

(30f4)

RESOLUTION NO. CZAB12-37-06

WHEREAS, **PANCHO MENEDEZ LAND TRUST II** applied for the following:

- (1) MODIFICATION of Condition #1 of a Declaration of Restrictions recorded in Official Records Book 24126, Pages 768-772, approved pursuant to resolution #CZAB12-35-05, reading as follows:

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

TO: "1. That said property shall be developed substantially in accordance with the plans previously submitted, prepared by Angel Milanés, AIA, entitled 'The Train Townhome Development,' dated stamped received the 17th day of November, 2005, and Sheet SP-1 dated stamped received 9/13/06, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of the agreement."

REQUEST #1 ON EXHIBIT "A"

- (2) DELETION of a portion of a legal description of Resolution CZAB12-35-05, passed and adopted by Community Zoning Appeals Board #12.
- (3) DELETION of a portion of a legal description of a Declaration of Restrictions recorded in Official Records Book 24126, Pages 768-772.

REQUESTS #2 & #3 ON EXHIBIT "B"

The purpose of these requests is to modify the Declaration of Restrictions and previously approved site plan to release the south 5' of the 55' wide entrance to the residential development to the west.

Upon demonstration that the applicable standards have been satisfied, approval of these requests may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

The aforementioned plans are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

SUBJECT PROPERTY: EXHIBIT "A": A portion of Florida East Coast Railway's Right-of-Way, in Section 23, Township 54 South, Range 40 East, lying 491.76' (498.8' measured) south of the centerline of S.W. 40th Street (Bird Road), said centerline also being the north line of said Section 23 and bounded on the west by a line parallel to and 50' east of the

centerline of the Florida East Coast Railway Main Line Track as now established and bounded on the south of the south line of the north $\frac{1}{2}$, of the NE $\frac{1}{4}$, of said Section 23 and north line of Tract "D" of LUDLAM POINT FIRST ADDITION, Plat book 129, Page 84 and bounded on the east by the west line of Lots 21 through 34, in Block 6, of BYRWOOD, Plat book 27, Page 26; also being bounded on the east by the west line of Lots 1 through 14 and the S/ly extension thereof, of EL ESCORIAL, Plat book 92, Page 71, said boundary being the west line of the east $\frac{1}{2}$, of the NE $\frac{1}{4}$, of said Section 23, less the north 491.76' thereof. A/K/A: That portion of the NW $\frac{1}{4}$, of the NE $\frac{1}{4}$ of Section 23, Township 54 South, Range 40 East, lying 50' east of the centerline of the Florida East Coast Railway Main Track as now established, less the north 491.76' and the north 25' of the SW $\frac{1}{4}$, of the NE $\frac{1}{4}$, of Section 23, Township 54 South, Range 40 East, lying 50' east of the centerline of Florida East Coast Railway Main Track as now established together with the south 215' of the NW $\frac{1}{4}$, of the NE $\frac{1}{4}$, of Section 23, Township 54 South, Range 40 East, lying 50' east of the centerline of Florida East Coast Railway Main Track as now established. AND: Lots 19 & 20, in Block 6, of BYRWOOD, Plat book 27, Page 26.

EXHIBIT "B" : The north 5' of Lot 21, in Block 6, of BYRWOOD, Plat book 27, Page 26.

LOCATION: Lying approximately 495' south of S.W. 40 Street (Bird Road) and west of S.W. 69 Avenue, 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, 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 modification (Item #1) and deletions (Items #2 and 3) would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance, and

WHEREAS, a motion to approve Items #1 through 3 under Section 33-311(A)(7) and to deny Items #1 through 3 without prejudice under Section 33-311(A)(17) was offered by Jose I. Valdes, seconded by Carla Savola, and upon a poll of the members present, the vote was as follows:

Carla Savola
Jose I. Valdes

aye
aye

Nelson Varona
Robert W. Wilcosky

aye
absent

Peggy Brodeur

aye

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 12 that the requested modification (Item #1) and deletions (Items #2 and 3) be and the same are hereby approved under Section 33-311(A)(7), subject to the following conditions:

1. That all conditions of Resolution Nos. CZAB12-30-05 and CZAB12-35-05 except as herein modified remain in full force and effect.
2. That a revised Declaration of Restrictions be submitted to the Department within 90 days after final public hearing approval of this application, unless a time extension is granted by the Director, for good cause shown.

BE IT FURTHER RESOLVED, that the requested modification of Condition #1 of a Declaration of Restrictions recorded in Official Records Book 24126, Pages 768-772, approved pursuant to resolution #CZAB12-35-05, shall read as follows:

1. That said property shall be developed substantially in accordance with the plans previously submitted, prepared by Angel Milanes, AIA, entitled 'The Train Townhome Development,' dated stamped received the 17th day of November, 2005, and Sheet SP-1 dated stamped received 9/13/06, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of the agreement."

BE IT FURTHER RESOLVED, that Items #1 through 3 be and the same is hereby denied without prejudice under Section 33-311(A)(17).

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

RESOLUTION NO. CZAB12-35-05

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

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

SUBJECT PROPERTY: A portion of Florida East Coast Railway's Right-of-Way, in Section 23, Township 54 South, Range 40 East, lying 491.76' south of the Southern boundary of S.W. 40th Street (Bird Road), said right-of-way line lying 50' south of the north line of said Section 23, also being the north line of said Section 23 and bounded on the west by a line parallel to and 50' east of the centerline of the Florida East coast Railway main line track as now established and bounded on the south of the south line of the north 1/2, of the NE 1/4, of said Section 23 and north line of Tract "D" of LUDLAM POINT FIRST ADDITION, Plat book 129, Page 84 and bounded on the east by the west line of Lots 19 through 34, in block 6, of BYRWOOD, Plat book 27, Page 26; also being bounded on the east by the west line of Lots 1 through 14 and the S/ly extension thereof, of EL ESCORIAL, Plat book 92, Page 71, said boundary being the west line of the east 1/2, of the NE 1/4, of said Section 23 less the north 541.76' thereof and less the south 240' thereof. A/K/A: That portion of the NW 1/4, of the NE 1/4 of Section 23, Township 54 South, Range 40 East, lying 50' east of the centerline of the Florida East Coast Railway main track as now established, less the north 541.71' thereof and less the south 240' thereof. AND: The north 25' of the SW 1/4, of the NE 1/4, of Section 23, Township 54 South, Range 40 East, lying 50' east of the centerline of Florida East Coast Railway main track as now established together with the south 215' of the NW 1/4, of the NE 1/4, of Section 23, Township 54 South, Range 40 East, lying 50' east of the centerline of Florida East Coast Railway Main Track as now established. AND: Lots 19 & 20 and the north 5' of Lot 21, in Block 6, of BYRWOOD, Plat book 27, Page 26.

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

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

deleted agreement

1. That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by Angel Milanes, AIA, entitled "The Train Townhome Development," dated stamped received the 17th day of November, 2005, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of the agreement.
2. The applicant shall install along the east and west property lines on both sides of the entrance driveway, large canopy trees such as live oak, mahogany or satin leaf, 12' high at the time of planting and spaced 20' on center.
3. The applicant shall install in the area along the south property lines in 2 staggered rows, large canopy trees such as live oak, mahogany or satin leaf, 12' high at time of planting.
4. The parking areas and the driveways between the buildings and the walkway shall be paved.
5. The applicant shall install a 6' high CBS or pre cast wall along the north property lines and a 5' high CBS or pre cast wall along the west property lines.

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

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

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

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

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 12 that the requested district boundary change to RU-4L (Item #2) be and the same is hereby approved and said property is hereby zoned accordingly.

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

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

The Director is hereby authorized to make the necessary notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 6th day of December, 2005.

Hearing No. 05-1-CZ12-7
ls

RESOLUTION NO. CZAB12-30-05

WHEREAS, PANCHO MENENDEZ LAND TRUST applied for the following:

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

REQUEST #1 ON EXHIBIT "A"

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

- (3) Applicant is requesting to permit parking back out of 14' (22' required).

REQUESTS #2 & #3 ON EXHIBIT "B"

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

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

SUBJECT PROPERTY: EXHIBIT "A": A portion of Florida East Coast Railway's Right-of-Way in Section 23, Township 54 South, Range 40 East, bounded on the north by the south right-of-way line of S.W. 40 Street (Bird Road), said right-of-way line lying 50' south of the north line of said Section 23 and bounded on the west by a line of 50' east of the centerline of the Florida East Coast Railway; main line tract as now established and bounded on the east by the west line of Lots 4 through 18, in block 6, of BYRWOOD, Plat book 27, Page 26, and bounded on the south by the W/ly prolongation of the south line of said Lot 18. A/K/A: The north 541.76' of the NW $\frac{1}{4}$, of the NE $\frac{1}{4}$, of Section 23, Township 54 South, Range 40 East, lying 50' east of the centerline of the Florida East coast Railway main track as now established, less the north 50' thereof. AND: EXHIBIT "B": A portion of Florida East coast Railway's Right-of-Way, in Section 23, Township 54 South, Range 40 East, lying 491.76' south of the Southern boundary of S.W. 40th Street (Bird Road), said right-of-way line lying 50' south of the north line of said Section 23, also being the north line of said Section 23 and bounded on the west by a line parallel to and 50' east of the centerline of the Florida East Coast Railway main line track as now established and bounded on the south of the south line of the north $\frac{1}{2}$, of the NE $\frac{1}{4}$, of said Section 23 and north line of Tract "D" of LUDLAM POINT FIRST ADDITION, Plat book 129, Page 84 and bounded on the east by the west line of Lots 19 through 34, in Block 6, of BYRWOOD, Plat book 27, Page 26; also being bounded on the east by the west line of Lots 1 through 14 and the S/ly extension thereof, of EL ESCORIAL, Plat book 92, Page 71, said boundary being the west line of the east $\frac{1}{2}$, of the NE $\frac{1}{4}$, of said Section 23 less the north 541.76' thereof and less the south 240' thereof. A/K/A: That portion of the NW $\frac{1}{4}$, of the NE $\frac{1}{4}$ of Section 23, Township 54 South, Range 40 East, lying 50' east of the centerline of the Florida East Coast Railway main track as now established, less the north 541.71' thereof and less the south 240' thereof. AND: The north 25' of the SW $\frac{1}{4}$, of the NE $\frac{1}{4}$, of Section 23, Township 54 South, Range 40 East, lying 50' east of the centerline of Florida East Coast Railway main track as now established together with the south 215' of the NW $\frac{1}{4}$, of the NE $\frac{1}{4}$, of Section 23,

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

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

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

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

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

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

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

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 12, that the requested district boundary change to BU-2 on Exhibit "A" (Item #1) be and the same is hereby approved and said property is hereby zoned accordingly.

BE IT FURTHER RESOLVED, that the request to defer the requested district boundary change to RU-4L on Exhibit "B" (Item #2) be and the same is hereby granted and said item is deferred until September 14, 2005.

BE IT FURTHER RESOLVED, that the request to withdraw the request to permit parking back out of 14' (Item #3) be and the same is hereby granted.

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

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning.

PASSED AND ADOPTED this 17th day of August, 2005.

Hearing No. 05-1-CZ12-7
ls

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-23-03

WHEREAS, SANTIAGO MENEDEZ TRUSTEE had applied to Community Zoning

Appeals Board 12 for the following:

- (1) USE VARIANCE to permit the storage of building materials in the GU, RU-4M & IU-1 districts as would be permitted in the IU-1 district.

OR IN THE ALTERNATIVE:

- (2) GU, RU-4M & IU-1 to IU-1
- (3) SPECIAL EXCEPTION to permit site plan approval for an industrial development.

AND WITH EITHER REQUEST #1 OR REQUESTS #2 & #3, THE FOLLOWING:

- (4) NON-USE VARIANCE OF ZONING REGULATIONS to permit parking on gravel (hard surface required).
- (5) NON-USE VARIANCE OF ZONING REGULATIONS requiring a lot to have 75' of frontage on a public street; to waive same to permit 50' of frontage on a public street.

A plan is on file and may be examined in the Zoning Department entitled "Proposed Parking & Storage for Pancho Menendez Land Trust," as prepared by Juan J. Farach Architects, dated 6/7/01 and consisting of 1 sheet. Plans may be modified at public hearing.

SUBJECT PROPERTY: The east 125' of the south 215' of the NW ¼ of the NE ¼ in Section 23, Township 54 South, Range 40 East. AND: The north 25' , of the east 125' , of the SW ¼ of the NE ¼ in Section 23, Township 54 South, Range 40 East; A/K/A: PARCEL #3: Being at a point on Railway' s E/ly right-of-way line 672' ±, S/ly of Mile Post LR-15; thence continue S/ly along said right-of-way line for 240' ± to a point; thence W/ly perpendicular to railway' s main tract for a distance of 125' ±; thence N/ly along a line parallel to and 25' E/ly of said main tract for a distance of 240' to a point; thence E/ly a distance of 125' to the Point of beginning, in Section 23, Township 54 South, Range 40 East.

LOCATION: Approximately 150' east of S.W. 70 Court & lying north of theoretical S.W. 44 Street, Miami-Dade County, Florida, 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 IU-1 (Item #2) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and that the requested use variance (Item #1), special exception (Item #3), and non-use variances of zoning regulations (Item #4 & 5) would not be compatible with the area and its development and 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 that the requested special exception (Item #3) would have an adverse impact upon the public interest and should be denied without prejudice, and said application was denied by Resolution No. CZAB12-1-02, and

WHEREAS, **SANTIAGO MENEDEZ TRUSTEE** appealed the decision of Community Zoning Appeals Board 12 to the Board of County Commissioners for the following:

- (1) USE VARIANCE to permit the storage of building materials in the GU, RU-4M & IU-1 districts as would be permitted in the IU-1 district.

OR IN THE ALTERNATIVE:

- (2) GU, RU-4M & IU-1 to IU-1
- (3) SPECIAL EXCEPTION to permit site plan approval for an industrial development.

AND WITH EITHER REQUEST #1 OR REQUESTS #2 & #3, THE FOLLOWING:

- (4) NON-USE VARIANCE OF ZONING REGULATIONS to permit parking on gravel (hard surface required).
- (5) NON-USE VARIANCE OF ZONING REGULATIONS requiring a lot to have 75' of frontage on a public street; to waive same to permit 50' of frontage on a public street.

A plan is on file and may be examined in the Zoning Department entitled " Proposed Parking & Storage for Pancho Menendez Land Trust," as prepared by Juan J. Farach Architects, dated 6/7/01 and consisting of 1 sheet. Plans may be modified at public hearing.

SUBJECT PROPERTY: The east 125' of the south 215' of the NW ¼ of the NE ¼ in Section 23, Township 54 South, Range 40 East. AND: The north 25' , of the east 125' , of the SW ¼ of the NE ¼ in Section 23, Township 54 South, Range 40 East; A/K/A: PARCEL #3: Being at a point on Railway' s E/ly right-of-way line 672' ±, S/ly of Mile Post LR-15; thence continue S/ly along said right-of-way line for 240' ± to a point; thence W/ly perpendicular to railway' s main tract for a distance of 125' ±; thence N/ly along a line parallel to and 25' E/ly of said main tract for a distance of 240' to a point; thence E/ly a distance of 125' to the Point of beginning, in Section 23, Township 54 South, Range 40 East.

LOCATION: Approximately 150' east of S.W. 70 Court & lying north of theoretical S.W. 44 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant requested permission to withdraw the entire application, and

WHEREAS, after reviewing the record and decision of Community Zoning Appeals Board 12 and after having given an opportunity for interested parties to be heard, it is the opinion of this Board that Resolution that the requested withdrawal of the entire application should be granted, and

WHEREAS, a motion to withdraw the entire application was offered by Commissioner Jimmy L. Morales, seconded by Commissioner Sally A. Heyman, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	aye	Dennis C. Moss	aye
Jose " Pepe" Diaz	aye	Dorin D. Rolle	absent
Betty T. Ferguson	absent	Natacha Seijas	aye
Sally A. Heyman	aye	Katy Sorenson	aye
Joe A. Martinez	absent	Rebeca Sosa	absent
Jimmy L. Morales	aye	Javier D. Souto	absent

Chairperson Barbara M. Carey-Shuler aye

NOW THEREFORE BE IT RESOLVED that the request to withdraw the entire application be and the same is hereby granted and said application is hereby withdrawn without prejudice.

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

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 9th day of October, 2003, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 01-9-CZ12-1
ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

KAY SULLIVAN

By _____
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 14TH DAY OF NOVEMBER, 2003.

RESOLUTION NO. CZAB12-1-02

WHEREAS, SANTIAGO MENENDEZ TRUSTEE applied for the following:

- (1) USE VARIANCE to permit the storage of building materials in the GU, RU-4M & IU-1 districts as would be permitted in the IU-1 district.

OR IN THE ALTERNATIVE:

- (2) GU, RU-4M & IU-1 to IU-1
- (3) SPECIAL EXCEPTION to permit site plan approval for an industrial development.

AND WITH EITHER REQUEST #1 OR REQUESTS #2 & #3, THE FOLLOWING:

- (4) NON-USE VARIANCE OF ZONING REGULATIONS to permit parking on gravel (hard surface required).
- (5) NON-USE VARIANCE OF ZONING REGULATIONS requiring a lot to have 75' of frontage on a public street; to waive same to permit 50' of frontage on a public street.

A plan is on file and may be examined in the Zoning Department entitled "Proposed Parking & Storage for Pancho Menendez Land Trust," as prepared by Juan J. Farach Architects, dated 6/7/01 and consisting of 1 sheet. Plans may be modified at public hearing.

SUBJECT PROPERTY: The east 125' of the south 215' of the NW ¼, of the NE ¼, in Section 23, Township 54 South, Range 40 East. AND: The north 25', of the east 125', of the SW ¼, of the NE ¼, in Section 23, Township 54 South, Range 40 East; A/K/A: PARCEL #3: Being at a point on Railway's E/ly right-of-way line 672'±, S/ly of Mile Post LR-15; thence continue S/ly along said right-of-way line for 240'± to a point; thence W/ly perpendicular to railway's main tract for a distance of 125'±; thence N/ly along a line parallel to and 25' E/ly of said main tract for a distance of 240' to a point; thence E/ly a distance of 125' to the Point of beginning, in Section 23, Township 54 South, Range 40 East.

LOCATION: Approximately 150' east of S.W. 70 Court & lying north of theoretical S.W. 44 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, 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 IU-1 (Item #2)

would not be compatible with the neighborhood and area concerned and would be in

conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and that the requested use variance (Item #1), special exception (Item #3), and non-use variances of zoning regulations (Item #4 & 5) would not be compatible with the area and its development and 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 that the requested special exception (Item #3) would have an adverse impact upon the public interest and should be denied without prejudice, and

WHEREAS, a motion to deny Items #1 – 5 without prejudice was offered by Robert W. Wilcosky, seconded by Fran M. Bohnsack, and upon a poll of the members present the vote was as follows:

Maytee D. Armesto	absent	Lorraine Grigsby	nay
Fran M. Bohnsack	aye	Robert W. Wilcosky	nay
Peggy Brodeur	aye	Sanford A. Youkilis	aye
	Patrick Vilar	aye	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 12, that the requested district boundary change to IU-1 (Item #2) be and the same is hereby denied without prejudice.

BE IT FURTHER RESOLVED that the use variance (Item #1), special exception (Item #3), and non-use variances of zoning regulations (Item #4 & 5) be and the same are hereby denied without prejudice.

The Director is hereby authorized to make the necessary changes and notations upon the records of the Miami-Dade County Department of Planning and Zoning.

PASSED AND ADOPTED this 24th day of January, 2002.

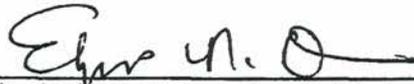
Hearing No. 01-9-CZ12-1
eo

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Elizabeth N. Owens, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning 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. CZAB12-1-02 adopted by said Community Zoning Appeals Board at its meeting held on the 24th day of January, 2002.

IN WITNESS WHEREOF, I have hereunto set my hand on this 14th day of February 2002.



Elizabeth N. Owens, Deputy Clerk
Miami-Dade County Department of Planning and Zoning

SEAL

