

PLACE OF MEETING: COUNTY COMMISSIONERS CHAMBERS
OF THE STEPHEN P. CLARK CENTER – 2ND FLOOR
111 NW 1 STREET, MIAMI

DATE MARCH 19, 2015
TIME OF MEETING 9:30 AM

APPEALS: **HEARING #** **DISTRICT(S)**

1. **MANUEL J. MENENDEZ TRUST** **13-077** **07**

Request(s): - 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.
Within the Urban Development Boundary (UDB)

CURRENT: **HEARING #** **DISTRICT(S)**

2. **NORTHSTAR GRACELAND, LLC** **14-032** **08**

Request(s): - The applicant is seeking to modify a Resolution in order to submit revised site plans showing a new 8 story mausoleum addition to a previously approved cemetery. Additionally, the applicant is seeking approval of said mausoleum with a height greater than permitted.

Location: - 13900 SW 117 Avenue, Miami-Dade County, Florida.
Within the Urban Development Boundary (UDB)



Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSION MEETING OF THURSDAY, MARCH 19, 2015

NOTICE: THE FOLLOWING HEARING IS SCHEDULED FOR 9:30 A.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMISSION SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMISSION BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE COMMISSION BE GRANTED BY THE MAJORITY VOTE OF THE COMMISSION MEMBERS PRESENT.

NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACARDS SHALL BE ALLOWED IN THE COMMISSION CHAMBER. PERSONS EXITING THE COMMISSION CHAMBER SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE COMMISSION CHAMBERS IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS. INDIVIDUALS, INCLUDING THOSE ON THE DAIS, MUST EXIT THE CHAMBERS TO ANSWER INCOMING CELL PHONE CALLS. COUNTY EMPLOYEES MAY NOT USE CELL PHONE CAMERAS OR TAKE DIGITAL PICTURES FROM THEIR POSITIONS ON THE DAIS.

THE NUMBER OF FILED PROTESTS AND WAIVERS ON EACH APPLICATION WILL BE READ INTO THE RECORD AT THE TIME OF HEARING AS EACH APPLICATION IS READ.

THOSE ITEMS NOT HEARD PRIOR TO THE ENDING TIME FOR THIS MEETING, WILL BE DEFERRED TO THE NEXT AVAILABLE ZONING HEARING MEETING DATE FOR THIS BOARD.

SWEARING IN OF WITNESS

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

**23-54-40
BCC/District 07**

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

Department of Regulatory and
Economic Resources
Recommendation:

Approval.

Protests: _____ 26 _____

Waivers: _____ 0 _____

DENIAL OF APPEAL (SUSTAIN C.Z.A.B.): _____

APPROVAL OF APPEAL (OVERRIDE C.Z.A.B.): _____

DEFERRED: _____

2. NORTHSTAR GRACELAND, LLC 15-3-CC-1 (14-032)

**24-55-39
BCC/District 08**

- (1) MODIFICATION of plans approved pursuant to Resolution 7696, last modified by Condition #2 of Resolution Z-5-11, both passed and adopted by the Board of Commissioners, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Proposed Offices Building for Graceland Memorial Park," as prepared by Gomez Associates Architects P.A., consisting of sixteen (16) sheets dated stamped received December 13, 2011."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Memorial Necropoli Mausoleum at Graceland Memorial Park" as prepared by Axioma Architects with sheet A-100.2 dated stamped received 9/26/14, consisting of 1 sheet, Sheets A-101 & L-1 dated stamped received 9/5/14, consisting of 2 sheets, Sheets A-100.1, A-300, A-301, A-302 & A-303 dated stamped received 5/23/14, consisting of 5 sheets and the remaining 9 sheets dated stamped received 4/7/14 for a total of 17 sheets.

The purpose of request #1 is to allow the applicant to submit revised site plans showing a new 8 story mausoleum addition to a previously approved cemetery.

- (2) NON-USE VARIANCE to permit a 8 stories building (2 stories maximum permitted) with a building height of 90' (35' maximum permitted).

The aforementioned plans are on file and may be examined in the Department of Regulatory and Economic Resources. Plans may be modified at public hearing.

LOCATION: 13900 SW 117 Avenue, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 36.02 Acres

**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
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Staff Recommendation

Recommendation of the Appeal	<u>Approval</u> (Overrule CZAB decision – requires a 2/3 vote of the BCC of the members present).
Previous Recommendation to the CZAB	<u>Approval</u> (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 <i>(see attached Zoning Recommendation Addendum)</i>
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 <i>(see attached Zoning Recommendation Addendum)</i>
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

<p>Business and Office (Page I-41)</p>	<p><i>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.</i></p> <p><i>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</i></p>
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ZONING RECOMMENDATION ADDENDUM

Applicant: *Manuel J. Menendez Trust*

PH: Z13-077

	<i>allowances of the Residential communities section may be used within the limits provided in this paragraph.</i>
Medium Density Residential (Page I-31)	<i>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.</i>
Medium-High Density Residential (Pg. I-31)	<i>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-90, 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.</i>
Density Averaging (Page I-32.2)	<p><i>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.</i></p> <p><i>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.</i></p>
Objective LU-4 (Page I-11)	<i>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.</i>
Policy LU-4A (Page I-11)	<i>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.</i>

ZONING RECOMMENDATION ADDENDUM

Applicant: *Manuel J. Menendez Trust*

PH: Z13-077

PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>Section 33-311 District Boundary Change</p>	<p>(A) <i>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.</i></p> <p>(F) Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which:</p> <ol style="list-style-type: none"> (1) <i>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;</i> (2) <i>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;</i> (3) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;</i> (4) <i>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;</i> (5) <i>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</i>
<p>Section 33-311(A)(3) Special Exception, Unusual and New Uses.</p>	<p><i>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.</i></p>

ZONING RECOMMENDATION ADDENDUM

Applicant: *Manuel J. Menendez Trust*

PH: Z13-077

33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations	<i>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.</i>
Section 33-311(A)(7) Generalized Modification Standards.	<i>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.</i>

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.

<input type="checkbox"/> WITHDRAW:	<input type="checkbox"/> APPLICATION	<input type="checkbox"/> ITEM(S): _____
<input checked="" type="checkbox"/> DEFER:	<input type="checkbox"/> INDEFINITELY	<input checked="" type="checkbox"/> TO: <u>Indefinitely</u> <input checked="" type="checkbox"/> W/LEAVE TO AMEND
<input type="checkbox"/> DENY:	<input type="checkbox"/> WITH PREJUDICE	<input type="checkbox"/> WITHOUT PREJUDICE
<input type="checkbox"/> ACCEPT PROFFERED COVENANT	<input type="checkbox"/> ACCEPT REVISED PLANS	
<input type="checkbox"/> APPROVE:	<input type="checkbox"/> PER REQUEST	<input type="checkbox"/> PER DEPARTMENT <input type="checkbox"/> PER D.I.C.
	<input type="checkbox"/> WITH CONDITIONS	
<input checked="" type="checkbox"/> 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.

<input type="checkbox"/> WITHDRAW:	<input type="checkbox"/> APPLICATION	<input type="checkbox"/> ITEM(S): _____
<input checked="" type="checkbox"/> DEFER:	<input type="checkbox"/> INDEFINITELY	<input checked="" type="checkbox"/> TO: <u>Oct. 7, 2014</u> <input checked="" type="checkbox"/> W/LEAVE TO AMEND
<input type="checkbox"/> DENY:	<input type="checkbox"/> WITH PREJUDICE	<input type="checkbox"/> WITHOUT PREJUDICE
<input type="checkbox"/> ACCEPT PROFFERED COVENANT	<input type="checkbox"/> ACCEPT REVISED PLANS	
<input type="checkbox"/> APPROVE:	<input type="checkbox"/> PER REQUEST	<input type="checkbox"/> PER DEPARTMENT <input type="checkbox"/> PER D.I.C.
	<input type="checkbox"/> WITH CONDITIONS	
<input checked="" type="checkbox"/> 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 m AMOUNT OF FEE _____

RECEIPT # _____

DATE HEARD: 1/16/15

BY CZAB # CZAB 12



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 application was supported by the Department of Regulatory and Economic 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 [Signature]

Manuel J. Menendez

Print Name

7035 S.W. 44th St. Miami, FL 33155

Mailing Address

305-609-6388

Phone

305-667-0592

Fax

REPRESENTATIVE'S AFFIDAVIT

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

[Signature]
Representing
Signature

Ben Fernandez, Esq.

Print Name

200 S. Biscayne Blvd., # 850
Address

Miami FL 33131
City State Zip

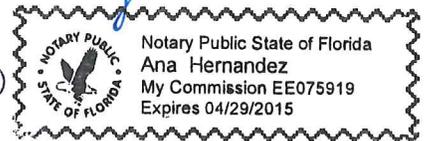
305-377-6235

Telephone Number

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

[Signature]
Notary Public

(stamp/seal)



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)

- 1. Participation at the hearing
- 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]
Signature

Jose Menendez
Print Name

[Signature]
Appellant's signature

Manuel J. Menendez
Print Name

[Signature]
Signature

Erick Valle
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)]



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.

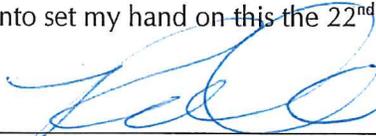
Hearing No. 14-7-CZ12-1
rd

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

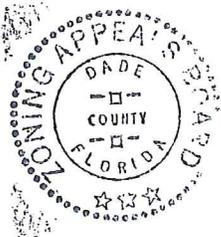
I, Rosa Davis, as Deputy Clerk for the Miami-Dade County Department of Regulatory and Economic Resources as designated by the Director of the Miami-Dade County Department of Department of Regulatory and Economic Resources and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 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





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

January 22, 2015

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

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

Dear Applicant:

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

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

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

Sincerely,

A handwritten signature in blue ink, appearing to be "Rosa Davis". The signature is stylized and cursive.

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:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
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.

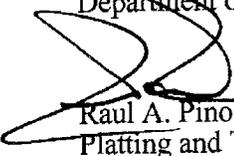
cc: Nathan Kogon, Department of Regulatory and Economic Resources

Memorandum



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



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



Date: May 16, 2014

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

From: Maria I. Nardi, Chief *W.U.*
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



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 supersedes 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:

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

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

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: carlpathos101@aol.com
To: carlpathos101@aol.com



Sent from my iPhone

RECEIVED
2/3/13
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



Sent from my iPhone 243017
RECEIVED
AUG 21 2013
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY _____
FB

SE
↑

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
213-017
AUG 21 2013

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

FB

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: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
_____	_____
_____	_____
_____	_____



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

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
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: _____

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
_____	_____
_____	_____
_____	_____

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

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

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.

<u>N/A</u>	

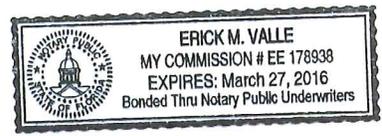
NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature [Signature] (Applicant) MANUEL M. MEDRIZ TRS. (Print Applicant name)

Sworn to and subscribed before me this 29 day of July, 20 13. Affiant is personally know to me or has produced N/A as identification.

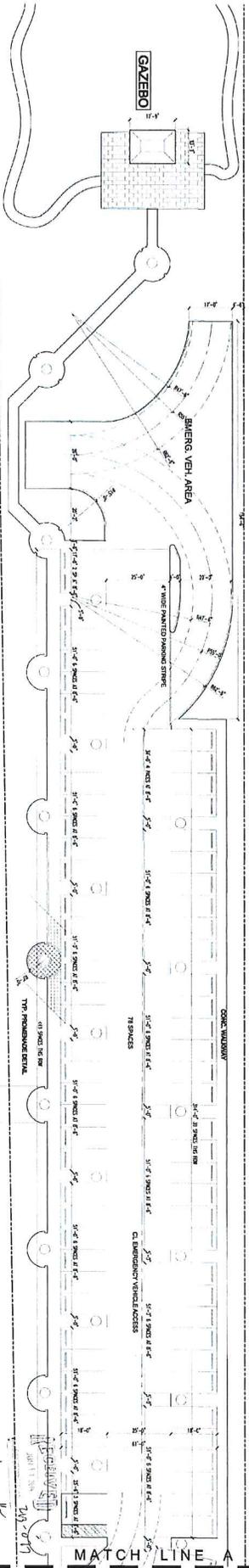
[Signature]
(Notary Public)



My commission expires: March 27/16

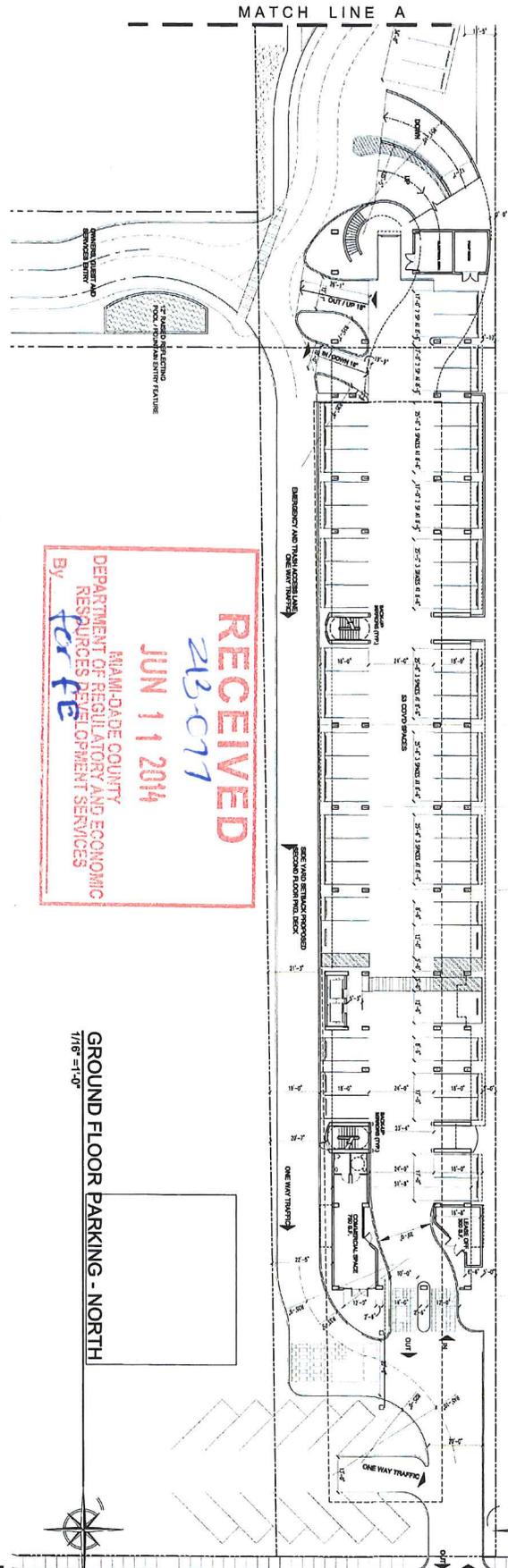
Seal

*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.

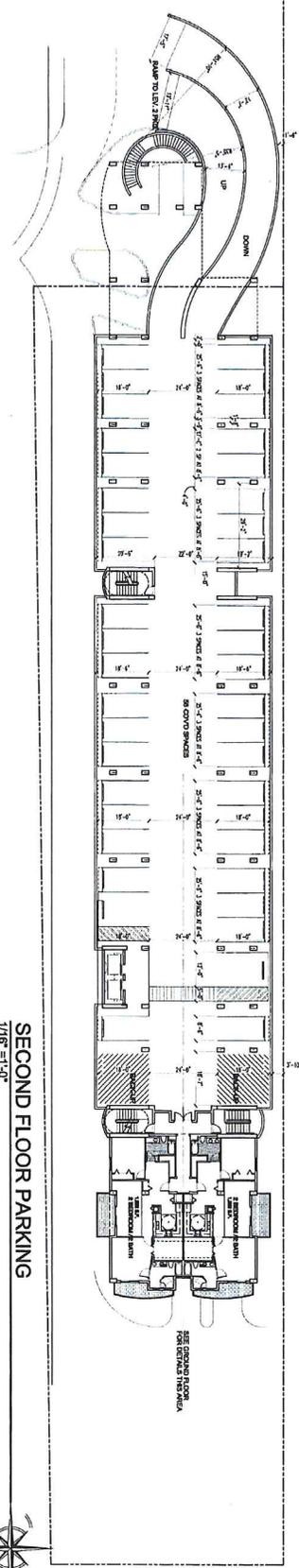


GROUND FLOOR (SURFACE PARKING) - SOUTH
1/16" = 1'-0"

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



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



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

RECEIVED
 213-017
 JUN 11 2014
 MIAMI-DADE COUNTY
 DEPARTMENT OF REGULATORY AND ECONOMIC
 RESOURCES DEVELOPMENT SERVICES
 By *fe fe*

A-2.00

PROJECT NO. 139-071
 DRAWN BY: RJC
 DATE: 6-4-14
 SCALE: AS NOTED
 CHECKED: RJC

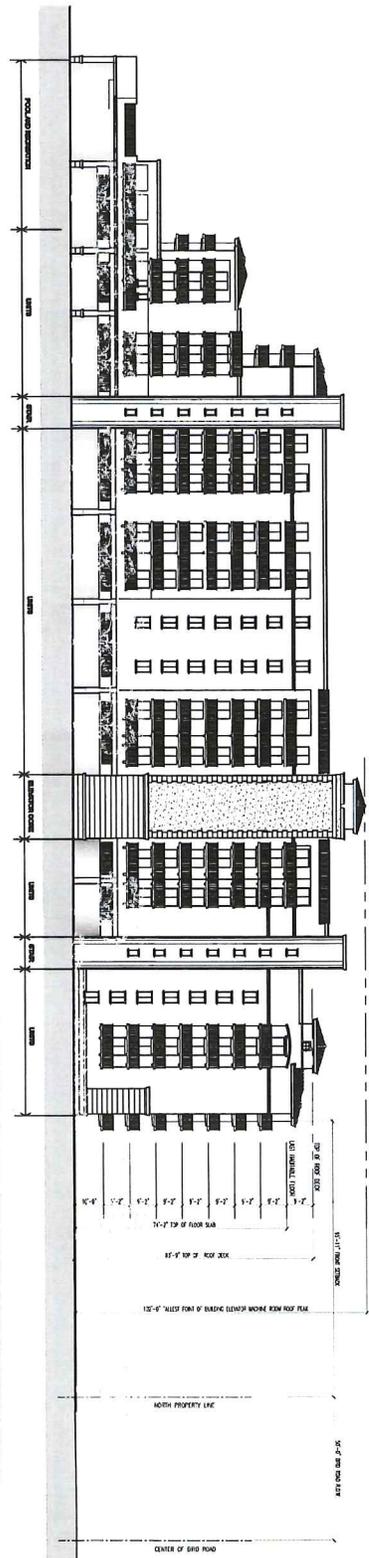
A NEW DEVELOPMENT
Central Park Apartments
 Manuel J. Mendez as Trustee (owner)
 6950 S.W. 40TH St. Miami, Florida 33155

COLLADO AND PARTNERS INC.
 ARCHITECTURE PLANNING INTERIORS
 100 ARABIAN AVENUE 2ND - CORAL GABLES, FLORIDA 33134

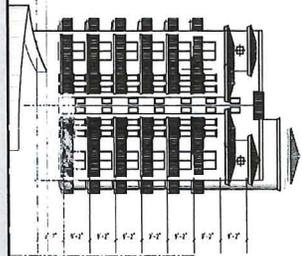
NO.	DATE	REVISION	TYPE

46

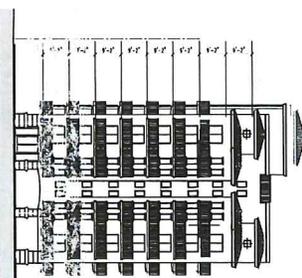
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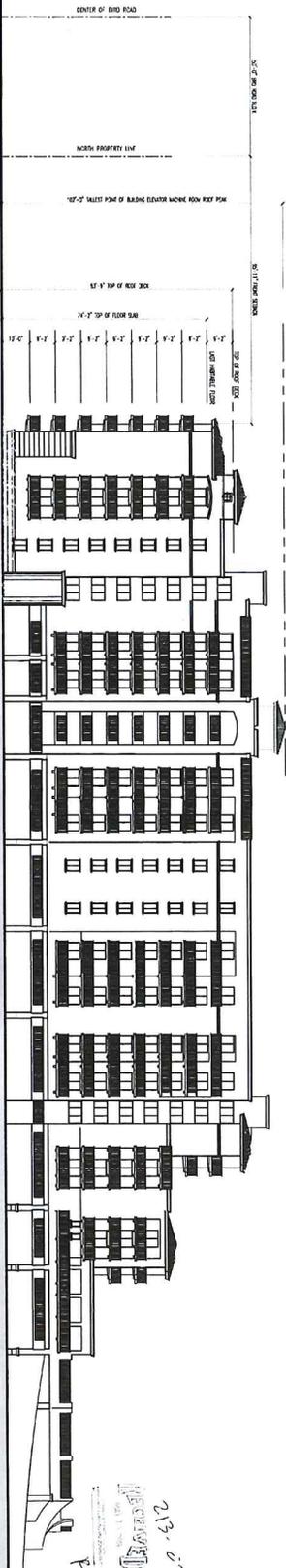
EAST ELEVATION (TO POST OFFICE NEIGHBOR)
 1/16" = 1'-0"



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"

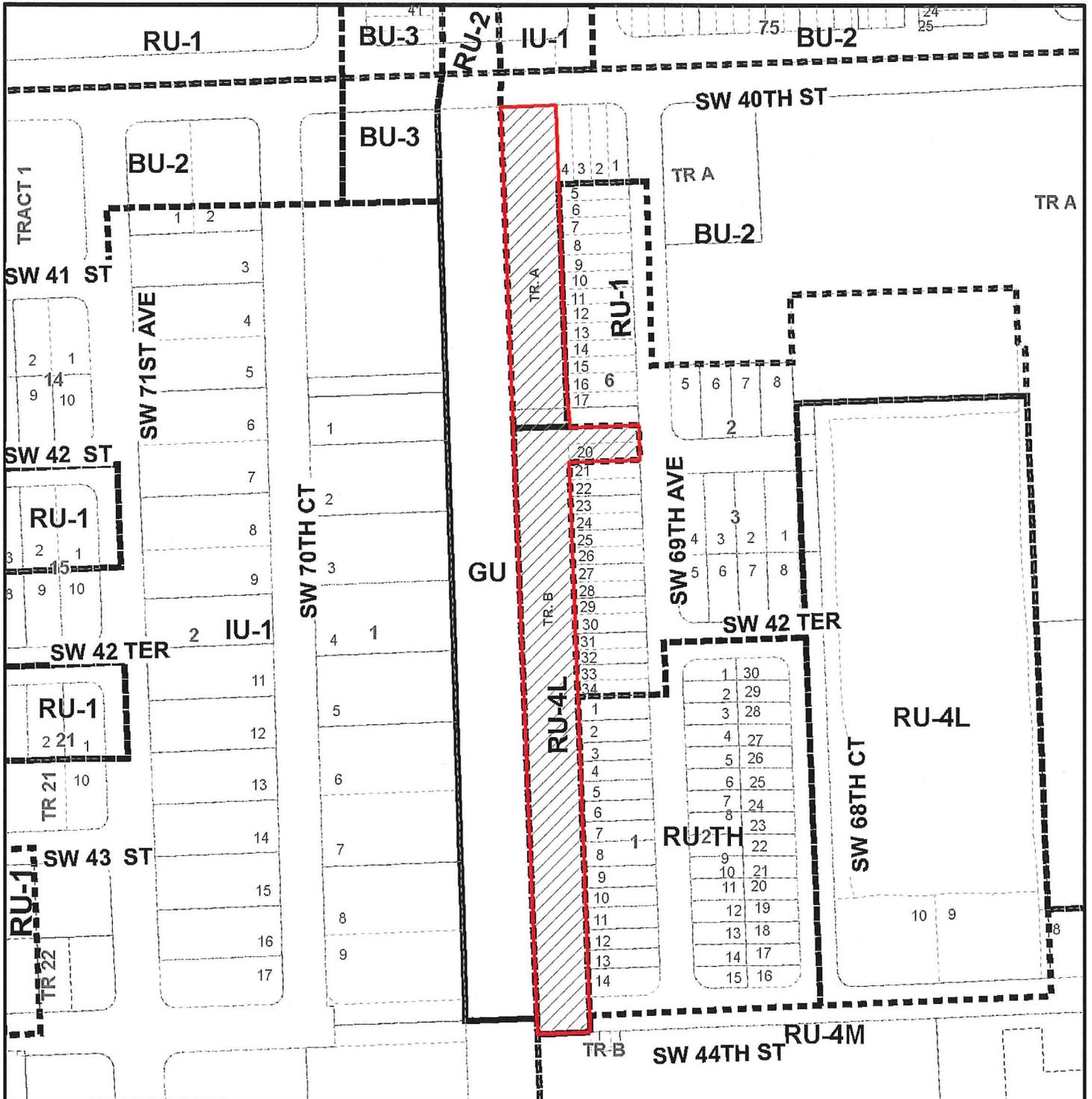
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DATE: 2/3/14
 DRAWN BY: BJC
 CHECKED BY: BJC
 SCALE: AS NOTED
 PROJECT NO.: A-4.00

Central Park Apartments
 Manuel J. Menendez as Trustee (owner)
 6550 S.W. 40TH ST. Miami, Florida 33155

COLLADO AND PARTNERS INC.
 ARCHITECTURE PLANNING INTERIORS
 30 ALAMAR AVENUE SE • CORAL GABLES, FLORIDA 33134 • TELEPHONE: (305) 441-1414 FAX: (305) 441-1415
 L.P. # 0000000000

NO.	DATE	REVISION TYPE



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

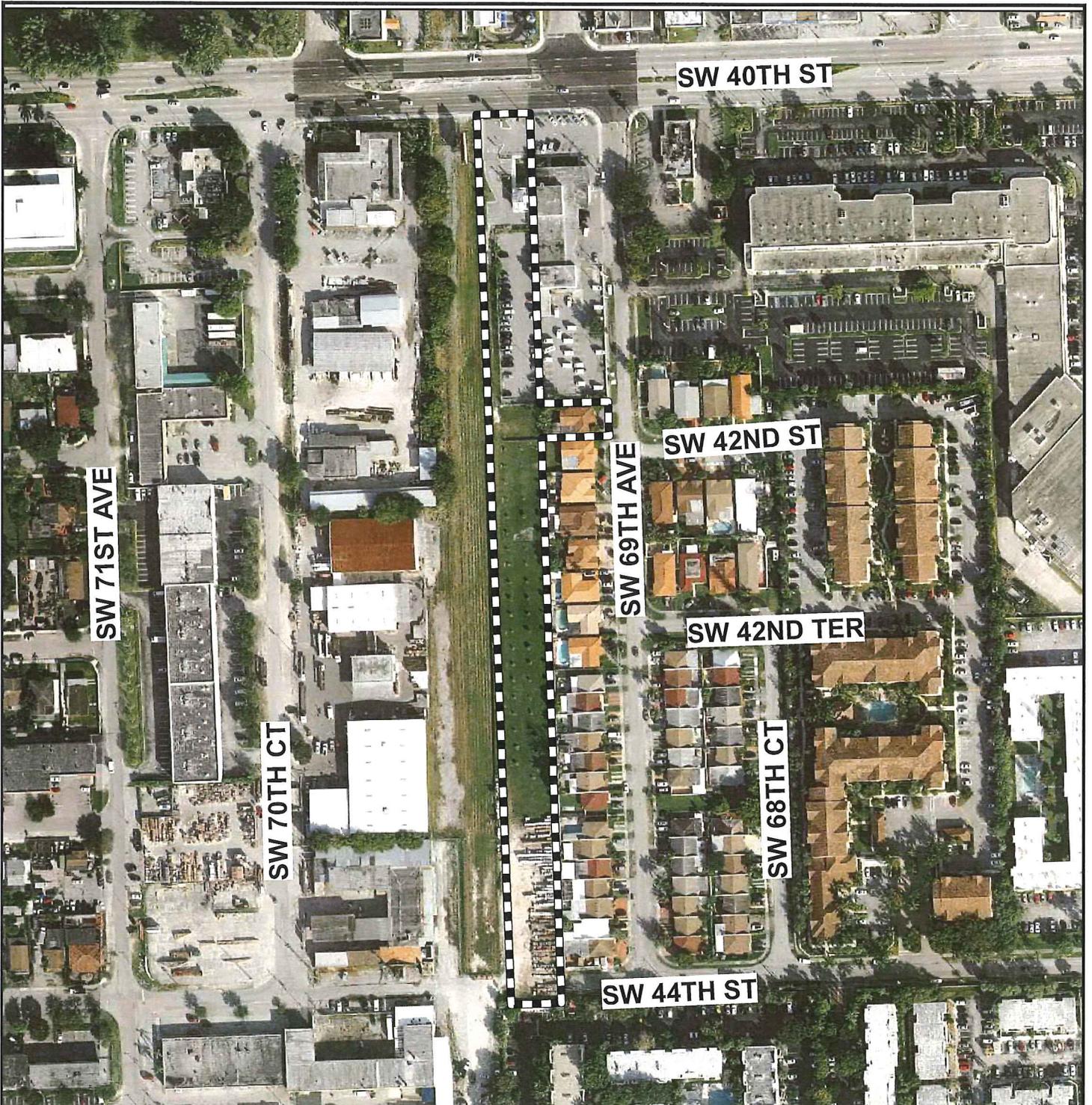
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- Subject Property Case
- Zoning



SKETCH CREATED ON: Wednesday, June 4, 2014

REVISION	DATE	BY
		52



MIAMI-DADE COUNTY
AERIAL YEAR 2012

Process Number
Z201300077



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

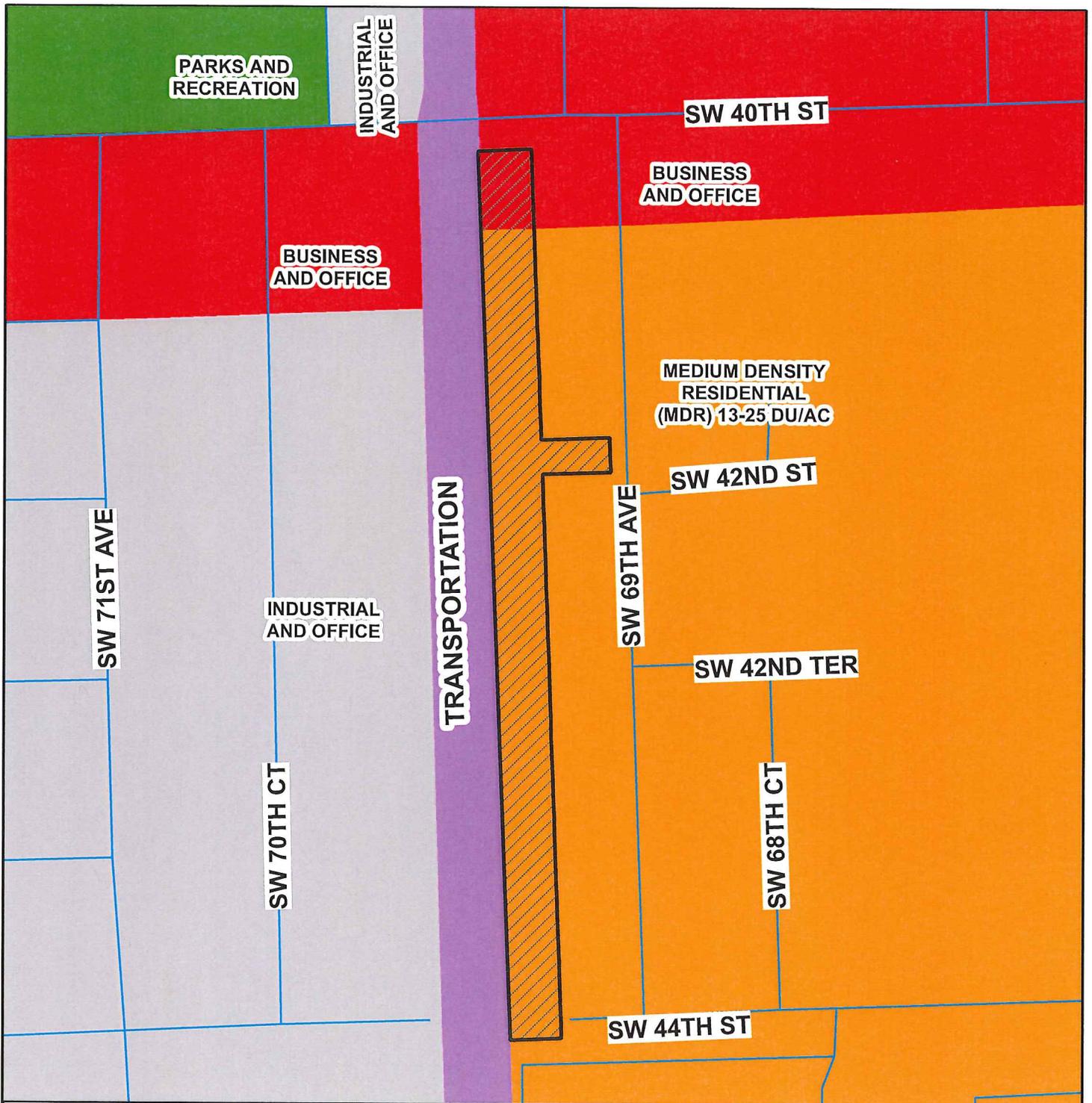
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 Subject Property



SKETCH CREATED ON: Thursday, September 12, 2013

REVISION	DATE	BY
		53



MIAMI-DADE COUNTY
CDMP MAP

Process Number

Z2013000077



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

Legend

 Subject Property Case



SKETCH CREATED ON: Thursday, September 12, 2013

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COMMUNITY ZONING APPEALS BOARD - AREA 12

KENDALL VILLAGE CENTER - CIVIC PAVILION

8620 SW 124 AVENUE, MIAMI

Tuesday, January 6, 2015

6:30 p.m.

ITEM NO:

MANUEL J. MENENDEZ TRUST
13-77

BOARD MEMBERS

Present:

Elliott N. Zack, Chairman
Peggy Brodeur
Javier Gonzalez-Abreu
Matthew Larsh
Jose I. Valdes
Angela Vazquez

STAFF PRESENT:

Rosa Davis
Carl Harrison
Abbie Schwaderer-Raurell, Assistant County Attorney

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I N D E X

BOARD MEMBERS

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Ms. Santana	51-54,55
Ms. Bavarian	53-60,61
Mr. Shershin	62,63
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* * * * *

(All witnesses were sworn in by the Court Reporter.)

* * * * *

MS. DAVIS: In accordance with the Code of Miami-Dade County, all items to be heard this evening have been legally advertised in the newspaper, notices have been mailed and the properties have been posted. Additional copies of the agenda are available here at the meeting. Items will be called up to be heard by agenda number and name of applicant. The record of the hearing on each application will include the records of the Department of Regulatory and Economic Resources. All these items are physically present this evening available to all interested parties and available to the Members of the Board who examine items from the record during the hearing. Parties have the right of Cross-Examination.

This statement, along with the fact that all witnesses have been sworn, shall be included in any transcript of all or any part of these proceedings.

In addition, the following departments have representatives present here at the meeting

1 to address any questions: The Zoning Evaluation,
2 Platting and Traffic Review Section of the
3 Department of Regulatory and Economic Resources,
4 and the County Attorney's Office.

5 All exhibits used in presentation before
6 the Board become part of the public record and
7 will not be returned unless an identical
8 letter-size copy is submitted for the file.

9 Any person making impertinent or
10 slanderous remarks, or who become boisterous while
11 addressing the Community Zoning Appeals Board
12 shall be barred from further audience before the
13 Community Zoning Appeals Board by the presiding
14 officer, unless permission to continue or again
15 address the Board be granted by the majority vote
16 of the Board Members present.

17 The number of filed protests and waivers
18 on each application will be read into the record
19 at the time of hearing as each application is
20 read.

21 Those items not heard prior to the
22 ending time of this meeting will be deferred to
23 the next available zoning hearing meeting date for
24 this Board.

25 * * * * *

1 CHAIRMAN ZACK: Call the first item.

2 MS. DAVIS: Item A, 14-7-CZ12-1, Manuel
3 J. Menendez Trust, 26 protests, zero waivers.

4 COUNCILMAN LARSH: Mr. Chairman, before
5 we begin, I just want to make known that I have a
6 passing acquaintance with one of the Menendez
7 family. It is not a conflict of interest. I just
8 want to puts it on the record.

9 MR. FERNANDEZ: Good evening, Mr. Chair,
10 Members of the Board. Ben Fernandez, 200 South
11 Biscayne Boulevard, here on behalf of the
12 applicant, Manuel J. Menendez Trust.

13 And this application is one that was
14 before you previously on October 7th. It was
15 deferred. We're coming back to you this evening
16 after having studied the issue closely, having
17 conducted a market analysis of the area, and
18 having consulted with some of our internal team,
19 including Mr. Guillermo Olmedillo, the former
20 Planning Director for Miami-Dade County who is
21 with us this evening, our project architect, Ramon
22 Collado, and, of course, Mr. Menendez and
23 Mr. Menendez, Jr., who are here this evening, as
24 well.

25 we also had a neighborhood meeting that

1 was held on December 1st with several neighbors
2 attending. I'm happy to report to you that
3 irrespective of the protest that may have been
4 filed, we do have six supporters that have signed
5 in support of the application. I believe that you
6 may hear from some supporters, as well.

7 We strongly believe that this is a
8 project that will bring a new building to the Bird
9 Road corridor that will make an attractive
10 architectural statement. I think that that is
11 really something that is sorely needed along this
12 segment of Bird Road, personally having grown up
13 in the area and having driven this corridor for 40
14 years.

15 I can tell you, one thing that is
16 interesting about Bird Road is that it's got a lot
17 more traffic than it has ever had, it's a lot
18 larger than it has ever been, and yet you look at
19 it and it looks the same as it looked --
20 practically the same, you know, 30 years ago.

21 And the problem with that is that the
22 scale of the road has changed, the intensity of
23 the road has changed, and, typically, when you
24 have a road with a larger scale and more
25 intensity, you want to somewhat increase, or at

1 least vary the height of buildings on either side
2 of the roadway. That is, typically, the scale
3 that most professional planners will tell is
4 appropriate. The more intense the road, the more
5 important it is to have at least some variation in
6 terms of the height of the structures that meet
7 the roadway. That makes the pedestrian on the
8 street feel a little bit more comfortable, a
9 little more protected than simply having,
10 potentially, a one-way strip with one and
11 two-story development all the way through Coral
12 Gables to the 836.

13 So, we believe that this property is the
14 most appropriate for this type of varied type of
15 development, not only because of its location on
16 Bird Road, not only because of its location near a
17 major public park, near a railway corridor, but
18 also because of the property's unique lot
19 configuration. It is, essentially, a very long
20 and narrow -- only one hundred foot wide lot --
21 that is zoned for relatively high intensity
22 development. You have BU-2 zoning up against Bird
23 Road, which would allow us, essentially, to build
24 a building practically this height today without
25 having to come before the Board for approval. And

1 then you have the segment behind the building, you
2 can see the long narrow configuration on this
3 board. The portion behind the sort of T-shape is
4 the portion that is residential in character,
5 R4-L, from here down. And then you have a series
6 of existing townhomes here, you have a mixture of
7 apartment and townhome development to the east,
8 and you have an industrial area -- an entirely
9 industrial area, really, to the west. And then
10 you have the U.S. Post Office which is on property
11 that is owned by our client that is up against
12 Bird Road next to the entrance to the building.

13 So, we believe that this plan is a much
14 better plan than the 2005 plan for the property
15 that was approved by this Council back then, and
16 it is the subject of the covenants that we are
17 requesting that you release this evening. That
18 plan, you see here in this exhibit, and it
19 features two access ways into the residential
20 area. So, if you're looking at this project, it
21 would really be -- it would really look like this,
22 where you would have a series of townhomes and
23 roadways going through. This would be the
24 existing townhomes. This plan featured ingress
25 and egress that was entirely through the

1 residential neighborhood. It did not include the
2 commercial component on Bird Road as part of its
3 plan.

4 So, what we are doing with this
5 application is requesting a rezoning from RU-4L to
6 RU-4M in order to accommodate this new building
7 entirely within the commercial component of the
8 property.

9 So, what you would have is, essentially,
10 a building that would be sloping from Bird Road,
11 at its highest point, which is approximately 100
12 feet, down towards the south, down to 50 feet.
13 So, you would have a separation of approximately
14 80 feet between the nearest home and the lowest
15 point of the project, which would be approximately
16 five stories.

17 So, in terms of compatibility, the
18 difference is that the 2005 plan approved a
19 three-story townhome project about 30-feet away
20 from existing townhomes, and this building is
21 going to bring approximately a five-story product,
22 but about 80 feet away from the nearest townhome.

23 So, if I'm sitting in a townhome over
24 here, what I'm looking at is, essentially, five
25 stories, if I could see it. Of course, you

1 wouldn't see it because we have a liner of oak
2 trees that will be planted, which you can see --
3 you can see on the landscape plan here. As the
4 project continues behind the townhomes, we have a
5 series of trees, oaks and palms, that line the
6 proposed parking lot that would be behind the
7 building.

8 And forgive me if I'm repeating some of
9 the things that may have been said in October,
10 when you heard this application, but I'm new to
11 the representation, so let me know if I'm being a
12 bit too repetitive.

13 But the point is that the existing homes
14 are going to have no structures behind them. They
15 are going to have a surface parking garage with a
16 landscaped buffer and a gazebo area in the back.

17 CHAIRMAN ZACK: Can you identify on one
18 of the maps where the proposed building is in
19 relation to the existing townhomes on 69th Avenue?

20 MR. FERNANDEZ: Yes, I think this does
21 it best, Mr. Zack. This exhibit shows you the
22 proposed building. These are the townhomes that
23 are existing, and then you see -- this would be
24 the ingress and egress point, secondary ingress
25 and egress point, principal ingress and egress

1 being on to Bird Road. So, everything that is
2 south of this street would be a surface parking
3 area and landscape. There would be absolutely
4 zero connection, so to speak, between the proposed
5 building, multi-family building, which ends here,
6 with a pool. So, you have a recreational area and
7 a pool, which will be closest to the townhomes.
8 And, still, that separation would be well over 80
9 feet. You wouldn't begin to appreciate anything
10 over five stories until you get to the middle of
11 the project, which is already in the commercial
12 area behind the United States Post Office.

13 Again, in terms of the difference in the
14 product type, 2005 product was a townhome product
15 with approximately 2000-plus square feet. The new
16 product is a smaller product, more geared towards
17 this particular market, and it would introduce 78
18 new apartments to the corridor with 1,000 feet of
19 commercial area next to the post office.

20 Again, the existing 2005 plan we think
21 provides little privacy to the existing homes.
22 It, also, has townhomes that face the existing
23 townhomes. And the reason for that is that we
24 have a railroad right-of-way, and FEC corridor,
25 behind the townhomes, so it was necessary, in

1 2005, to orient these townhomes towards the
2 existing homes. So, these homes, if they were to
3 be developed, would be at three stories and
4 wouldn't necessarily be looking down into all of
5 these existing homes to the east. That is not
6 going to happen with this plan because there will
7 be townhomes behind these existing townhomes. We
8 think that is something that we would really like
9 you to focus on. That, and the fact that there is
10 nothing wrong with having a taller building, and a
11 building variation, on Bird Road. And this
12 building is to be located entirely within the
13 segment of the property that is already zoned BU-2
14 and anticipates the higher intensity development.

15 The project is consistent with the
16 Comprehensive Plan designation that exists today
17 which is medium density residential that allows up
18 to 25 dwelling units per acre. The plan also
19 allows us to density average between the parcels.
20 And what we're doing here is, essentially, moving
21 all of the density that we are proposing on to the
22 Bird Road corridor so that the remainder of the
23 project can remain undeveloped and serve as a
24 better transition into the existing neighborhood
25 then the 2005 plan.

1 And, what I would like to do is ask
2 Mr. Guillermo Olmedillo to come up and tell you a
3 little bit more about how the project is
4 consistent with the goals and objectives and
5 policies of the Comprehensive Master Plan.
6 Guillermo?

7 MR. OLMEDILLO: Thank you,
8 Mr. Fernandez.

9 Good evening, Chair, Members of the
10 Board, Happy New Year and a healthy one. My name
11 is Guillermo Olmedillo, for the record, 6840
12 Southwest 130 Terrace, Miami, Florida 33156. And
13 I was asked to assist the property owner in the
14 proceedings and going through the entitlement
15 process so that we can bring this project to a
16 realization.

17 Obviously, you have read the
18 recommendation from the Department. You have
19 sufficient substantial competent evidence already
20 in the record. When the Department tells you it
21 is consistent with the Master Plan, it is
22 compatible with the area. This is the type of
23 development that we would like to see in this
24 corridor.

25 I passed out to Rosa, she's kind enough

1 to pass it around, a couple of sheets from the
2 CDMP, the Comprehensive Development Master Plan,
3 which, if you ask your attorney, it will tell you
4 that that is the Constitution for land use. That
5 is what guides growth and development in
6 Miami-Dade County.

7 when you look at the preface, which is
8 one of the sheets that I handed out, and you have
9 in the second paragraph, the CDMP is very clear.
10 It says, "Establishes a growth policy that
11 encourages development at a rate commensurate with
12 projected population and economic growth." This
13 community is growing by leaps and bounds. The
14 market for land in Miami-Dade County is out of
15 sight. You read in the paper how somebody
16 bought -- those who are long-term residents
17 remember the Dupont Plaza. Half of the site in
18 the Dupont Plaza was purchased for 125 million
19 dollars, a piece of dirt. And that's half of the
20 site that was occupied by the Dupont Plaza in
21 Downtown Miami.

22 Up in Bal Harbor, five and a half acres
23 sold for 258 million dollars, the dirt only, to do
24 280 units. So, that gives you an idea of the
25 expectation of growth in this community is large,

1 it is great. The population projects that you can
2 see that are contained in the Comprehensive
3 Development Master Plan shows you that this is a
4 population that keeps on growing.

5 And it also says, "In a contiguous
6 pattern center around a network of high intensity
7 urban centers well connected by multi mode
8 inter-development urban transportation
9 facilities."

10 Remember, you are close to 67th Avenue,
11 which is a section-line road. You are close to
12 the Palmetto, which is an expressway, and you are
13 on Bird Road, which is a section-line road. That
14 is the network that the CDMP is speaking about.
15 You have a network of services, you have an
16 infrastructure which is located in place, and that
17 is where growth is encouraged by the Comprehensive
18 Plan.

19 Then it says, "Locations which optimize
20 efficiency in public service delivery," and
21 reinforcing the concept that that is where growth
22 should occur.

23 Then, if you turn to the statement of
24 Legislative Intent, and when you write these
25 documents you think, you know, this is like the

1 preamble of the Constitution for Land Use. It
2 tells you what the CDMP means. If you look at
3 Item No. 1 it says, "Nothing in the CDMP should be
4 construed or applied to constitute a temporary or
5 permanent taking of private property, or the
6 abrogation of vested rights as determined to exist
7 by the Code of Miami-Dade County."

8 Obviously, you have a certain zoning
9 designation for the front portion of the building,
10 so that is something that is already inherent in
11 the property.

12 Then you look at No. 3, it says, "The
13 CDMP is intended to set general guidelines and
14 principals concerning its purpose and content.
15 The CDMP is not a substitute for land development
16 regulations."

17 Again, that reinforces the fact that
18 there is a land development regulation, there is a
19 zoning category which has to be applied on the
20 front of the property. And the attorney has
21 indicated to you which is the line that divides
22 the lesser intensity to the more -- the higher
23 intensity portion of the property.

24 And, then, it tells you on number six,
25 how these boards are supposed to balance all these

1 things so that when you -- when you think about --
2 when you debate this issue, you have a
3 comprehensive look at that.

4 when you look back and you refer back to
5 the recommendation written by the Department to
6 you all, they are indicating to you, this is the
7 right place to bring this growth, this is the
8 right shape of building that we would like to see
9 in that corridor, and this is the right kind of
10 application that we support.

11 So, all the substantial competent
12 evidence that you need to make an educated and a
13 substantiated decision is in your hands.

14 If you have any questions, obviously, we
15 are available. But that's -- I think I rest my
16 case. I don't want to make it any longer than it
17 needs to be. But we welcome any questions that
18 you may have. Thank you very much.

19 CHAIRMAN ZACK: Thank you.

20 MR. FERNANDEZ: Thank you, Guillermo.

21 One thing that Guillermo said that I
22 think is very important is that this is an urban
23 infill site, and as such, it is very different
24 from many of the other sites that this Board,
25 Council 12, typically considers that are not

1 within an urban infill area.

2 So, I think you need to try to look at
3 it a little bit differently from the types of
4 projects that are, perhaps, more appropriate west
5 of the Palmetto Expressway, which is the urban
6 infill boundary. And I know that may be difficult
7 to do, but I think it is something that the
8 Comprehensive Plan really requires you to do.

9 The building is appropriate based on its
10 proximity to the commercial node. As you heard
11 staff say, this is on a section-line roadway. It
12 is at the intersection, practically, of two
13 section-line roadways, which is the commercial
14 node of Bird Road and Southwest 67th Avenue. You
15 can see from this image here the very large Winn
16 Dixie Shopping Center, which I'm sure all of you
17 have seen, which sort of faces northeast. It is
18 just about a block away from this site, which
19 would be at the periphery -- puts this site in the
20 periphery of the commercial node which is, of
21 course, an area where the Comprehensive Plan calls
22 for the highest or higher intensity uses.

23 So, this is -- if you're going to
24 approve a building, such as this, that is
25 consistent with the higher intensity of the

1 existing zoning, this is the place to put it.

2 It's also important for you to consider
3 that this would be a project, a new project, that
4 would really begin to change the face of
5 development on Bird Road. It's something that,
6 you know, we just haven't seen. We've been
7 through two development booms and nothing has
8 really changed significantly. This would bring a
9 true quality architecture to this site. I don't
10 think you have seen this sort of project before in
11 this particular area.

12 And with respect to the Staff's
13 recommendation, well, you have substantial and
14 competent evidence, clearly, to support the
15 application. You have no objection from your
16 Division of Environmental Resource Management.
17 You have no objection from the Platting and
18 Traffic Review Section of the County, no objection
19 from Parks and Recreation and Open Space, no
20 objection from Fire Rescue, no objection from the
21 Police Department, and no objection from the
22 schools.

23 COUNCILWOMAN BRODEUR: Can I ask a
24 question?

25 Are you --

1 MR. FERNANDEZ: I'm wrapping up, yes.

2 COUNCILWOMAN BRODEUR: We've heard this.
3 You are not the first -- this is the second time
4 and we've got a lot of cases.

5 MR. FERNANDEZ: Right.

6 COUNCILWOMAN BRODEUR: Now, you made a
7 statement that nothing has changed. Do you
8 understand why certain areas don't change? Is
9 that a mystery to you?

10 MR. FERNANDEZ: Well, some areas deserve
11 protection, but other areas call for greater
12 intensity. And this is one of the areas where the
13 Comprehensive Plan calls for greater intensity.

14 COUNCILWOMAN BRODEUR: Well, sitting on
15 the Board for 15 years, I would suggest to you to
16 consider the fact that certain areas do not change
17 because they don't want it to change, they want it
18 to keep it small, cozy, and intimate. And this is
19 something that a lot of the developers do not
20 understand. They have a lot of ambition, and then
21 they end up with a lot of vacancies for certain
22 neighborhoods.

23 MR. FERNANDEZ: Well, Ms. Brodeur, and
24 your point is very well taken. And what I would
25 say to that is that I would agree with you. And I

1 will tell you that there has also been a lot of
2 criticism of the cookie-cutter type of development
3 that pervades Kendall, for instance, many parts of
4 Kendall where you have a monotony of two and
5 three-story townhomes that are just repetitive.
6 And, so, what this developer has tried to do is to
7 discontinue that trend of development, which is
8 what you have in this pocket behind the Winn
9 Dixie, primarily, and leave an open space
10 immediately abutting the existing townhomes by
11 locating the parking area and the gazebo, and the
12 parking space, all up against those existing
13 homes, and putting all of the new development
14 within the commercially zoned property.

15 So, essentially what we are saying here
16 is, allow us to develop this property as if it
17 were a commercial development, replace it with
18 residential units, and allow us to provide the
19 parking for it in a long surface parking area
20 behind the building that would have a lushly
21 landscaped space on the other side of it leading
22 to a gazebo and a green area. I think that that
23 barely interferes with the existing residential
24 development next to it, it maintains the quality
25 of life that the people in the area are accustomed

1 to, and it also makes and architectural statement
2 and begins to vary the form of architecture along
3 Bird Road. I think that is what we are trying to
4 say here.

5 COUNCILWOMAN BRODEUR: We have a couple
6 of highrises and they are not doing well at all,
7 on Bird Road, further down that property.

8 One of the things that I would like to
9 call to your attention is the fact that
10 working-class people do not have available to them
11 good locations. Now, this is a perfect location
12 for working-class rental. Is this a rental, or
13 condo, or what is the concept here?

14 MR. FERNANDEZ: The idea is to sell the
15 condos fee simple. That's the concept.

16 COUNCILWOMAN BRODEUR: So it's a
17 condominium sale?

18 MR. FERNANDEZ: Yes, but it would be --

19 COUNCILWOMAN BRODEUR: Two bedroom and
20 one bedroom, mostly?

21 MR. FERNANDEZ: Yes, yes.

22 COUNCILWOMAN BRODEUR: Well, I just want
23 to -- Ben, I've read a great deal of the lack of
24 housing for working-class people, and it seems to
25 me this is a very good location for housing for

1 working-class people who need better prices
2 because this is a modest, simple, everyone knows
3 everyone in the neighborhood. And the reason it
4 hasn't changed a lot is because they're happy.
5 You know, there are people that are happy in these
6 neighborhoods, that like it the way it is. And it
7 isn't our -- it isn't our right to go and tell
8 them how to run their neighborhood. I just
9 thought I would mention that to you.

10 MR. FERNANDEZ: Absolutely.

11 COUNCILWOMAN BRODEUR: We haven't got a
12 right to tell them, well, you have this kind of a
13 store and it doesn't blend in with the modern
14 bla-bla-bla, and we think someone should come in a
15 remodel. Same thing with the B-2 zoning. They
16 have a right to their kind of construction, they
17 have a right to their businesses, and we shouldn't
18 incur into their business and try to change their
19 business zoning because there aren't a lot of
20 areas that have B-2 zoning, so we need that
21 particular zoning for those people. It is
22 something to throw out to you to understand where
23 I'm coming from.

24 MR. FERNANDEZ: And I can certainly
25 respect that, Ms. Brodeur. We do try to balance

1 some of it. We do have a commercial component.
2 we have a commercial component to this project.

3 COUNCILWOMAN BRODEUR: Then you have to
4 have a place where people can afford to live.

5 MR. FERNANDEZ: Sure. But, also, keep
6 in mind, if I may just remind the Board, that
7 there is an industrial area immediately to the
8 west. So, developing the southern reaches of the
9 property with residential units would only bring
10 those residential units immediately up against the
11 industrial development which also isn't the best
12 situation.

13 COUNCILWOMAN BRODEUR: It is not the
14 best location. That is what I'm saying.

15 MR. FERNANDEZ: That's right.

16 COUNCILWOMAN BRODEUR: We don't have the
17 best location. We have people who need modest
18 kind of housing, and I just would like
19 Mr. Menendez to think of that in his thoughts,
20 that we need housing in the city for people who
21 don't need the best location.

22 MS. SCHWADERER RAURELL: I just have a
23 minor housekeeping matter.

24 CHAIRMAN ZACK: The County Attorney has
25 a procedural statement. You can go forward.

1 MR. FERNANDEZ: Yes, sir. Yes,
2 Mr. Chairman.

3 MS. SCHWADERER RAURELL: Just a minor
4 housekeeping matter. Now that we've had elections
5 for a new chair, I just wanted to confirm that
6 Chair Valdes does wish to pass the gavel to
7 Councilman Zack to continue on with the meeting.

8 COUNCILMAN VALDES: Yes. For the
9 benefit of the record, for the balance of this
10 meeting I will pass the gavel to Councilman Zack.

11 CHAIRMAN ZACK: Thank you.

12 COUNCILMAN VALDES: I have a question.
13 Under the BU-2 zoning that is on Parcel A, the
14 northern parcel, how high could they go right now,
15 as a matter of right?

16 MR. FERNANDEZ: I know that on the RU-4L
17 you can go to sixty feet. I believe the BU-2 will
18 allow you to go to 100 feet, as well. But I would
19 defer to Ms. Davis.

20 MR. HARRISON: Through the Chair, I will
21 try to get the exact height for you. I would
22 rather not shoot from the hip on that one.

23 MR. FERNANDEZ: But certainly I can tell
24 you that the RU-4L, existing RU-4L component,
25 which begins right --

1 COUNCILMAN VALDES: Parcel B.

2 MR. FERNANDEZ: -- that allows you to go
3 to 60 feet, by right, which, of course, we are
4 leaving at zero.

5 CHAIRMAN ZACK: while he is looking for
6 that, I understand that the highest point in your
7 proposed is 100 feet; is that correct?

8 MR. FERNANDEZ: The highest point is 100
9 feet, according to Staff. My plan shows that the
10 highest point is, approximately, 86 feet. But I
11 don't know how Staff is interpreting that.

12 CHAIRMAN ZACK: They came up with that
13 100 feet number.

14 MR. FERNANDEZ: My plans show,
15 approximately, 86 feet. We can look at that
16 height.

17 MR. HARRISON: Through the Chair, just
18 for clarification, in the BU-2 zoning district
19 there is no height restriction except, what it
20 actually states that the maximum height of the
21 building is not limited except in all of the
22 provisions of this Article and must be complied
23 with -- I'm sorry, "And all of the provisions of
24 this Article must be complied with, especially the
25 floor area ratio and lot coverage and landscape

1 open space."

2 So, what the Code is saying there is
3 that depending on the size of the parcel, the
4 height of this building will only be restricted by
5 the floor area ratio. And so it basically depends
6 on the size of the property and how and what ratio
7 they would have for height for that particular
8 building. So, there's no restriction based on
9 what I see here.

10 COUNCILMAN VALDES: If I could, it's a
11 peculiar lot, it's 100 feet wide, and it's very
12 deep. Based on the floor area ratio, what would
13 be the limitations, if any, to the existing BU-2?

14 MR. HARRISON: Through the Chair, at
15 this moment, I wouldn't want to go and give you a
16 calculation without being able to sit and look at
17 the specifications of the BU-2 portion of the
18 parcel. I would have to sit down and look at that
19 property before I could give you a specific answer
20 to what the maximum height that would be allowed.

21 MR. FERNANDEZ: But the floor area, if I
22 may, Mr. Harrison, the floor area does increase as
23 the number of stories increases. So, you actually
24 are able to develop more building as you add
25 stories. So, we think we could probably reach a

1 comparable height under a commercial project here.

2 CHAIRMAN ZACK: And your actual height
3 that you calculated is --

4 MR. FERNANDEZ: 86. I think Staff gets
5 to 100 because they are counting the elevator
6 shaft that exceeds the top of the slab. But the
7 top of slab is about 86 feet.

8 MR. HARRISON: Through the Chair, and
9 just for clarification, the height that the
10 building is at, that they're proposing for this
11 building is actually within -- they have not gone
12 to the maximum, they're within the height
13 limitation of the BU-2 parcel.

14 MR. FERNANDEZ: So, while Carl is taking
15 a better look at that -- thank you, Carl. Your
16 staff recommendation, also, indicates that we meet
17 all of the relevant legal standards for approval.

18 with respect to the rezoning, the
19 compatibility of the project with the existing
20 zoning and the surrounding commercial area means
21 that we comply with section 33.311.

22 with respect to the non-use variances
23 that we are requesting, they involve a waiver of
24 the typical wall that is required between
25 dissimilar land uses because we have one project

1 that spans two different zoning districts. We are
2 asking for a waiver of that requirement. And
3 staff finds that we meet Section 33.311(a)4(b),
4 non-use variance standards there.

5 And with respect to the modification or
6 deletion of the prior covenants and replacement
7 with the new covenant that you have in your
8 package, staff has also indicated that we meet
9 section 33.311(a)7 standards for modification
10 because the new covenant presents a project that
11 is, essentially, compatible and doesn't generate
12 any type of obnoxious uses or things that would be
13 incompatible with the surrounding area.

14 And, finally, staff recommendation
15 points out that we meet the exception criteria for
16 a residential use within the commercial zoning,
17 BU-2, which is required by your Code. And that is
18 section 33.311(a)3. We meet the exception
19 criteria. Essentially, without boring you with
20 every prong of those tests, but it's basically a
21 compatibility standard.

22 I think staff recognizes that what we
23 tried to do is not exceed the permitted intensity
24 of development on this parcel. We've tried to
25 aggregate it all as close to the commercial

1 corridor as possible, create an attractive
2 transition for the existing homes that are to the
3 south. And, that is what we've done. And we'll
4 ask you to support it. And we are here to answer
5 any questions that you may have.

6 CHAIRMAN ZACK: Thank you very much.

7 COUNCILMAN VALDES: Through the Chair, I
8 have a quick question.

9 CHAIRMAN ZACK: I assume you want to
10 retain time for rebuttal?

11 MR. FERNANDEZ: I would, yes, Mr. Zack.
12 Thank you.

13 COUNCILMAN VALDES: Just a very quick
14 question. In our package, on the first paragraph
15 it says that the applicant has since informed
16 staff that they have been unable to revise the
17 plans and have asked to move forward with the
18 existing plans. When they use the term, has been
19 unable to revise the plan, what exactly does that
20 mean?

21 That's what it says.

22 MR. FERNANDEZ: I don't know what --

23 MR. OLMEDILLO: If I may, Mr. Chairman.

24 For the record, Guillermo Olmedillo. We
25 attempted to amend the plans, and we were going,

1 again, back and forth, the architect, the
2 representative for the property owner, went back
3 and forth to see if we could find some compromise
4 because we heard your message last time. And
5 there was just too many -- too many variables that
6 we're going to, and one of the things that
7 Ms. Brodeur said, if I may, Chairman, through you,
8 is that remember the old plan that was approved,
9 there were larger units, over 28,000 square feet,
10 that were very unaffordable for this area. The
11 type of residences that are offered in this
12 project are much smaller which can be sold at a
13 lower piece, obviously.

14 And, remember, the County has certain
15 rules about when you create a multifamily
16 building, or a project where you have many
17 residences, there has to be a portion dedicated
18 for working class folks, as a matter of price for
19 the County, obviously.

20 CHAIRMAN ZACK: Do you have some idea
21 what the proposed sales price of these units would
22 be?

23 MR. OLMEDILLO: I don't because, you
24 know, markets vary, like I said, you know, there
25 are some prices that are going crazy and the

1 market right now is very unstable. You know, we
2 hear gasoline going under two dollars a gallon.

3 CHAIRMAN ZACK: What about the square
4 footage size of the units? What is the range?

5 MR. OLMEDILLO: If I may ask the
6 architect to give us that range -- not to give you
7 a guess, but to give you the exact figure.

8 CHAIRMAN ZACK: You have to state your
9 name and address for the record.

10 COUNCILMAN LARSH: Please step up to the
11 podium.

12 CHAIRMAN ZACK: Did you come in late?
13 Did you get sworn in?

14 MR. COLLADO: I did not get sworn in.
15 (Mr. Collado was sworn in.)

16 MR. COLLADO: Ramon Collado, Collado and
17 Partners Architects, 300 Aragon Avenue, Suite 380.

18 Anyway, to answer your question, they
19 range between 725 to 1250 square feet. And all
20 the units have a built-in home office area.

21 COUNCILMAN VALDES: Mr. Collado, through
22 the Chair, if I could. If you don't feel
23 comfortable answering this question, Mr. Olmedillo
24 can do it. When he said there are too many
25 variables to rework the plans to keep the 78 units

1 and everything and just lower the height, what
2 were those variables?

3 MR. COLLADO: The variable is, when we
4 lower it, we go back, and one of the main things
5 that we, and the County, and all of us wanted to
6 do is not go behind the houses and step the
7 building up so that you're almost bowing to those
8 houses. We stepped it one floor down on Bird Road
9 and we are away 100 feet from Bird Road. So, we
10 are kind of like floating there. And it is, like,
11 you take the bulk and you put it away from the
12 houses. And that was kind of the point that we
13 all wanted -- from day one we started working on
14 that with the County staff and all that, that was
15 a big deal, you know, keep it away from the houses
16 as much as possible, and we did. That was the
17 reason.

18 COUNCILMAN VALDES: No, no, I understand
19 the trade off that was made to move the buildings
20 to the north to keep it away from the existing
21 townhouses. But, again, we are talking about
22 variables, other than preference, I mean, was
23 there anything -- in concrete terms, what were the
24 variables, other than the preference, which I
25 understand it is a trade off.

1 MR. OLMEDILLO: If I may, Mr. Chairman.
2 Again, Guillermo Olmedillo, for the
3 record.

4 The geometry of the building changes,
5 and the circulation around changes. One of the
6 most difficult challenges for the design of this
7 building was to get the fire lanes for the Fire
8 Department in the correct places.

9 The movement of the ramp that feeds into
10 the parking spaces that are under the building, it
11 distorts the whole thing. So, suddenly you have
12 created -- not you, but by changing that location,
13 then you create, you know, unexpected things that
14 you need to change throughout the design of the
15 building.

16 So, that is why we found some
17 challenges, physical challenges, because of the
18 narrowness of the site itself, which is not even
19 100 feet in frontage.

20 So, obviously, when you want to put a
21 fire truck through there, and, remember, the fire
22 department wants to put the biggest truck that
23 they can fit in there. So, those were some of the
24 challenges.

25 And, then, the exits and entrances would

1 be affected. We had gotten to the point that
2 Public Works agreed, that Planning and Zoning
3 agreed, that Fire agreed, and we it was
4 challenging.

5 COUNCILMAN LARSH: Through the Chair, I
6 have a question. In revising these plans, are you
7 trying to retain the same number of units, and
8 that is what is causing the spread, as opposed to
9 going up? Or have you considered possibly
10 reducing the number of units to accommodate some
11 of the revisions that would need to take place?

12 MR. OLMEDILLO: If I may, again,
13 Mr. Chairman. Remember, the footprint of the
14 building doesn't change, whether we make it 10
15 stories, six stories or eight stories, the
16 footprint remains the same. So, you are cutting
17 vertically, but you're not cutting horizontally.

18 So, obviously, you know, you can always
19 provide an architectural solution which may work.
20 But, obviously, when you're changing a number of
21 units, you're not changing the floor plan, or the
22 plate of the building. What you're changing is
23 just cutting stories. So, the impact of the
24 ground floor, which is the one that I'm referring
25 to, is a little challenging, remains the same .

1 COUNCILMAN LARSH: Through the Chair, I
2 have another question. Pertaining to the
3 documents, the exhibits that were passed out,
4 there is a document here that mentions something
5 about the railroad section behind the property
6 that is in question, and I'm not quite sure, how
7 does this fit into what you guys are trying to do?

8 Are you guys going to take some sort of
9 ownership of a portion of this? Can you explain
10 that to me?

11 MR. OLMEDILLO: If I may generally speak
12 to it. Perhaps you're familiar with what people
13 are planning to do, perceptually, in the FEC
14 corridor, to this property. That is next to this
15 property.

16 COUNCILMAN LARSH: That's correct.

17 MR. OLMEDILLO: That is owned by the
18 company, the corporation, that owns that
19 right-of-way. That is a different person. That
20 is a different entity altogether, and they have
21 plans to develop the entire corridor.

22 So, obviously, we don't intrude into
23 their ownership, their property, because that is a
24 separate piece of property.

25 COUNCILMAN LARSH: I believe that

1 Mr. Welsh is referring to the section behind this
2 part that abuts Bird Road, pushed back from
3 adjoining neighbors because there are no adjoining
4 neighbors. "If density happens on railroad
5 property, it should also happen on Mr. Menendez's
6 property, 6950 Bird Road, neighbors of townhomes,
7 from the Post Office to Southwest 41st Street need
8 to be protected from traffic intrusion."

9 So, I'm just trying to -- and I'm going
10 to go back up to the first paragraph. I'm sorry
11 for jumping around a little bit. I propose
12 that -- and I think he wrote this poorly, but I
13 propose that those tall and dense buildings, as
14 part of a development agreement, have to reserve a
15 20-foot wide path in their second story that would
16 connect to a pedestrian bridge that will connect
17 to a similarly designed building on the other side
18 of the street. So, I'm not sure what he is
19 alluding to here, but you submitted it. So, I'm
20 trying to understand, what is the purpose of this
21 particular document?

22 I mean, I get the signatures supporting,
23 but I don't understand what this is for.

24 MR. OLMEDILLO: If I may, Mr. Chairman,
25 that was not introduced into the record by the

1 development team.

2 COUNCILMAN LARSH: It said to Maria
3 Menendez from Bob Welsh.

4 MR. FERNANDEZ: That is inadvertent.
5 That is an e-mail that was sent to us from a
6 Commissioner in South Miami, but it wasn't meant
7 to be in your possession.

8 COUNCILMAN LARSH: So, this wasn't
9 supposed to be submitted?

10 MR. FERNANDEZ: It is harmless, but we
11 couldn't understand it either.

12 MS. DAVIS: Through the Chair, that item
13 was submitted by somebody that was here earlier
14 that wanted it to be part of the record. They
15 just weren't able to be part of the hearing.

16 COUNCILMAN LARSH: I'm sorry, could you
17 repeat that?

18 MS. DAVIS: Sure. That item was
19 presented by somebody that was here earlier,
20 Mr. Welsh. He wasn't able to stay here, but he
21 wanted that to be part of the record.

22 COUNCILMAN LARSH: That's it for just a
23 moment.

24 MR. HARRISON: Through the Chair, if I
25 may, before you go on, to clarify. There was a

1 statement made by the work Force Housing. It is
2 not that there is no specific requirement from the
3 County for work Force Housing. However, any
4 developer is allowed to develop the property at a
5 greater intensity with the use of a provision in
6 the Master Plan based on work Force Housing. So,
7 if the proffer, which they would have to proffer,
8 covenants for you to say that, that they are going
9 to include an element of work Force Housing within
10 this development, then they might have been able
11 to ask for a greater amount of units. But there
12 is no specific requirements, it's just a
13 clarification.

14 MR. OLMEDILLO: Mr. Chairman, again, I
15 stand corrected. What Carl is referring to, and
16 what I was referring to, and that is why I stated
17 at the end of my statement is that the policy of
18 the Commission is to support work Force Housing,
19 by creating legislation that will make that
20 possible through the use of enhancements to the
21 property when you dedicate certain parts to it.

22 CHAIRMAN ZACK: Is there anyone else
23 present who wishes to speak in favor of this
24 application?

25 If so, please come forward at this time.

1 None appearing.

2 Is there anyone who wishes to speak in
3 opposition to this application? Please come
4 forward one at a time. Raise your hands, how many
5 of you are there who wish to speak? Three or
6 four? You can create your own order.

7 Before you begin, were you sworn in?

8 MS. QUIGLEY: Yes.

9 CHAIRMAN ZACK: Okay, great. Please
10 state your name and address before you begin.

11 MS. QUIGLEY: Hi. Thank you for
12 listening to us. My name is Eleanor Quigley. I
13 live at 3470 Southwest 75th Avenue. With regard
14 to this CDMP, this property has already been
15 up-zoned from GU --

16 COUNCILWOMAN BRODEUR: Speak slower.

17 MS. QUIGLEY: Okay. With regard to the
18 CDMP, this property has already been up-zoned from
19 GU to RU-L and BU-2. You can refer to the zoning
20 hearing on 047374 and the map is on page seven of
21 the handout that I gave you.

22 We feel that a three-story townhouse is
23 the best fit for compatibility to the neighborhood
24 and will be the best sensitive transition from a
25 one-story single family home and the 14 townhomes

1 that abut this property.

2 The Land Use Plan -- there is a Land Use
3 Plan that was done, the Bird Road Development
4 Master Plan, which actually starts and goes from
5 826 to the Turnpike, sets forth guidelines
6 allowing for one-story, then transition to
7 three-story to four to six stories, to unlimited
8 height with required setbacks of 50 feet.

9 Anything more than three stories next to
10 these homes will be out of character for the
11 adjacent properties.

12 This application will introduce a new
13 street and traffic patterns for 189 cars, in the
14 center of the block where there once was a house.
15 This is the proposed nine-story -- this area here
16 is the area for the nine-story building, and this
17 is the post office area here. The post office is
18 quite small. It's a building, I believe, and then
19 they have a parking area in the back. This is the
20 single family home that they want to remove to
21 build their driveway entrance, and it will very
22 negatively affect the people that live here.

23 And, then, here is the original GU map
24 when they came for their application in 2004. The
25 bulk of the property was zoned GU. The only part

1 that was zoned BU-2 was the parking lot that is at
2 the post office.

3 Just as you're no longer able to fill in
4 a lake to build apartments, as was the case that
5 is already happened in this neighborhood, right
6 over here, right here they filled in a lake to do
7 that, you should not be able to remove a house to
8 create an entrance driveway or new traffic
9 patterns. This negatively impacts the homeowner's
10 property values on that block with more traffic,
11 noise, lights, and accidents or safety issues for
12 pedestrians.

13 I do not know how it is possible for
14 zoning to permit an approved use of easements on
15 the Florida East Coast right-of-way and easements
16 of two residential properties with this
17 application.

18 I believe the property is 100 foot wide,
19 as indicated on those plans, on page 7, or I don't
20 know if that includes the easement from the FEC
21 property. The greater the density, the more it
22 negatively impacts the traffic and will increase
23 the rate of accidents on Bird Road.

24 In 2013 there were eight accidents. And
25 in 2012 there were ten accidents right there. It

1 is a really bad intersection.

2 Both of the closest north/south roads
3 are only two lanes. Ludlum is two lanes, north of
4 Bird Road, and Southwest 72nd Avenue is two lanes,
5 north of Bird Road. And Bird Road is already
6 congested. This Bird Road area is not well-suited
7 for another Downtown Dadeland where they have
8 major roads available, like 826, the Turnpike
9 extension, US 1, Kendall Drive surrounding the
10 area.

11 A nine-story building is out of
12 character for this area. It will not transition
13 well from one story to nine stories at the BU-2
14 commercial site. There are no buildings more than
15 four stories in our business district area, and a
16 nine-story building will create a negative visual
17 impact.

18 The post office that abuts the property
19 is a one-story building. Residential uses are not
20 permitted on a BU-2 commercial site. This
21 application will set a precedent for surrounding
22 properties and the Florida East Coast Ludlum Trail
23 corridor, and it is not compatible with the
24 neighborhood.

25 We oppose the following variance items.

1 Number one, any additional up-zoning
2 from RU-4L to RU-4M. We oppose deletion of the
3 two covenants that restrict the property to a
4 three-story townhouse development as a condition
5 for being up-zoned to RU-4L. We oppose combining
6 tracts A and B by Unity of Title after they
7 separated them to rezone them from GU to 4U-L and
8 BU-2 at a hearing No. 04-374, unless the
9 properties are combined to RU-4L, and the RU-1
10 property, at the entrance, is taken out of the
11 equation. This would allow for the building
12 height of six stories next to the post office and
13 three stories next to the residential properties.

14 Traffic can enter and exit at Bird Road
15 and Southwest 44th Street, where there already
16 exists a street. Maybe this could be a compromise.

17 They can come in here -- they could come in and
18 out here, they could make a two way lane, instead
19 of having a one way exit, and they could come out
20 here on 44th Street.

21 I don't see why that would be a problem.

22 We oppose special exception to permit a
23 multifamily residential development BU-2 zoning.
24 We also oppose nonuse variances to permit a one
25 way driveway with a minimum of ten feet where 15

1 is required. We oppose to permit a building
2 setback with a minimum of two feet where -- two
3 feet to five feet where 20 is required. Please
4 see page four for the setbacks on the site plan.

5 we have no objections to Item 7, and we
6 oppose waiving the requirements of a five-foot
7 wide land use buffering, including a six-foot high
8 wall, fence or hedge and buffering trees along the
9 west property lines. We also oppose waiving the
10 requirements for a five foot decorative --

11 COUNCILWOMAN BRODEUR: Slower, slower.

12 MS. QUIGLEY: Sorry. We also oppose
13 waiving the requirements for the five-foot
14 decorative masonry wall between the commercial
15 properties and the residential properties. The
16 homeowners should not be subjected to any
17 commercial traffic.

18 I'm used to speaking faster because
19 usually we have two-minute time limit. Usually
20 they cut me off.

21 Thank you.

22 COUNCILWOMAN BRODEUR: You have all the
23 time you want.

24 MS. QUIGLEY: Thank you.

25 CHAIRMAN ZACK: Thank you very much.

1 Next speaker?

2 COUNCILWOMAN VAZQUEZ: I have a
3 question.

4 very thoroughly done. During your
5 presentation, you keep saying, "we, we, we, we."
6 Who are we?

7 MS. QUIGLEY: The neighbors, the people
8 that live here.

9 COUNCILWOMAN VAZQUEZ: The people behind
10 the property?

11 MS. QUIGLEY: The one that lives right
12 here, where they are going to put the entrance,
13 she's here, and another neighbor is here.

14 COUNCILMAN LARSH: Do you have any
15 signed documents -- sorry, through the Chair. Do
16 you have any signed documents?

17 MS. QUIGLEY: Yes, I have a copy of the
18 petition that we submitted. You can see on here
19 that there is 26 opposing, and here is a copy --

20 COUNCILMAN LARSH: Submit it down there
21 to Ms. Rosa Davis.

22 MS. QUIGLEY: Signed by all the
23 neighbors here on this street. You can have it.

24 CHAIRMAN ZACK: Any other question for
25 the speaker?

1 All right. Let's have the next speaker
2 speaking in objection.

3 MS. SCHWADERER RAURELL: Through the
4 Chair, just for the record, it may be helpful to
5 have the individuals who are here who wish to be
6 represented by the woman who just spoke. If they
7 want to be represented by the woman who just speak
8 for them, to come up, give their name and address
9 and put it on the record.

10 CHAIRMAN ZACK: Any of those 26 people
11 here? You're one of them? So, please stay and
12 put your name and address for the record.

13 MR. FERNANDEZ: Mr. Chair, I would like
14 to ask Ms. Quigley a couple of questions. I don't
15 know if she wants to leave.

16 CHAIRMAN ZACK: Ms. Quigley, will you
17 come forward. He's entitled to Cross-Examination.

18 MR. FERNANDEZ: Just a couple of
19 questions.

20 COUNCILWOMAN VAZQUEZ: Not now, at the
21 end, right?

22 CHAIRMAN ZACK: No, now he's entitled to
23 Cross-Examination when she speaks.

24 MR. FERNANDEZ: Ms. Quigley, I
25 just wanted to ask you. You indicated that you

1 live at 3470 Southwest 75th Avenue.

2 MS. QUIGLEY: Correct.

3 MR. FERNANDEZ: That is not in this
4 neighborhood, correct?

5 MS. QUIGLEY: That is correct.

6 MR. FERNANDEZ: So, have you been hired
7 by the neighbors?

8 MS. QUIGLEY: No, I have not. What
9 happens on Bird Roads affects my neighborhood.

10 MR. FERNANDEZ: Do you understand
11 that -- do you understand that the nonuse variance
12 that you indicate that you're objecting to, to
13 waive the setback requirement to allow two feet
14 where 20 feet is required, is actually a variance
15 that we are requesting in order to be able to push
16 the parking lot and the building closer to the FEC
17 right-of-way, it has nothing to do with bringing
18 it closer to the residents, it is the opposite.
19 We are actually increasing the setback by asking
20 for that variance.

21 MS. QUIGLEY: Yes, I'm aware of that.

22 MR. FERNANDEZ: Why would you object to
23 that?

24 MS. QUIGLEY: Because it is ridiculous
25 to cram something in the space that you -- they

1 have this map also. You have five feet setback
2 here, you have three feet setback here, you have
3 two feet setback here, you have one foot setback
4 here. There is no green space.

5 MR. FERNANDEZ: Fair enough.

6 Do you understand that we are actually
7 preserving the post office and providing parking
8 for the post office, within the project, in order
9 to improve the situation with the post office?

10 MS. QUIGLEY: No, I'm not aware of that.
11 You're telling me that the post office parking
12 lot belongs to you?

13 MR. FERNANDEZ: Yes, it does. The
14 entire post office belongs to my client.

15 COUNCILMAN LARSH: You need to pass the
16 microphone back and forth as you answer and ask
17 questions, please.

18 MS. QUIGLEY: I don't think that the
19 post office is going to change.

20 MR. FERNANDEZ: Thank you.

21 COUNCILWOMAN VAZQUEZ: Through the
22 Chair. So, the federal government sold you
23 their -- they have a lease? It is a lease and you
24 own the land?

25 MR. FERNANDEZ: Yes, ma'am.

1 COUNCILWOMAN VAZQUEZ: Okay. Thank you.

2 COUNCILWOMAN BRODEUR: How long is the
3 lease?

4 COUNCILMAN LARSH: Can you please ask
5 your question with the mic. Thank you.

6 MR. FERNANDEZ: Mr. Menendez?

7 MR. MENENDEZ: My name is Manuel
8 Menendez.

9 The post office has another four and a
10 half years to go, but they have extended the lease
11 over the last ten years. And we are going to keep
12 them there. They are using our land as a parking
13 space, the front, which we are going to keep if
14 this building is allowed, and we are going to have
15 one story, one floor, for parking spaces for the
16 workers at the post office. It is in the plans
17 here. So we can keep -- this post office has been
18 there for over 50 years. Thank you.

19 CHAIRMAN ZACK: The next objector.

20 MS. SANTANA: Thank you.

21 My name is Deborah Santana, no relation
22 to our absent -- my name is Deborah Santana. I
23 live at 4257 Southwest 69 Avenue. I'm in full
24 agreement with Eleanor Quigley. I would like to
25 raise a few additional concerns that I have as a

1 resident right there.

2 I understand that there is a claim that
3 there is no objection with fire rescue, the
4 schools, law enforcement, but I have concerns. I
5 see what happens there. I live there. Those
6 people don't necessarily do that. I see how
7 crowded the school is. I hear from my neighbors
8 how crowded the schools are. I see how long it
9 takes for fire rescue to respond, and I wonder
10 what it's going to be like with one-way roads and
11 traffic in that area, as it already is, and how
12 difficult it is for fire rescue to come into that
13 area when you're going to add that significant of
14 an amount of additional individuals living there.

15 I understand that the number of units is
16 only 78, but the potential is for 123 adults to be
17 living there, with their own vehicles parking
18 there and driving through my neighborhood.

19 we already have significant problems. I
20 don't understand how they can say there is not a
21 traffic problem because it is a danger right now
22 to cross 69th, certain times of the day, because
23 we have traffic cutting from 40th over to 67th
24 Avenue. They cut through there to avoid the light
25 because it is so congested.

1 This is just going to add to the
2 additional congestion, and it is not acceptable
3 now. It is decreasing our quality of life. And
4 to think that you're going to add this many extra,
5 I just don't understand how they can say that it's
6 not going to be a problem.

7 I worry about, in addition, paved
8 parking lots in the area there. They have already
9 filled in the lake back there. We have a serious
10 flooding problem in that area that has already
11 been caused by the amount of ground that is
12 covered with asphalt and buildings. My home
13 nearly gets flooded at least once, if not several
14 times more, every year. It has been on the local
15 news that that area is a high area for that. It
16 is not appropriate to add more difficulty to that,
17 and to cause those problems to me and my neighbors
18 by doing this.

19 I do believe that adding this to the
20 neighborhood is going to decrease the value of our
21 home. I understand they are saying they are going
22 to sell these as condominiums, but nothing says
23 that someone who owns a condominium and buys it
24 for someone can then rent it out. So, we could
25 have a lot of rentals in that area. It has

1 happened before, and it is in that area. And that
2 is not good for our neighborhood.

3 It doesn't match with the neighborhood.
4 It doesn't at all match with the neighborhood.
5 The three-story is already a step up. To go at
6 this higher level is just way out of character,
7 and it's -- it is not going to look good. It is
8 not going to feel good and it is not going to look
9 good. It is inappropriate.

10 I understand the need for infill. I
11 understand the need for housing, but this is too
12 much, this is too high of density.

13 I ask that you take a look, on page
14 three of the handout that Eleanor gave you. If
15 you take a look at that small area where they are
16 wanting to put the -- where they are wanting to
17 put the building, if you look at that and then
18 look at the townhomes next to it, further down, if
19 you count the number of townhomes there and then
20 think about those 78 homes, 78 separate individual
21 units that are going to be put in that little
22 itty-bitty spot, it is not right. Please, do not
23 allow this. Thank you.

24 CHAIRMAN ZACK: Ms. Santana, one more
25 thing before you leave. Could you identify which

1 house is yours, maybe identify it on page three
2 that we are all looking at, on the exhibit that is
3 already in evidence?

4 MS. SANTANA: This may not be one
5 hundred percent accurate, but I would say it is
6 probably right there, right here.

7 CHAIRMAN ZACK: You're on the east side
8 of 69th Avenue?

9 MS. SANTANA: Yes, I am. So, I have to
10 look that way. And if they later decide to
11 develop down here, I lose my sunsets. And that is
12 one of the best things in Miami.

13 CHAIRMAN ZACK: Thank you very much.

14 MS. SANTANA: Thank you.

15 CHAIRMAN ZACK: Next speaker? I think
16 there were one or two more.

17 MS. BAVARIAN: Hello. My name is Karina
18 Bavarian and I live at 4100 Southwest 69th Avenue.
19 I haven't been sworn in.

20 (Ms. Bavarian was sworn in.)

21 So, I believe we have a unique situation
22 where our house is located, and I would like to
23 address it for the Board tonight -- to have a
24 chance to address it to the Board because I
25 believe we have a unique situation.

1 Our house is located next to the
2 proposed access driveway to the new development of
3 78 units. We are at 4100 Southwest 69th Avenue.

4 This raises many concerns that we have
5 as a household. First of all, our bedrooms are
6 located alongside this driveway, and we have
7 concerns of traffic, noise pollution, privacy
8 issues that are going to be created by allowing
9 access to all 78 unit residents which is around
10 180 -- over 180 cars, not to mention emergency
11 vehicles, or whatever, that is going to be
12 accessing from this driveway.

13 Another concern of ours is the parking
14 lot located behind our properties. We don't know
15 what kind of quality of life that is going to
16 incur on our properties. We are not sure what
17 kind of lighting is going to be provided on the
18 parking lots that might be intrusive into our
19 backyards. We don't know what kind of landscaping
20 is going to occur there to create privacy buffer
21 zones between our backyards and the parking lot.
22 We do not know what kind of quality of life it is
23 to have a parking lot behind the property, and
24 that would maybe affect the property values of a
25 house that is located next to an access driveway

1 and has a parking lot behind their backyard. So,
2 we are concerned about that.

3 So, I would like to mention, also, that
4 the covenant design of 2005, which we looked upon
5 the drawings, has two access driveways, one is
6 occurring next to our house, but it includes --
7 the design includes a concrete wall, five foot
8 high, it is stating within the covenant, on our
9 north and west property lines, which will act as a
10 privacy wall, I'm assuming, between our property
11 line and the access driveway.

12 Another thing that I would like to
13 mention regarding the covenant is that it is also
14 utilizing 44th Street at the south, and the
15 covenant has 26 units, so which is 13 units per
16 floor. That is comparably much less than 78 unit.
17 And if you look at the access roads which is going
18 to be happening next to our property and the one
19 from 44th Street, we are looking into less cars
20 accessing the property from our side of the house,
21 then it is going to occur with this new design.

22 COUNCILMAN LARSH: Pardon me, excuse me
23 for this interruption. Through the Chair, you
24 mentioned a covenant with 26. Is that this
25 covenant?

1 MS. BAVARIAN: I mean, that is what we
2 found. In 2005, there was a covenant -- it is a
3 condominium design.

4 COUNCILMAN LARSH: Previously proffered
5 covenant?

6 MS. BAVARIAN: Yes.

7 COUNCILMAN LARSH: I wasn't here at that
8 moment, so when you're referencing it, I'm just
9 trying to catch up, that's all.

10 MS. BAVARIAN: Yes, it is the
11 condominium -- three-story condominium design,
12 that is my understanding is the covenant -- it's
13 part of the covenant; isn't that correct?

14 MS. QUIGLEY: Page 10.

15 COUNCILMAN LARSH: Thank you.

16 MS. BAVARIAN: We are just here merely
17 raising concerns, as homeowners. We are not
18 trying to negatively impact any developer, or any
19 other Board decision, we just have some concerns
20 that we would like to address.

21 And, as you can see, our property is
22 uniquely located regarding this project, and we
23 would like to have a chance to address this issue.
24 And that is all I have to say for now. And thank
25 you very much for this opportunity.

1 COUNCILMAN LARSH: Please don't go.
2 Through the Chair, could you please
3 point out your house on that map there so we know?
4 Yours is the one right next to the dotted square
5 in the middle?

6 MS. BAVARIAN: Yes, sir.

7 CHAIRMAN ZACK: Take the microphone.

8 COUNCILMAN LARSH: Use this one.

9 You said the one right next to the
10 proposed driveway?

11 MS. BAVARIAN: I believe this is the
12 condominium, so this is --

13 COUNCILMAN LARSH: Follow your finger
14 down to 69th Avenue. You're holding the driveway.

15 MS. BAVARIAN: So, yes, the house is
16 located right next to the driveway, 4100 southwest
17 69th Avenue, lots 21 and 20.

18 COUNCILMAN LARSH: Thank you.

19 MR. FERNANDEZ: May I ask Ms. Bavarian a
20 question, please?

21 CHAIRMAN ZACK: Yes.

22 MR. FERNANDEZ: How are you,
23 Ms. Bavarian? Good to see you again. I know that
24 you attended our meeting.

25 COUNCILMAN LARSH: Please pass the mic

1 back and forth. Thank you.

2 MS. BAVARIAN: Yes, I did.

3 MR. FERNANDEZ: Can I ask you, the wall
4 that you're describing behind your home, was there
5 ever a wall there in the past that was developed
6 behind your home?

7 MS. BAVARIAN: No.

8 MR. FERNANDEZ: And I just want to
9 reiterate to you that we will be prepared to
10 improve that boundary with a wall to your liking,
11 this evening, the developer will make that
12 commitment to provide that to you in recognition
13 of the fact that this is a unique situation, and
14 that her home is within the entrance to the
15 project. We have had a dialogue, we haven't been
16 able to reach an agreement, but I want to put that
17 on the record this evening that we are prepared to
18 do that for Ms. Bavarian and her husband.

19 COUNCILMAN LARSH: Through the Chair,
20 Counselor is that something that could be amended
21 through the proffered covenants if you were to
22 come to an agreement?

23 MR. FERNANDEZ: Absolutely, Mr. Larsh,
24 we can do it that way.

25 COUNCILMAN LARSH: I'm not saying she's

1 going to or not, I'm just saying --

2 MR. FERNANDEZ: We can do it that way.
3 You also have an exception that is part of your
4 application, so I will defer to your Counsel, that
5 the exception could be conditioned, I suppose, on
6 particular improvement.

7 MS. SCHWADERER RAURELL: Mr. Fernandez,
8 could you please repeat what the proffer was
9 again?

10 MR. FERNANDEZ: The proffer would be to
11 provide a five or six-foot masonry wall on the
12 property line between Ms. Bavarian's home and the
13 project, because her home is at the entrance to --
14 the side entrance to the project.

15 MS. SCHWADERER RAURELL: would that be
16 on two sides, them?

17 MR. FERNANDEZ: Yes, it would.

18 MS. SCHWADERER RAURELL: I think,
19 depending on what the Board wants to do, I think
20 that would be most appropriate as an additional
21 condition, and we can note that it was proffered
22 and consented to by the applicant.

23 Since this is a rezoning, we really
24 should accept the covenant here today. If this
25 was a different type of application, and didn't

1 involve a rezoning, they could submit something
2 later, but since it is a rezoning, I think that is
3 the best way to do it.

4 COUNCILMAN LARSH: Thank you.

5 CHAIRMAN ZACK: Just for clarification,
6 you are talking about creating the wall on the
7 north and west side?

8 MR. FERNANDEZ: Yes, Mr. Zack.

9 CHAIRMAN ZACK: Thank you, of her
10 specific property.

11 where was the other gentleman who wanted
12 to speak? Please come forward.

13 MR. SHERSHIN: My name is Tony Shershin,
14 I live at 5601 Southwest 94th Place. I'm not here
15 to speak primarily on this item, mine comes up
16 later in the program. However, since I'm here and
17 I've carefully read whatever is on the program,
18 I --

19 CHAIRMAN ZACK: Wait a minute, you're
20 not here to speak on this item?

21 MR. SHERSHIN: I was not until I read
22 it.

23 CHAIRMAN ZACK: But you wish to speak on
24 it now?

25 MR. SHERSHIN: Yes, I do.

1 CHAIRMAN ZACK: All right.

2 MR. SHERSHIN: Is that alright,
3 Mr. Zack?

4 CHAIRMAN ZACK: Yes, that's fine, I just
5 wanted to make sure that your comments were on
6 this item.

7 MR. SHERSHIN: It certainly is.

8 CHAIRMAN ZACK: Thank you.

9 MR. SHERSHIN: I initially planned to
10 mention my objections to Items 8 and 9, which I
11 feel are inappropriate boundary conditions, the
12 waiver is not appropriate, that they should have
13 these boundary conditions. So, that was my
14 initial comment.

15 Having listened to the residents, I do
16 feel strongly that as a resident it is
17 inappropriate to put in a nine-story building on
18 less than three acres with the associated parking
19 in the middle of a neighborhood where there are --
20 where there are a lot of homes.

21 So that is all I wish to say. I support
22 the residents of the neighborhood.

23 CHAIRMAN ZACK: Thank you very much. I
24 believe that was the last -- there is one more.
25 Okay, please come forward.

1 MR. FORMOSO: Hi. My name is Richard
2 Formoso. I live at 50 --

3 CHAIRMAN ZACK: I'm sorry, what's your
4 last name?

5 MR. FORMOSO: Formoso, F-O-R-M-O-S-O.

6 MR. HARRISON: Were you sworn in?

7 MR. FORMOSO: I was not. That was my
8 next statement.

9 (Mr. Formoso was sworn in.)

10 Again, Richard Formoso, 5030 Southwest
11 69th Avenue. I live a half mile -- a little bit
12 south of the subject property.

13 I'm really concerned about a couple of
14 items on this plan. And, after hearing my
15 neighbor that lives -- is going to now have a
16 driveway access point where she's going to have
17 commercial traffic going in and out of her house,
18 what really concerns me, for everyone living along
19 that road, and I wonder why the owner of this new
20 property would proffer a five-foot fence, or
21 masonry wall just on her house, but wants to
22 exclude it along the rest on the east and west
23 side of the property which, you know, those are
24 required by our codes, and the owner is asking to
25 delete those walls. So, that would be a question

1 that I have, through the Chair, for the applicant.

2 And I also have a question on an earlier
3 statement the applicant or the applicant's
4 representative made regarding the parking lot and
5 use of the existing parking lot.

6 I wanted to know which part of the
7 parking lot you guys were referring to.

8 MR. FERNANDEZ: Mr. Formoso, with
9 respect to your first question, I don't know if
10 you are aware of the fact that many of the homes
11 along that street do have a wall behind them, but
12 the wall has apparently either been taken down, or
13 was destroyed, on some homes. So, it is not a
14 consistent wall, and it just so happens that
15 Ms. Bavarian doesn't have a wall, that is why I
16 asked her if she ever had a wall, but I don't know
17 if you're aware of that.

18 MR. FORMOSO: Yeah, I've noticed that
19 there are some wood fences, and it is kind of a
20 patchwork. There is damage to some walls. Why
21 wouldn't that fence, then, be rebuilt and comply
22 with our current code, to say you take down what
23 is there and rebuild and refurbish that wall?

24 MR. FERNANDEZ: Well, because in respect
25 to the neighbors, you know, wishes, some of the

1 neighbors may have taken down that wall because
2 they didn't want it there, maybe they were trying
3 to benefit from the open views. Our project is
4 all about trying to preserve an open space behind
5 those homes, and not introduce a new structure
6 right behind them.

7 But, of course, we would be willing to
8 talk to any neighbor that is here that would
9 prefer something like that. We would enter into a
10 dialogue with them.

11 MR. FORMOSO: So, what you're saying is
12 that you feel that maybe some of these homeowners
13 here would prefer to have the cars pulling into
14 these spots?

15 what I understand is you have a
16 five-foot setback?

17 MR. FERNANDEZ: I don't know that I can
18 speak for them, and I don't know that you can
19 speak for them either. I can only say that we are
20 prepared to do it for Ms. Bavarian because she's
21 clearly impacted, and I guess she's a friend of
22 yours.

23 MR. FORMOSO: No, not personal friends,
24 but a neighbor, and definitely has a concern
25 there, and I would like to support her in her

1 concern. She's definitely impacted on two sides,
2 as are the rest of the neighbors here for the
3 parking lot area.

4 So, you know, I'm definitely against
5 waiving putting up those two walls, and rebuilding
6 them.

7 CHAIRMAN ZACK: Are you finished with
8 your questions? Are you completing the comment?

9 MR. FORMOSO: I'm completing that
10 comment.

11 My second question was, regarding this
12 parking lot area, let's see if we can see it.
13 There was a reference made earlier, I don't know
14 if it was by you or by the owner regarding the
15 parking lot for the post office. Which area was
16 he referring to, specifically, because I
17 understand that this whole area here is not part
18 of his tract, it is only this area here. So, are
19 we talking about this 100 by 100 square foot?

20 Earlier you made a comment about the
21 parking area -- my understanding is all of this
22 belongs to someone that leases to the post office.

23 MR. MENENDEZ: Yes. This belongs to us
24 and we rent it to the post office, and this area
25 here, too. They use it for parking space for the

1 employees. We are putting up one-story building
2 for the post office employees so they don't have
3 to move out of there.

4 MR. FORMOSO: So, what you're saying is
5 that on the ground floor you're going to have some
6 post office parking here?

7 MR. MENENDEZ: Yes.

8 MR. FORMOSO: So, this front section
9 here --

10 MR. MENENDEZ: It is going to stay like
11 that.

12 MR. FORMOSO: There will be a connection
13 out, so you'll have the commercial traffic will
14 come through here, these parking spots will
15 remain, as well?

16 MR. MENENDEZ: Right, yes.

17 MR. FORMOSO: And that is just on this
18 little section, which is something that remains
19 there now and you would need --

20 CHAIRMAN ZACK: Let's not have a
21 dialogue. If you have a question, go ahead and
22 ask the question.

23 Also, when you're making reference to
24 the map, please identify in words where you're
25 looking at so when the words are picked up by the

1 Reporter, they can identify what you're talking
2 about.

3 MR. FORMOSO: We are referring to the
4 area between the Florida East Coast and the post
5 office parking lot, and it's along Bird Road,
6 south back about three feet; would you say?

7 And, then, under the building you're
8 saying, as well. Okay, you've answered my
9 questions.

10 MR. HARRISON: Through the Chair, just
11 for the record, I would like to have Mr. Menendez,
12 sr., I think he was not sworn in, initially.

13 MR. FERNANDEZ: State your name again.

14 MR. MENENDEZ: Manuel J. Menendez.

15 (Mr. Menendez was sworn in.)

16 CHAIRMAN ZACK: Do you have any further
17 questions or comments?

18 MR. FORMOSO: No further questions.

19 Thank you for your time.

20 CHAIRMAN ZACK: Thank you very much.

21 I believe that is the last speaker. We
22 are going to allow Mr. Fernandez to, hopefully,
23 have a very brief rebuttal, and then we'll go
24 forward with our deliberations, unless there are
25 any other questions.

1 MR. FERNANDEZ: I will be very brief,
2 because I think most of the points have been
3 covered.

4 I think that the overriding concern is,
5 I listened to some of the neighbors talk about
6 transition and so forth. I really agreed with
7 many of the things that they were saying, as to
8 the appropriateness and inappropriateness of
9 transitions. What I think that they failed to
10 understand is that this project is all about
11 creating a better transition into the existing
12 residential homes that are south of the commercial
13 area.

14 By putting the units near the Bird Road
15 corridor, within the existing commercial zoning,
16 we are, essentially, leaving the existing
17 transition that exists today an open lot that will
18 become a parking area with landscaping, but it
19 will -- the transition is, essentially, unchanged.

20 We think that that is the best solution
21 for the neighbors, and I think that some of the
22 neighbors here that live in an entirely different
23 area on the west side of the industrial area to
24 our west may not fully appreciate the fact that
25 this parking garage -- this is a very long

1 unusual, irregularly-shaped lot that is only 100
2 feet wide, and that, you know, building homes
3 behind the homes is going to create a larger
4 impact.

5 That, and the fact that the reference to
6 some of the nonuse variances that we are
7 requesting are actually designed so that we can
8 preserve the transition that exists today and push
9 the existing building up against the FEC corridor,
10 which is not going to hurt anyone, and is going to
11 maximize the distance to the nearest homes.

12 And I'll just finish by repeating what I
13 said at the beginning, which is, it is very
14 important for you to consider the fact that this
15 building slopes down to, essentially, a five-story
16 building as you approach these townhomes. And a
17 five-story building that is more than 80 feet
18 removed from the nearest townhome is not
19 dissimilar to a three-story townhome that is 25
20 feet next to an existing townhome.

21 So, please consider that in your
22 deliberations. We thank you for your time and we
23 are here to answer any questions that you have.
24 Thank you.

25 CHAIRMAN ZACK: Are there any other

1 questions for the applicant before we close the
2 public portion of the hearing?

3 COUNCILWOMAN BRODEUR: I have a question
4 for Staff.

5 CHAIRMAN ZACK: The public portion is
6 now closed. We are going to have discussion.

7 COUNCILWOMAN BRODEUR: Staff, I just
8 want to clarify in my mind about BU-2 zoning, that
9 in that area we have no residential BU-2, that is
10 what they are requiring us to change it to, that
11 this is incompatible, or this is not -- would this
12 set a precedent?

13 MR. HARRISON: Through the Chair, in
14 Staff's analysis, we did not try to determine that
15 it would or would not set a precedent. They are
16 allowed to ask for a residential development in a
17 BU-2 zoning district, through the process that has
18 been used here, which is a special exception. So,
19 they are allowed to ask for that use, and that is
20 being asked for here. So, we did not make a
21 determination whether it sets a precedence or not.
22 They are allowed to do it. Residential uses are
23 allowed in the BU-2 district, if you follow this
24 process, if it is approved through this process.

25 CHAIRMAN ZACK: Discussion by the Board?

1 COUNCILMAN VALDES: I think Mr. Larsh
2 had a question.

3 COUNCILMAN LARSH: I have a question for
4 Staff. Regarding No. 8, is it my understanding
5 that they are looking to completely exclude
6 putting any kind of a fence, or hedge, or buffer,
7 trees along the east/west property lines; is that
8 correct?

9 MR. HARRISON: Through the Chair, no.
10 why this request is phrased this way is that there
11 is a requirement in the landscape section of the
12 code for dissimilar land use buffer where there
13 are more intensive type development on something
14 that is less intensive. In this particular case,
15 they are doing what is an RU-4M, more intensive
16 residential development, all right, abutting
17 townhomes.

18 The dissimilar land use buffer asks for
19 these three things in it; six-foot high wall,
20 fence or hedge and buffer trees. They are
21 providing the buffer trees, they are providing the
22 six-foot wide landscape buffer, but they are not,
23 necessarily, providing the fence, or the wall, in
24 all of the areas there is a fence, or wall,
25 abutting the residential portions where they are

1 abutting the townhomes, but there is no fence or
2 wall -- that is why it says along portions of the
3 property line. Where it abuts the railroad lines,
4 or vacant FEC property, there is no fence or hedge
5 on that side. There are trees and there is a
6 buffer, but it doesn't have all the components of
7 the dissimilar land use buffer that is required
8 here. That is why they asked to waive it, because
9 they don't meet all the requirements. Did I
10 confuse it more?

11 COUNCILMAN LARSH: No, I got it. I was
12 absorbing.

13 COUNCILWOMAN BRODEUR: There's a lot to
14 know.

15 CHAIRMAN ZACK: Discussion?

16 COUNCILMAN VALDES: Through the Chair,
17 to Staff, either one of you can answer the
18 question. Am I correct that the standard we have
19 to apply is, number one, is it compatible --
20 excuse me, is it consistent with the CDMP?

21 Assuming that the answer to that is,
22 yes, then the second question, is it compatible
23 with the surrounding areas? And is that the
24 standard that we have to apply? And is it and or
25 is it or?

1 MR. HARRISON: Through the Chair,
2 Staff's determination, as outlined in the
3 recommendation, is that this development, the type
4 of development and the number of units is
5 consistent with the Master Plan.

6 We are also, based on our review of the
7 plans, because in determining both the consistency
8 and the compatibility with residential units
9 around, we have also made a determination of
10 compatibility. And based on the review of the
11 plans, as outlined in the recommendations, Staff
12 has also determined that the applicant has
13 provided enough buffering, in the form of
14 landscaping and how the project has been
15 developed, that we have deemed, in our
16 recommendation, that it is compatible with the
17 surrounding residential and -- residential,
18 commercial and industrial uses that actually
19 surround this property.

20 MS. SCHWADERER RAURELL: Just to
21 clarify, it is both.

22 COUNCILMAN VALDES: Okay.

23 COUNCILWOMAN BRODEUR: I don't think it
24 is compatible if you go across the street and have
25 to stare at a seven-story. I don't think it is

1 compatible. In fact, I think that the Planning
2 Department has poor vision. And just from a
3 practical standpoint, from the practical
4 standpoint, I went over to my former pool company,
5 which was on 40th Street, and I was amazed at some
6 of the construction going on on the other side, on
7 the north side of 40th Street, where they only
8 allow one-story.

9 And I can't understand how a code is so
10 formulated that on 40th Street, that new green
11 building next to -- it used to be the pool
12 company, OK Pool, right down from OK Pool, a
13 little bit to the left -- to the west, to be
14 exactly -- how that can be only one-story, and
15 then across the street they can say that.

16 I think that there is a vision problem
17 in the Zoning Department, a big vision problem, as
18 what compatibility is.

19 I think the Master Plan, it may fall
20 within the range of high density, and you want
21 this, you want that. But you don't live there,
22 and you don't live there, and you don't live
23 there, and I don't live there. But I drive up
24 there enough times. This is our area of -- we
25 know the areas that we are supposed to vote on,

1 because we drive on it all the time. So, we are
2 kind of aware. We don't know everything about the
3 language of the CDMP, which takes a lawyer to
4 understand what the CDMP is all about, but we do
5 understand what we see with our two eyes.

6 Now, if anybody says that this is
7 compatible, forget about it, they need an eye
8 test. This is not visually. Visually this is not
9 compatible. It may be perfectly well-oriented to
10 the Master Plan, and I do not, Guillermo, you're
11 clever, Guillermo, and you have got lots of
12 experience with the Master Plan, more than I have
13 --

14 MR. OLMEDILLO: I love you, Peggy.

15 COUNCILWOMAN BRODEUR: I love you too,
16 Guillermo. You're my favorite opponent, we spar
17 all the time. But I'm not going to vote for this
18 because I feel that Mr. Menendez has had perfect
19 opportunity to build his three-story, it has been
20 tried and tested, it's gotten approval from the
21 neighborhood, and I think we have to ease into it.

22 After I said it earlier, we have to ease
23 into transition. This is too extreme. I think
24 three-story -- I remember when we voted on the
25 four-story -- the storage project. You know what,

1 that still sticks out like a sore thumb. That
2 storage thing with those ugly colors they made it.
3 It looks awful.

4 So, I'm saying, if you don't live there,
5 you don't live there, and I don't live there, and
6 they live over there, and we are elected officials
7 representing the people, I'm going to vote to make
8 a transition less extreme. So, I will personally
9 vote no for this.

10 COUNCILMAN VALDES: Through the Chair, I
11 said it before, last meeting, and I'll say it
12 again. I'll take my hat off to Mr. Menendez, not
13 only his business acumen in investing his time,
14 his effort, his resources in developing a property
15 that could and should be a catalyst for
16 development in that area. The area, for the most
17 part, is blighted. And nothing that has come out
18 of this thing, candidly, should discourage
19 Mr. Menendez but should encourage him, because I
20 think there is a lot to be done.

21 But I was concerned back then, and I'm
22 concerned now, with the height. I know you can,
23 but the fact that you can doesn't mean you should.

24 My concern, in that regard, is the precedent that
25 we are going to be setting. Remember, the FEC

1 property is next door, that's 100 feet wide.
2 You're approved with nine-stories here, you know
3 what's going to come down there, which it is.

4 When the BF Marina application came in
5 front of us, maybe ten years ago, they wanted I
6 think six or seven stories, and we denied that on
7 the basis that it was not compatible with the
8 surrounding neighborhood.

9 Clearly, based upon the evidence that
10 has been presented, there is no doubt that it is
11 consistent with the CDMP. The philosophical
12 question, based upon the evidence that has been
13 submitted, is it compatible with the surrounding
14 area? It is a two-prong test. It is both, not
15 just one.

16 So, the nine stories is just out of
17 character and not compatible with the surrounding
18 area. I, honest to God, wish the plans could have
19 been redone, but my concern is the precedent we
20 are setting.

21 And, if you look at Bird Road between
22 Ponce de Leon and Douglas where you are seeing
23 these six, seven, eight-story buildings stacked
24 next to each other up against the roadway, is that
25 what you want in this area of Bird Road? That is

1 the philosophical question all of us have to ask
2 ourselves, including the neighbors, by the way.

3 It's going to get developed. I mean,
4 people have the right to develop. It is his
5 property. Right now Mr. Menendez can develop it
6 to whatever the building and zoning codes allow
7 him to do. You know, right now you have a
8 blighted, ugly property. He is willing to do
9 something with it. He should be commended for
10 that, but I really think it is too much on this
11 particular property.

12 That is all I have to say.

13 CHAIRMAN ZACK: Any further discussion?

14 COUNCILMAN LARSH: I just wanted to
15 agree with my previous colleagues. I think what
16 they are proposing here is really nice. I think
17 it is out of character for the area. I think what
18 they are trying to do is bring something nice to
19 the area. And, again, like Chairman Valdes said,
20 it is to be commended.

21 My concern is, that is not in character.
22 And, again, the precedence that is going to be
23 setting. And there is tremendous objection, more
24 so from the surrounding residents. And I think
25 that has to be counted for something. You have

1 people who are going to be right along the
2 driveway, you have other people who live in the
3 area, you have the signed -- we have the signed
4 appeals from the residents saying that they don't
5 want it there. And given all of those things, I
6 will have to say no to this, as well.

7 CHAIRMAN ZACK: Any further discussion?
8 Does anyone wish it offer a motion at
9 this time?

10 COUNCILWOMAN BRODEUR: I make a motion
11 we deny.

12 COUNCILMAN VALDES: With or without
13 prejudice?

14 COUNCILWOMAN BRODEUR: Without
15 prejudice. I want to commend Mr. Menendez. I
16 mean, I think you've done a wonderful job and I
17 appreciate Mr. Menendez, but I think you've gone a
18 little over the top.

19 CHAIRMAN ZACK: Is there a second to the
20 motion?

21 COUNCILMAN VALDES: I'll second the
22 motion.

23 CHAIRMAN ZACK: Any discussion on the
24 motion?

25 None appearing, please call the role.

1 MS. DAVIS: There is a motion on the
2 floor to deny the application without prejudice.
3 The motion was made by Councilwoman Brodeur and
4 seconded by Councilman Valdes.

5 Councilwoman Brodeur?

6 COUNCILWOMAN BRODEUR: Yes.

7 MS. DAVIS: Councilman Gonzalez-Abreu?

8 COUNCILMAN GONZALEZ-ABREU: Yes.

9 MS. DAVIS: Councilman Larsh?

10 COUNCILMAN LARSH: Yes.

11 MS. DAVIS: Councilman Valdes?

12 COUNCILMAN VALDES: Yes.

13 MS. DAVIS: Councilwoman Vazquez?

14 COUNCILWOMAN VAZQUEZ: Yes.

15 MS. DAVIS: Chairman Zack?

16 CHAIRMAN ZACK: Yes.

17 MS. DAVIS: Motion passes unanimously.

18 MR. FERNANDEZ: Thank you, thank you for
19 your time.

20 (Item was concluded.)

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CERTIFICATE OF OATH

STATE OF FLORIDA

COUNTY OF DADE

I, Janice Aguirre, Registered Professional Reporter, Notary Public, State of Florida, certify that the following witnesses personally appeared before me on January 6, 2015 and were duly sworn.

WITNESS my hand and official seal this 6th day of February, 2015.



JANICE AGUIRRE

Registered Professional Reporter
Notary Public, State of Florida
Commission #DD 945053
My Commission Expires: December 8, 2016

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)

COUNTY OF DADE)

I, JANICE AGUIRRE, Registered Professional Reporter, do hereby certify that I was authorized to and did stenographically report the CZAB BOARD 12 MEETING of January 6, 2015; that a review of the transcript WAS requested; and that the foregoing transcript, pages 1 through 82, is a true record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, or attorney, or counsel of any of the parties; nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 6th day of February, 2015 at Miami, Dade County, Florida.



JANICE AGUIRRE,
Florida Professional Reporter
Notary Public, State of Florida
Commission #DD 945053
My Commission Expires: December 8, 2016

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Manuel J. Menendez Trust

BCC 3/19/15
Z13-077

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. 2201300077 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 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.

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.

Declaration of Restrictions
Page 4

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]
Signature

PATRICIA RAYOS
Print Name

[Signature]
Signature

FERNANDO C/II
Print Name

[Signature]
Trustee Signature

M.J. MENDONCEZ
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.J. MENDONCEZ, 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]
Signature
Notary Public-State of Florida.

Isabel D. Gonzalez
Print Name

My Commission Expires:



(4 of 4)

Covenant Running with the Land
Page 1

CFN 2008R0097522
DR 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 Datan 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' high 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.



C (Handwritten initials)

(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 TRUSTEE

Signed, witnessed, executed and acknowledged on this 29th day of January, 2008.

WITNESSES:

[Signature]
Signature
JAMES F. COMANOR
Print Name

[Signature]
Signature
VICTOR VAZQUEZ
Print Name

[Signature] 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 trust 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,

[Signature]
Notary Signature
My Commission Expires

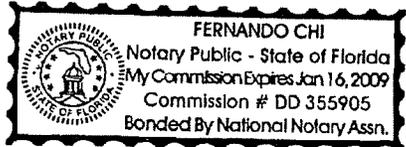


Exhibit A

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 1/4, 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 1/2, of the 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 [Signature] 65-33 D.C.



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

PH: Z14-032 (15-3-CC-1)

March 19, 2015

Item No. 2

Recommendation Summary	
Commission District	8 and 9
Applicant	Northstar Graceland, LLC
Summary of Requests	The applicant is seeking to modify a Resolution in order to submit revised site plans showing a new 8 story mausoleum addition to a previously approved cemetery. Additionally, the applicant is seeking approval of said mausoleum with a height greater than permitted.
Location	13900 SW 117 Avenue, Miami-Dade County, Florida.
Property Size	36.02 Acres
Existing Zoning	AU (Agricultural-Residential 5 Acres Gross) GU (Interim-Uses depend on character of neighborhood, otherwise EU-2 standards apply)
Existing Land Use	Cemetery
2020-2030 CDMP Land Use Designation	Low Medium Density Residential (see attached Zoning Recommendation Addendum)
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(7) Generalized Modification Standards, Section 33-311(A)(4)(b) Non-Use Variance (see attached Zoning Recommendation Addendum)
Recommendation	Modified approval with conditions for a 4-story / 44' high mausoleum.

The BCC shall have jurisdiction to directly hear applications encompassing property located in more than one Community Zoning Appeals Board (CZAB) pursuant to Section 33-314(A)(2). The subject property is located within two (2) separate CZAB Districts. A portion of the subject property is located within the CZAB 12 District and the remainder is located within CZAB 14 District.

REQUESTS:

- (1) MODIFICATION of plans approved pursuant to Resolution No. 7696, last modified by Condition #2 of Resolution No. Z-5-11, both passed and adopted by the Board of Commissioners, reading as follows:

FROM: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Proposed Offices Building for Graceland Memorial Park," as prepared by Gomez Associates Architects P.A., consisting of sixteen (16) sheets dated stamped received December 13, 2011."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Memorial Necropoli Mausoleum at Graceland Memorial Park" as prepared by Axioma Architects with sheet A-100.2 dated stamped received 9/26/14, consisting of 1 sheet, sheets A-101 & L-1 dated stamped received 9/5/14, consisting of 2 sheets, sheets A-100.1, A-300, A-301, A-302 & A-303 dated stamped received 5/23/14, consisting of 5 sheets and the remaining 9 sheets dated stamped received 4/7/14 for a total of 17 sheets.

The purpose of request #1 is to permit the applicant to submit revised site plans showing a new 8 story mausoleum addition, to a previously approved cemetery.

- (2) NON-USE VARIANCE to permit a building height of 8 stories (2 stories maximum permitted) and a building height of 90' (35' maximum permitted).

The aforementioned plans are on file and may be examined in the Department of Regulatory and Economic Resources. Plans may be modified at public hearing.

PROJECT HISTORY & DESCRIPTION:

In 1954, a portion of the subject site was granted approval of a special permit for a cemetery use, pursuant to Resolution No. 7696. Between 1954 and 2011, the subject property was approved on several occasions for setback variances, to waive the right-of-way dedication along SW 117 Avenue and district boundary changes, all pertaining to the approved cemetery use.

The subject 36.02-acre property is located at 13900 SW 117 Avenue and is currently used as a cemetery. The applicant now seeks to modify the plans to erect an 8 story mausoleum. The proposed 8-story mausoleum will be located on the northwest portion of the site (Parcel 3), adjacent to the Florida Turnpike to the west and a plant nursery to the north. Vehicular access to the mausoleum will be through SW 117 Avenue, as shown in the submitted plans.

<u>NEIGHBORHOOD CHARACTERISTICS</u>		
	Zoning and Existing Use	Land Use Designation
Subject Property	AU; GU; cemetery, vacant land	Low Medium Density Residential, 6-13 dua
North	AU; plant nursery	Low Medium Density Residential, 6-13 dua
South	GU; cemetery	Low Medium Density Residential, 6-13 dua
East	RU-1; single-family residences	Low Density Residential, 2.5-6 dua
West	GU; Florida Turnpike	Transportation

NEIGHBORHOOD CHARACTER:

The subject property is located at 13900 SW 117 Avenue on the west side of SW 117 Avenue. The Florida Turnpike lies to the west of the subject property, while a plant nursery exists to the north. A single-family residential neighborhood lies across SW 117 Avenue to the east of the subject property.

SUMMARY OF IMPACT:

The approval of this application will provide additional burial options to the community. However, the requested 8 stories / 90' height could have a negative visual impact on the surrounding area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The 36.02 acre subject property is located within the Urban Development Boundary (UDB) and is designated as **Low-Medium Density Residential** on the LUP map of the CDMP. The CDMP

2

interpretative text states that, **Cemeteries** may also be permitted in Residential Communities where direct access to a Major or Minor Roadway is provided or where traffic would not disrupt adjacent residential areas. Further, the subject property was granted approval for a cemetery and ancillary uses which included mausoleums and offices in conjunction with the cemetery. The applicant now seeks to permit a proposed 8-story mausoleum that will be located on the northwest portion of the site (Parcel 3), adjacent to the Florida Turnpike. Staff notes that the approval of this application will not change the existing cemetery use on the subject property. As such, staff opines that approval of same will be **consistent** with the CDMP Land Use Element interpretative text for the **Residential Communities**, and the CDMP Land Use Plan map designation for the subject property.

ZONING ANALYSIS:

When request #1, to modify a condition of a prior resolution in order to allow the applicant to submit revised site plans showing a new 8-story / 90' high mausoleum building to a previously approved cemetery, is analyzed under Section 33-311(A)(7), **General Modification Standards**, staff opines that approval of the same would be **incompatible** with the surrounding area. Staff notes that the submitted plans show the 36.02 acre subject property comprised of three (3) parcels; Parcel I showing existing ground burials; Parcel II showing existing two 2-story / 31.10' high mausoleum buildings and ground burials; and Parcel III illustrating the requested 8-story mausoleum building located at the northwesternmost corner of the subject site along with ground burials. Said mausoleum will house 35,028 urns within 96,528 sq. ft. of building area. Although the submitted plans show that said mausoleum will be spaced 523' from the residential neighborhood located to the east across SW 117 Avenue, and will be spaced 471' from the residential neighborhood located to the west across the Florida Turnpike, staff is of the opinion that the proposed mausoleum building height of 8-story / 90' will be out of character with the area and will generate negative visual impacts on same. Additionally, staff opines that drivers along the Florida Turnpike will also be visually impacted by said 8-story / 90' high mausoleum, which will be viewed by said drivers as a massive rectangular building measuring approximately 218' in width by 90' in height. Staff notes that there are no similar approvals of height requirements in the immediate vicinity. Staff further notes that the surrounding residential communities to the east and west have residences with a maximum height of 2-stories / 35'.

However, staff opines that a proposed mausoleum building with a height of 4-story / 44' would be more **compatible** with said residential communities. Additionally, the proposed landscaping in the form of trees and hedges would be sufficient to buffer adjacent residential land uses from a four story building. Therefore, staff opines that a proposed mausoleum building with a height of 4-stories / 44' would be more compatible with the approved and maximum allowed heights in the area.

The memoranda submitted by the Departments concerned with reviewing this application do not object to the proposed application. The Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER) memorandum states that the application will not generate any new additional daily peak hour trips, will not exceed the acceptable level of service of the surrounding roadways and meets the traffic concurrency criteria for an Initial Development Order. The Division of Environmental Resources Management (DERM) of the RER indicates that the approval with conditions of the aforementioned request will not have an unfavorable impact on the environmental resources of the County. Specifically, its memorandum indicates that a review of the application for compliance with the requirements of Chapter 24 of the Code indicated that the Level of Service standards as specified in the CDMP for potable water supply, wastewater disposal and flood protection are valid for this initial development order. However, the memorandum from the Miami-Dade Fire Rescue Department objects to the proposal because

required information regarding apparatus set-up sites has not been submitted to the Department for review. Nevertheless, based on the aforementioned, staff opines that the proposed mausoleum as recommended by staff to be modified to a maximum height of 4-stories / 44' will not generate excessive noise or traffic, provoke excessive overcrowding of people, tend to provoke a nuisance, and would be **compatible** with the surrounding residential area. **Therefore, staff recommends modified approval with conditions of request #1 under Section 33-311(A)(7) Generalized Modification Standards with the reduction of the mausoleum height to 4-story / 44'.**

When request #2, to permit a building height of 8 stories (2 stories maximum permitted) and a building height of 90' (35' maximum permitted), is analyzed under Section 33-311(A)(4)(b), the Non-Use Variance (NUV) Standards, staff opines that approval of this request would not maintain the basic intent and purpose of the zoning, subdivision and other land use regulations, and would be **incompatible** with the area. As previously mentioned, staff is of the opinion that the proposed mausoleum building's height of 8-stories / 90' will be out of character with the area, will generate negative visual impacts on same and will visually impact drivers along the Florida Turnpike. Staff notes that there are not any similar approvals of height requirements in the immediate vicinity. However, staff opines that a proposed mausoleum building with a height of 4-stories / 44' would be more **compatible** with the residential communities to the east and west, which have approved heights of 2-stories / 35'. Additionally, abundant landscaping in the form of trees and hedges shown in the submitted plans, in staff's opinion, would be sufficient to buffer adjacent residential land uses and will not create any negative visual impact to the surrounding area with reduced height of 4-stories / 44' for the proposed mausoleum. **As such, staff recommends modified approval with conditions of request #2 under Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations to permit the mausoleum with a height of 4-stories / 44'.**

ACCESS, CIRCULATION AND PARKING: N/A.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION: Modified approval with conditions.

CONDITIONS FOR APPROVAL:

1. That all the conditions of Resolution #7696, last modified by Condition #2 of Resolution #Z-5-11 remain in full force and effect, except as herein modified.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Memorial Necropoli Mausoleum at Graceland Memorial Park" as prepared by Axioma Architects with sheet A-100.2 dated stamped received 9/26/14, consisting of 1 sheet, sheets A-101 & L-1 dated stamped received 9/5/14, consisting of 2 sheets, sheets A-100.1, A-300, A-301, A-302 & A-303 dated stamped received 5/23/14, consisting of 5 sheets and the remaining 9 sheets dated stamped received 4/7/14 for a total of 17 sheets, except as herein modified to show the mausoleum with a maximum height of 4-stories / 44'.
3. That the height of the proposed mausoleum be limited to a maximum height of 4 stories / 44'.

4. That the proposed landscaping be installed prior to obtaining the final permit approval or the issuance of a Certificate of Use (CU) for the mausoleum.
5. That the applicant obtain a Certificate of Use from and promptly renew the same annually with the Department of Regulatory and Economic Resources, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.

ES:MW:NN:CH:JV



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

NaN

ZONING RECOMMENDATION ADDENDUM

Northstar Graceland, LLC
Z14-032

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Division of Environmental Resource Management (RER)	No objection
Platting and Traffic Review Section (RER)	No objection
Public Works and Waste Management	No objection
Parks, Recreation and Open Space	No objection
Fire Rescue	Objects
Police	No objection
Schools	No comment

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

<p>Low Medium Density Residential (Pg. I-29)</p>	<p><i>The Adopted 2020 and 2030 Land Use Plan designates the subject property as being within the Urban Development Boundary for Low Medium Density Residential. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.</i></p>
<p>Public Facilities (Pg. I-34)</p>	<p><i>Large-scale public facilities, institutional and communications uses, and utilities are specifically identified in the Institutions, Utilities, and Communications category on the Plan map. Small-scale uses and the facilities intended to serve the immediate needs of the residential community may be permitted on compatible sites in Residential Communities subject to adequate design and buffering. These facilities include fire stations, electrical sub-stations and distribution facilities, cell antenna, natural gas, telephone, fiber optic, cable, water and sewer facilities. They are preferably located in activity nodes, transition areas, and along major thoroughfares, and also at section centers if designed to serve the immediate neighborhood. Larger uses and facilities which are designed to serve more than a local area are preferably located in or adjacent to Industrial and Office, or Business and Office areas. Cemeteries may also be permitted in Residential Communities where direct access to a Major or Minor Roadway is provided or where traffic would not disrupt adjacent residential areas.</i></p>

PERTINENT ZONING REQUIREMENTS/STANDARDS

<p>Section 33-311(A)(7) Generalized Modification Standards.</p>	<p><i>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.</i></p>
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ZONING RECOMMENDATION ADDENDUM

Northstar Graceland, LLC
Z14-032

33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations	<i>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.</i>
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2. NORTHSTAR GRACELAND, LLC
(Applicant)

15-3-CC-1 (14-032)
BCC/District 08
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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1954	William Dyer, Trustee	- Special Permit for Cemetery.	BCC	Approved
1978	Graceland Cemeteries Inc.	- Special Exception to permit a Cemetery. - Non-Use Variance of zoning regulations.	ZAB	Approved with Condition(s)
1979	Paradise Memorial Gardens, Inc.	- Special Exception to modify plans & Re-Subdivision. - Non-Use Variance of setback and zoning regulations.	ZAB	Approved with Condition(s)
1988	Pinelawn Memorial, Inc.	- Modification of Resolution. - Non-Use Variance's of setback. - Unusual Use for Entrance Feature.	ZAB	Approved with Condition(s)
1992	Osiris Holdings of Florida D/B/A Graceland Cemeteries, Inc. and Pinelawn Memorial, Inc.	- Special Exception to Re-Subdivision. - Non-Use Variance's of zoning regulations. - Unusual Use for Entrance Feature. - Modification of Plans.	ZAB	Approved with Condition(s)
1994	Osiris Holdings	- Modification of Plans. - Non-Use Variance's of zoning regulations & setback.	ZAB	Approved with Condition(s)

1997	Osiris Holdings of Fla	<ul style="list-style-type: none"> - Modification of condition of Resolution. - Zone change from Au to BU-1A. - Special Exception to expand a cemetery & funeral home. - Non-Use Variance's of zoning regulations. 	BCC	Approved with Condition(s)
2011	Northstar Graceland, LLC	<ul style="list-style-type: none"> - Zone change from BU-1A to GU. - Special Exception for cemetery. - Deletion of Agreement. - Modification of condition of Resolution. 	BCC	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: October 23, 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: BCC #Z2014000032-2nd Revision
Northstar Graceland, LLC
13900 SW 117th Avenue, Miami, FL 33186
Modification of a previous resolution to add a mausoleum building
to an existing cemetery.
(AU) (36.02 Acres)
13-55-39

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

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

Existing public water 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.

Wastewater Disposal

Public sanitary sewers are not located within feasible distance for connection to the subject property; consequently, any proposed development would have to be served by a septic tank and drainfield as a means for the disposal of domestic liquid waste.

DERM would not object to the interim use of a septic tank and drainfield system provided that the site is connected to the public water supply system and the proposed development meets the sewage loading requirements of Section 24-43.1(4) of the Code. Based upon the available information the proposal meets said requirements. Furthermore, since the request is for a non-residential land use, the property owner has submitted a properly executed covenant running with the land in favor of Miami-Dade County as required by Section 24-43.1(4)(a) of the Code, which provides that the only liquid waste, less and except the exclusions contained therein, which shall be generated, disposed of, discharged or stored on the property shall be domestic sewage discharged into a septic tank.

Stormwater Management

Any redevelopment involving more than two (2) acres of impervious area will require a DERM Surface Water Management General Permit 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 DERM Water Control Section for further information regarding permitting procedures and requirements.

Stormwater should be retained on site utilizing designed seepage or infiltration drainage system. Drainage plans shall provide for full on-site retention of the stormwater runoff generated by a 5-year/1-day storm event.

Site grading and development plans shall 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.

Wetlands

The subject properties do not contain wetlands as defined by Section 24-5 of the Code; therefore, a Class IV Wetlands 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 proposed mausoleum building will not impact tree resources. Therefore, DERM has no objection to this zoning application, however please be advised that 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.

Enforcement History

The subject property has no open and three (3) closed enforcement records for violations of Chapter 24 of the Code. Please contact the Enforcement Section if you require additional information.

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: December 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: Z2014000032
Name: Northstar Graceland, LLC
Location: 13900 SW 117 Avenue
Section 13 Township 55 South Range 39 East

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

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. Any right-of-way dedications and/or improvements required will be accomplished thru the recording of a plat.

This application does not generate any new additional daily peak hour trips, therefore no vehicle trips have been assigned. This application meets the traffic concurrency criteria set for an Initial Development Order.

Memorandum



Date: May 7 , 2014

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

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

Subject: Northstar Graceland, LLC (#14_032)

A handwritten signature in cursive script, appearing to read "Paul Mauriello".

The Public Works and Waste Management Department, Waste Operations (PWWM) has no objections to the proposed application.

The applicant requests a modification of a previous resolution to add a mausoleum building to an existing cemetery located at 13900 SW 117 Avenue in Miami-Dade County, Florida. The application will have no PWWM impact or any associated costs.

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.

Memorandum



Date: October 20, 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: Z2014000032: NORTHSTAR GRACELAND, LLC
Revised Plans Submitted Dated Stamped Received 9/26/2014

Application Name: NORTHSTAR GRACELAND, LLC

Project Location: The site is located at 13900 SW 117 AVE, Miami-Dade County.

Proposed Development: The request is for modification of plans to include an administrative office as an accessory use to a cemetery.

Impact and demand: This application does not generate any additional residential population, and therefore the CDMP Open Space Spatial Standards do not apply.

Recommendation: PROS has no pertinent comments for this application concerning impact or demand on existing County parks, proposed or budgeted service expansion, nor do we perform a concurrency review. 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

Memorandum



Date: 03-OCT-14
To: Jack Osterholt, Director
 Department of Regulatory and Economic Resources
From: Dave Downey, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2014000032

Fire Prevention Unit:

This memo supersedes MDFR memorandum dated September 30, 2014.

OBJECTIONS:

The previous comment has still not been addressed.

Since the mausoleum is 90 feet in height, applicant must provide at least two Fire Department apparatus set-up sites, one on a short side of the structure and one on the long side of the structure.

Service Impact/Demand

Development for the above Z2014000032
 located at 13900 SW 117 AVE, MIAMI-DADE COUNTY, FLORIDA.
 in Police Grid 1988 is proposed as the following:

<u>N/A</u>	dwelling units	<u>N/A</u>	square feet
residential		industrial	
<u>N/A</u>	square feet	<u>N/A</u>	square feet
Office		institutional	
<u>N/A</u>	square feet	<u>N/A</u>	square feet
Retail		nursing home/hospitals	

Based on this development information, estimated service impact is: N/A alarms-annually.
 The estimated average travel time is: ___ minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:
 Station 43 - Richmond - 13390 SW 152 Street
 Rescue, ALS 65 feet Aerial, TRT

Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:
 None.

Fire Planning Additional Comments

N/A

16

DATE: 27-JAN-15

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

NORTHSTAR GRACELAND, LLC

13900 SW 117 AVE, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2014000032

HEARING NUMBER

HISTORY:

NC: THERE ARE NO CURRENT OPEN OR CLOSED NIEGHBORHOOD REGULATIONS
CASES, FOR FOLIO NUMBERS 30-5924-000-0051, 30-5913-000-0033, AND 30-5913-000-0032.
BLDG: THERE ARE NO CURRENT OPEN OR CLOSED BUILDING SUPPORT REGULATIONS
CASES FOR FOLIO NUMBERS 30-5924-000-0051, 30-5913-000-0033, AND 30-5913-000-0032

NORTHSTAR GRACELAND, LLC

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

NONE

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 similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

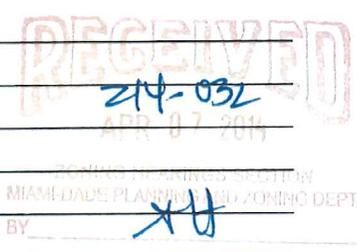
CORPORATION NAME: Northstar Graceland, LLC

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>William Hamilton</u>	<u>20%</u>
<u>Brian Sullivan</u>	<u>20%</u>
<u>Deborah Gilmore</u>	<u>20%</u>
<u>Alan Teal</u>	<u>20%</u>
<u>Detlef Taylor</u>	<u>20%</u>
_____	_____

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and 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: _____

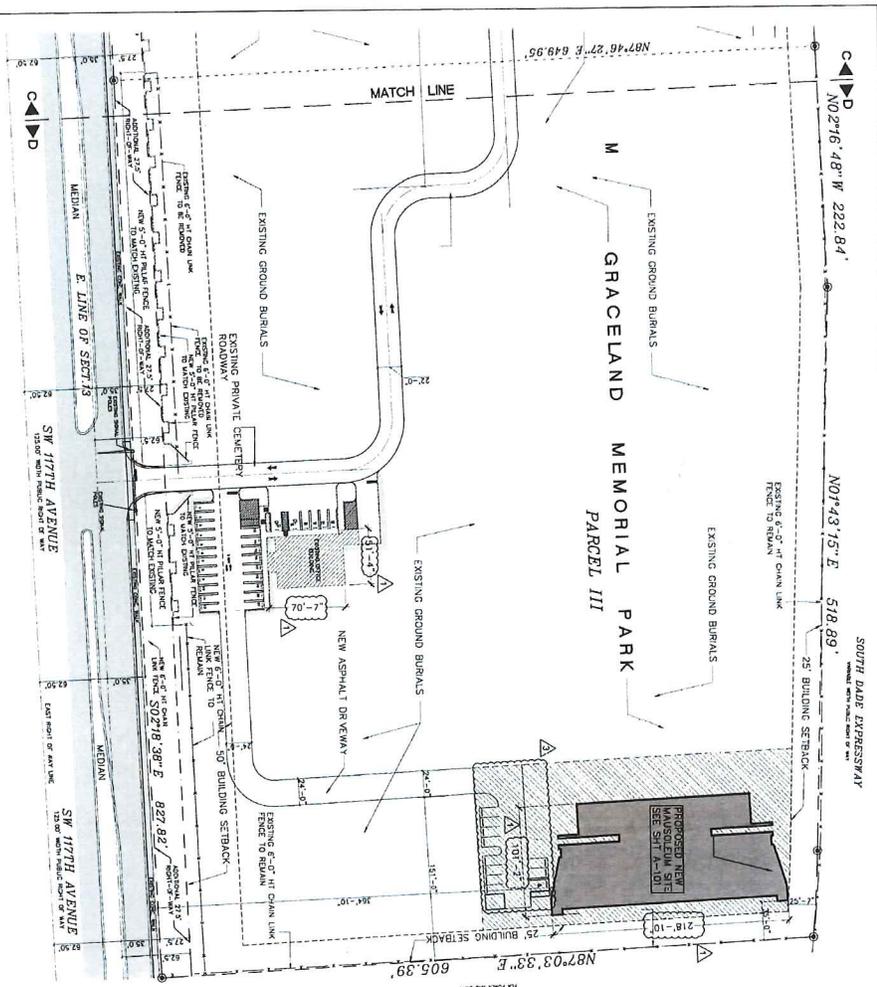
<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____



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

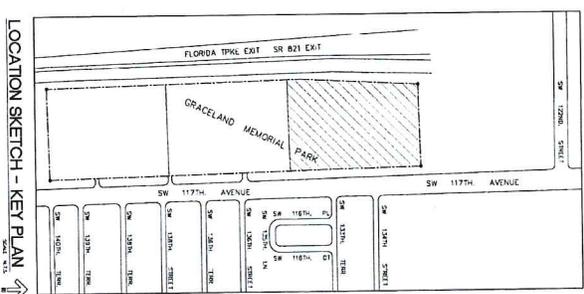
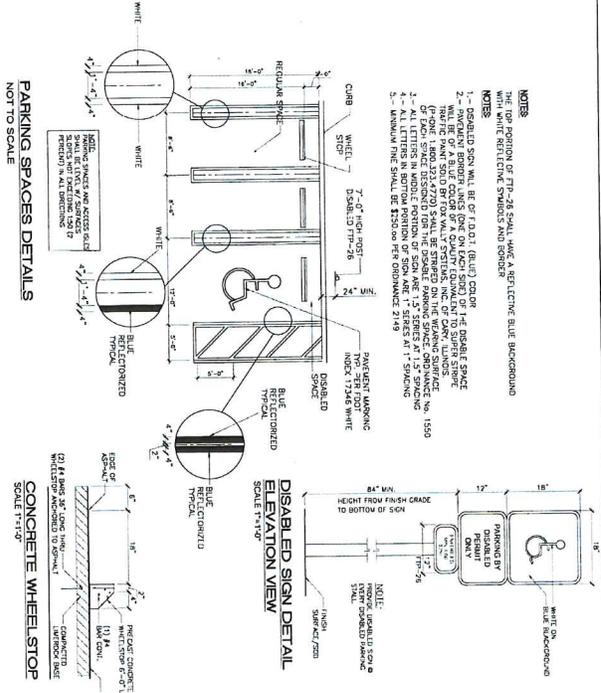
PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS</u>	<u>Percent of Ownership</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____



SITE PLAN 'D-D' (NORTH AREA)
SCALE: 1"=50'

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 214-032
 SEP 26 2014
 MIAMI-DADE COUNTY
 DEPARTMENT OF REGULATORY AND ECONOMIC
 RESOURCES DEVELOPMENT SERVICES
 By *[Signature]*



DATE:	03/24/14
REVISION:	
△ B.D.C.	05/01/14
△ B.D.C.	05/28/14
△ B.D.C.	09/24/14

PROJECT:	GRACELAND MEMORIAL PARK
CLIENT:	MIAMI-DADE COUNTY
DESIGNER:	AXIOMAS ARCHITECTS
DATE:	09/24/14

PROJECT:	GRACELAND MEMORIAL PARK
CLIENT:	MIAMI-DADE COUNTY
DESIGNER:	AXIOMAS ARCHITECTS
DATE:	09/24/14

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24-032

APR 07 2014

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DEPARTMENT OF REGULATORY AND ECONOMIC
RESOURCES DEVELOPMENT SERVICES

By *[Signature]*

GROUND LEVEL FLOOR PLAN
SCALE: 1/8" = 1'-0"

A-200

DATE: 03.18.14
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 PROJECT NO.: 24-032
 SHEET NO.: A-200

COMPANY: axioma3 architects
 2650 SW 11th Ave
 Suite 200
 Miami, FL 33135
 TEL: 305.677.6331
 FAX: 305.677.6870
 WWW.AXIOMA3.COM

PROJECT: MIAMI-DADE COUNTY
 DEPARTMENT OF REGULATORY AND ECONOMIC
 RESOURCES DEVELOPMENT SERVICES
 7442 SW 4th STREET
 MIAMI, FL 33135
 TEL: 305.677.6331
 FAX: 305.677.6870
 WWW.AXIOMA3.COM

DESIGNER: axioma3 architects
 2650 SW 11th Ave
 Suite 200
 Miami, FL 33135
 TEL: 305.677.6331
 FAX: 305.677.6870
 WWW.AXIOMA3.COM

ARCHITECT: axioma3 architects
 2650 SW 11th Ave
 Suite 200
 Miami, FL 33135
 TEL: 305.677.6331
 FAX: 305.677.6870
 WWW.AXIOMA3.COM

GENERAL CONTRACTOR: [Blank]

MECHANICAL CONTRACTOR: [Blank]

ELECTRICAL CONTRACTOR: [Blank]

PLUMBING CONTRACTOR: [Blank]

PAINT CONTRACTOR: [Blank]

LANDSCAPE ARCHITECT: [Blank]

ARCHITECTURAL DESIGNER: [Blank]

GENERAL CONTRACTOR: [Blank]

MECHANICAL CONTRACTOR: [Blank]

ELECTRICAL CONTRACTOR: [Blank]

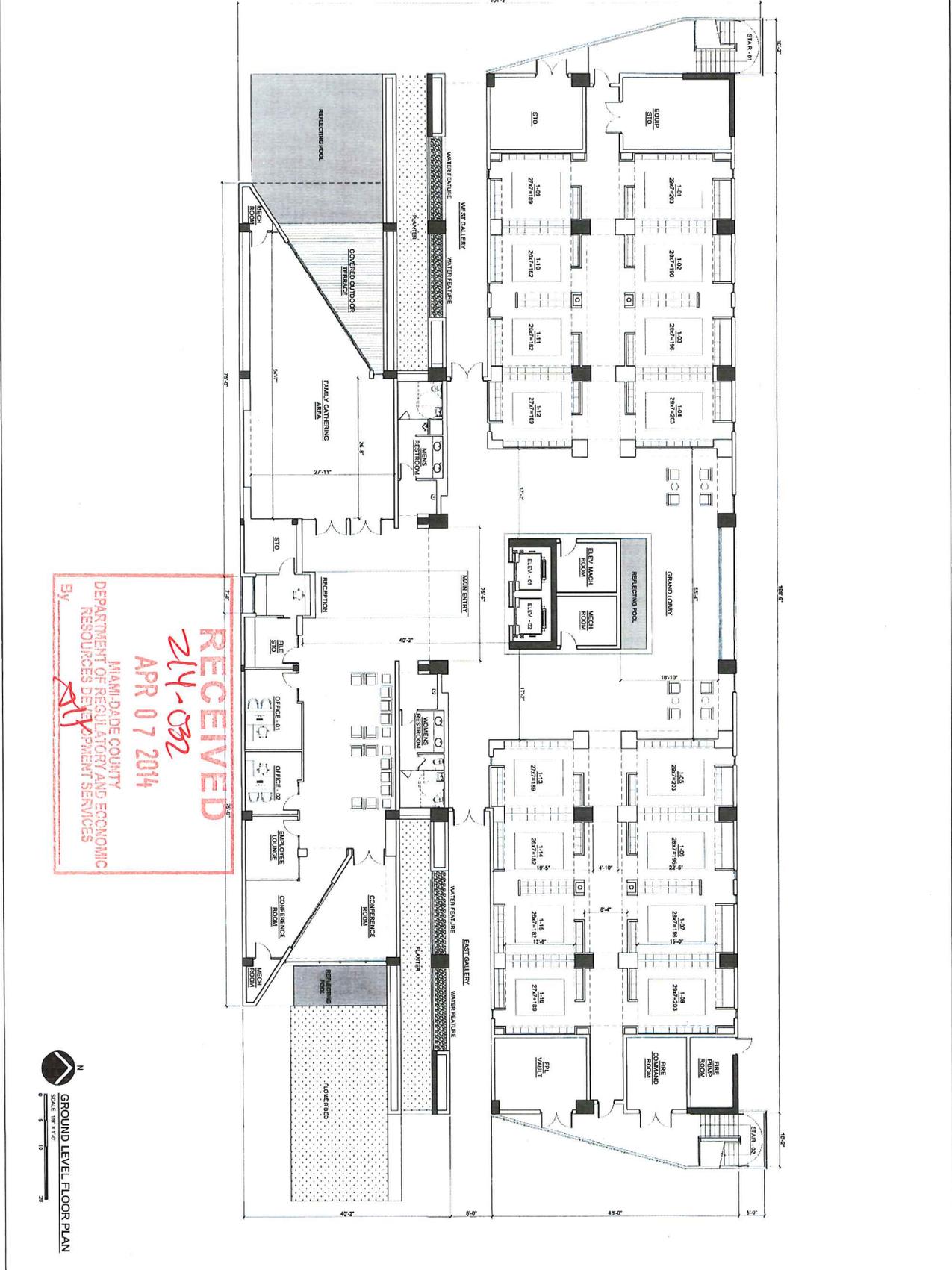
PLUMBING CONTRACTOR: [Blank]

PAINT CONTRACTOR: [Blank]

LANDSCAPE ARCHITECT: [Blank]

ARCHITECTURAL DESIGNER: [Blank]

GENERAL CONTRACTOR: [Blank]

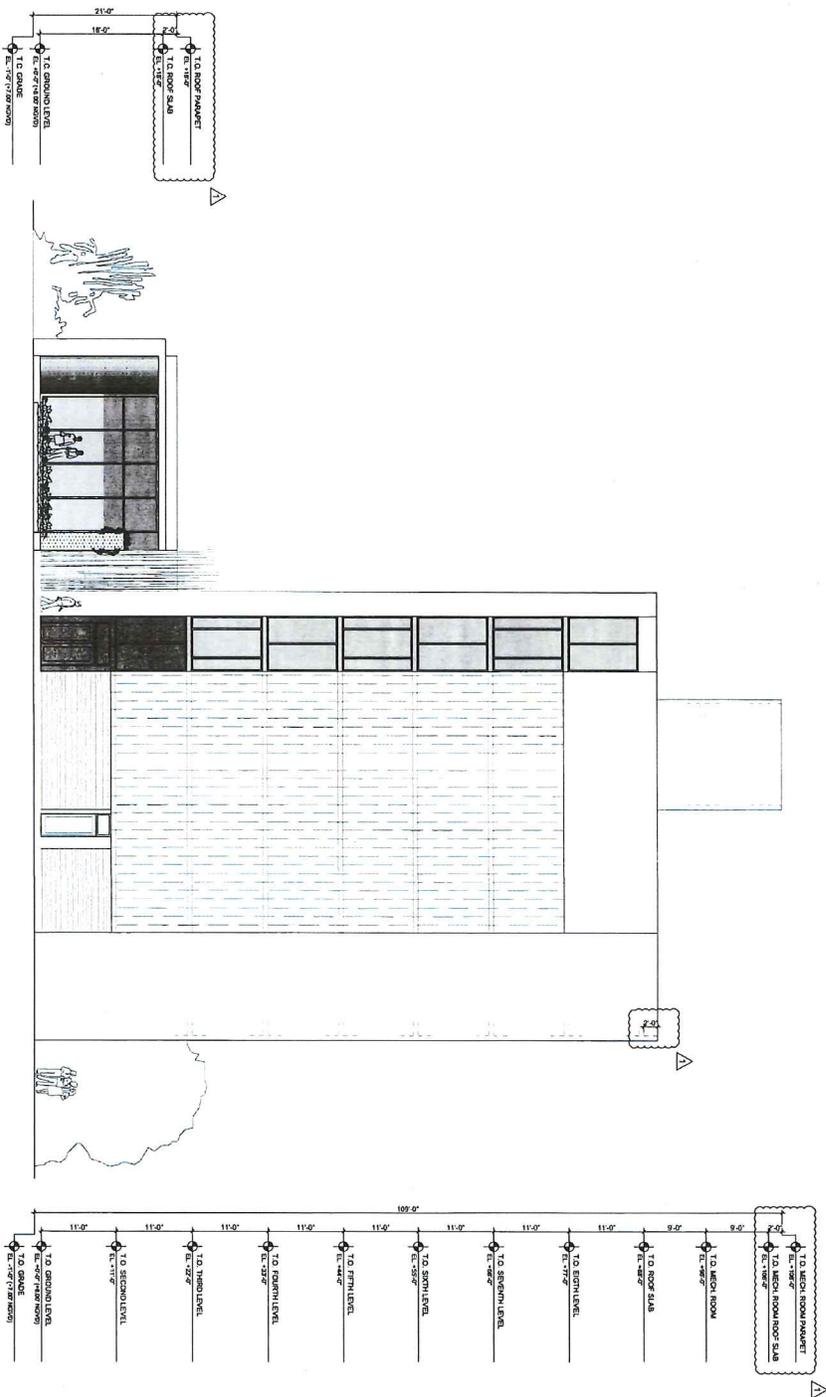


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RESOURCES
BY *[Signature]* PLACEMENT SERVICES



MAIN ENTRY ELEVATION (EAST)

SCALE 3/8" = 1'-0"

20

akiomaki architects

1001 N.W. 10th St.
Miami, Florida 33136

TEL: 305.575.1111
FAX: 305.575.1111
WWW.AKIOMAKI.COM

PROJECT: UNIVERSITY OF MIAMI, LLC
1000 SW 117th Ave
Miami, FL 33156

ARCHITECT: AKIOMAKI ARCHITECTS
1000 SW 117th Ave
Miami, FL 33156

LANDSCAPE ARCHITECT:
LENS AQUA LANDSCAPE &
ARCHITECTURAL DESIGN, INC.
MIAMI, FL 33156
TEL: 305.561.1885
LIC: 20000479

REVISIONS
B.D.C. 05.01.14

DATE: 03.13.14
PROJECT: UNIVERSITY OF MIAMI, LLC
1000 SW 117th Ave
Miami, FL 33156
ARCHITECT: AKIOMAKI ARCHITECTS
1000 SW 117th Ave
Miami, FL 33156
LANDSCAPE ARCHITECT: LENS AQUA LANDSCAPE & ARCHITECTURAL DESIGN, INC.
MIAMI, FL 33156
TEL: 305.561.1885
LIC: 20000479

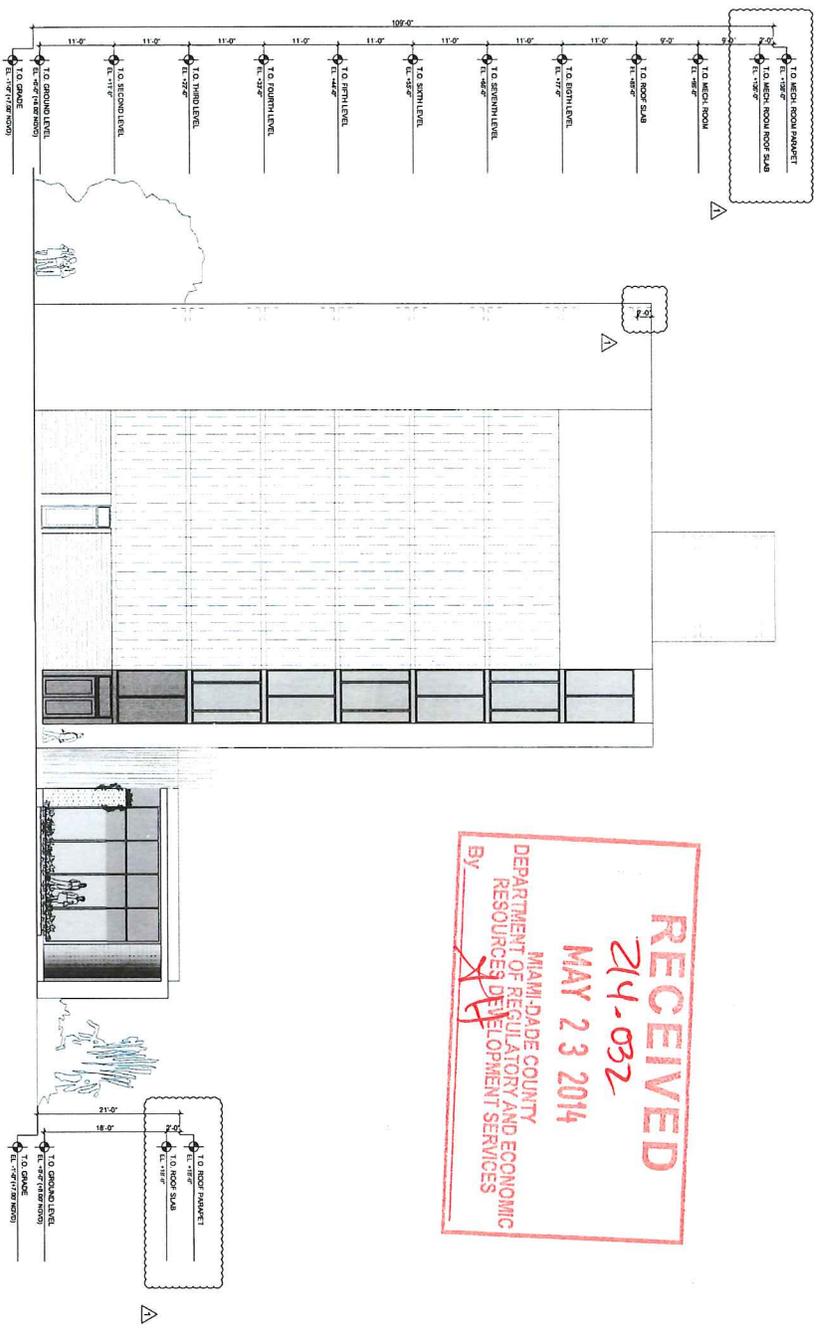
APPROVED BY: *[Signature]*
DATE: MAY 01 2014

COMPANY NO.: 0000000000
ADDRESS: 1000 SW 117th Ave
MIAMI, FL 33156

SCHEMATIC BUILDING SECTION

SCALE: AS SHOWN
A-300

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 MAY 23 2014
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 RESOURCES DEVELOPMENT SERVICES
 By



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 24-032
 MAY 23 2014
 MIAMI-DADE COUNTY
 DEPARTMENT OF REGULATORY AND ECONOMIC
 RESOURCES DEVELOPMENT SERVICES

REAR ELEVATION (WEST)
 SCALE: 3/8" = 1'-0"
 0 5 10 20

exloms3 architects

Andrew S. Lee
 7418 E. W. 8th St.
 Suite 100
 Miami, FL 33155

Tel: 305.677.1313
 Fax: 305.667.6610
 www.exloms3.com

INDUSTRIAL INTERNATIONAL, LLC
 6401 BLUE LAGOON DR., SUITE 700
 MIAMI, FL 33149

Product:
 INDUSTRIAL ARCHITECTURE
 AT CHICKASAW MOUND
 MIAMI, FL 33188

LOCAL OFFICE:
 LANDSCAPE ARCHITECT
 ARCHITECTURAL DESIGN, INC.
 7400 SW 40th STREET
 MIAMI, FL 33155
 TEL: 305.551.1855
 (C-25090419)

DATE: 03.13.14

BY: [Signature]

PROJECT: CHICKASAW MOUND
 INDUSTRIAL ARCHITECTURE
 AT CHICKASAW MOUND
 MIAMI, FL 33188

SCALE: 3/8" = 1'-0"

SECTION: REAR ELEVATION (WEST)

DATE: MAY 01 2014

PROJECT: CHICKASAW MOUND
 INDUSTRIAL ARCHITECTURE
 AT CHICKASAW MOUND
 MIAMI, FL 33188

SCALE: 3/8" = 1'-0"

SECTION: REAR ELEVATION (WEST)

DATE: MAY 01 2014

PROJECT: CHICKASAW MOUND
 INDUSTRIAL ARCHITECTURE
 AT CHICKASAW MOUND
 MIAMI, FL 33188

SCALE: 3/8" = 1'-0"

SECTION: REAR ELEVATION (WEST)

DATE: MAY 01 2014

PROJECT: CHICKASAW MOUND
 INDUSTRIAL ARCHITECTURE
 AT CHICKASAW MOUND
 MIAMI, FL 33188

SCALE: 3/8" = 1'-0"

SECTION: REAR ELEVATION (WEST)

DATE: MAY 01 2014

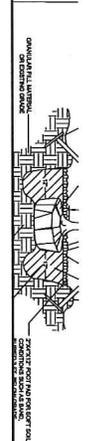
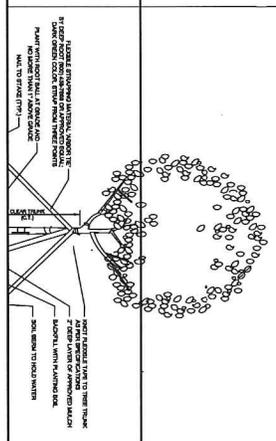
PROJECT: CHICKASAW MOUND
 INDUSTRIAL ARCHITECTURE
 AT CHICKASAW MOUND
 MIAMI, FL 33188

SCALE: 3/8" = 1'-0"

SECTION: REAR ELEVATION (WEST)

DATE: MAY 01 2014

PROJECT: CHICKASAW MOUND
 INDUSTRIAL ARCHITECTURE
 AT CHICKASAW MOUND
 MIAMI, FL 33188



1. TREES AND PALMS

NO.	DESCRIPTION	QUANTITY	PLANTING DATE	PLANTING HEIGHT	PLANTING WIDTH	PLANTING DEPTH	PLANTING DISTANCE	PLANTING METHOD	PLANTING NOTES
1	1\"/>								

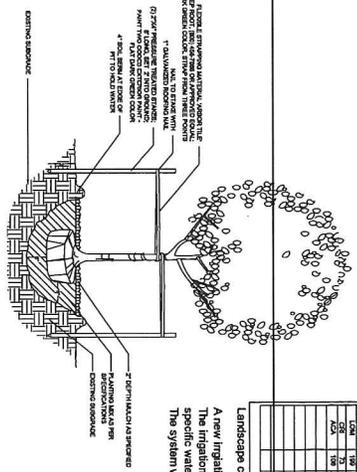
2. SHRUBS AND GROUNDCOVERS

NO.	DESCRIPTION	QUANTITY	PLANTING DATE	PLANTING HEIGHT	PLANTING WIDTH	PLANTING DEPTH	PLANTING DISTANCE	PLANTING METHOD	PLANTING NOTES
1	1\"/>								

Landscape contractor to perform his own quantity take off. Any discrepancy in quantities/specifications should be called to the attention of LA. A new irrigation system plan will be prepared to provide 110% coverage to all planted areas. The irrigation system will be designed to minimize the use of potable water and will be designed with separate hydrozones which will apply irrigation water to different plant types according to specific water requirements. The system will meet the minimum requirements of local codes and regulations.

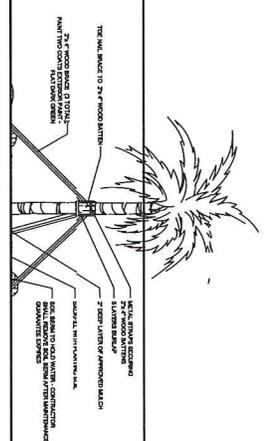
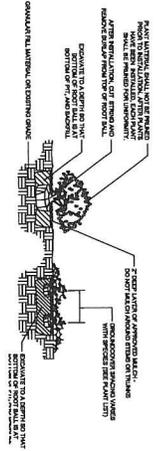
SPECIMEN TREE GUYING DETAIL

N.T.S.



SHRUB & GROUNDCOVER PLANTING DETAIL

N.T.S.



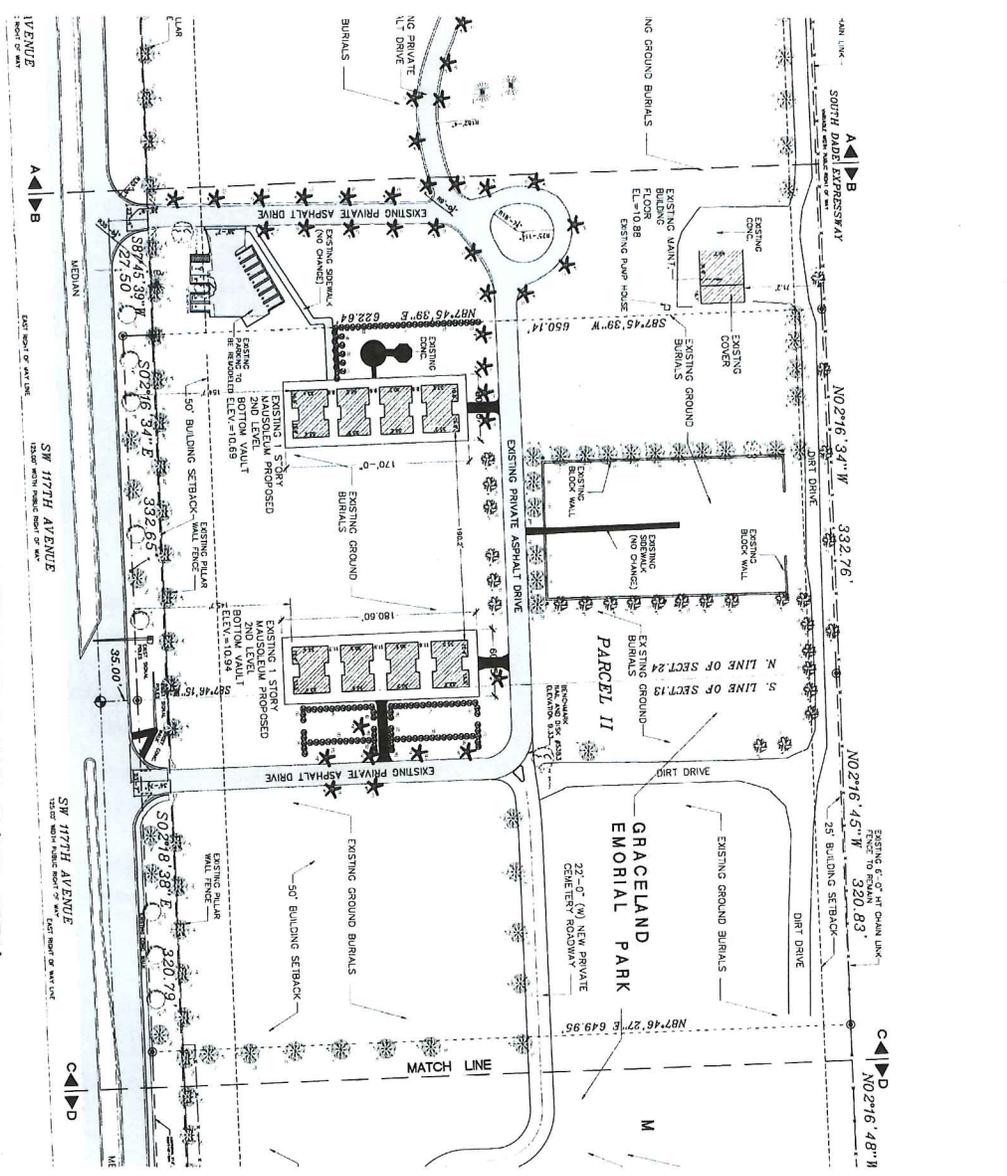
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 APR 07 2014
 DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES
 MIAMI-DADE COUNTY
 BY: *[Signature]*



Code: 7140 4-4-14

DATE: 03/27/14
 DRAWN: [Name]
 CHECKED: [Name]
 APPROVED: [Name]

axiom33 ARCHITECTS
 1000 Biscayne Blvd., Suite 1000
 Miami, Florida 33132
 305.375.1333
 www.axiom33.com



LANDSCAPE PLAN 'B-C' (MID- AREA)
SCALE: 1" = 50'

SYMBOL	SCIENTIFIC NAME	COMMON NAME	DATE	SPERIFICATION
★	SHALU PALMS	COASTAL PALM	YES	4" DIA. - 15' H
★	QUERCUS VIRENANA	WHITE OAK	YES	4" DIA. - 15' H
★	QUERCUS LAEVOGARRULA	SWAMP WHITE OAK	YES	4" DIA. - 15' H
★	QUERCUS LAEVOGARRULA	SWAMP WHITE OAK	YES	4" DIA. - 15' H
★	QUERCUS LAEVOGARRULA	SWAMP WHITE OAK	YES	4" DIA. - 15' H

SYMBOL	COMMON NAME	REMARKS
★	PALM TREE	
★	PALE TREE	
★	OAK TREE	
★	BAY TREE	
★	OLIVE TREE	
★	CHINA BERRY TREE	
○	HERB	

SYMBOL	REMARKS
★	EXISTING TO REMAIN LANDSCAPE MATERIALS LIST
○	EXISTING TO REMAIN LANDSCAPE MATERIALS LIST

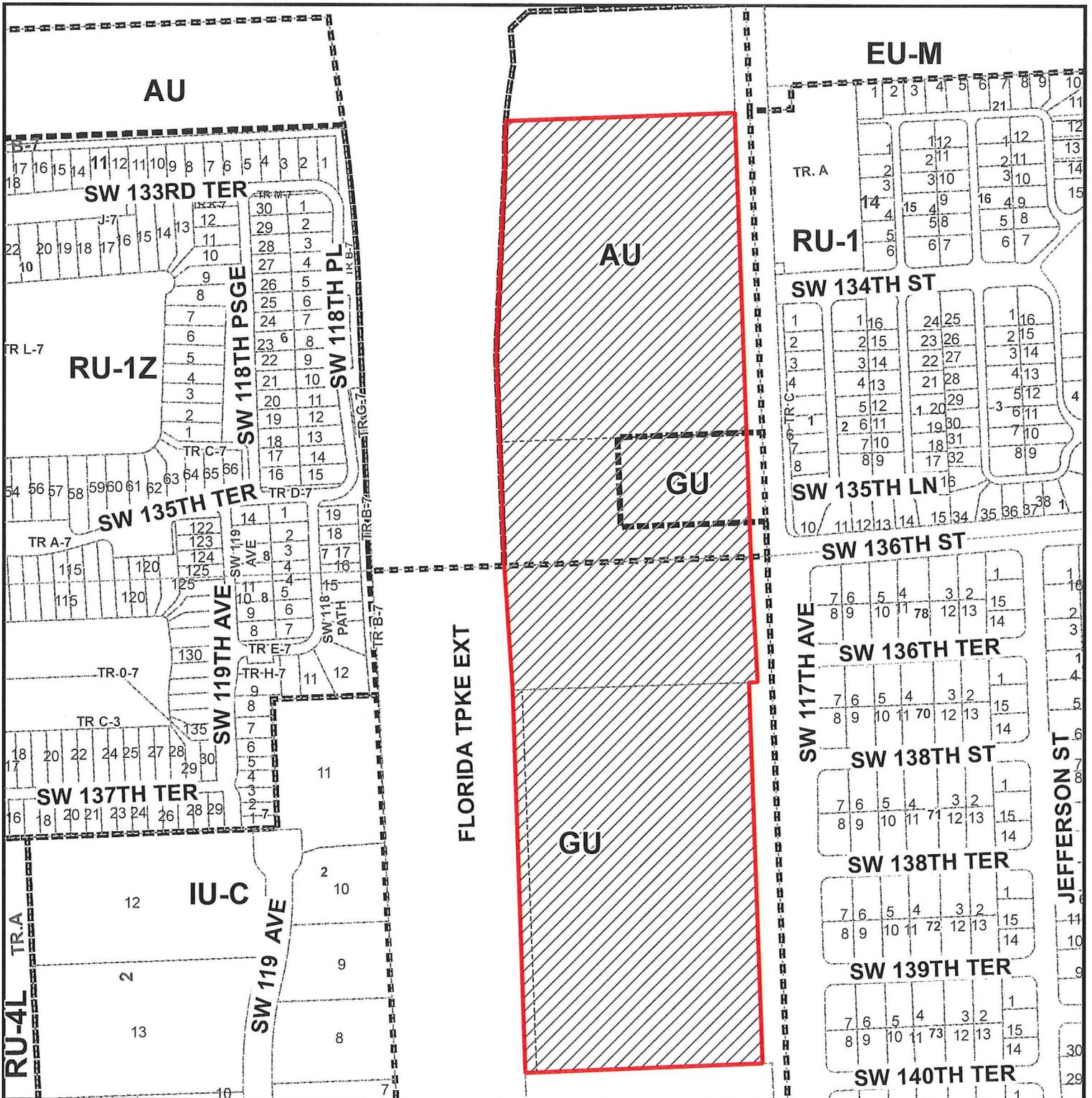
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RESOURCES DEVELOPMENT SERVICES
BY

LEWIS AGUI
LANDSCAPE ARCHITECT
4-14-14
LAW 07-140

Company No. AA000273
Eugene Carlin, P.A.
Landscape Architect
1111 NW 11th St.
Miami, FL 33136

Scale: AS SHOWN
L-0-2

axiom3 architects
4000 N.W. 11th St.
Miami, Florida 33155
34



MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2014000032



Section: 13/24 Township: 55 Range: 39
 Applicant: NORTHSTAR GRACELAND, LLC
 Zoning Board: BCC
 Commission District: 8/9
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Thursday, May 1, 2014

REVISION	DATE	BY
		37



MIAMI-DADE COUNTY
AERIAL YEAR 2013

Process Number

Z2014000032



Section: 13/24 Township: 55 Range: 39
 Applicant: NORTHSTAR GRACELAND, LLC
 Zoning Board: BCC
 Commission District: 8/9
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

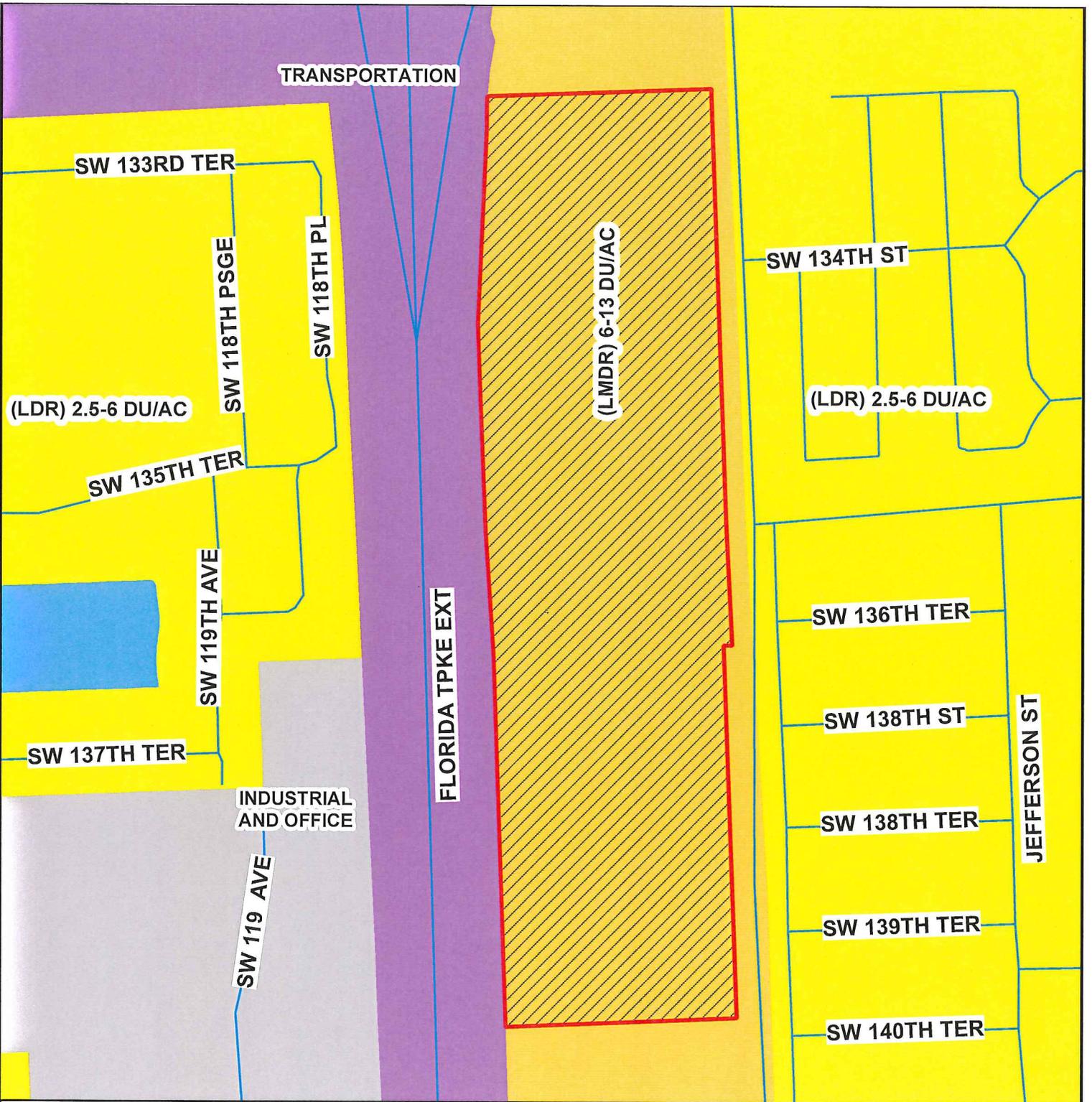
Legend

 Subject Property



SKETCH CREATED ON: Thursday, May 1, 2014

REVISION	DATE	BY
		38



MIAMI-DADE COUNTY
CDMP MAP

Process Number
Z2014000032



Section: 13/24 Township: 55 Range: 39
 Applicant: NORTHSTAR GRACELAND, LLC
 Zoning Board: BCC
 Commission District: 8/9
 Drafter ID: JEFFER GURDIAN
 Scale: NTS

Legend

 Subject Property Case



REVISION	DATE	BY