J Menendez, Trust (#13_077)

The Department's review of the above-referenced item is provided below. Additional comments will be provided as needed. If you should have any questions, please do not hesitate to contact Stacey McDuffie of the Fiscal Management and Planning Division at 305-514-6661. **The PWWM has no objections to the proposed application.**

Application: ***Manuel J Menendez, Trust*** is requesting a non-use variance of a side setback, a special exemption, modification of previously approved plans and elimination of a previously proffered covenant related to the construction of residential building on the property. The property is presently zoned in a Special Business District (BU-2) and Limited Apartment House District (RU-4L).

Size: The subject property is approximately 2.98 acres.

Location: The subject property is located at 6950 SW 40th Street and 4090 SW 69th Avenue, in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (PWWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 28, 2012, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Sustainability, Planning and Economic Enhancement Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

Pursuant to Chapter 15 of the Miami-Dade County Code (Code), entitled Solid Waste Management, the residential building to be established on the property will likely be considered development for multi-family residential units. Per the Code the following is required of multi-family developments located in unincorporated Miami-Dade County:

"every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department." Therefore, the landlord or property owner is required to contact a private hauler to provide waste and recycling collection service, once the building is developed.

4. Recycling

Regarding multi-family units, **Section 15-2.2a** of the Code requires "every multi-family residential establishment shall provide for a recycling program which shall be serviced by a permitted hauler or the appropriate governmental agency and shall include, at a minimum, the five (5) materials listed in Section 15-2.2 below."

1) Newspaper
2) Glass (flint, emerald, amber)
3) Aluminum cans
4) Steel cans
5) Plastics (PETE, HDPE-natural, HDPE-colored)

Section 15-2.2b of the Code states the failure of a multi-family residential establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner(s) shall be liable, provided, however, that in the case of a condominium or cooperative apartment having a condominium association or cooperative apartment association, said association, rather than individual unit owners, shall be liable for any such violation.

Applicants are ***strongly*** advised to incorporate adequate space and facilities in their building plans to accommodate the required recycling program. Requests for approval of modified recycling programs must be made directly to the Department at 305 514-6666.

4. Waste Storage/Setout Considerations

Section 15-4 of the Code requires that plans for storage and collection of solid waste be adequate before a building permit may be issued. Site plans must address location, accessibility, number and adequacy of solid waste collection and storage facilities. The site plan legend must contain the following statement: "Facilities for the collection and storage of solid waste are shown in accordance with Section 15-4 of the Miami-Dade County Code."

5. Site Circulation Considerations

It is required that development plans associated with this project incorporate at least one of the following traffic circulation criteria to minimize the reversing of waste vehicles and hence, provide for the safe circulation of service vehicles:

a. Cul-de-sac with a minimum 49 foot turning radius (no "dead-ends")
b. "T" shaped turnaround 60 feet long by 10 feet wide
c. Paved throughway of adequate width (minimum 15 feet)

In addition, any and all alleyways designed with utilities, including waste collection, provided at the rear of the property should be planned in accordance with standard street specifications with sufficient width and turning radii to permit large vehicle access. Additionally, there should be no "dead-end" alleyways developed. Also, a sufficient waste set-out zone should be preserved (between the edge of the pavement and any possible obstructions such as parked cars, fencing, etc.,) that would interrupt or preclude waste collection.

Memorandum

MIAMI-DADE COUNTY

Date: March 6, 2014

To: Jack Osterholt, Deputy Mayor
Director, Regulatory and Economic Resources Department

From: Maria I. Nardi, Chief
Planning and Research Division
Parks, Recreation and Open Spaces Department

Subject: Z2013000077: MANUEL J.MENENDEZ TRUST
Revised Plans Submitted Dated Stamped Received 3/5/2014

Application Name: MANUEL J.MENENDEZ TRUST

Project Location: The site is located at 6950 SW 40 ST, Miami-Dade County.

Proposed Development: The request is for approval of special exception to permit residential development. Based on plans submitted it is estimated that 78 units could be developed.

Impact and Demand: This application proposes future development of multi-family use which has the potential to result in an impact of up to .47 acres to the level of service for this park benefit district.

Recreation and Open Space Element policies ROS-2a (i); (ii); (iii); (iv); and (v) provide for the establishment of Miami-Dade County's minimum Level of Service standard for the provision of local recreation open space. The site is located in Park Benefit District 2 (PBD2) which has a surplus of 494.95 acres of local parkland and therefore meets concurrency when analyzed in terms of (2.75) acres per 1,000 unincorporated areas residents within this Park Benefits District.

County-owned local parks that are within three miles of the subject application are described in Table A which lists the name, type and acreage for each park. Brothers to the Rescue Memorial Park is the nearest local park to the application site. A.D. "Doug" Barnes, an areawide park, is located within walking distance.

Table A - County Parks (local only)
Within a 3 Mile Radius of Application Area.

Park Facility	Classification	Acreage
Sunset Heights Park	MINI-PARK	0.32
Schenley Park	NEIGHBORHOOD PARK	2.00
Humble Mini Park	MINI-PARK	0.50
Brothers To The Rescue Memorial Park	SINGLE PURPOSE PARK	5.70
Banyan Park	NEIGHBORHOOD PARK	3.14
Rockway Park	COMMUNITY PARK	2.52
Miller Drive Park	COMMUNITY PARK	4.07
Blue Lakes Park	NEIGHBORHOOD PARK	6.00
Sudlow Park	MINI-PARK	1.12
Sunkist Park	NEIGHBORHOOD PARK	0.77
San Jacinto Park	MINI-PARK	0.92
Francisco Human Rights Park	MINI-PARK	3.78

Coral Villas Park	MINI-PARK	0.37

Objective ROS-8 of the Recreation and Open Space Element of the CDMP states the following: ***The 2007 Miami-Dade County Parks and Open Space System Master Plan (OSMP), through a 50-year planning horizon, shall guide the creation of an interconnected framework of parks, public spaces, natural and cultural areas, greenways, trails, and streets that promote sustainable communities, the health and wellness of County residents, and that serve the diverse local, national, and international communities.***

Recommendation: Based on our findings described herein **PROS HAS NO OBJECTION TO THIS APPLICATION**.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb
Cc: John M. Bowers, Parks Property Management Supervisor

REVISION 3

Memorandum

Date: 15-APR-14

To: Jack Osterholt, Director
Department of Regulatory and Economic Resources

From: Dave Downey, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2013000077

Fire Prevention Unit:

Fire Engineering & Water Supply Bureau reviewed and approved the revised site plan dated stamp received 2/26/14 as follows: (1) Approval is only for Sheet LS-1.00.

Service Impact/Demand

Development for the above Z2013000077
located at 6950 SW 40 ST, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1596 is proposed as the following:

_____ residential	dwelling units	_____ industrial	square feet
_____ Office	square feet	_____ institutional	square feet
89,811 SF Retail	square feet	_____ nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 27 alarms-annually.
The estimated average travel time is: 6:01 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
Station No. 3 - 3911 SW 82 Avenue

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:
N/A

Fire Planning Additional Comments

N/A

For information regarding the aforementioned comments, please contact the Miami-Dade Fire Rescue Department Planning Section at 786-331-4540.

DATE: 06-MAR-14

REVISION 1

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

MANUEL J. MENENDEZ TRUST

APPLICANT

6950 SW 40 ST, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2013000077

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: No open cases. BNC: No bss cases open/closed.

Manuel Menendez Trust

OUTSTANDING FINES, PENALTIES, COST OR LIENS INCURRED PURSUANT TO CHAPTER 8CC:

REPORTER NAME:

DISCLOSURE OF INTEREST*

If a CORPORATION owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: _____

NAME AND ADDRESS	Percentage of Stock

RECEIVED
AUG 2 1 2013
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY: _____

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and the percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME **M J Menendez Trust**

NAME AND ADDRESS	Percentage of Interest
Manuel J, Menendez	**100%**
Teresita F. Menendez	
3305 Alhambra Circle	
Coral Gables, Florida 33134	

If a PARTNERSHIP owns or leases the subject property, list the principals including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percentage of Ownership

If there is a **CONTRACT FOR PURCHASE**, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

NAME OF PURCHASER: HONG

NAME, ADDRESS AND OFFICE (if applicable) | Percentage of Interest

N/A

Date of contract: N/A

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust.

N/A

NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature _____ (Applicant) MANUEL. MENENDEZ TRS. (Print Applicant name)

Sworn to and subscribed before me this 29 day of July, 2013. Affiant is personally know to me or has produced N/A as identification.

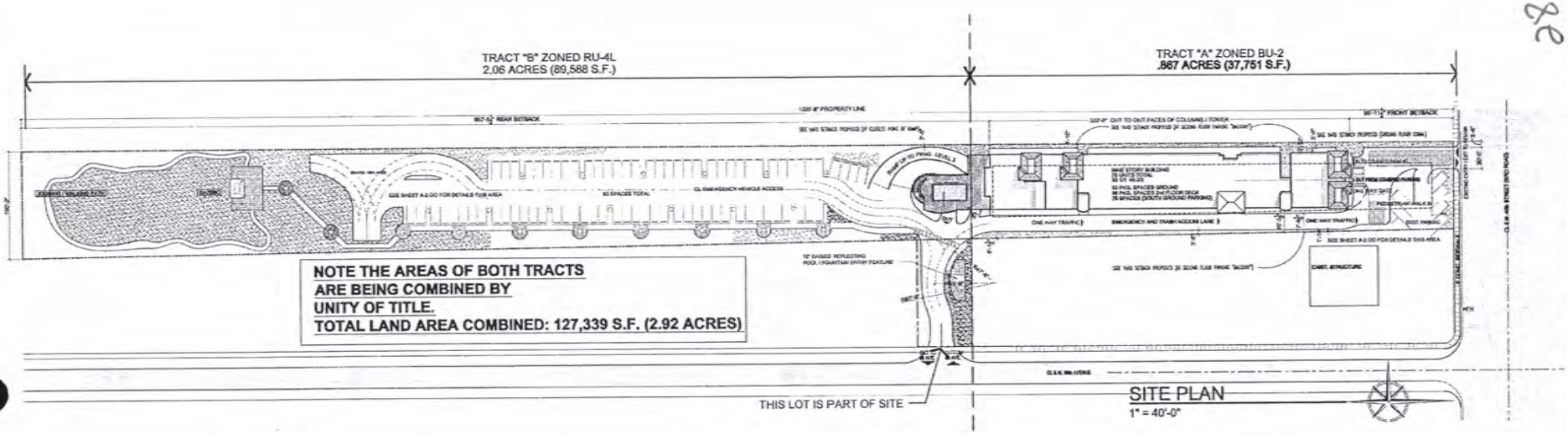
_____ (Notary Public)

ERICK M. VALLE
MY COMMISSION # EE 178938
EXPIRES: March 27, 2016
Bonded Thru Notary Public Underwriters

My commission expires: March 27/16

Seal

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.



RU-4M ZONING LEGEND

Note: [redacted]	TOTAL NUMBER OF DWELLING UNITS: 76
	TOTAL NET ACREAGE: 2.06
	DENSITY PER NET ACRE: 36.8

GROSS AREA (gross)	2.90 (127,339 S.F.)	
Less n-o-w	0.00	
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	80,798 S.F.	63 %
(Common) Open Space (green area)	48671 S.F.	38.5 %

SETBACK REQUIREMENTS		
MINIMUM SETBACK REQUIRED		PROVIDED
FRONT	25'	96'-0"
REAR	25'	892'
S.SIDE ST.	25'	N/A
INTERIOR (RU-4L) (0-3.2 floors)	20'	N/A
INTERIOR (RU-4L) (3.2-5 floors)	10'	N/A
INTERIOR (RU-4M) (max floor 2 times)	20'	3'-0" WEST 20'-0" EAST

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 0.1	2 story 0.63	3 story 0.75	4 story 0.9	5 story 0.95	6 story 0.95	7 story 1.05	8 story 1.15	9 story 1.25
Model: 1-B-1	727 S.F.	1	MAX. HEIGHT OF PROPOSED BLDG:								100'-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

BLDG. TYPE	FOOTPRINT (gross sq. ft.)	BLDG. TYPE	FOOTPRINT (gross sq. ft.)
RES.	21,930 S.F.		

PROVIDE TOTAL GROSS SQ. FT. PER BUILDING TYPE

BLDG. TYPE	TOTAL BLDG. (gross sq. ft.)	BLDG. TYPE	TOTAL BLDG. (gross sq. ft.)

PARKING REQUIREMENTS

Total number of dwelling units with less than 2 bedrooms =	30	X 1.50 =	45.0 (60)
Total number of dwelling units with 2 bedrooms =	46	X 1.75 =	79.5 (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 & 30' in height. RU-4L bldgs limited to 6 stories & 75' in height. RU-4M bldgs limited to 9 stories & 100' in height. Height measured from F.F. (Finished Floor) to top of pitch (roof ridge). See Zoning Code Article XVIII for RU-3M, Article XVIII for RU-4L, & Article XVIII for RU-4M requirements.

Rev. 03-09-02

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
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" deep 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.

2/3/2017

REVISED

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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 26000697

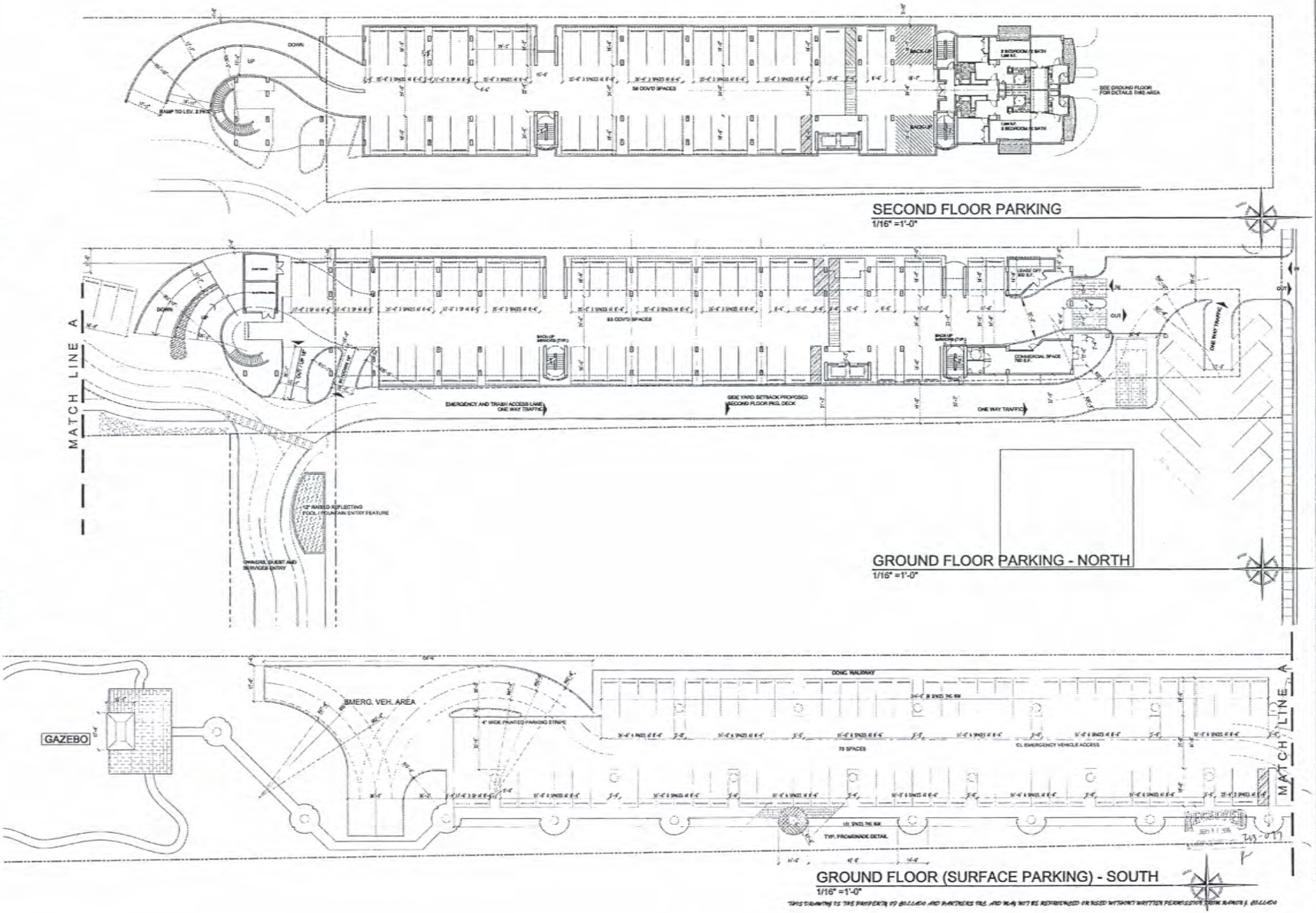
A NEW DEVELOPMENT
Central Park Apartments
Manuel J. Menendez as Trustee (owner)
6950 S.W. 40TH St. Miami, Florida 33155

TITTLE: SITE PLAN AT 1"=40'-0"

SEAL

RAMON J. COLLADO
FLA. REG. ARCHITECT
LIC. AR0010264

SHEET NO.:
A-1.00



29

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: GROUND AND SECOND FLOOR

SEAL

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

SHEET NO.:
A-2.00

30

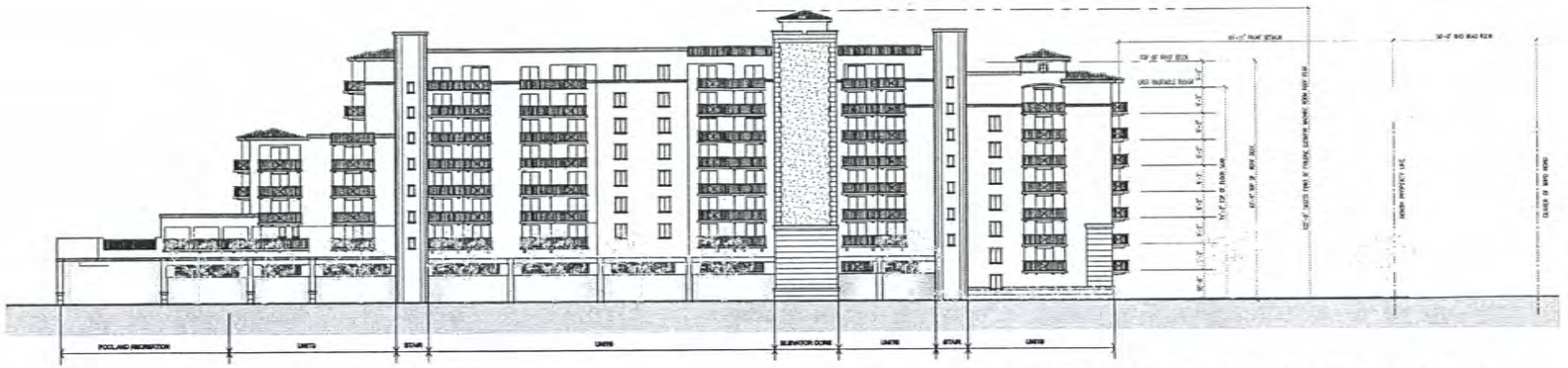
2/3 017

COLLADO AND PARTNERS INC
ARCHITECTURE PLANNING INTERIORS

A NEW DEVELOPMENT
Central Park Apartments
Manuel J. Menendez as Trustee (owner)
6950 S.W. 40TH St. Miami, Florida 33155
FLOORS 3 TO 9

RAMON J. COLLADO
R.A. INCS. ARCHITECT
LIC. AR0013254

SHEET NO.:
A-2.01



EAST ELEVATION (TO POST OFFICE NEIGHBOR)
1/16" =1'-0"

REAR (SOUTH ELEVATION)
1/16" =1'-0"

BIRD ROAD FACADE (NORTH ELEVATION)
1/16" =1'-0"

WEST ELEVATION (TO LINEAR PARK / EX-RR EASMENT)
1/16" =1'-0"

213-077

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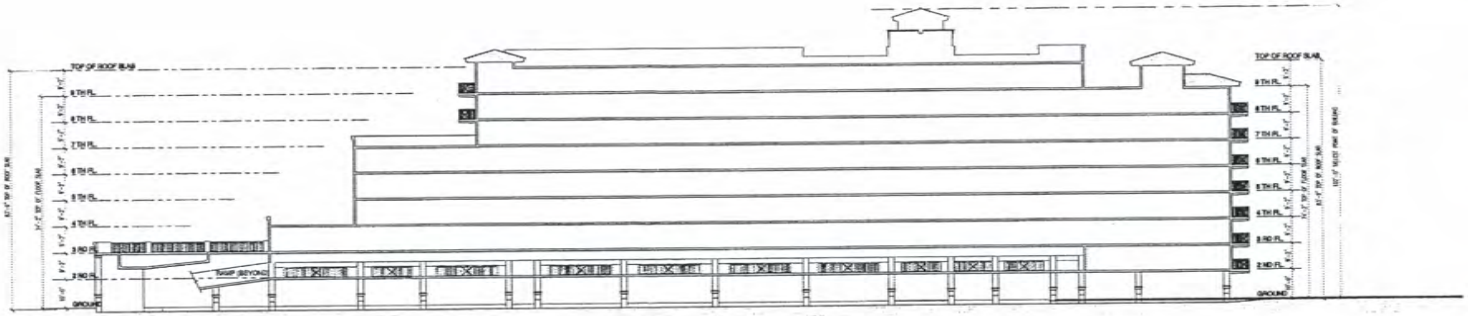
COLLADO AND PARTNERS INC
ARCHITECTURE PLANNING INTERIORS
LIC. AA 26000807

A NEW DEVELOPMENT
Central Park Apartments
Manuel J. Menendez as Trustee (owner)
6950 S.W. 40TH St. Miami, Florida 33155
TITLE: ELEVATIONS

SEAL
RAMON J. COLLADO
FLA. REG. ARCHITECT
LIC. #0021034

SHEET NO.:
A-4.00

32



SOUTH TO NORTH (LONGITUDINAL) BUILDING SECTION

1/16" =1'-0"

213-077

COLLADO AND PARTNERS INC
ARCHITECTURE PLANNING INTERIORS

LIC. AA 26000997

NO.	DATE	REVISIONS TYPE

JOB NO. -
DRAWN BY: RJC
DATE: 8-12-14
SCALE: AS NOTED
CHECKED: RJC

A NEW DEVELOPMENT
Central Park Apartments
Manuel J. Menendez, as Trustee (owner)
0950 S.W. 40TH St. Miami, Florida 33155

TITLE: BUILDING SECTION

SEAL

RAMON J. COLLADO
FLA. REG. ARCHITECT
LIC. AR0013264

SHEET NO.:

A-5.00

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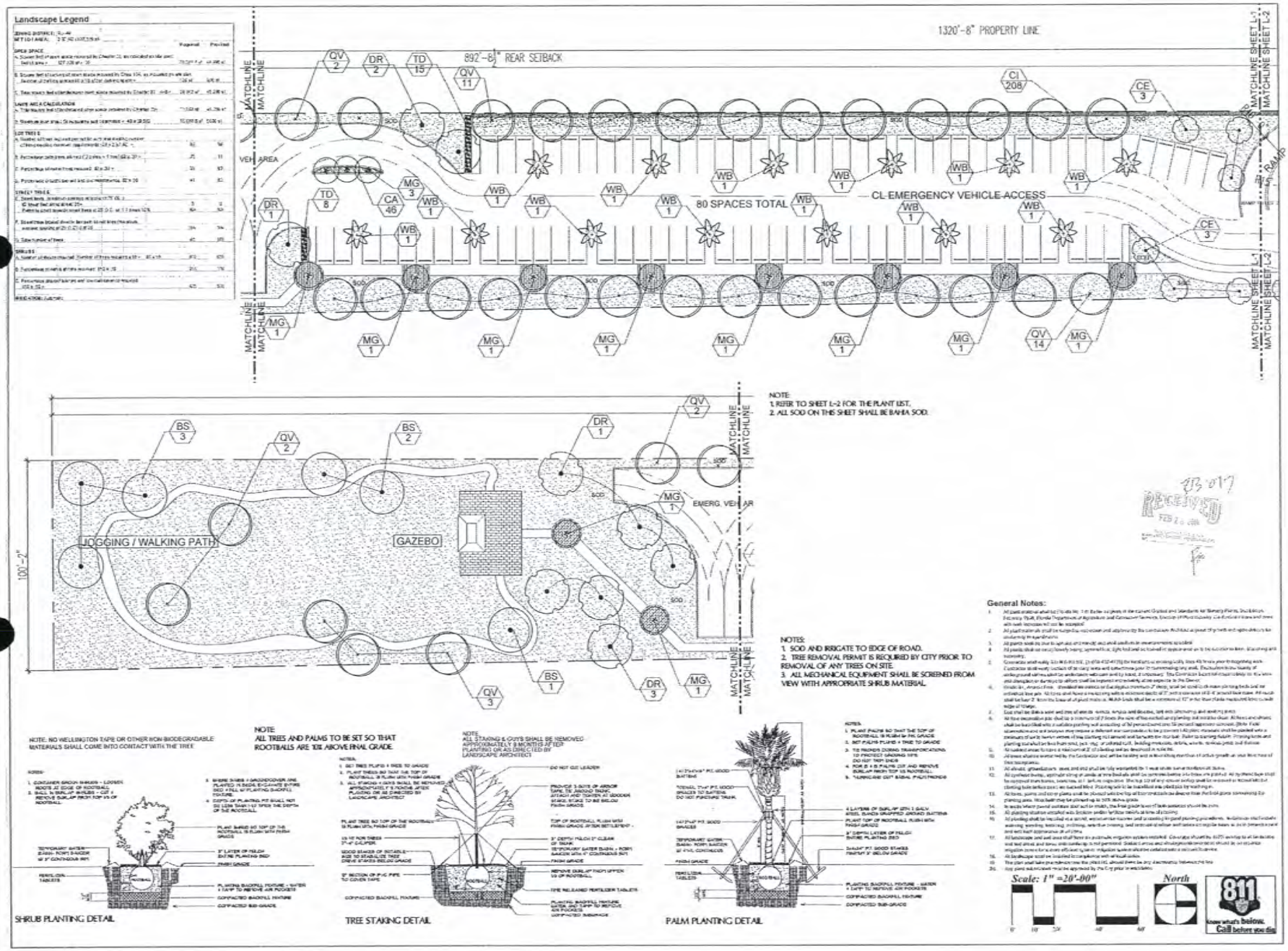


PREPARED BY:
Kimberly Moyer, RLA
Landscape Architecture
(954) 492-9609
Lic. No. #LA0000952

PREPARED FOR:
Collado and Partners
Architecture, Planning, Interiors
300 Aragon Ave. 205
Coral Gables, FL 33134
(305) 569-9911

CENTRAL PARK APARTMENTS

6936 SW 40TH STREET - MIAMI, FL 33155

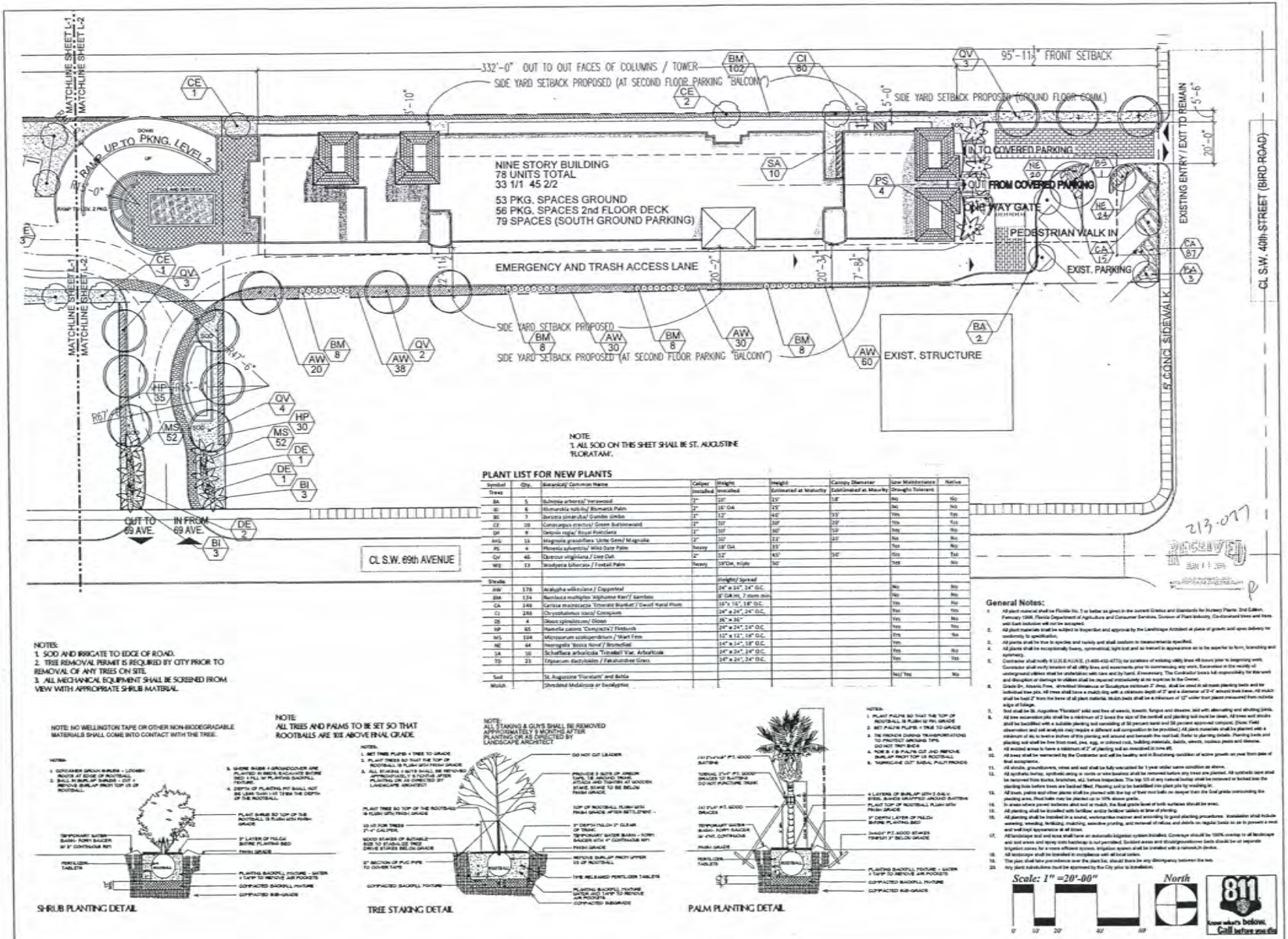
LANDSCAPE PLAN

DATE:	MAY 25, 2017
PROJECT NUMBER:	1315
DRAWN BY:	J.B.G.
CHECKED BY:	K.M.
SCALE:	1"=20'-00"

REVISIONS:	DATE:	BY:
1 Planting Rev.	1-26-2018	K.M.
2		
3		
4		
5		

SHEET NUMBER:

L-1



NOTE:
1. ALL SOD ON THIS SHEET SHALL BE ST. AUGUSTINE 'FLORATAM'.

PLANT LIST FOR NEW PLANTS

Symbol	Qty.	Botanical/ Common Name	Caliper Installed	Height Installed	Height Estimated at Maturity	Canopy Diameter Estimated at Maturity	Low Maintenance Drought Tolerant	Native
Trees								
BA	5	Bulnesia arborea/ Verawood	2"	10'	25'	18'	No	No
BI	6	Bismarckia nobilis/ Bismarck Palm	2"	16' OA	25'		No	No
BS	7	Bursera simaruba/ Gumbo Limbo	2"	12'	40'	35'	Yes	Yes
CI	10	Conocarpus erectus/ Green Buttonwood	2"	10'	30'	20'	Yes	Yes
DR	9	Delonix regia/ Royal Poinciana	2"	10'	40'	50'	Yes	No
MG	15	Magnolia grandiflora 'Little Gem'/ Magnolia	2"	10'	25'	20'	No	No
PS	4	Phoenix sylvestris/ Wild Date Palm	heavy	18' OA	35'		Yes	No
QV	46	Quercus virginiana / Live Oak	2"	12'	60'	50'	Yes	Yes
WE	13	Veitchia spiralis/ Veitchii Palm	heavy	18'DA, triple	30'		Yes	No
Shrubs				Height/ Spread				
AW	178	Acalypha wilkesiana / Copperleaf		24" x 24", 24" O.C.			No	No
BM	134	Bambusa multiplex 'Alphonse Karr'/ bamboo		8' OA Ht, 7' stem min.			No	No
CA	248	Carissa macrocarpa 'Emerald Blanket'/ Dwarf Karal Plum		16"x 16", 18" O.C.			Yes	No
CJ	288	Chrysobalanus icaco/ Cocoplum		24" x 24", 24" O.C.			Yes	Yes
DS	4	Dioon spinulosum/ Dioon		36" x 36"			Yes	No
HP	65	Hamelia patens 'Compacta'/ Firebush		24" x 24", 24" O.C.			Yes	Yes
MS	104	Microsorum scolopendrium / Wart Fern		12" x 12", 18" O.C.			Yes	No
NE	44	Neomarica 'Bassa Nova'/ Butterfly		14" x 14", 18" O.C.			Yes	
SA	10	Schefflera arboricola 'Trinette'/ Var. Arboricola		24" x 24", 24" O.C.			Yes	No
TD	23	Tripsacum dactyloides / Fakahatchee Grass		24" x 24", 24" O.C.			Yes	Yes
Sod		St. Augustine 'Floratam' and Bahia					Yes/ Yes	No
Mulch		Shredded Melaleuca or Eucalyptus						

NOTES:
1. SOD AND IRRIGATE TO EDGE OF ROAD.
2. TREE REMOVAL PERMIT IS REQUIRED BY CITY PRIOR TO REMOVAL OF ANY TREES ON SITE.
3. ALL MECHANICAL EQUIPMENT SHALL BE SCREENED FROM VIEW WITH APPROPRIATE SHRUB MATERIAL.

NOTE: NO WELLINGTON TAPE OR OTHER NON-BIODEGRADABLE MATERIALS SHALL COME INTO CONTACT WITH THE TREE.

SHRUB PLANTING DETAIL

NOTE:
ALL TREES AND PALMS TO BE SET SO THAT ROOTBALLS ARE 10% ABOVE FINAL GRADE.

TREE STAKING DETAIL

PALM PLANTING DETAIL

General Notes:

1. All plant material shall be Florida No. 1 or better as gived in the current Grades and Standards for Nursery Plants, 2nd Edition, February 1998, Florida Department of Agriculture and Consumer Services, Division of Plant Industry. Co-dominant trees and trees with bark inclusion will not be accepted.
2. All plant materials shall be subject to inspection and approval by the Landscape Architect at place of growth and upon delivery for conformity to specification.
3. All plants shall be true to species and variety and shall conform to measurements specified.
4. All plants shall be exceptionally heavy, symmetrical, tight knit and so trained in appearance as to be superior to form, branching and symmetry.
5. Contractor shall notify 8-1-1/SUNSHINE, (1-800-432-4770) for locations of existing utility lines 48 hours prior to beginning work. Contractor shall verify location of all utility lines and easements prior to commencing any work. Excavation in the vicinity of underground utilities shall be undertaken with care and by hand, if necessary. The Contractor bears full responsibility for the work and disruption or damage to utilities shall be repaired immediately at no expense to the Owner.
6. Grade Dir. Arsenic Free, shredded limestone or Eucalyptus minimum 3" deep, shall be used in all mass planting beds and be individual tree pits. All trees shall have a mulch ring with a minimum depth of 3" and a diameter of 2'-0" around tree bases. All mulch shall be kept 2" from the bone of all plant material. Mulch beds shall be a minimum of 12" wider than plants measured from outside edge of foliage.
7. Sod shall be St. Augustine 'Floratam' solid and free of weeds, insects, fungus and disease, laid with alternating and abutting joints.
8. All tree excavation pits shall be a minimum of 2 times the size of the rootball and planting soil must be clean. All trees and shrubs shall be backfilled with a suitable planting soil consisting of 50 percent sand and 50 percent approved compost. [Note: Field observation and soil analysis may require a different soil composition to be provided.] All plant materials shall be planted with a minimum of 4in. to 6 inches of this planting soil around and beneath the root ball. Refer to planting details. Planting beds and planting soil shall be free from roots, pea, egg, or colored rock, building materials, debris, weeds, noxious pests and disease.
9. All wooded areas to have a minimum of 2" of planting soil as evecated in note #8.
10. All trees shall be maintained by the Contractor and will be healthy and in flourishing condition of active growth on year from date of final acceptance.
11. All shrubs, groundcovers, vines and sod shall be fully warrantied for 1-year under same condition as above.
12. All synthetic burlap, synthetic string or cords or wire baskets shall be removed before any trees are planted. All synthetic tape shall be removed from trunks, branches, etc. before inspection. The top 1/3 of any natural burlap shall be removed or folded into the planting hole before trees are backed filled. Planting soil to be backfilled into plant pits by washing in.
13. All trees, palms and other plants shall be planted with the top of their root balls on average from the final grade surrounding the planting area. Root balls may be planted up to 10% above grade.
14. In areas where paved surfaces abut sod or mulch, the final grade level of both surfaces should be even.
15. All planting shall be installed with fertilizer and/or fertilizer tablets at time of planting.
16. All planting shall be installed in a sound, workmanlike manner and according to good planting procedures. Installation shall include watering, weeding, fertilizing, mulching, selective pruning, and removal of refuse, and debris on regular basis so as to present a neat and well kept appearance at all times.
17. All landscape and sod areas shall have an automatic irrigation system installed. Coverage should be 100% overlap in all landscape and sod areas, and epoxy coils backflow is not permitted. Sodded areas and shrub/groundcover beds should be on separate irrigation zones for a more efficient system. Irrigation system shall be installed with a rainswitch device.
18. All landscape shall be installed in compliance with all local codes.
19. The plan shall take precedence over the plant list, should there be any discrepancy between the two.
20. Any plant substitutions must be approved by the City prior to installation.

Scale: 1" =20'-00"

North

811 Know what's below. Call before you dig

PREPARED BY:
Kimberly Moyer, RLA
Landscape Architecture
(954) 492-9609
Lic. No. #LA0000952

PREPARED FOR:
Collado and Partners
Architecture, Planning, Interiors
300 Aragon Ave. 205
Coral Gables, FL 33134
(305) 569-9911

CENTRAL PARK APARTMENTS

6950 SW 40TH STREET, MIAMI, FL 33155

LANDSCAPE PLAN

DATE:	MAY 21, 2013
PROJECT NUMBER:	1315
DRAWN BY:	J.B.E.
CHECKED BY:	K.M.
SCALE:	1"=20'-00"

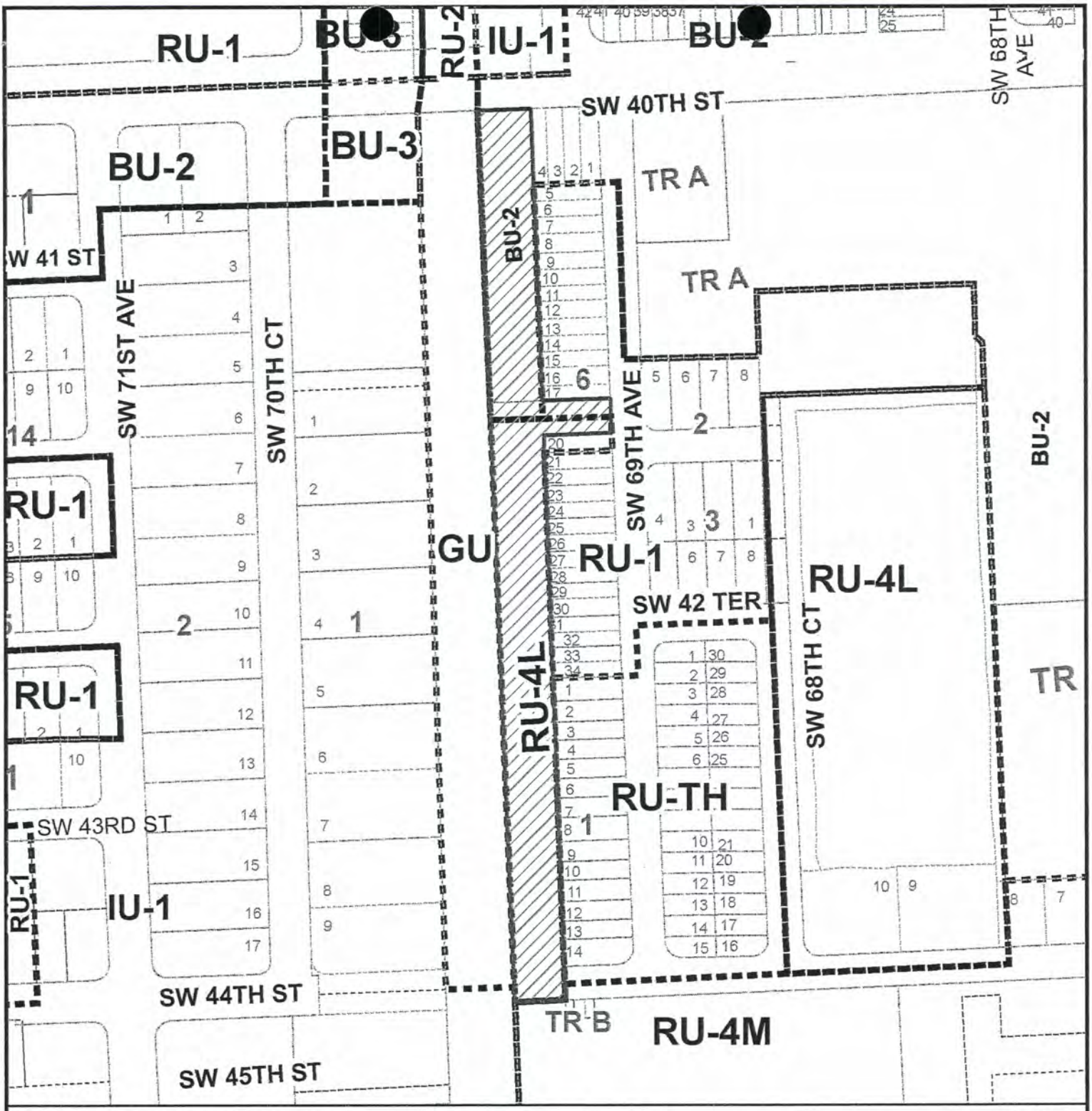
REVISION:	DATE:	BY:
1 Planting Rev.	1-30-2014	K.M.
2	6/5/14	
3		
4		
5		

SHEET NUMBER:

L-2

213-077

RECEIVED



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

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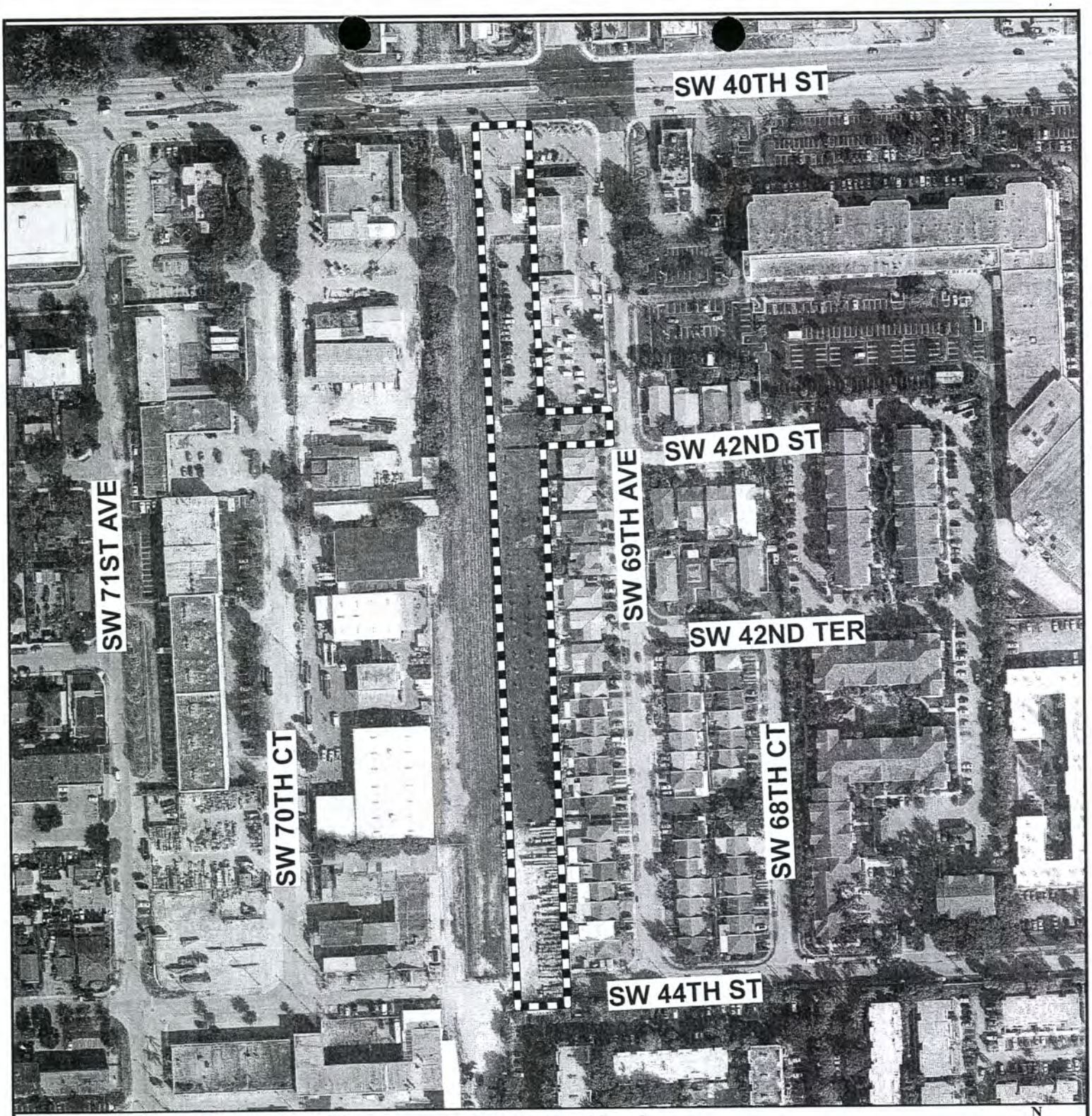
Legend

Subject Property Case

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, September 12, 2013

REVISION	DATE	BY



MIAMI-DADE COUNTY

AERIAL YEAR 2012

Process Number

Z2013000077

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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
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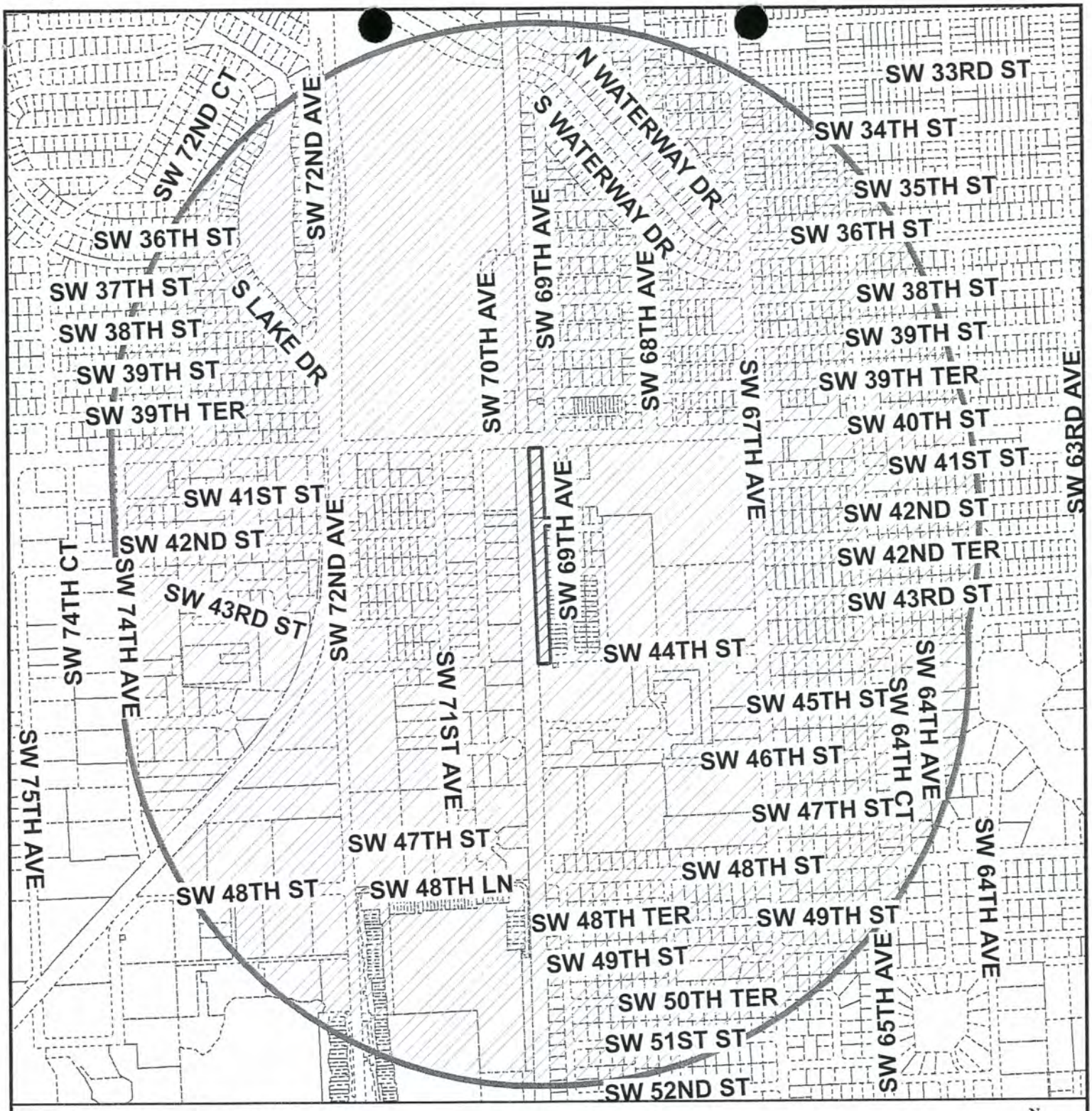

MIAMI-DADE COUNTY

RADIUS MAP

Process Number

Z2013000077

RADIUS: 2640

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

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Legend

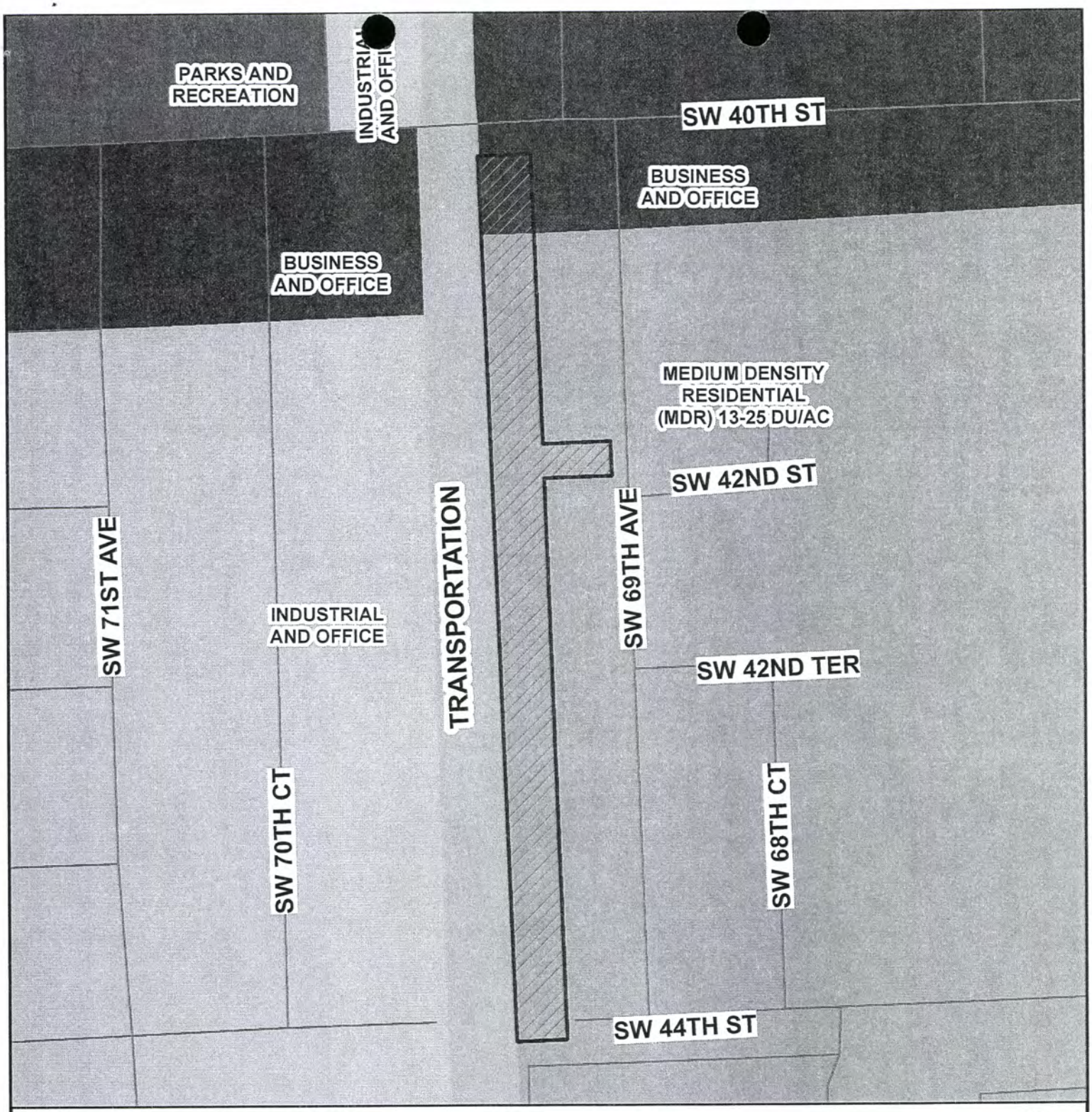
Subject Property

Buffer

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, September 12, 2013

REVISION	DATE	BY



MIAMI-DADE COUNTY

CDMP MAP

Process Number

Z2013000077

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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

Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 12

PH: Z13-077(14-7-CZ12-1) **July 8, 2014**
Item No. 1

Recommendation Summary	
Commission District	7
Applicant	Manuel J. Menendez Trust
Summary of Requests	The applicant is seeking to permit a 78-unit multi-family residential and commercial development on a commercial and residentially zoned site. Additionally, the applicant seeks to waive the requirement for a wall between the residential and commercial zoned portions of the dual zoned subject property as well as variances to the setback and landscape requirements.
Location	6950 SW 40 Street, Miami-Dade County, Florida.
Property Size	2.92 acres
Existing Zoning	RU-4L, Limited Apartment House District, BU-2, Special Business District
Existing Land Use	Commercial building
2020-2030 CDMP Land Use Designation	Business and Office/Medium Density Residential, 13 - 25 dua *(see attached Zoning Recommendation Addendum)*
Comprehensive Plan Consistency	Consistent with the LUP map, and the interpretative text and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311 District Boundary Change Section 33-311(A)(3), Special Exception, Unusual use and New Uses, Section 33-311(A)(4)(b), Non-Use Variance standards, Section 33-311(A)(7), Generalized Modification Standards *(see attached Zoning Recommendation Addendum)*
Recommendation	**Approval with conditions of request #1, subject to the acceptance of the covenant, and approval with conditions of requests #2 through #9.**

REQUESTS:

REQUESTS #1 - #3 ON TRACT "B"

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

(2) Deletion of Declaration of Restrictions recorded in Official Records Book 24126, pages 0768-0772.

(3) Deletion of Declaration of Restrictions recorded in Official Records Book 26198, pages 4915 - 4919.

The purpose of requests #2 and #3 is to remove a requirement that the property be developed in accordance with a site plan for a townhome development and to allow the applicant to submit a revised site plan showing a multi-family development in lieu of the previously approved townhome development.

REQUEST #4 ON TRACT "A"

(4) SPECIAL EXCEPTION to permit residential use in the BU-2 zoning district.

REQUESTS #5 - #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 multi-family residential building setback a minimum of 2' (20' required) from the interior side (west) property line.

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

(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.

(9) NON-USE VARIANCE to waive the dissimilar land use buffer (minimum 5' wide required) 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.

PROJECT DESCRIPTION AND PROJECT HISTORY:

The application seeks approval of requests to rezone the southern portion of the subject property and to permit a residential development on the commercially zoned, northern portion of the parcel in order to permit a mixed use multi-family residential and commercial development. Said requests are contingent on the approval of requests to delete prior declarations of restrictions that pertained to a previously approved townhome development on a portion of the subject property. Along with said requests, the applicant also seeks to permit the proposed development with ancillary non-use variances to the setback and landscape regulations.

The applicant seeks to rezone the southern 2.057-acres of the approximately 2.92-acre subject property from RU-4L, Limited Apartment House District, to RU-4M, Modified Apartment House District, and to delete the prior declarations of restrictions. This will permit the applicant to develop the subject parcel with 78 multi-family residential units and 1,050 sq. ft. of commercial space.

The subject property is narrow strip of land, approximately 2.92-acres in size abutting Bird Road (SW 40 Street), which is a section line roadway. The property is approximately 1,320' in length and approximately 100' wide and consists of two (2) separate zoning districts. The northern, approximately 0.87-acres' of the subject property is zoned BU-2, Special Business District and the remaining approximately 2.105-acres' to the south is currently zoned RU-4L, Limited Apartment House District.

In addition, the northern approximately 120' of the BU-2 portion of the property is designated on the Comprehensive Development Master Plan (CDMP) future Land Use Plan (LUP) map for Business and Office uses. The remaining 1,200' southern portion of the property is designated Medium Density Residential on the CDMP LUP map.

Pursuant to Resolution #CZAB12-30-05 and Resolution #CZAB12-35-05, the existing BU-2 and RU-4L zoning districts were approved on the subject property. However, the approval of the RU-4L portion of the property was approved subject to the acceptance of a covenant proffered by the applicant that restricted the development of the site to a site plan along with other restrictions. Said covenant was subsequently modified pursuant to Resolution #CZAB12-37-06.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	**Land Use Designation**
Subject Property	RU-4L/BU-2:commercial building	Medium Density Residential (13-25 dua)/ Business and Office
North	IU-1: carwash	Business and Office
South	RU-4M; apartment buildings	Medium Density Residential (13-25 dua)
East	BU-2; post office RU-1/RU-TH: single-family residences and townhouses	Business and Office/Medium Density Residential (13-25 dua)
West	GU; railway easement	Transportation

NEIGHBORHOOD COMPATIBILITY:

The 2.92-acre subject property is a mostly vacant parcel located along Bird Road (SW 40 Street), which is designated as a Major Roadway on the CDMP Future LUP map. The property abuts residential uses to the south and east. However, to the north and west of the subject property are commercial and industrial uses.

SUMMARY OF THE IMPACTS:

The approval of this application will allow the applicant to provide the community with additional housing. However, the proposed nine (9)-story development could have a visual impact on the surrounding area and create additional impacts on traffic, schools and other community resources in the area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

Staff notes that approximately northern approximately 120' of Tract "A" of the subject property, approximately 0.223-acres, is designated **Business and Office** on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map. The Business and Office category *accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, entertainment and cultural facilities, amusements and commercial recreation.*

In addition, the CDMP Land Use Element interpretative text for Business and Office states that, *residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity.* When the above conditions are met, *residential development may be authorized to occur in the Business and Office category at a density up to one category higher than the LUP designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development or zoning if the adjacent or adjoining land is undeveloped whichever is higher.* The remaining southern portion of the subject property is designated **Medium Density Residential** on the CDMP LUP map, which allows a range in density of 13 to 25 dwelling units per gross acre. *The types of housing structures typically permitted in this category include townhouses and low-rise and medium-rise apartments.* Therefore, subject to the conditions outlined in the CDMP Land Use Element interpretative text for areas designated Business and Office, the 0.223-acre Business and Office designated portion of the subject property could be developed under the designation of **Medium-High Density Residential** at 25 to 60 dwelling units per acre. This would allow the applicant to develop the approximately 0.223-acre Business and Office designated portion of the property with a maximum of thirteen (13) residential units.

The remaining southern portion of Tract "A", which is approximately 0.64-acres in size, and Tract "B" of the subject property, which is 2.057-acres, for a total of 2.69-acres, are designated **Medium Density Residential** use on the CDMP Land Use Plan map. Therefore, based on the density threshold allowed in this land use category, this portion of the subject property could be developed with a maximum of 67 residential units.

The CDMP Land Use Element interpretative text for Residential Communities states that where a parcel or group of contiguous parcels under a single ownership or legally unified development has two different LUP map residential designations, the number of units permitted under one designation may be averaged with the number of units permitted under the other and developed at varying densities providing that the total number of units built on such property does not exceed the total number permitted under the two designations. Based on the aforementioned analysis, the applicant would be able to develop the 2.92-acre parcel with a unified development that has two (2) different LUP map designations, with a combined total of 80 residential units.

The applicant seeks to rezone the southern approximately 2.057-acres of the subject property to RU-4M, Modified Apartment House District. The RU-4M zoning district allows development at a maximum of 35.9 units per acre. However, the applicant has proffered a covenant that will restrict the development of the entire subject property to a maximum of 78 residential units. This would allow for the development of Tract "B" within the density threshold allowed under the Medium Density designation on the CDMP Plan map. Therefore, staff opines that the proposed development of the subject property, as restricted by the proffered covenant to a maximum of 78 residential units is within the density threshold allowed in areas designated Business and Office and Medium Density Residential on the CDMP LUP map.

Further, staff notes that the CDMP Land Use Element interpretative text for Business and Office states that, *residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including*

height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity. The CDMP Land Use Element, **Policy LU-4A** states that when evaluating compatibility among proximate land uses, the County shall consider such factors as height, bulk and scale of architectural elements and parking among other things. For the reasons that will be further explained in the zoning analysis, staff opines that the proposed nine (9)-story, 78-unit residential development satisfies the criteria for compatibility set forth in the CDMP Land Use Element, **Policy LU-4A**.

Therefore, staff opines, that subject to the acceptance of the proffered covenant, approval of the application would be **consistent** with the CDMP Land Use Element interpretative text concerning density averaging for residential uses and the density threshold permitted in areas designated for **Business and Office** and **Medium Density Residential** uses on the CDMP Land Use Plan (LUP) map and would satisfy the criteria for compatibility outlined in the CDMP Land Use Element, **Policy LU-4A**.

ZONING ANALYSIS:

The subject property is a 2.92-acre parcel, of which, the northern 0.863 acre portion, identified as Tract "A" on the submitted plans is currently zoned BU-2. The remaining southern portion of the subject property, approximately 2.057 acres in size, Tract "B", is currently zoned RU-4L. For reasons that were previously outlined in the CDMP analysis, the applicant is now seeking approval of a district boundary change from RU-4L to RU-4M, Modified Apartment House District (request #1) on Tract "B" of the subject property under Section 33-311(District Boundary Change), along with requests to delete prior declarations of restrictions on said tract (requests #2 and #3), under Section 33-311(A)(7), Generalized Modification Standards. With the aforementioned requests (requests #1- #3), the applicant also seeks approval of a request to permit a multifamily residential development on the commercially zoned portion of the subject parcel, Tract A (request #4), under Section 33-311(A(3), Special Exception, Unusual use and New Uses. This will allow the applicant to develop the entire subject property as a unified multi-family residential development.

Staff opines that based on memoranda submitted by the various Departments reviewing the application, approval of requests #1 through #4 will not have an unfavorable economic impact on Miami-Dade County and will not unduly burden water, sewer, solid waste disposal, or other necessary public facilities. Staff notes that the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) does not object to the application and indicated in its memorandum that the application meets traffic concurrency since it lies within the Urban Infill Area (UIA) where traffic concurrency does not apply. As such, staff opines that the approval of the application, including requests #1 through #4 to rezone a portion of the parcel and to delete prior declarations of restrictions in order to permit a residential development on both a commercial and residentially zoned parcel would efficiently use the roads, streets and highways which have been constructed, planned or budgeted for in this area and further, would not result in excessive traffic.

Similarly, the memorandum from the Division of Environmental Resources Management (DERM) of the Department of Regulatory and Economic Resources (RER) indicates that the approval of the aforementioned requests will not have an unfavorable impact on the environmental resources of the County. The DERM memorandum states that a concurrency

review has been conducted for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Additionally, staff notes that the Miami-Dade Fire Rescue Department (MDFRD) does not object to the application. Therefore, based on the aforementioned memoranda and memoranda from the other departments that reviewed the application among which were the Miami-Dade County's Parks Recreation and Open Spaces (PROS), staff opines that approval of this application will not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction. Further, staff opines that approval of the requests, which will allow the multi-family development, will not tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area.

The submitted plan depicts the proposed nine (9)-story building with 78 residential units and 1,050 sq. ft. of commercial space on the commercial and residentially zoned parcel. The linear shaped building is depicted on the northern portion of the subject property, Tract A, that is currently zoned BU-2, which is the subject of request #4. However, staff opines that the elevations submitted by the applicant indicate that the linear shaped building is designed with a gradual step design, with the highest point, approximately 100' high, abutting the SW 40 Street frontage of the property located to the north. The building height is gradually reduced towards the south, to a maximum height of approximately 59', closer to the area where the property abuts a townhouse development located to the east. Along the east and west property lines of Tract "B", the submitted plans indicate a continuous row of trees and to the south, the trees taper off into a small green area with trees and a walking path, where the property abuts a multi-family residential development to the south. Staff opines that said trees provide an adequate visual buffer that will mitigate the negative visual impact of the proposed development on the single-story residential uses to the east. Further, contingent on the approval of the request to permit the residential development in the BU-2 district, the applicant is also seeking ancillary non-use variances, among which are variances that will permit structures encroaching into the interior side (west) setback areas (request #6 and #7). Staff is supportive of these requests since it will allow the applicant to site the buildings away from the less intensive town houses to the east and thereby, will mitigate the visual impact of the more intensive development on same. Additionally, the submitted plans indicate that the project complies with the FAR, open space, lot coverage and complies with the numerical parking requirements. Further, staff notes that the subject property abuts Bird Road (SW 40 Street), which is a well-travelled, east/west section line roadway and is approximately 0.6 miles east of the Palmetto Expressway (SR 826).

As such, based on the foregoing analysis and the memoranda from the Departments concerned, staff opines that the approval of the request to rezone a portion of the subject property (request #1) along with the requests to delete two (2) previous declarations of restrictions that tied the property to previously approved plans (requests #2 and #3), in order to permit a proposed residential and commercial development on the commercial and residentially zoned parcel, will be **compatible** with the area and **consistent** with the CDMP. Further, staff opines that approval of said requests will not have an unfavorable impact on the economy of the County and would not have an unfavorable impact on the environmental and natural resources or create an unnecessary burden on the water, sewer, solid waste or recreational resources among others which have been constructed, planned or budgeted for. **Therefore, subject to**

the Board's acceptance of the proffered covenant, staff recommends approval of request #1 under Section 33-311, District Boundary Change, approval with conditions of requests #2 and #3, under Section 33-311(A)(7), Generalized Modification Standards; and approval with conditions of request #4, under Section 33-311(A(3), Special Exception, Unusual use and New Uses.

The applicant also seeks approval of ancillary Non-Use Variance requests to permit the development with one-way drives below the minimum width requirement (request #5), to permit the proposed residential building and an accessory structure encroaching into the interior side (west) setback areas (requests #6 and #7, respectively), to waive the required dissimilar land use buffer including a wall, along portions of the property lines (request #8) and the required 5' high masonry wall interior to the site where a BU zoned property abuts RU, EU or GU zoned property (request #9).

When the aforementioned requests (requests #5 through #9) are analyzed under section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations, staff opines that approval of said requests would maintain the basic intent and purpose of the zoning and subdivision regulations and would not affect the stability and appearance of the community. Further, based on the analysis below, staff opines that approval of the aforementioned requests would be **compatible** with the surrounding residential and commercial uses in the area.

Staff opines that approval of the applicant's request to permit one-way drives a minimum of 10' wide within the subject property (request #5) would not affect the character of the development and would not have an impact on the movement of vehicular traffic within the subject property. Staff notes that the Platting and Traffic Review Section of RER does not object to this request. Therefore, staff opines that approval would not have a negative impact on the abutting roadways or create any hazard within the subject property. For reasons that were previously explained, staff opines that the encroachment of the proposed residential building and the accessory structure, which are the subjects of requests #6 and #7 into the interior side (west) setback area, ensures a degree of sensitivity towards the less intensive town house residential development located to the east. Along with the location of the multi-family building on the northern portion of the parcel, Tract "A", and the abundant landscaping being provided along the east and west property lines of the southern tract, Tract "B", staff opines that the encroachment of the buildings into the interior side (west) setback areas, further mitigates the visual impact of the proposed development on the residences to the east.

Further, staff opines that although the submitted plans indicate that the applicant has not met the dissimilar use landscape buffer requirement along portions of the east and west property lines (request #8), the landscaping provided mitigates the visual impact of the development on the surrounding areas. Said plans indicate a continuous row of trees and hedge in conjunction with an existing wall and wood fence along the portions of the interior side (east) property line that abut the less intensive residential development to the east. Further, as previously opined, staff is supportive of the submitted plans, which depict the most intensive portion of the development, the nine-story building, on the north portion of the property, which abuts the existing post office use to the east and the vacant rail easement to the west. In addition, staff is supportive of the applicant's request to waive the decorative wall between the business and residential portions of the subject property (request #9). Staff opines that the required wall would disrupt the cohesiveness of the project and adversely affect the appearance of the development. **Staff therefore, recommends approval with conditions of requests #5**

through #7 and #9, and approval with conditions of request #8, under Section 33-311(A)(4)(b), the Non-Use Variance Standards.

ACCESS, CIRCULATION AND PARKING: The submitted plans indicate a main ingress/egress points along Bird Road to the north and SW 69 Avenue to the east. Additionally, the plans indicate that there will be adequate parking within the proposed development in both parking lots and surface parking areas for both the residents and visitors.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

Approval of request #1, subject to the Board's acceptance of the proffered covenant, approval with conditions of requests #2 through # #9.

CONDITIONS FOR APPROVAL (For requests #2 through #9 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 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.

3. That the applicant shall install all the required landscaping along the property lines prior to obtaining a Certificate of Occupancy.

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.

ES:MW::NN:JV:CH

Eric Silva, AICP, Development Coordinator
Development Services Division
Miami-Dade County
Department of Regulatory and Economic Resources

ZONING RECOMMENDATION ADDENDUM

Applicant: *Manuel J. Menendez Trust*
PH: *Z13-077*

NEIGHBORHOOD SERVICES PROVIDER COMMENTS	
Division of Environmental Resource Management (RER)	No objection*
Platting and Traffic Review Section (RER)	No objection*
Parks, Recreation and Open Spaces	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection
*Subject to conditions in their memorandum.	

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

Business and Office (Page I-41)	*This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.* *Residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity. Where these conditions are met residential development may be authorized to occur in the Business and Office category at a density up to one density category higher than the LUP-designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development, or zoning if the adjacent or adjoining land is undeveloped, whichever is higher. If there is no adjacent or adjoining residential use existing, zoned or designated on the same side of the roadway, the maximum allowable residential density will be that which exists or which this plan allows across the roadway. Where there is no residential use, zoning or designation on either side of the roadway, the intensity of residential development, including height, bulk and floor area ratio shall be no greater than that which would be permitted for an exclusively commercial use of the site. Where SURs or TDRs are transferred to Business-designated parcels which are zoned or to be used for residential development, or when a residential project utilizes the inclusionary zoning program the*

ZONING RECOMMENDATION ADDENDUM

Applicant: *Manuel J. Menendez Trust*
PH: *Z13-077*

	allowances of the Residential communities section may be used within the limits provided in this paragraph.
Medium Density Residential (Page I-31)	*This category allows densities from 13 to 25 dwelling units per gross acre. The type of housing structures typically permitted in this category includes townhouses and low-rise and medium-rise apartments.*
Medium-High Density Residential (Pg. I-31)	*This category authorizes apartment buildings ranging from 25 to 60 dwelling units per gross acre. In this category, the height of buildings and, therefore, the attainment of densities approaching the maximum, depends to a great extent on the dimensions of the site, conditions such as location and availability of services, ability to provide sufficient off-street parking, and the compatibility with and impact of the development on surrounding areas. The provisions of the section below entitled "Density Increase with Urban Design" are not applicable to this density category. At such time as Miami-Dade County's land development regulations are amended pursuant to Policy LU-9O, a density bonus can be added to each residential zoning district that falls within the Medium-High Density range of 25 to 60 dwelling units per gross acre. When land development regulations are amended, this density bonus may allow a maximum of 60 dwelling units per gross acre on properties that are designated Medium-High Density on the Land Use Plan map. These density bonuses shall not apply to existing or proposed developments with vehicular entrances that are controlled or have entry gates or existing or proposed developments with private streets.*
Density Averaging (Page I-32.2)	*The land use density ceiling designated on the LUP map will apply to every parcel of land. However, in certain instances, the averaging of density may be authorized among different parcels. Specific provisions for this to occur are specified below. All of the following allowances are limited to lands located within the Urban Development Boundary which are designated for urban uses.* *Where groups of parcels under a single ownership or multiple ownerships that are legally unified (hereinafter legally unified development) are located within a unit area bounded by Major or Minor Roadways as indicated on the Land Use Plan map, portions of the unified development may be developed at densities higher than that shown on the LUP map provided that other portions are developed at correspondingly lower densities so that the average density of the entire development does not exceed the maximum gross density limits shown on the LUP map. Where a parcel or group of contiguous parcels under a single ownership or legally unified development has two different LUP map residential designations, the number of units permitted under one designation may be averaged with the number of units permitted under the other and developed at varying densities providing that the total number of units built on such property does not exceed the total number permitted under the two designations. Further, where 50 percent or more of the boundary of a parcel or group of contiguous parcels, not exceeding 20 acres in size, adjoins land that is developed or zoned for densities that are higher than those which are shown on the LUP map, such property may be zoned for a density higher than that shown on the LUP map but not higher than the highest density which is permitted by zoning on the adjoining properties. Density may be transferred across a Major or Minor roadway to an adjacent and legally unified parcel or portion thereof contiguous to the Roadway provided, further, that the site receiving the increased density shall be developed at a density no greater than the higher of adjoining or adjacent existing residential development or zoning, or if the adjoining land is undeveloped and not zoned for urban use, one density category higher than the LUP map designation of the parcel. The above provisions, however, are all conditioned upon a determination being made that the requested density and housing types are compatible with the surrounding development and would not create a significant negative impact on services within the area.*
Objective LU-4 (Page I-11)	*Miami-Dade County shall, by the year 2020, reduce the number of land uses, which are inconsistent with the uses designated on the LUP map and interpretive text, or with the character of the surrounding community.*
Policy LU-4A (Page I-11)	*When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.*

ZONING RECOMMENDATION ADDENDUM

Applicant: *Manuel J. Menendez Trust*
PH: *Z13-077*

PERTINENT ZONING REQUIREMENTS/STANDARDS

Section 33-311 District Boundary Change	(A) *The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.* *(F)* ***Section 33-311*** *provides that the Board shall take into consideration, among other factors the extent to which:* *(1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;* *(2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;* *(3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;* *(4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;* *(5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways*
Section 33-311(A)(3) Special Exception, Unusual and New Uses.	*Special exceptions (for all applications other than public charter schools), unusual and new uses. Hear application for and grant or deny special exceptions, except applications for public charter schools; that is, those exceptions permitted by the regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.*

ZONING RECOMMENDATION ADDENDUM

Applicant: *Manuel J. Menendez Trust*
PH: *Z13-077*

33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations	*Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.*
Section 33-311(A)(7) Generalized Modification Standards.	*The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution; and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.*

1. MANUEL J. MENENDEZ TRUST
(Applicant)

14-7-CZ12-1 (13-077)
Area 12/District 7
Hearing Date: 07/08/14

Property Owner (if different from applicant) **Same.**

Is there an option to purchase ☐ /lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☑

If so, who are the interested parties?

Disclosure of interest form attached? Yes ☑ No ☐

Year	Applicant	Request	Board	Decision
2005	PANCHO MENENDEZ	- Zone change from GU, RU-1 & RU-4M to BU-2.	C-12	Approved with condition(s)
2005	PANCHO MENENDEZ LAND TRUST, II	- Zone change from GU, RU-1, RU-4M & IU-1 to RU-4L, GU, RU-1 & RU-4M & BU-2.	C-12	Approved with condition(s)
2006	PANCHO MENENDEZ LAND TRUST, II	- Mod. of resolution. - Deletion of description.	C-12	Approved with condition(s)

Previous Zoning Hearings on the Property:

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

Memorandum

Date: March 26, 2014

To: Jack Osterholt, Deputy Mayor/Director
Department of Regulatory and Economic Resources

From: Jose Gonzalez, P.E.
Department of Regulatory and Economic Resources

Subject: C-12 #Z2013000077-1st Revision
Collado & Partners
6950 SW 40th Street and 4090 SW 69th Avenue, Miami, FL 33155
Special Exception to Permit a Multi-Family Residential Development
(BU-2) (2.98 Acres)
23-54-40

The subject application has been reviewed by the Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM) for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Potable Water Service and Wastewater Disposal

Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required in accordance with Code requirements.

Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternate means of sewage disposal. Use of an alternate means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management

A Surface Water Management General Permit from DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to any future development order approval. The applicant is advised to contact the Water Control Section of DERM for further information regarding permitting procedures and requirements.

Stormwater shall be retained on site utilizing properly designed seepage or infiltration drainage system. Drainage must be provided for the 5-year/1-day storm event.

Site grading and development shall provide for the full retention of the 25-year/3-day storm event and shall also comply with the requirements of Chapter 11C of the Code, as well as with all State and Federal Criteria, and shall not cause flooding of adjacent properties.

Any proposed development shall comply with county and federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP subject to compliance with the conditions required for this proposed development order.

Pollution Remediation
There are no records of current contamination assessment/remediation issues on the subject site or records of current contamination assessment/remediation issues for sites directly abutting the property.

Wetlands
The subject properties do not contain wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation
The subject property may contain specimen-sized trees (trunk diameter 18 inches or greater). Section 24-49.2(II) of the Code requires that specimen-sized trees be preserved whenever reasonably possible. A Miami-Dade County Tree Removal/Relocation Permit is required prior to the removal and/or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application.

The applicant is advised to contact the Tree Permitting Program at 305-372-6574 for additional information regarding tree permitting procedures and requirements prior to site development.

Enforcement History
There are no open or closed enforcement records for violations of Chapter 24 of the Code for the subject property.

Concurrency Review Summary
A concurrency review has been conducted for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute written approval as required by Chapter 24 of the Code.

If you have any questions concerning the comments or wish to discuss this matter further, please contact Christine Velazquez at (305) 372-6764.

cc: Nathan Kogon, Department of Regulatory and Economic Resources

Memorandum

MIAMI-DADE COUNTY

Date: May 19, 2014

To: Eric Silva, Development Coordinator
Department of Regulatory and Economic Resources

From: Raul A. Pino, PLS, Chief
Platting and Traffic Review Section
Department of Regulatory and Economic Resources

Subject: Z2013000077
Name: Manuel J. Menendez Trust
Location: 6950 SW 40 Street
Section 23 Township 54 South Range 40 East

The Department of Regulatory and Economic Resources Platting and Traffic Review Section has reviewed the subject application and has no objections.

This land complies with Chapter 28 of the Miami-Dade County Code. The property is platted as Tracts A & B of Plat Book 167, Page 52.

Additional improvements may be required at time of permitting.

This application meets the traffic concurrency criteria because it lies within the urban infill area where traffic concurrency does not apply.

Memorandum

MIAMI-DADE COUNTY

Date: September 18, 2013

To: Eric Silva, Assistant Director
Regulatory and Economic Resources Department

From: Paul Mauriello, Assistant Director, Waste Operations
Public Works and Waste Management Department

Subject: Manuel J Menendez, Trust (#13_077)

The Department's review of the above-referenced item is provided below. Additional comments will be provided as needed. If you should have any questions, please do not hesitate to contact Stacey McDuffie of the Fiscal Management and Planning Division at 305-514-6661. **The PWWM has no objections to the proposed application.**

Application: ***Manuel J Menendez, Trust*** is requesting a non-use variance of a side setback, a special exemption, modification of previously approved plans and elimination of a previously proffered covenant related to the construction of residential building on the property. The property is presently zoned in a Special Business District (BU-2) and Limited Apartment House District (RU-4L).

Size: The subject property is approximately 2.98 acres.

Location: The subject property is located at 6950 SW 40th Street and 4090 SW 69th Avenue, in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (PWWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 28, 2012, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Sustainability, Planning and Economic Enhancement Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

Pursuant to Chapter 15 of the Miami-Dade County Code (Code), entitled Solid Waste Management, the residential building to be established on the property will likely be considered development for multi-family residential units. Per the Code the following is required of multi-family developments located in unincorporated Miami-Dade County:

"every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department." Therefore, the landlord or property owner is required to contact a private hauler to provide waste and recycling collection service, once the building is developed.

4. Recycling

Regarding multi-family units, **Section 15-2.2a** of the Code requires "every multi-family residential establishment shall provide for a recycling program which shall be serviced by a permitted hauler or the appropriate governmental agency and shall include, at a minimum, the five (5) materials listed in Section 15-2.2 below."

1) Newspaper
2) Glass (flint, emerald, amber)
3) Aluminum cans
4) Steel cans
5) Plastics (PETE, HDPE-natural, HDPE-colored)

Section 15-2.2b of the Code states the failure of a multi-family residential establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner(s) shall be liable, provided, however, that in the case of a condominium or cooperative apartment having a condominium association or cooperative apartment association, said association, rather than individual unit owners, shall be liable for any such violation.

Applicants are ***strongly*** advised to incorporate adequate space and facilities in their building plans to accommodate the required recycling program. Requests for approval of modified recycling programs must be made directly to the Department at 305 514-6666.

4. Waste Storage/Setout Considerations

Section 15-4 of the Code requires that plans for storage and collection of solid waste be adequate before a building permit may be issued. Site plans must address location, accessibility, number and adequacy of solid waste collection and storage facilities. The site plan legend must contain the following statement: "Facilities for the collection and storage of solid waste are shown in accordance with Section 15-4 of the Miami-Dade County Code."

5. Site Circulation Considerations

It is required that development plans associated with this project incorporate at least one of the following traffic circulation criteria to minimize the reversing of waste vehicles and hence, provide for the safe circulation of service vehicles:

a. Cul-de-sac with a minimum 49 foot turning radius (no "dead-ends")
b. "T" shaped turnaround 60 feet long by 10 feet wide
c. Paved throughway of adequate width (minimum 15 feet)

In addition, any and all alleyways designed with utilities, including waste collection, provided at the rear of the property should be planned in accordance with standard street specifications with sufficient width and turning radii to permit large vehicle access. Additionally, there should be no "dead-end" alleyways developed. Also, a sufficient waste set-out zone should be preserved (between the edge of the pavement and any possible obstructions such as parked cars, fencing, etc.,) that would interrupt or preclude waste collection.

Memorandum

MIAMI-DADE COUNTY

Date: March 6, 2014

To: Jack Osterholt, Deputy Mayor
Director, Regulatory and Economic Resources Department

From: Maria I. Nardi, Chief
Planning and Research Division
Parks, Recreation and Open Spaces Department

Subject: Z2013000077: MANUEL J.MENENDEZ TRUST
Revised Plans Submitted Dated Stamped Received 3/5/2014

Application Name: MANUEL J.MENENDEZ TRUST

Project Location: The site is located at 6950 SW 40 ST, Miami-Dade County.

Proposed Development: The request is for approval of special exception to permit residential development. Based on plans submitted it is estimated that 78 units could be developed.

Impact and Demand: This application proposes future development of multi-family use which has the potential to result in an impact of up to .47 acres to the level of service for this park benefit district.

Recreation and Open Space Element policies ROS-2a (i); (ii); (iii); (iv); and (v) provide for the establishment of Miami-Dade County's minimum Level of Service standard for the provision of local recreation open space. The site is located in Park Benefit District 2 (PBD2) which has a surplus of 494.95 acres of local parkland and therefore meets concurrency when analyzed in terms of (2.75) acres per 1,000 unincorporated areas residents within this Park Benefits District.

County-owned local parks that are within three miles of the subject application are described in Table A which lists the name, type and acreage for each park. Brothers to the Rescue Memorial Park is the nearest local park to the application site. A.D. "Doug" Barnes, an areawide park, is located within walking distance.

Table A - County Parks (local only)
Within a 3 Mile Radius of Application Area.

Park Facility	Classification	Acreage
Sunset Heights Park	MINI-PARK	0.32
Schenley Park	NEIGHBORHOOD PARK	2.00
Humble Mini Park	MINI-PARK	0.50
Brothers To The Rescue Memorial Park	SINGLE PURPOSE PARK	5.70
Banyan Park	NEIGHBORHOOD PARK	3.14
Rockway Park	COMMUNITY PARK	2.52
Miller Drive Park	COMMUNITY PARK	4.07
Blue Lakes Park	NEIGHBORHOOD PARK	6.00
Sudlow Park	MINI-PARK	1.12
Sunkist Park	NEIGHBORHOOD PARK	0.77
San Jacinto Park	MINI-PARK	0.92
Francisco Human Rights Park	MINI-PARK	3.78

Coral Villas Park	MINI-PARK	0.37

Objective ROS-8 of the Recreation and Open Space Element of the CDMP states the following: ***The 2007 Miami-Dade County Parks and Open Space System Master Plan (OSMP), through a 50-year planning horizon, shall guide the creation of an interconnected framework of parks, public spaces, natural and cultural areas, greenways, trails, and streets that promote sustainable communities, the health and wellness of County residents, and that serve the diverse local, national, and international communities.***

Recommendation: Based on our findings described herein **PROS HAS NO OBJECTION TO THIS APPLICATION**.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb
Cc: John M. Bowers, Parks Property Management Supervisor

REVISION 3

Memorandum

Date: 15-APR-14

To: Jack Osterholt, Director
Department of Regulatory and Economic Resources

From: Dave Downey, Fire Chief
Miami-Dade Fire Rescue Department

Subject: Z2013000077

Fire Prevention Unit:

Fire Engineering & Water Supply Bureau reviewed and approved the revised site plan dated stamp received 2/26/14 as follows: (1) Approval is only for Sheet LS-1.00.

Service Impact/Demand

Development for the above Z2013000077
located at 6950 SW 40 ST, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 1596 is proposed as the following:

_____ residential	dwelling units	_____ industrial	square feet
_____ Office	square feet	_____ institutional	square feet
89,811 SF Retail	square feet	_____ nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 27 alarms-annually.
The estimated average travel time is: 6:01 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
Station No. 3 - 3911 SW 82 Avenue

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:
N/A

Fire Planning Additional Comments

N/A

For information regarding the aforementioned comments, please contact the Miami-Dade Fire Rescue Department Planning Section at 786-331-4540.

DATE: 06-MAR-14
REVISION 1

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

MANUEL J. MENENDEZ TRUST

APPLICANT

6950 SW 40 ST, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2013000077

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: No open cases. BNC: No bss cases open/closed.

Manuel Menendez Trust

OUTSTANDING FINES, PENALTIES, COST OR LIENS INCURRED PURSUANT TO CHAPTER 8CC:

REPORTER NAME:

DISCLOSURE OF INTEREST*

If a CORPORATION owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: _____

NAME AND ADDRESS	Percentage of Stock

U3017
RECEIVED
AUG 21 2013
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY: FB

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and the percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME **M J Menendez Trust**

NAME AND ADDRESS	Percentage of Interest
Manuel J, Menendez	**100%**
Teresita F. Menendez	
3305 Alhambra Circle	
Coral Gables, Florida 33134	

If a PARTNERSHIP owns or leases the subject property, list the principals including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

NAME AND ADDRESS	Percentage of Ownership

If there is a **CONTRACT FOR PURCHASE**, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar entities, further disclosure shall be made to identify natural persons having the ultimate ownership interests].

Rev. 9/10/12

NAME OF PURCHASER: HONG

NAME, ADDRESS AND OFFICE (if applicable) | Percentage of Interest

N/A

Date of contract: N/A

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust.

N/A

NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature _____ (Applicant) MANUEL A. MENENDEZ JR. (Print Applicant name)

Sworn to and subscribed before me this 29 day of July, 2013. Affiant is personally know to me or has produced N/A as identification.

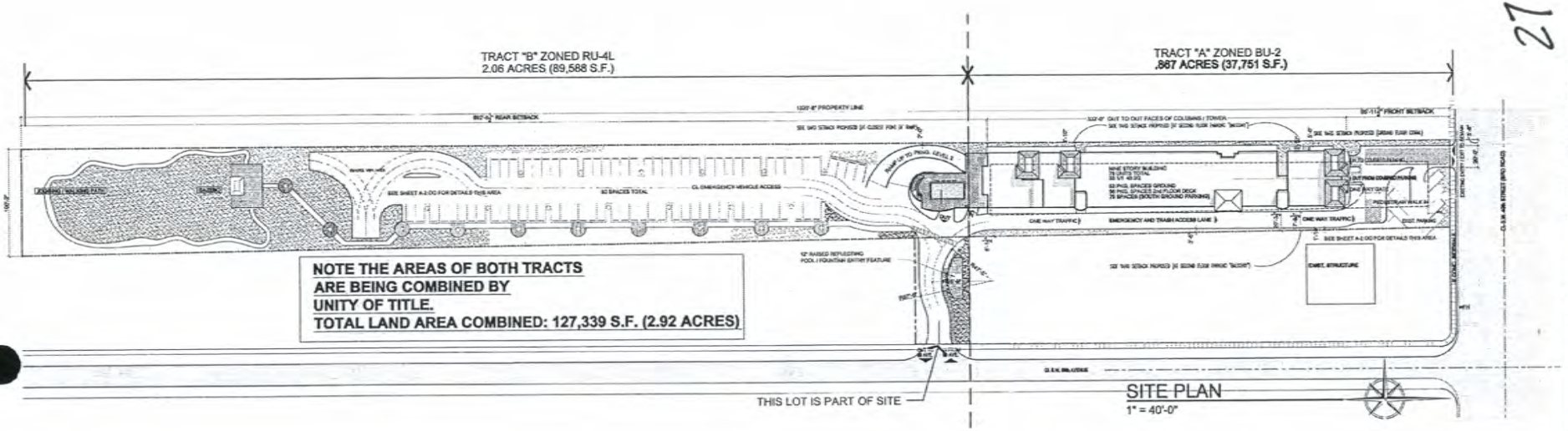
_____ (Notary Public)

ERICK M. VALLE
MY COMMISSION # EE 178938
EXPIRES: March 27, 2016
Bonded Thru Notary Public Underwriters

My commission expires: March 27/16

Seal

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.



RU-4M ZONING LEGEND

TOTAL NUMBER OF DWELLING UNITS	78
TOTAL NET ACREAGE	2.86
DENSITY PER NET ACRE	26.8

GROSS AREA (acres)	2.92 (127,339 S.F.)		
Less 1/2 R/W	0.00		
Less Water	0.00		
Less Other	0.00		
NET AREA (sq. ft.)	2.92 (127,339 S.F.)	100	%
Lot Coverage (30% max)	21,930 S.F.	17	%
Paved Area	60,788 S.F.	48	%
Common Open Space (Green Area)	46671 S.F.	36.6	%

SETBACK REQUIREMENTS		
MINIMUM SETBACK REQUIRED		PROPOSED
FRONT	25'	96'-0"
REAR	25'	892'
SIDE ST.	25'	N/A
INTERIOR (BU-2A)	20'	N/A
INTERIOR (TH-R, R-M, up to 2 stories)	10'	N/A
INTERIOR (TH-R, R-M, more than 2 stories)	20'	3'-0" WEST 20'-0 1/2" EAST

UNIT MODEL DATA			Max. Floor Area Ratio (F.A.R.) per No. of Bldg. Stories								
Model Type	Area (Sq. Ft.)	No. of Units	1 story	2 story	3 story	4 story	5 story	6 story	7 story	8 story	9 story
			0.5	0.75	1.25	1.5	0.45	2.0	2.25	2.5	2.75
Model: 1-B-1	727 S.F.	1	MAX. HEIGHT OF PROPOSED BLDGS								100'-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 =	78.8 (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 & 30' in height. RU-4L bldgs limited to 6 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 XVIII for RU-3M. Article XVIII for RU-4L & 4M. Article XVIII for RU-4M requirements.

Rev. 07-09-10

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
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" deep 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.

13-077
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NO.	DATE	REVISION TYPE

COLLADO AND PARTNERS INC
ARCHITECTURE PLANNING INTERIORS
LIC. AA 26000697

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

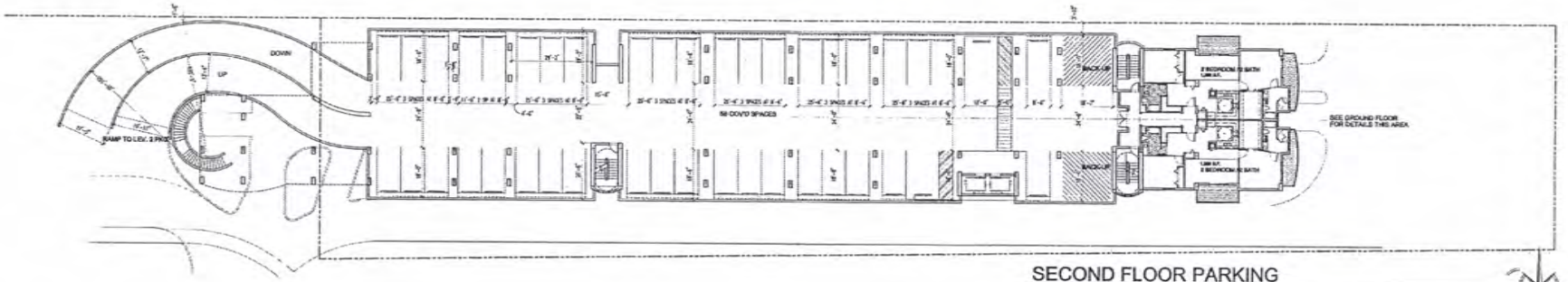
A NEW DEVELOPMENT
Central Park Apartments
Manuel J. Menendez as Trustee (owner)
6950 S.W. 40TH St. Miami, Florida 33155

TITTLE: SITE PLAN AT 1"=40'-0"

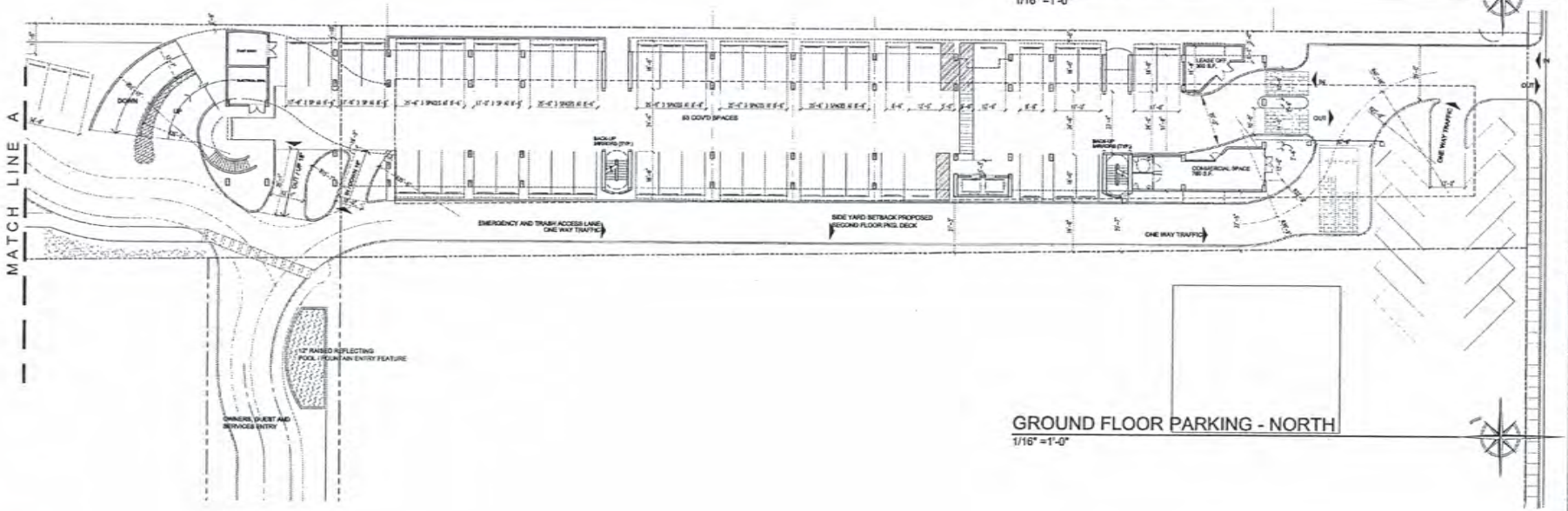
SEAL

RAMON J. COLLADO
FLA. REG. ARCHITECT
LIC. AR0013264

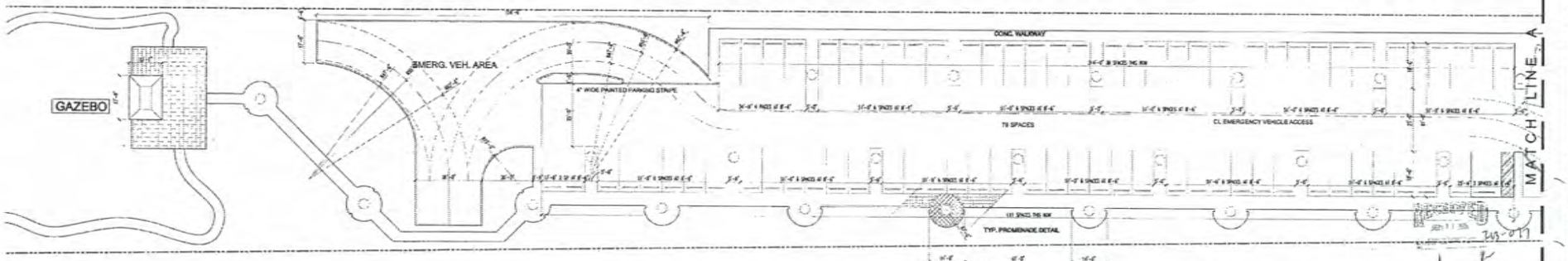
SHEET NO.:
A–1.00



SECOND FLOOR PARKING
1/16" =1'-0"



GROUND FLOOR PARKING - NORTH
1/16" =1'-0"



GROUND FLOOR (SURFACE PARKING) - SOUTH
1/16" =1'-0"

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COLLADO AND PARTNERS INC
ARCHITECTURE PLANNING INTERIORS
LIC. AA 26000967

NO.	DATE	REVISIONS / TYPE

JOB NO. -
DRAWN BY: RJC
DATE: 8-4-14
SCALE: AS NOTED
CHECKED: RJC

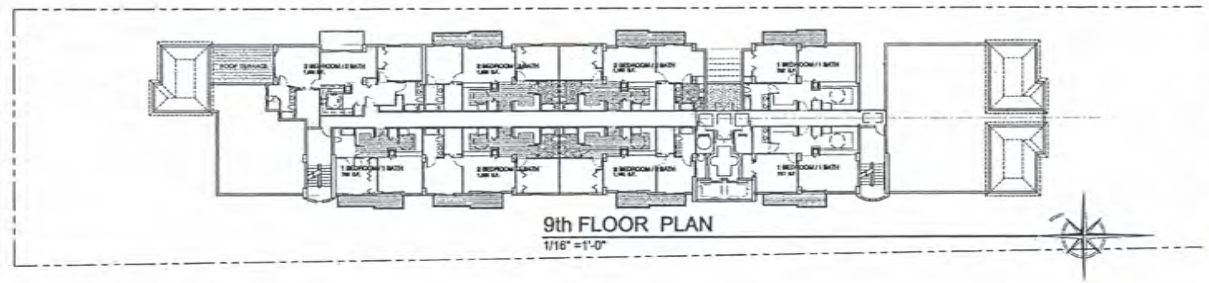
A NEW DEVELOPMENT
Central Park Apartments
Manuel J. Menendez as Trustee (owner)
6950 S.W. 40TH St. Miami, Florida 33155
TITLE: GROUND AND SECOND FLOOR

SEAL

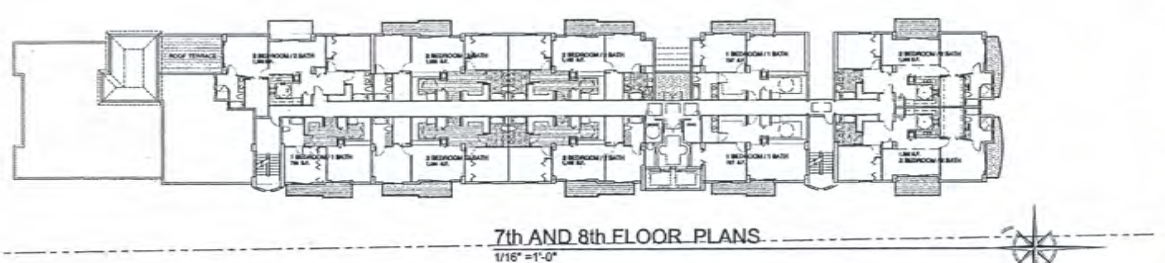
RAMON J. COLLADO
FLA. REG. ARCHITECT
LIC. AR0013284

SHEET NO.:
A-2.00

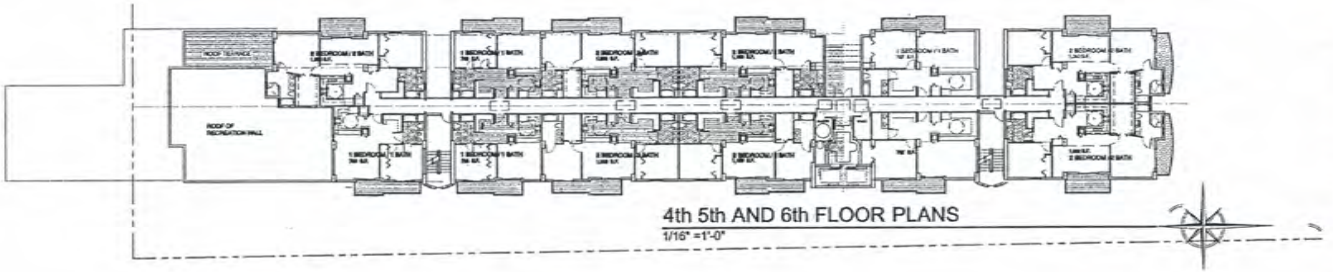
29



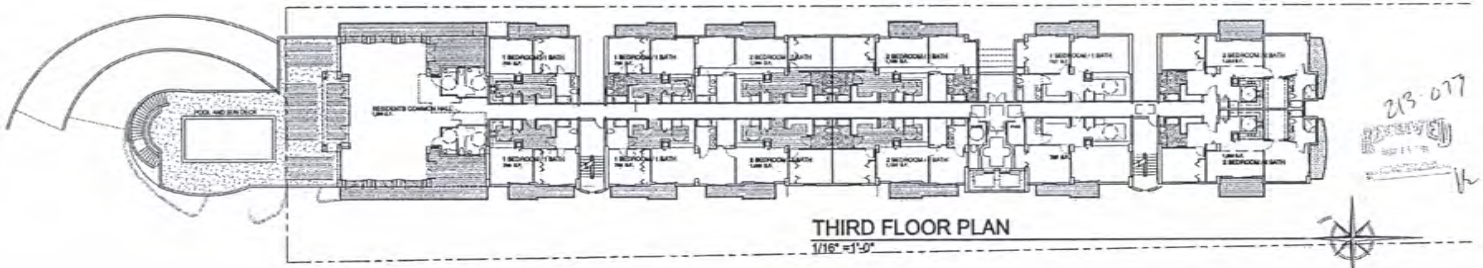
9th FLOOR PLAN
1/16" =1'-0"



7th AND 8th FLOOR PLANS
1/16" =1'-0"



4th 5th AND 6th FLOOR PLANS
1/16" =1'-0"



THIRD FLOOR PLAN
1/16" =1'-0"

213-077

NO.	DATE	REVISION TYPE

JOB NO. -
DRAWN BY: RJC
DATE: 2-20-14
SCALE: AS NOTED
CHECKED: RJC

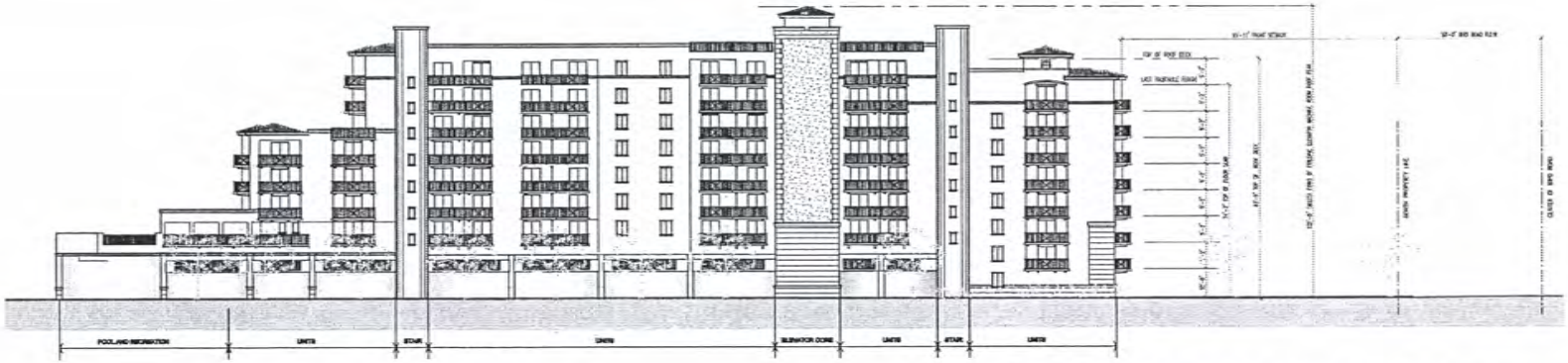
COLLADO AND PARTNERS INC
ARCHITECTURE PLANNING INTERIORS
LIC. AA 26000867

A NEW DEVELOPMENT
Central Park Apartments
Manuel J. Menendez as Trustee (owner)
6950 S.W. 40TH St. Miami, Florida 33155
TITLE: FLOORS 3 TO 9

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

SHEET NO.:
A-2.01

30



EAST ELEVATION (TO POST OFFICE NEIGHBOR)
1/16" =1'-0"

REAR (SOUTH ELEVATION)
1/16" =1'-0"

BIRD ROAD FACADE (NORTH ELEVATION)
1/16" =1'-0"

WEST ELEVATION (TO LINEAR PARK / EX-RR EASMENT)
1/16" =1'-0"

213.077

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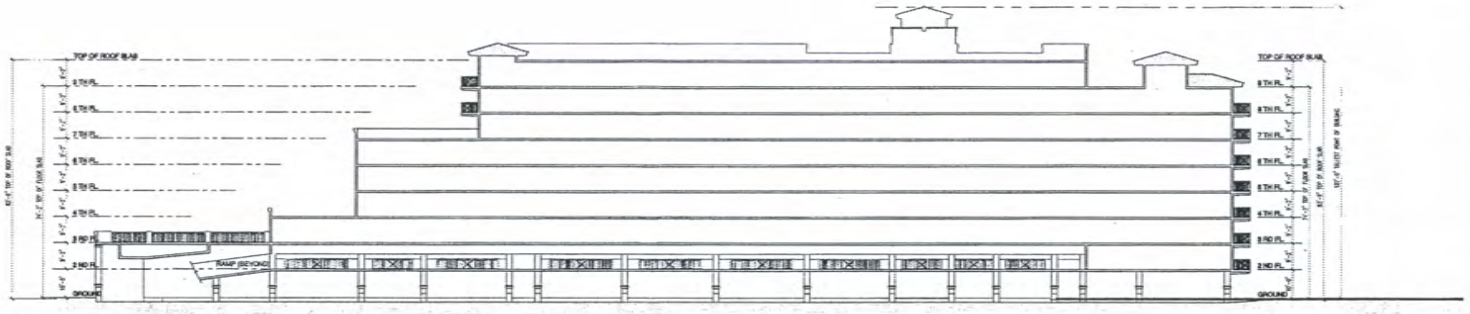
COLLADO AND PARTNERS INC
ARCHITECTURE PLANNING INTERIORS
LIC. AA 26000967

A NEW DEVELOPMENT
Central Park Apartments
Manuel J. Menendez, as Trustee (owner)
6950 S.W. 40TH St. Miami, Florida 33155
TITTLE: ELEVATIONS

SEAL

RAMON J. COLLADO
FLA. REG. ARCHITECT
LIC. AR0011264

SHEET NO.:
A-4.00



SOUTH TO NORTH (LONGITUDINAL) BUILDING SECTION

1/16" =1'-0"

213-077

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COLLADO AND PARTNERS INC
ARCHITECTURE PLANNING INTERIORS
LIC. AA 26000697

NO.	DATE	REVISION TYPE

JOB NO. –
DRAWN BY: RJC
DATE: 2-12-14
SCALE: AS NOTED
CHECKED: RJC

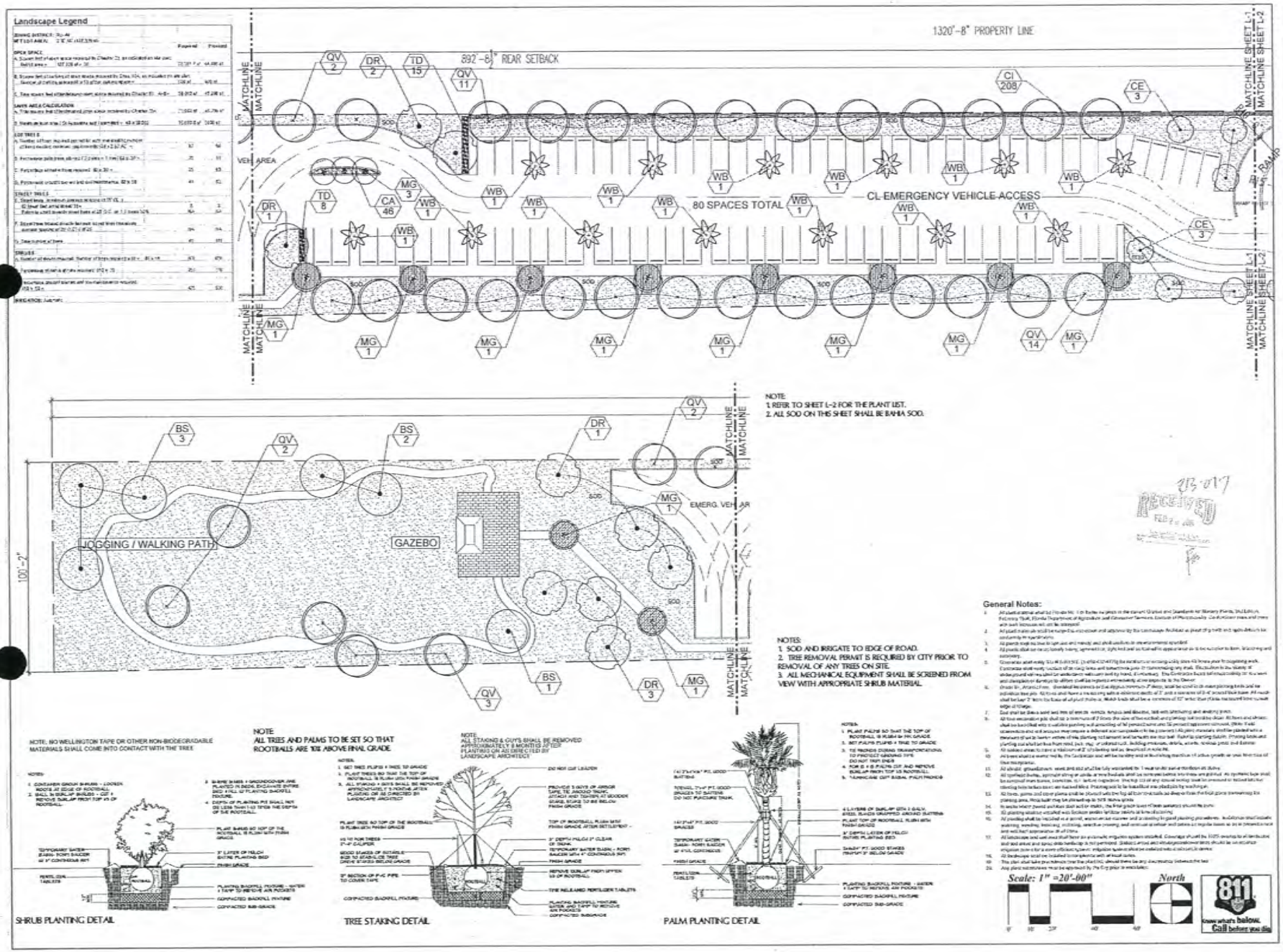
A NEW DEVELOPMENT
Central Park Apartments
Manuel J. Menendez as Trustee (owner)
0000 S.W. 40TH St. Miami, Florida 33155

TITLE: BUILDING SECTION

SEAL

RAMON J. COLLADO
R.A. REG. ARCHITECT
LIC. AR0013284

SHEET NO.:
A-5.00



PREPARED BY:
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Landscape Architecture
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Lic. No. #LA0000952

PREPARED FOR:
Collado and Partners
Architecture, Planning, Interiors
300 Aragon Ave. 205
Coral Gables, FL 33134
(305) 569-9911

CENTRAL PARK APARTMENTS

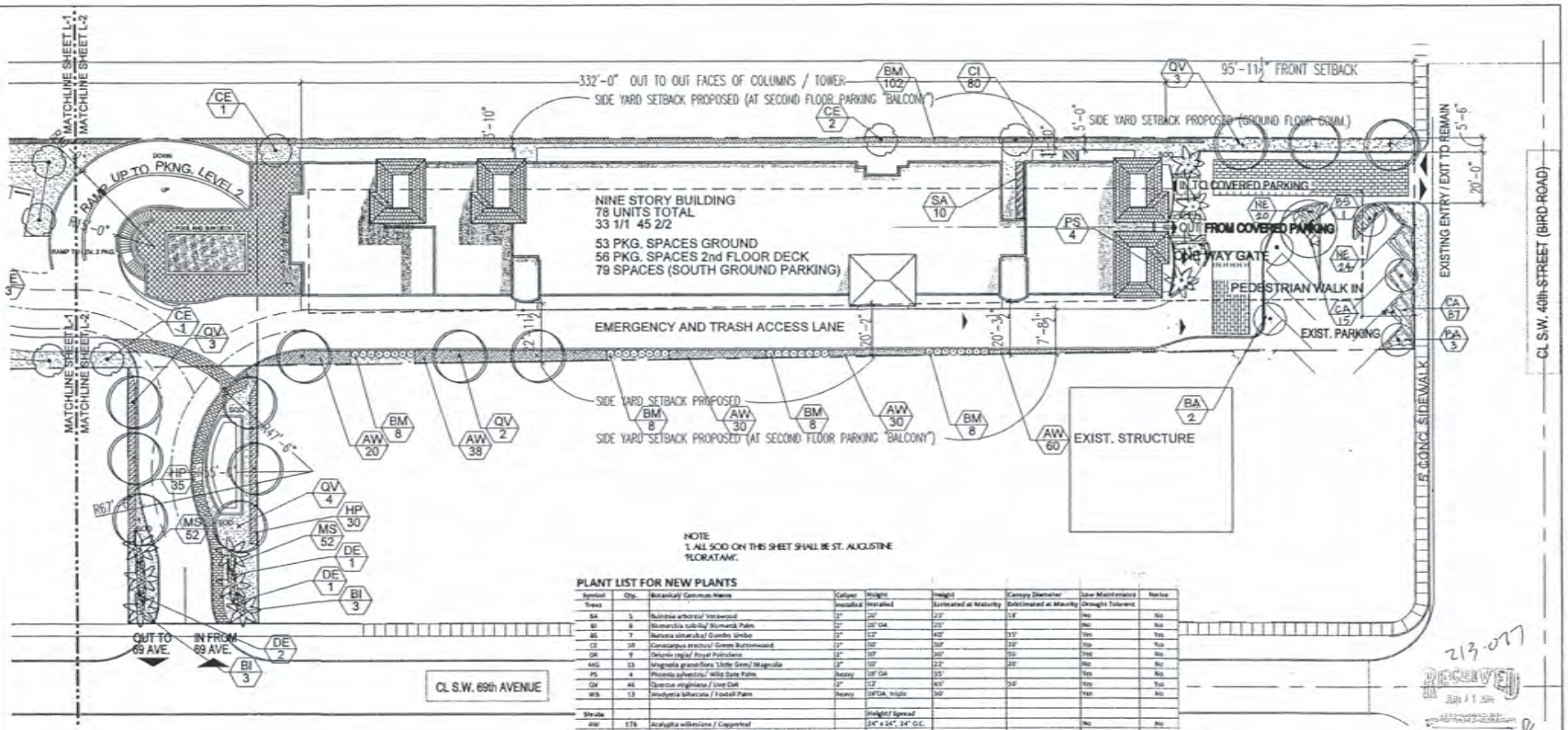
6950 SW 40TH STREET, MIAMI, FL 33155

LANDSCAPE PLAN

DATE:	MAY 25, 2013
PROJECT NUMBER:	1315
DRAWN BY:	KM
CHECKED BY:	KM
SCALE:	1"=20'-0"
REVISION:	DATE: BY:
1 Planting Rev.	1-30-2014 KM
2	
3	
4	
5	

SHEET NUMBER:

L-1



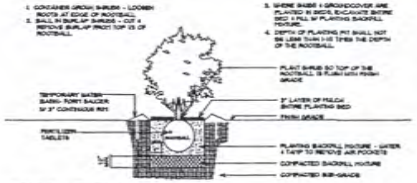
NOTE
1. ALL SOD ON THIS SHEET SHALL BE ST. AUGUSTINE 'FLORATAM'.

PLANT LIST FOR NEW PLANTS

Symbol	Qty.	Botanical/ Common Name	Caliper Installed	Height Installed	Height Estimated at Maturity	Canopy Diameter Estimated at Maturity	Low Maintenance Drought Tolerant	Native
Trees								
BA	5	Bulnesia arborea/ Verawood	2"	20'	25'	18'	No	No
BI	8	Bismarckia nobilis/ Bismarck Palm	2"	16' OA	25'		No	No
BS	7	Bursera simaruba/ Gumbo Limbo	2"	12'	40'	35'	Yes	Yes
CE	18	Conocarpus erectus/ Green Buttonwood	2"	10'	30'	20'	Yes	Yes
DR	9	Delonix regia/ Royal Poinciana	2"	10'	30'	30'	Yes	No
MG	13	Magnolia grandiflora 'Little Gem'/ Magnolia	2"	10'	12'	10'	No	No
PS	4	Phoenix sylvestris/ Wild Date Palm	heavy	18' OA	35'		Yes	No
QV	46	Quercus virginiana / Live Oak	2"	12'	45'	50'	Yes	Yes
WS	13	Wodyetia bifurcata / Foxtail Palm	heavy	16'OA, triple	30'		Yes	No
Shrubs				Height/ Spread				
AW	178	Acalypha wilkesiana / Copperleaf		24" x 24", 24" O.C.			No	No
BM	104	Bambusa multiplex 'Alphonse Karr'/ Bamboo		8' OA ht., 3 stem min			No	No
CA	148	Carissa macrocarpa 'Emerald Blanket'/ Dwarf Natal Plum		16" x 16", 18" O.C.			Yes	No
CI	298	Chrysobalanus icaco/ Cocoplum		24" x 24", 24" O.C.			Yes	Yes
DE	4	Dioon spinulosum/ Dioon		36" x 36"			Yes	No
HP	65	Hamelia patens 'Compacta'/ Firebush		24" x 24", 24" O.C.			Yes	Yes
MS	104	Microsorum scolopendrium / Wart Fern		12" x 12", 18" O.C.			Yes	No
NE	44	Nerium oleander 'Petite Red'/ Oleander		18" x 24", 18" O.C.			Yes	
SA	10	Schefflera arboricola 'Trinette'/ Var. Arboricola		24" x 24", 24" O.C.			Yes	No
TO	23	Tripsacum dactyloides / Fakahatchee Grass		24" x 24", 24" O.C.			Yes	Yes
Sod		St. Augustine 'Floratam' and Bahia					No/ Yes	No
Mulch		Shredded Melaleuca or Eucalyptus						

NOTES:
1. SOD AND IRRIGATE TO EDGE OF ROAD.
2. TREE REMOVAL PERMIT IS REQUIRED BY CITY PRIOR TO REMOVAL OF ANY TREES ON SITE.
3. ALL MECHANICAL EQUIPMENT SHALL BE SCREENED FROM VIEW WITH APPROPRIATE SHRUB MATERIAL.

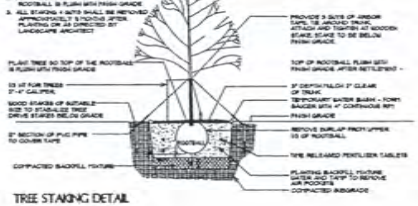
NOTE: NO WELLINGTON TAPE OR OTHER NON-BIODEGRADABLE MATERIALS SHALL COME INTO CONTACT WITH THE TREE.



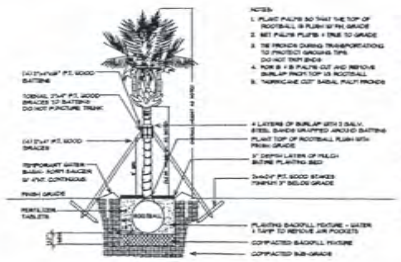
SHRUB PLANTING DETAIL

NOTE:
ALL TREES AND PALMS TO BE SET SO THAT ROOTBALLS ARE 10% ABOVE FINAL GRADE.

NOTE:
ALL STAKING & GUYS SHALL BE REMOVED APPROXIMATELY 9 MONTHS AFTER PLANTING OR AS DIRECTED BY LANDSCAPE ARCHITECT



TREE STAKING DETAIL



PALM PLANTING DETAIL

General Notes:

1. All plant material shall be Florida No. 1 or better as given in the current Grades and Standards for Nursery Plants, 2nd Edition, February 1998, Florida Department of Agriculture and Consumer Services, Division of Plant Industry. Co-dominant trees and trees with bad branch inclusion will not be accepted.
2. All plant materials shall be subject to inspection and approval by the Landscape Architect at place of growth and upon delivery for conformity to specification.
3. All plants shall be true to species and variety and shall conform to measurements specified.
4. All plants shall be exceptionally heavy, symmetrical, light bud and as indicated in appearance as to be superior to form, branching and symmetry.
5. Contractor shall notify SUNSHINE (1-800-432-4770) for locations of existing utility lines 48 hours prior to beginning work. Contractor shall verify location of all utility lines and easements prior to commencing any work. Excavation in the vicinity of underground utilities shall be undertaken with care and by hand, if necessary. The Contractor/ owner's full responsibility for this work and disruption or damage to utilities shall be repaired immediately at no expense to the Owner.
6. Grade (fill, mound, Pine, shredded Melaleuca or Eucalyptus minimum 3" deep, shall be used in all lawn planting beds and for individual tree pits. All trees shall have a mulch ring with a minimum depth of 3" and a diameter of 3'-4" around tree trunk. All mulch shall be kept 2" from the base of all plant material. Mulch beds shall be a minimum of 12" wider than plants measured from outside edge of foliage.
7. Sod shall be St. Augustine 'Floratam' solid and free of weeds, insects, fungus and disease, laid with alternating and abutting joints.
8. All tree excavation pits shall be a minimum of 2 times the size of the rootball and planting soil must be clean. All trees and shrubs shall be backfilled with a suitable planting soil consisting of 50 percent sand and 50 percent approved compost. (Note: Field observation and soil analysis may require a different soil composition to be provided.) All plant materials shall be planted with a minimum of 4% to twelve inches within planting soil around and beneath the rootball. Refer to planting details. Planting beds and planting soil shall be free from road, pea, egg, or colored rock, building materials, debris, weeds, noxious pests and diseases. All washed stones to have a minimum of 2" of planting soil as described in note #5.
9. All trees shall be maintained by the Contractor until will be healthy and in flourishing condition of active growth on year from date of final acceptance.
10. All shrubs, groundcovers, vines and sod shall be fully warranted for 1 year under same condition as above.
11. All synthetic burlap, synthetic string or cords or wire baskets shall be removed before any trees are planted. All synthetic tape shall be removed from trunks, branches, etc. before inspection. The top 1/3 of any natural burlap shall be removed or folded into the planting hole before trees are backed filled. Planting soil to be backfilled into plant pits by washing in.
12. All trees, palms and other plants shall be planted with the top of their root balls no deeper than the final grade surrounding the planting area. Root balls may be planted up to 10% above grade.
13. In areas where paved surfaces abut sod or mulch, the final grade level of both surfaces should be even.
14. All planting shall be installed with fertilizer and/or fertilizer tablets at time of planting.
15. All planting shall be installed in a sound, workmanlike manner and according to good planting procedures. Installation shall include watering, weeding, fertilizing, mulching, selective pruning, and removal of refuse and debris on regular basis so as to prevent a neat and well kept appearance at all times.
16. All landscape and sod work shall have an automatic irrigation system installed. Coverage should be 100% overlap in all landscape and sod areas and spray zero backspray is not permitted. Broken areas and shrubs/groundcover beds should be on separate irrigation zones for a more efficient system. Irrigation system shall be installed with a current Life Device.
17. All landscape shall be installed in compliance with all local codes.
18. The plan shall take precedence over the plant list, should there be any discrepancy between the two.
19. Any plant substitutions must be approved by the City prior to installation.

Scale: 1" =20'-00"

North

811 Know what's below. Call before you dig

213-077

RECEIVED

PREPARED BY:
Kimberly Moyer, RLA
Landscape Architecture
(954) 492-9609
Lic. No. #LA0000952

PREPARED FOR:
Collado and Partners
Architecture, Planning, Interiors
300 Aragon Ave. 205
Coral Gables, FL 33134
(305) 569-9911

CENTRAL PARK APARTMENTS

6950 SW 40TH STREET, MIAMI, FL 33155

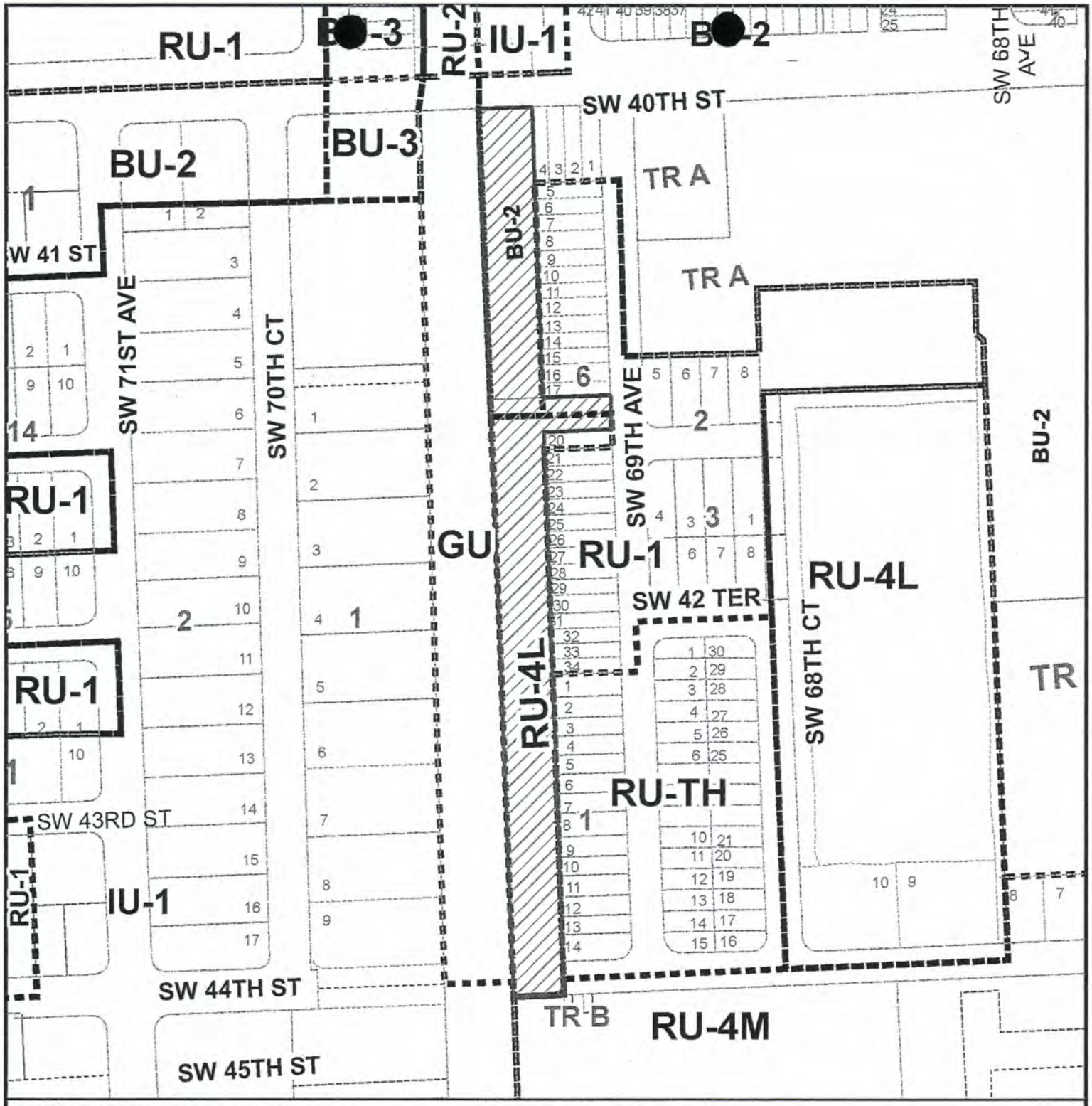
LANDSCAPE PLAN

DATE:	MAY 21, 2013
PROJECT NUMBER:	1315
DRAWN BY:	J.S.E.
CHECKED BY:	K.M.
SCALE:	1"=20'-00"

REVISION:	DATE:	BY:
1 Planting Rev.	1-30-2014	K.M.
2	5/9/14	
3		
4		
5		

SHEET NUMBER:

L-2



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

N
W E
S

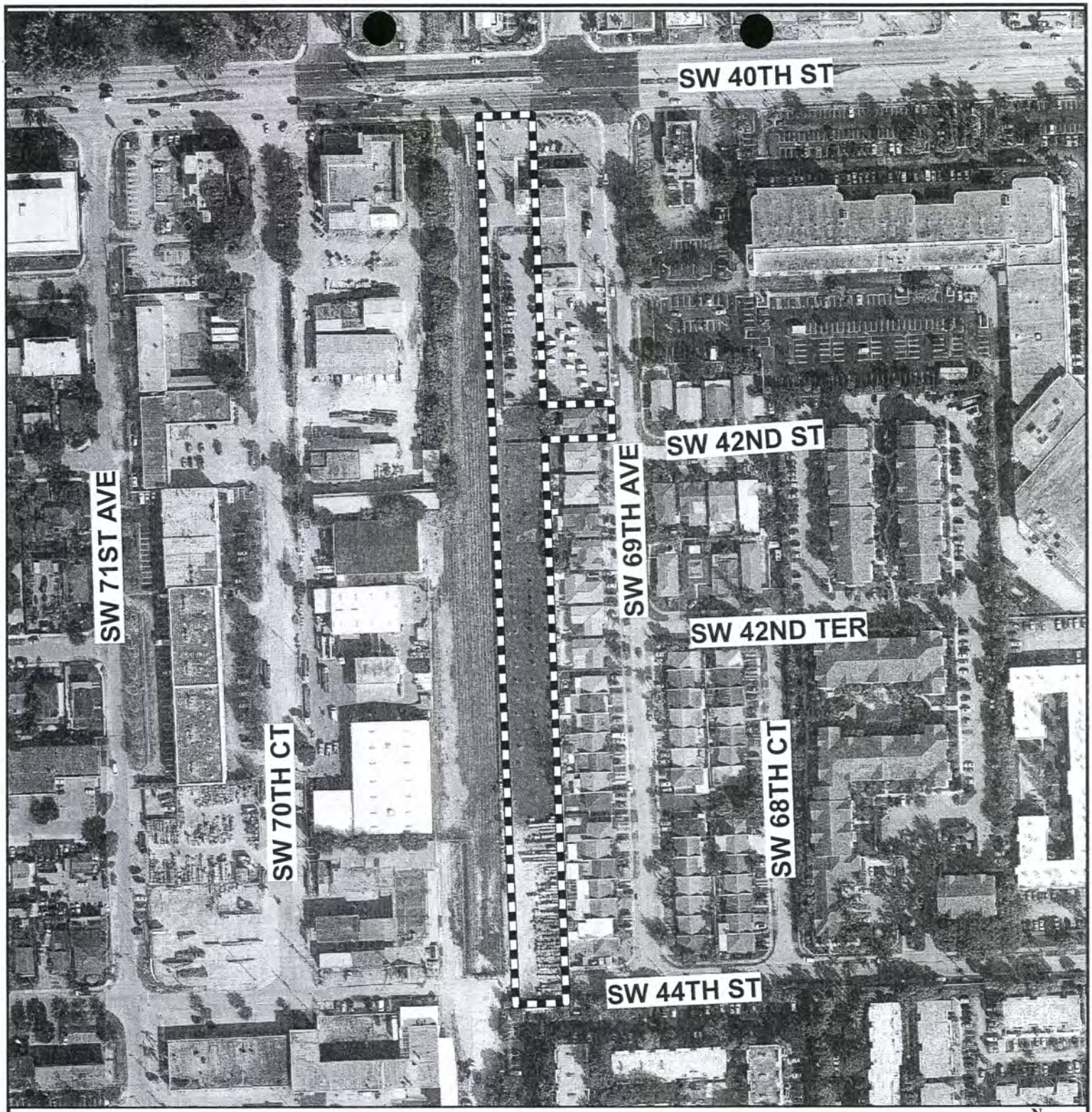
Legend

Subject Property Case

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, September 12, 2013

REVISION	DATE	BY
		34



MIAMI-DADE COUNTY

AERIAL YEAR 2012

Process Number

Z2013000077

N
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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
		35

MIAMI-DADE COUNTY

RADIUS MAP

Process Number

Z2013000077

RADIUS: 2640

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

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Legend

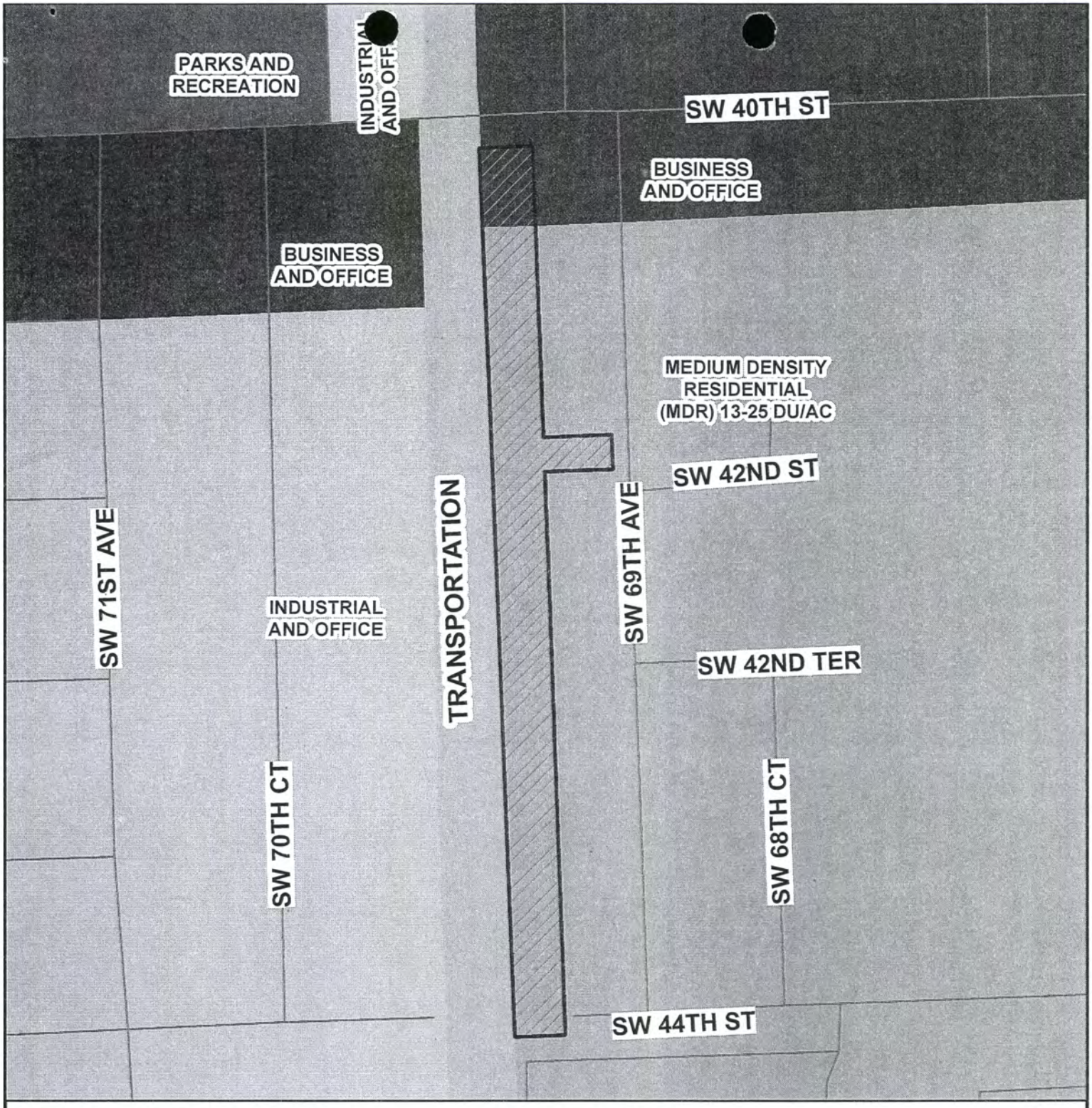
Subject Property

Buffer

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, September 12, 2013

REVISION	DATE	BY
		36



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

N
W E
S

Legend

Subject Property Case

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, September 12, 2013

REVISION	DATE	BY

Miami-Dade County
Department of Regulatory and Economic Resources

PHOTOGRAPH OF SIGN POSTED FOR ZONING HEARING

HEARING NUMBER: Z2013000077

BOARD: C12

LOCATION OF SIGN: 6950 SW 40 ST, MIAMI-DADE COUNTY, FLORIDA.

Miami Dade County, Florida

Date of Posting: 17-JUN-14

This is to certify that the above photograph is true and correct and that the sign concerning a Zoning Hearing application was posted as indicated above.

SIGNATURE: _____

PRINT NAME: FELIX ACOSTA

Miami-Dade County
Department of Regulatory and Economic Resources

PHOTOGRAPH OF SIGN POSTED FOR ZONING HEARING

HEARING NUMBER: Z2013000077

BOARD: C12

LOCATION OF SIGN: 6950 SW 40 ST, MIAMI-DADE COUNTY, FLORIDA.

Miami Dade County, Florida

Date of Posting: 17-JUN-14

This is to certify that the above photograph is true and correct and that the sign concerning a Zoning Hearing application was posted as indicated above.

SIGNATURE: _____

PRINT NAME: FELIX ACOSTA

HEARING NO. 14-7-CZ12-1 (13-77)

23-54-40
Council Area 12
Comm. Dist. 7

APPLICANT: MANUEL J. MENENDEZ TRUST

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.

LOCATION: 6950 SW 40 Street, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 2.92 +/- Acres

BU-2 (Business-Special District)
RU-4L (Limited Apt. House 23 units/net acre)
RU-4M (Modified Apt. House 35.9 units/net acre)

HEARING NO. 14-7-CZ12-1 (13-77)

23-54-40
Council Area 12
Comm. Dist. 7

APPLICANT: MANUEL J. MENENDEZ TRUST

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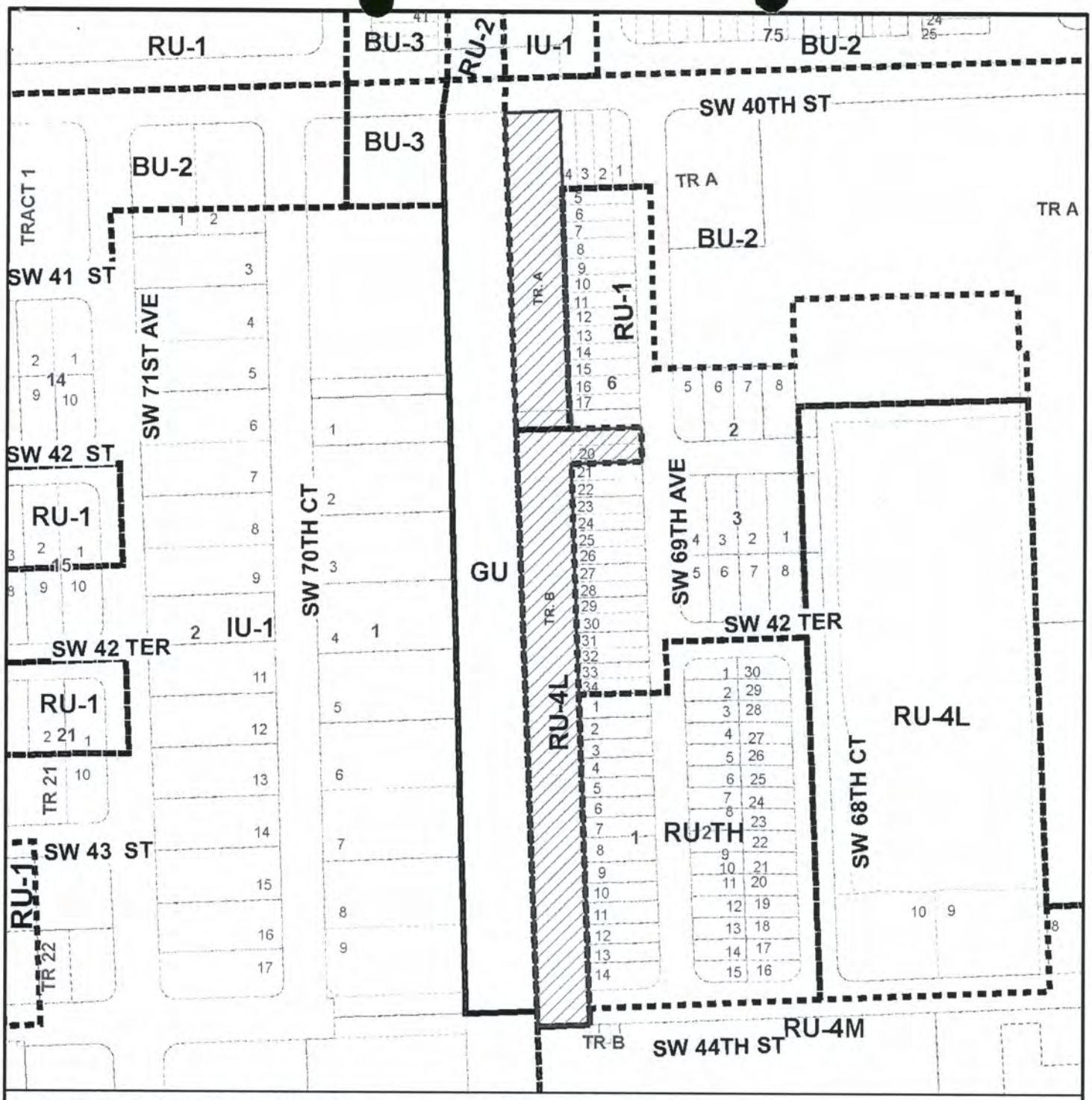
SUBJECT PROPERTY: TRACTS "A" and "B", MENENDEZ TRACT, PB 167-52.

LOCATION: 6950 SW 40 Street, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 2.92 +/- Acres

BU-2 (Business-Special District)
RU-4L (Limited Apt. House 23 units/net acre)
RU-4M (Modified Apt. House 35.9 units/net acre)



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

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Legend

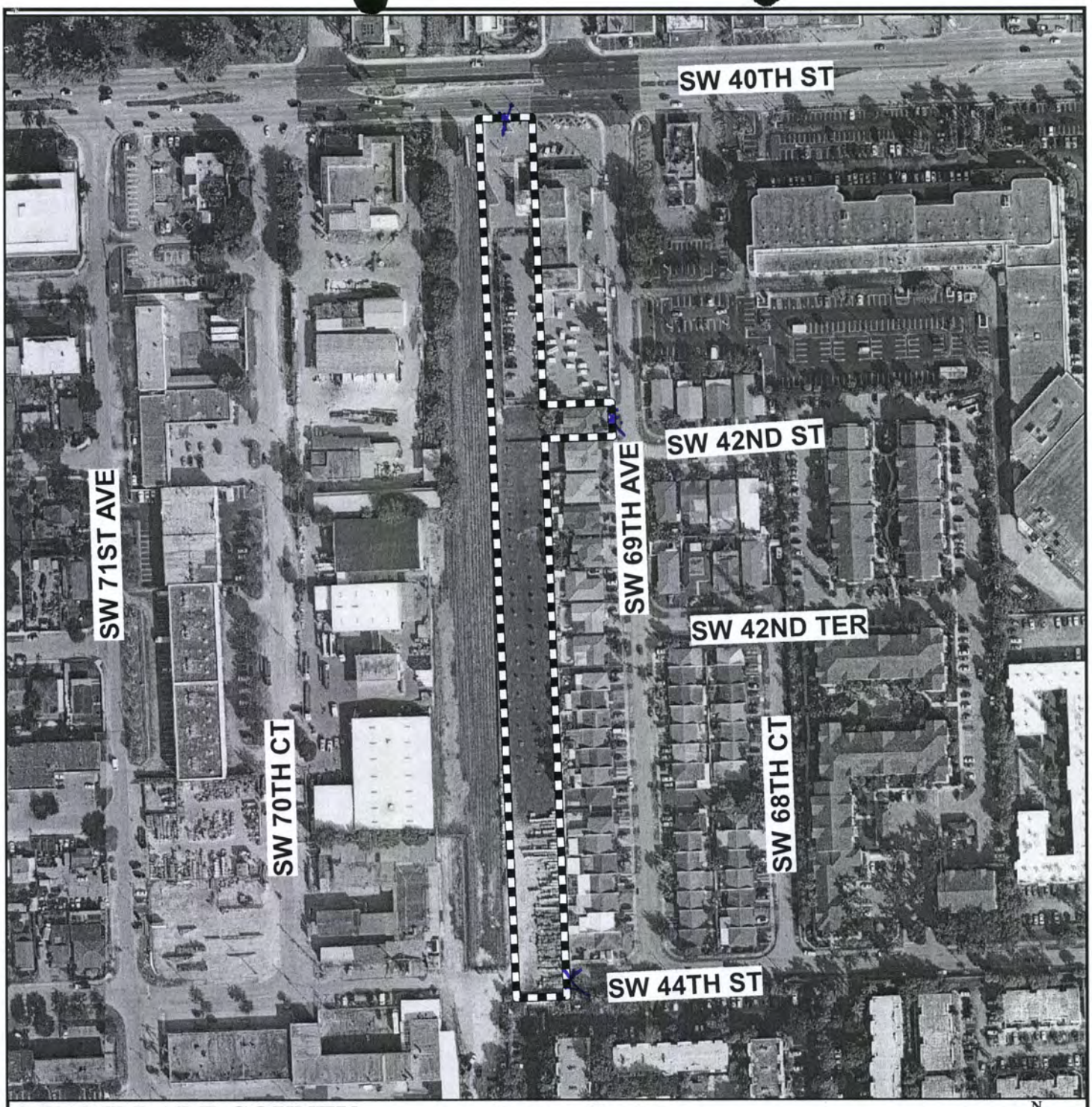
Subject Property Case

Zoning

MIAMI-DADE COUNTY

SKETCH CREATED ON: Wednesday, June 4, 2014

REVISION	DATE	BY



MIAMI-DADE COUNTY

AERIAL YEAR 2012

Process Number

Z2013000077

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

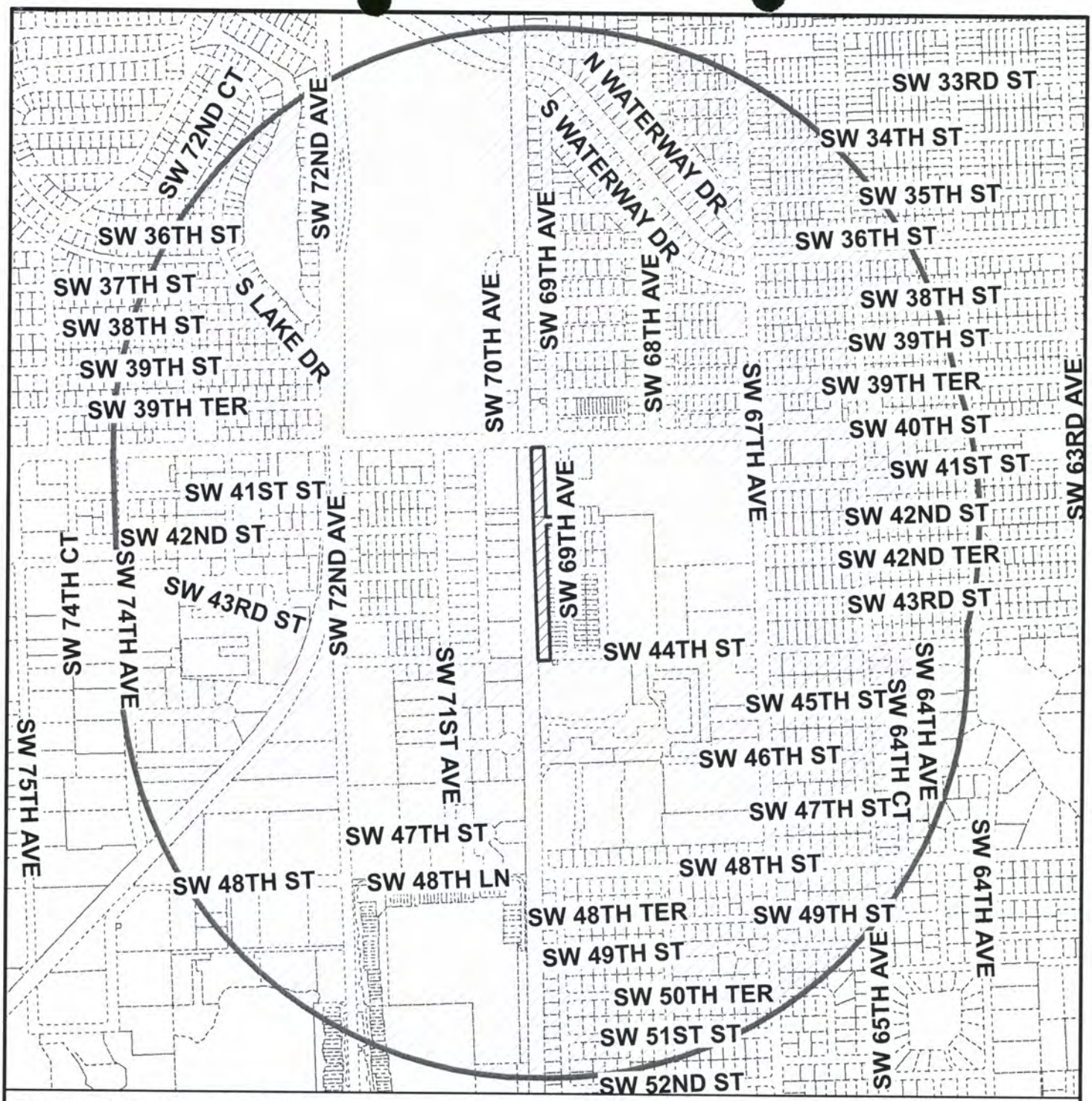
Legend

Subject Property

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, September 12, 2013

REVISION	DATE	BY



MIAMI-DADE COUNTY

RADIUS MAP

Process Number

Z2013000077

RADIUS: 2640

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

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Legend

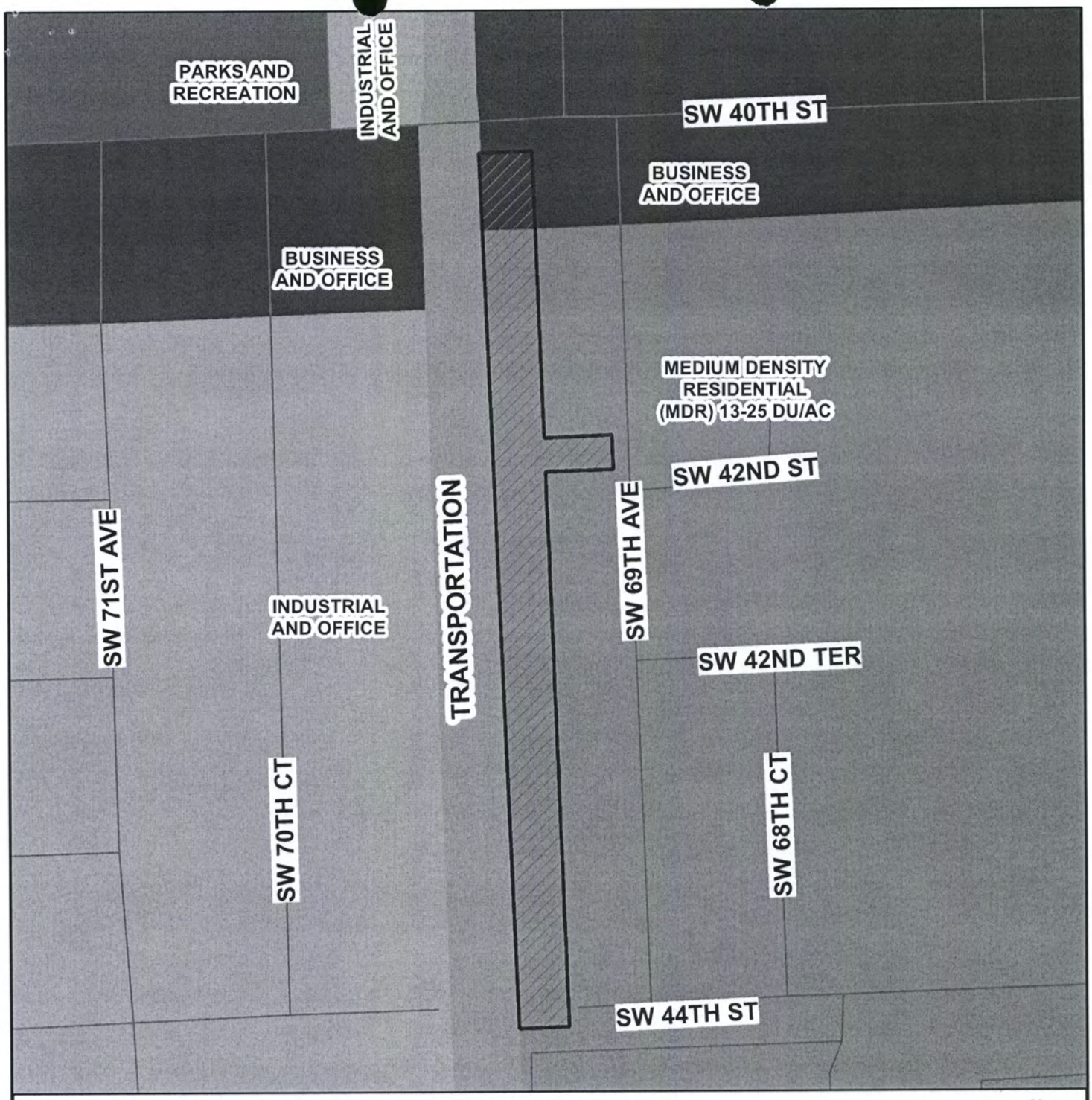
Subject Property

Buffer

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

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Legend

Subject Property Case

MIAMI-DADE COUNTY

SKETCH CREATED ON: Thursday, September 12, 2013

REVISION	DATE	BY

MIAMI DADE POLICE DEPARTMENT

57B - Summarized CFS Year Comparison By Call Type-Grid-Signal

Z2013000077 - Manuel J. Menendez Trust

Complaint Date Range: Jan 1, 2012 - Dec 31, 2012

EMERGENCY

Grid Code	CAD Signal Code	YTD 2012	LYTD 2011	P_LYTD 2010
1596	15 MEET AN OFFICER	2	0	2
	17 TRAFFIC ACCIDENT	10	6	4
	32 ASSAULT	3	0	1
	41 SICK OR INJURED PERSON	10	8	9
TOTAL FOR GRID 1596		**25**	**14**	**16**
1597	15 MEET AN OFFICER	1	0	0
	17 TRAFFIC ACCIDENT	6	3	1
	30 SHOOTING	0	0	1
	32 ASSAULT	0	1	2
	41 SICK OR INJURED PERSON	31	25	31
	44 ATTEMPTED SUICIDE	0	1	0
	49 FIRE	4	4	1
TOTAL FOR GRID 1597		**42**	**34**	**36**
		Reported: 10 Not Reported: 57	Reported: 9 Not Reported: 39	Reported: 9 Not Reported: 43
TOTAL EMERGENCY		**67**	**48**	**52**

MIAMI DADE POLICE DEPARTMENT

57B - Summarized CFS Year Comparison By Call Type-Grid-Signal

Z2013000077 - Manuel J. Menendez Trust

Complaint Date Range: Jan 1, 2012 - Dec 31, 2012

PRIORITY

Grid Code	CAD Signal Code	YTD 2012	LYTD 2011	P_LYTD 2010
1596	14 CONDUCT INVESTIGATION	5	7	2
	17 TRAFFIC ACCIDENT	0	1	1
	26 BURGLARY	2	1	0
	32 ASSAULT	5	5	5
	34 DISTURBANCE	3	8	6
	47 BOMB OR EXPLOSIVE ALERT	0	1	0
	49 FIRE	1	1	1
TOTAL FOR GRID 1596		**16**	**24**	**15**
1597	14 CONDUCT INVESTIGATION	9	8	7
	26 BURGLARY	1	1	8
	27 LARCENY	2	1	0
	29 ROBBERY	1	1	0
	32 ASSAULT	11	8	6
	34 DISTURBANCE	6	14	17
	47 BOMB OR EXPLOSIVE ALERT	0	1	3
	49 FIRE	3	0	1
TOTAL FOR GRID 1597		**33**	**34**	**42**
		Reported: 5 Not Reported: 44	Reported: 20 Not Reported: 38	Reported: 11 Not Reported: 46
TOTAL PRIORITY		**49**	**58**	**57**

MIAMI DADE POLICE DEPARTMENT

57B - Summarized CFS Year Comparison By Call Type-Grid-Signal

Z2013000077 - Manuel J. Menendez Trust

Complaint Date Range: Jan 1, 2012 - Dec 31, 2012

ROUTINE

Grid Code	CAD Signal Code	YTD 2012	LYTD 2011	P_LYTD 2010
1596	13 SPECIAL INFORMATION/ASSIGNMENT	36	36	15
	14 CONDUCT INVESTIGATION	36	48	41
	15 MEET AN OFFICER	1	5	3
	17 TRAFFIC ACCIDENT	35	53	39
	18 HIT AND RUN	11	3	13
	19 TRAFFIC STOP	27	21	38
	20 TRAFFIC DETAIL	7	4	23
	21 LOST OR STOLEN TAG	9	3	6
	22 AUTO THEFT	20	14	21
	25 BURGLAR ALARM RINGING	183	143	144
	26 BURGLARY	16	17	26
	27 LARCENY	10	13	6
	28 VANDALISM	7	8	7
	32 ASSAULT	17	8	15
	33 SEX OFFENSE	1	1	1
	34 DISTURBANCE	97	67	98
	36 MISSING PERSON	3	5	8
	37 SUSPICIOUS VEHICLE	6	9	10
	38 SUSPICIOUS PERSON	7	4	7
	39 PRISONER	2	0	5
	41 SICK OR INJURED PERSON	7	2	2
	43 BAKER ACT	3	3	6
	45 DEAD ON ARRIVAL	1	0	0
	49 FIRE	2	0	1
	52 NARCOTICS INVESTIGATION	4	2	2
	54 FRAUD	6	5	7
TOTAL FOR GRID 1596		**554**	**474**	**544**
1597	13 SPECIAL INFORMATION/ASSIGNMENT	57	34	23
	14 CONDUCT INVESTIGATION	78	71	73
	15 MEET AN OFFICER	2	5	2
	17 TRAFFIC ACCIDENT	58	60	31
	18 HIT AND RUN	20	22	12
	19 TRAFFIC STOP	10	10	12
	20 TRAFFIC DETAIL	23	34	32
	21 LOST OR STOLEN TAG	9	2	6
	22 AUTO THEFT	7	11	10
	25 BURGLAR ALARM RINGING	134	172	108
	26 BURGLARY	27	41	38
	27 LARCENY	26	33	33

MIAMI DADE POLICE DEPARTMENT

57B - Summarized CFS Year Comparison By Call Type-Grid-Signal

Z2013000077 - Manuel J. Menendez Trust

Complaint Date Range: Jan 1, 2012 - Dec 31, 2012

Grid Code	CAD Signal Code	YTD 2012	LYTD 2011	P_LYTD 2010
1597	28 VANDALISM	14	14	13
	29 ROBBERY	3	1	0
	32 ASSAULT	25	28	25
	33 SEX OFFENSE	6	3	5
	34 DISTURBANCE	185	174	227
	35 INTOXICATED PERSON - MYERS ACT	1	0	0
	36 MISSING PERSON	5	2	7
	37 SUSPICIOUS VEHICLE	10	6	12
	38 SUSPICIOUS PERSON	21	11	19
	39 PRISONER	4	2	3
	41 SICK OR INJURED PERSON	4	5	5
	43 BAKER ACT	5	5	4
	45 DEAD ON ARRIVAL	0	4	1
	49 FIRE	1	1	1
	52 NARCOTICS INVESTIGATION	5	2	6
	54 FRAUD	35	25	20
TOTAL FOR GRID 1597		**775**	**778**	**728**
		Reported: 603 Not Reported: 726	Reported: 637 Not Reported: 615	Reported: 554 Not Reported: 718
TOTAL ROUTINE		**1329**	**1252**	**1272**
GRAND TOTAL		**1445**	**1358**	**1381**

MIAMI DADE POLICE DEPARTMENT

57B - Summarized CFS Year Comparison By Call Type-Grid-Signal

Report Filters

Complaint Date Range: Jan 1, 2012 - Dec 31, 2012
Grid: 1596, 1597
Signal: 13 SPECIAL INFORMATION/ASSIGNMENT, 14 CONDUCT INVESTIGATION, 15 MEET AN OFFICER, 16 D.U.I., 17 TRAFFIC ACCIDENT, 18 HIT AND RUN, 19 TRAFFIC STOP, 20 TRAFFIC DETAIL, 21 LOST OR STOLEN TAG, 22 AUTO THEFT, 23 CLEARANCE CHECK, 24 COMPLETE CHECK, 25 BURGLAR ALARM RINGING, 26 BURGLARY, 27 LARCENY, 28 VANDALISM, 29 ROBBERY, 30 SHOOTING, 31 HOMICIDE, 32 ASSAULT, 33 SEX OFFENSE, 34 DISTURBANCE, 35 INTOXICATED PERSON - MYERS ACT, 36 MISSING PERSON, 37 SUSPICIOUS VEHICLE, 38 SUSPICIOUS PERSON, 39 PRISONER, 40 SUBJECT POSSIBLY WANTED, 41 SICK OR INJURED PERSON, 42 AMBULANCE, 43 BAKER ACT, 44 ATTEMPTED SUICIDE, 45 DEAD ON ARRIVAL, 46 MEDICAL DETAIL, 47 BOMB OR EXPLOSIVE ALERT, 48 EXPLOSION, 49 FIRE, 50 ORGANIZED CRIME FIGURE, 51 NARCOTICS VIOLATOR, 52 NARCOTICS INVESTIGATION, 53 ABDUCTION, 54 FRAUD, 55 WEAPONS VIOLATION
Agency: MIAMI-DADE
District:
Call Type: PRIORITY, ROUTINE, EMERGENCY
Primary Unit: Primary Unit not contains '0000' 'SB' 'CR' or Primary Unit does not exits

CDW Package