

FINAL AGENDA

9-8-2015 Version # 1



COMMUNITY ZONING APPEALS BOARD 12
KENDALL VILLAGE CENTER - CIVIC PAVILLION

8625 SW 124 Avenue, Miami

Tuesday, October 13, 2015 at 6:30 p.m.

REMAND

- | | | | | | |
|----|-------------|---------------------------------|-------|----------|---|
| 1. | 14-7-CZ12-1 | <u>MANUEL J. MENENDEZ TRUST</u> | 13-77 | 23-54-40 | N |
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Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 12

MEETING OF TUESDAY, OCTOBER 13, 2015

KENDALL VILLAGE CENTER – CIVIC PAVILLION

8625 SW 124 AVENUE, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 6:30 P.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMUNITY ZONING APPEALS BOARD SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMUNITY ZONING APPEALS BOARD BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE BOARD BE GRANTED BY THE MAJORITY VOTE OF THE BOARD 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 MEETING ROOM. PERSONS EXITING THE MEETING ROOM SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE MEETING ROOM IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS. INDIVIDUALS, INCLUDING THOSE ON THE DAIS, MUST EXIT THE MEETING ROOM 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 WITNESSES

1. MANUAL J. MENENDEZ TRUST 14-7-CZ12-1(13-077)

**23-54-40
Area 12/District 07**

- (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.

SIZE OF PROPERTY: 2.92 +/- Acres

Department of Regulatory and
Economic Resources

Recommendation:

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

Protests: 26

Waivers: 0

APPROVED: _____

DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____

DEFERRED _____

Remanded from BCC May 21, 2015

NOTICE

THE FOLLOWING SUMMARY INFORMATION IS PROVIDED AS A COURTESY; IT SHOULD NOT BE TREATED AS LEGAL ADVICE AND IT SHOULD NOT BE RELIED UPON. LEGAL CONSULTATION MAY BE WARRANTED IF AN APPEAL OR OTHER LEGAL CHALLENGE IS BEING CONTEMPLATED.

Decisions of the Community Zoning Appeals Board (CZAB) may be subject to appeal or other challenge. For example, depending upon the nature of the requests and applications addressed by the CZAB, a CZAB decision may be directly appealable to the Board of County Commissioners (BCC) or may be subject to challenge in Circuit Court.

Challenges asserted in Circuit Court, where available, must ordinarily be filed within 30 days of the transmittal of the pertinent CZAB resolution to the Clerk of the BCC. Appeals to the BCC, where available, must be filed with the Zoning Hearing Section of the Department of Regulatory and Economic Resources (RER), or its successor Department, within 14 days after RER has posted a short, concise statement (such as that furnished above for the listed items) that sets forth the action that was taken by the CZAB. (RER's posting will be made on a bulletin board located in the office of RER.) All other applicable requirements imposed by rule, ordinance, or other law must also be observed when filing or otherwise pursuing any challenge to a CZAB decision.

Further information regarding options and methods for challenging a CZAB decision may be obtained from sources that include, but are not limited to, the following: Sections 33-312, 33-313, 33-314, 33-316, and 33-317 of the Code of Metropolitan Dade County, Florida; the Florida Rules of Appellate Procedure; and the Municode website (www.municode.com). Miami-Dade County does not provide legal advice regarding potential avenues and methods for appealing or otherwise challenging CZAB decisions; however, a licensed attorney may be able to provide assistance and legal advice regarding any potential challenge or appeal.

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

PH: Z13-077(14-7-CZ12-1)

October 13, 2015

Item No. 1

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

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

REQUESTS:

REQUESTS #1 - #3 ON TRACT "B"

- (1) DISTRICT BOUNDARY CHANGE from RU-4L to RU-4M.
- (2) Deletion of Declaration of Restrictions recorded in Official Records Book 24126, pages 0768-0772.

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

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

REQUEST #4 ON TRACT "A"

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

REQUESTS #5 - #9 ON TRACTS "A" AND "B"

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

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Central Park" as prepared by Collado and Partners Inc. Sheet A-1.00 dated stamped received 09/01/15, sheet A-2.00 dated stamped received 08/12/15 and the remaining 8 sheets dated received 7/29/15 for a total of 10 sheets. Plans may be modified at public hearing.

PROJECT DESCRIPTION AND PROJECT HISTORY:

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

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

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

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

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

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

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

NEIGHBORHOOD COMPATIBILITY:

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

SUMMARY OF THE IMPACTS:

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

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

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

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

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

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

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

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

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

ZONING ANALYSIS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

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

CONDITIONS FOR APPROVAL (For requests #2 through #8 and #10 only):

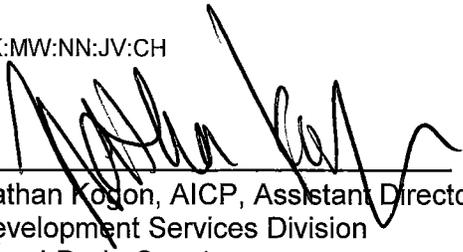
1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure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

Manuel J. Menendez, Trust

Z13-077

Page | 10

NK:MW:NN:JV:CH



Nathan Kogon, AICP, Assistant Director *NON*
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 <i>(Page I-31)</i>	<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 <i>(Pg. I-31)</i>	<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 <i>(Page I-32.2)</i>	<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 <i>(Page I-11)</i>	<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 <i>(Page I-11)</i>	<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>

1. MANUEL J. MENENDEZ TRUST
(Applicant)

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

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

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

Disclosure of interest form attached? Yes No

Previous Zoning Hearings on the Property:

<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 and RU-4M to BU-2.	C12	Approved with Condition(s)
2005	Pancho Menendez Land Trust II, ET	- Zone change from GU, RU-1, RU-4M and IU-1 to RU-4L. GU, RU-1 and RU-4M to BU-2.	C12	Approved with Condition(s)
2006	Pancho Menendez Land Trust II	- Modification of Resolution. - Deletion of Legal Description.	C12	Approved with Condition(s)

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

ZONING ACTION

MEMORANDUM

Harvey Ruvin

**Clerk of the Circuit and County Courts
Clerk of the Board of County Commissioners**

(305) 375-5126

(305) 375-2484 FAX

www.miami-dadeclerk.com



DATE: 4/23/2015

#Z-

ITEM: B.

APPLICANT: MANUEL J. MENENDEZ TRUST

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

MOTION: Deferred to May 21, 2015

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

ZONING ACTION

MEMORANDUM

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



DATE: 03/19/2015

#Z-

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

APPLICANT: MANUEL J. MENENDEZ TRUST
(APPEALS)

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

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

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

APPLICANT'S NAME: MANUEL J. MENENDEZ TRUST

#A

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

APPLICANT'S NAME: **MANUEL J. MENENDEZ TRUST**

#A

REPRESENTATIVE: **GUILLERMO OLMÉDILLO**

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
14-7-CZ12-1	October 7, 2014	CZAB12	4	14

REC: Approval with conditions of request #1, subject to the acceptance of the covenant, and approval with conditions of requests #2 through #9.

<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**

APPLICANT'S NAME: **MANUEL J. MENENDEZ TRUST**

#1

REPRESENTATIVE: **GUILLERMO OLMEDILLO**

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
14-7-CZ12-1 (13-077)	July 8, 2014	CZAB12	4	14

REC: Approval with conditions of request #1, subject to the acceptance of the covenant, and approval with conditions of requests #2 through #9.

WITHDRAW: APPLICATION ITEM(S): _____

DEFER: INDEFINITELY TO: Oct. 7, 2014 W/LEAVE TO AMEND

DENY: WITH PREJUDICE WITHOUT PREJUDICE

ACCEPT PROFFERED COVENANT ACCEPT REVISED PLANS

APPROVE: PER REQUEST PER DEPARTMENT PER D.I.C.

WITH CONDITIONS

OTHER: Applicant was asked to defer to reconsider the height of the building.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCIL WOMAN	S	Peggy BRODEUR	X		
COUNCILMAN		Jorge Luis GARCIGA			X
COUNCILMAN		Dr. Matthew LARSH			X
VICE CHAIRMAN		Alberto SANTANA	X		
COUNCILMAN	M	Jose I. VALDES (C.A.)	X		
COUNCIL WOMAN		Angela M. VAZQUEZ			X
CHAIRMAN		Elliot N. ZACK	X		

VOTE: **4** **0**

EXHIBITS: YES NO

COUNTY ATTORNEY: Dennis Kerbel

Memorandum



Date: September 3 , 2015

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

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

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

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

Potable Water Service and Wastewater Disposal

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

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

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

Stormwater Management

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

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

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

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

Pollution Remediation

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

Wetlands

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

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

Tree Preservation

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

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

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

Enforcement History

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

Concurrency Review Summary

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

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

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

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

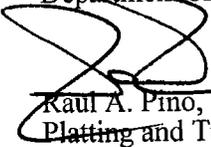
cc: Nathan Kogon, Department of Regulatory and Economic Resources

Memorandum



Date: August 26, 2015

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

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

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

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

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

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

Additional improvements may be required at time of permitting.

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

Memorandum



Date: August 10, 2015

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

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

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

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

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

Size: The subject property is approximately 2.98 acres.

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

Analysis:

1. Solid Waste Disposal

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

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

2. Garbage and Trash Collection Services

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

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

3. Recycling: Multi-Family Establishments

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

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

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

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

4. Recycling: Commercial Establishments

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

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

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

5. Waste Storage/Setout Considerations

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

6. Site Circulation Considerations

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

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

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



Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Alberto M. Carvalho

Miami-Dade County School Board
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Carlos L. Curbelo
Dr. Wilbert "Tee" Holloway
Dr. Martin Karp
Dr. Marta Pérez
Raquel A. Regalado

April 28, 2014

VIA ELECTRONIC MAIL

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

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

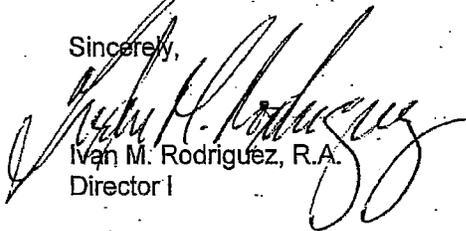
Dear Applicant:

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

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

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

Sincerely,


Ivan M. Rodriguez, R.A.
Director I

IMR:ir
L-574
Enclosure

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

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



Concurrency Management System (CMS)

Miami Dade County Public Schools

Miami-Dade County Public Schools

**Concurrency Management System
Preliminary Concurrency Analysis**

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

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

PROPOSED # OF UNITS 78
 SINGLE-FAMILY DETACHED UNITS: 0
 SINGLE-FAMILY ATTACHED UNITS: 0
 MULTIFAMILY UNITS: 78

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

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

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

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

Memorandum



Date: August 31, 2015

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

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

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

Application Name: MANUEL J.MENENDEZ TRUST

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

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

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

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

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

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

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

Coral Villas Park	MINI-PARK	0.37
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Objective ROS-8 of the Recreation and Open Space Element of the CDMP states the following: *The 2007 Miami-Dade County Parks and Open Space System Master Plan (OSMP), through a 50-year planning horizon, shall guide the creation of an interconnected framework of parks, public spaces, natural and cultural areas, greenways, trails, and streets that promote sustainable communities, the health and wellness of County residents, and that serve the diverse local, national, and international communities.*

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

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

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



Memorandum

Date: 08-SEP-15
To: Jack Osterholt, Director
 Department of Regulatory and Economic Resources
From: Dave Downey, Fire Chief
 Miami-Dade Fire Rescue Department
Subject: Z2013000077

Recommendation:

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

Service Impact/Demand

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

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

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

Existing services

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

Planned Service Expansions:

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

Fire Planning Additional Comments

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

Building and Neighborhood Compliance

ENFORCEMENT HISTORY

MANUEL J. MENENDEZ TRUST

6950 SW 40 ST,
MIAMI-DADE COUNTY, FLORIDA

APPLICANT

ADDRESS

OCTOBER 13, 2015

Z2013000077

DATE

HEARING NUMBER

REVIEW DATE OF CURRENT ENFORCEMENT HISTORY:

October 5, 2015

NEIGHBORHOOD REGULATIONS:

THERE ARE NO CURRENT OPEN OR CLOSED CASES

BUILDING SUPPORT REGULATIONS:

THERE ARE NO CURRENT OPEN OR CLOSED CASES

VIOLATOR:

MANUEL J. MENENDEZ TRUST

OUTSTANDING LIENS AND FINES:

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

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: _____

<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	_____

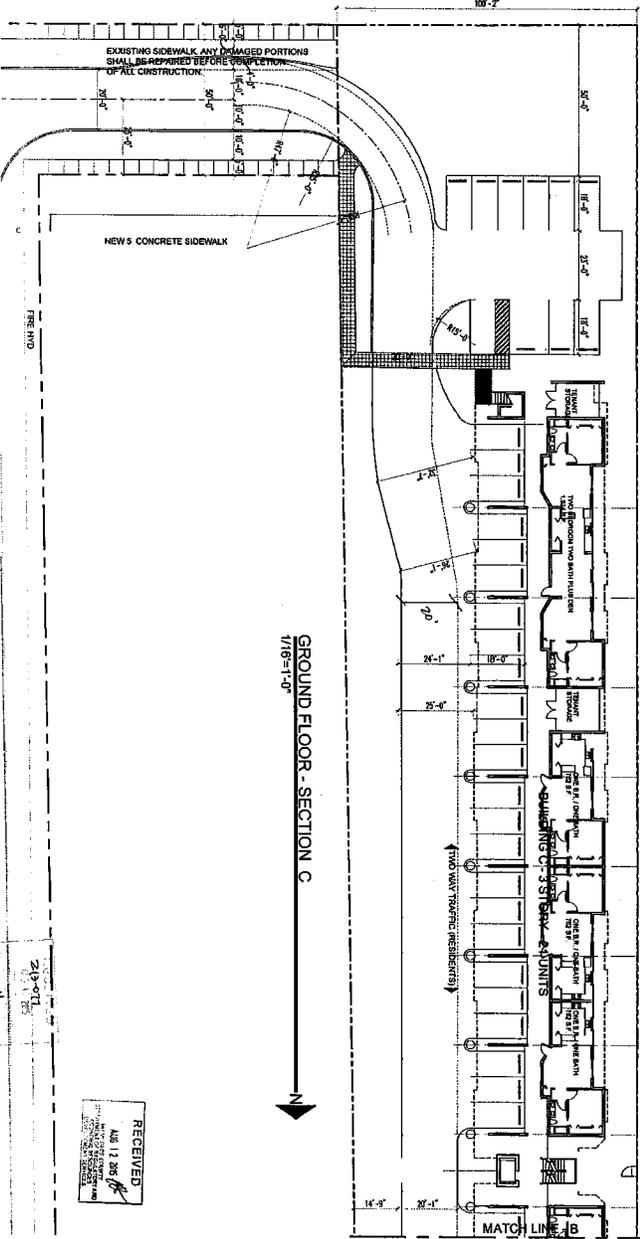
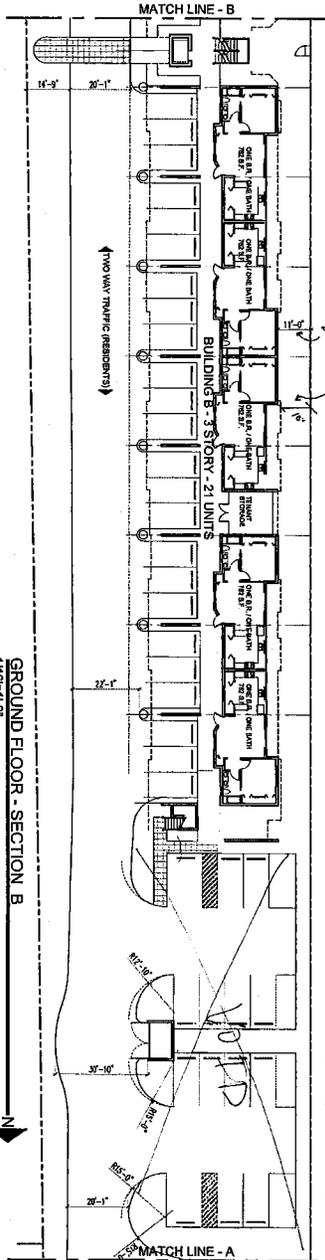
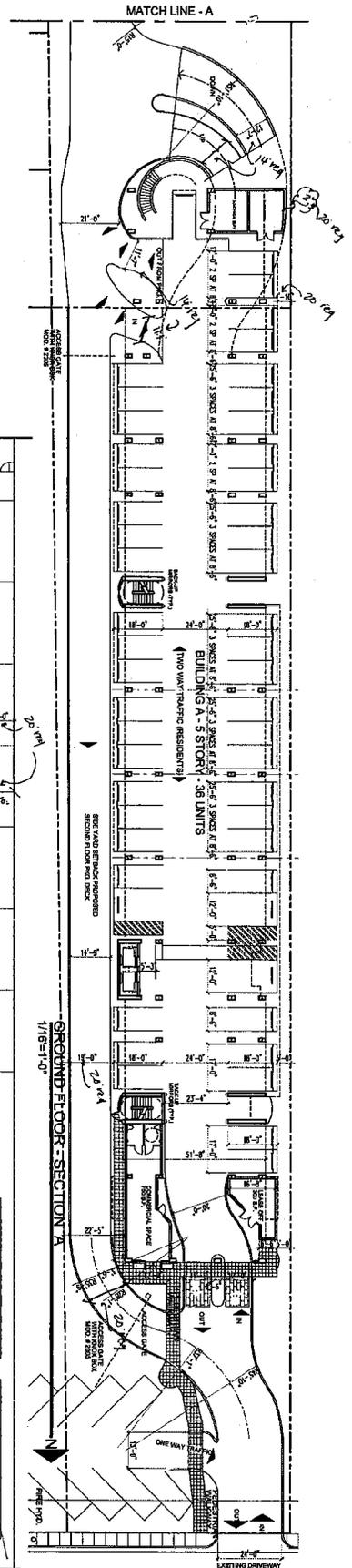
If a PARTNERSHIP owns or leases the subject property, list the principals including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be made to identify the natural persons having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

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A NEW DEVELOPMENT
CENTRAL PARK
 Manuel J. Menendez as Trustee (owner)
 8950 S.W. 40TH St. Miami, Florida 33155
 DRAWING TITLE: FLOOR PLANS - GROUND

COLLADO AND PARTNERS INC.
 ARCHITECTURE PLANNING INTERIORS
 200 ANCHOR AVENUE, 200 - CORAL GABLES, FLORIDA 33134 - TELEPHONE: (305) 589-9411 FAX: (305) 585-6300

NO.	DATE	REVISION TYPE

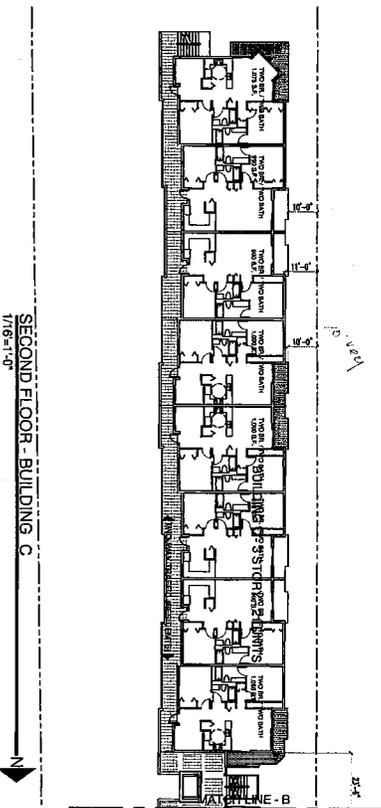
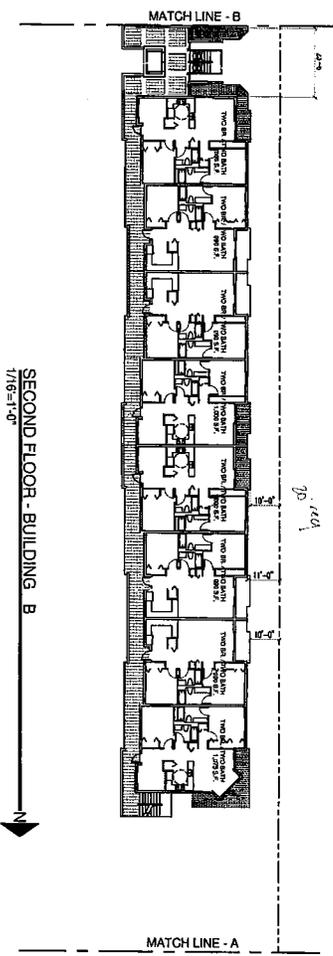
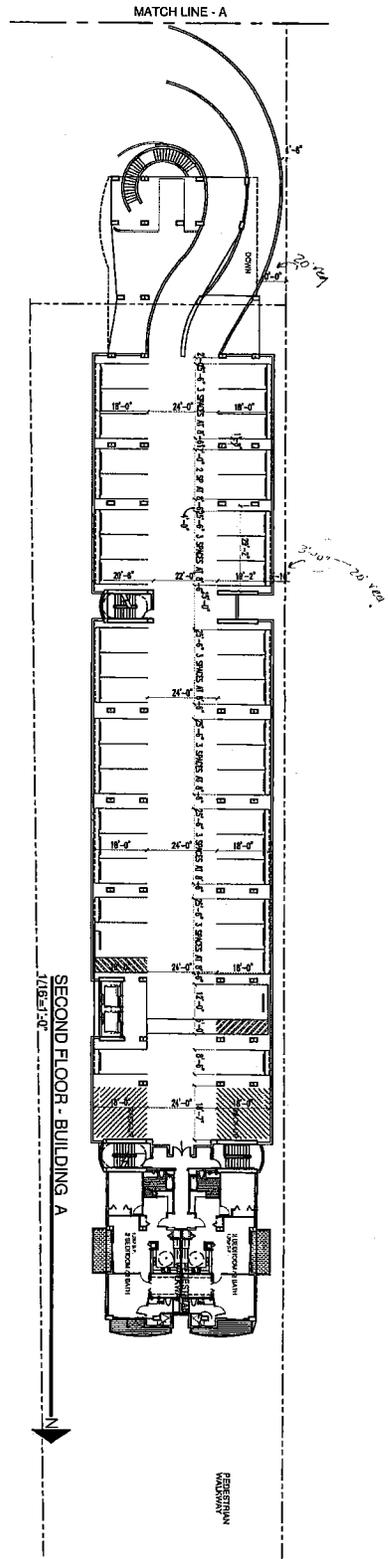
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 CHECKED:

A-2.00

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By *[Signature]*



213-077
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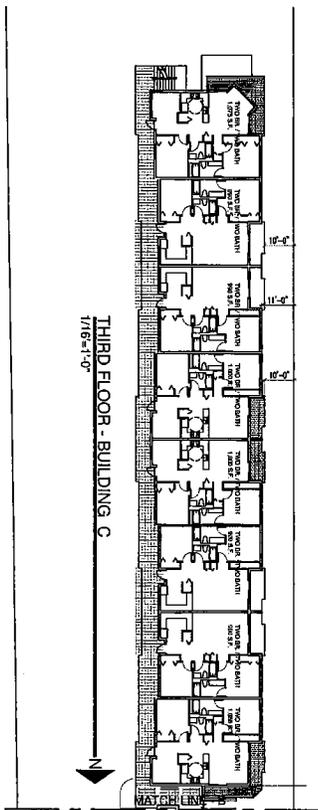
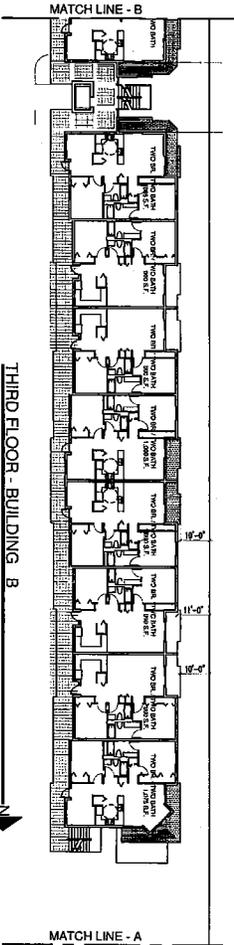
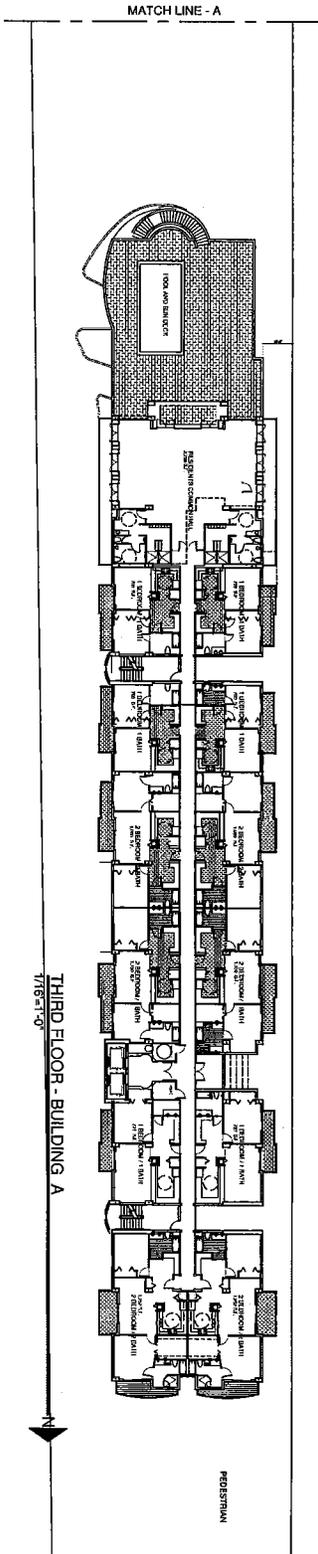
SHEET NO.: A-2.01	A NEW DEVELOPMENT CENTRAL PARK Manuel J. Menendez as Trustee (owner) 6950 S.W. 40TH St. Miami, Florida 33155 DRAWING TITLE: FLOOR PLANS - GROUND	COLLADO AND PARTNERS INC. ARCHITECTURE PLANNING INTERIORS <small>330 BRADSHAW AVENUE, SUITE 205 - CORAL GABLES, FLORIDA 33134 • TELEPHONE (305) 559-9111 FAX (305) 559-4008</small>	JOB NO. 1565-01 DATE: _____ SCALE: 6-10-15 PERM. CONST. _____ CHECKED: _____															
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MIAMI-DADE COUNTY
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By *AT*



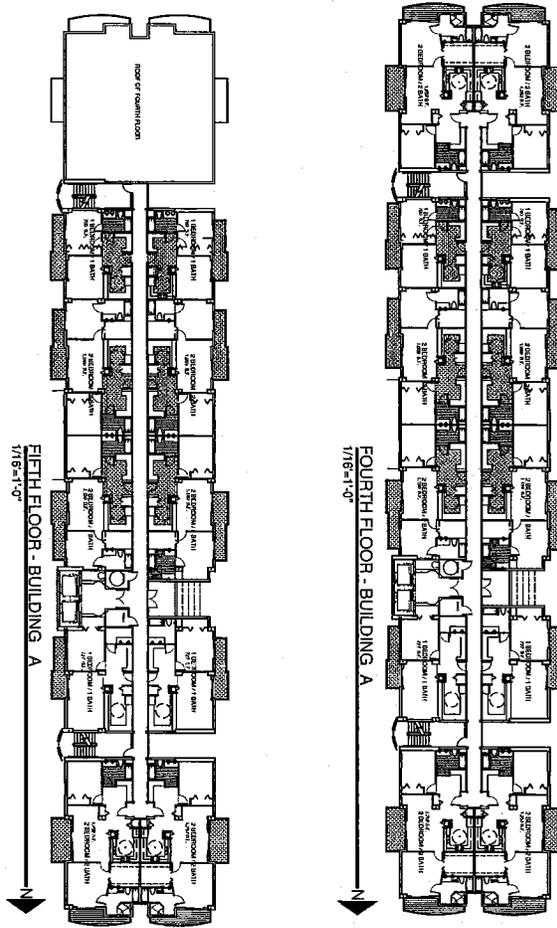
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SHEET NO. A-2.02		A NEW DEVELOPMENT CENTRAL PARK Manuel J. Menendez as Trustee (owner) 6950 S.W. 40TH St. Miami, Florida 33156	COLLADO AND PARTNERS INC. ARCHITECTURE PLANNING INTERIORS <small>300 AMARON AVENUE 205 - CORAL GABLES, FLORIDA 33134 - TELEPHONE (305) 560-8911 FAX (305) 560-8963</small>	JOB NO. 1505-01	NO. DATE REVISION TYPE
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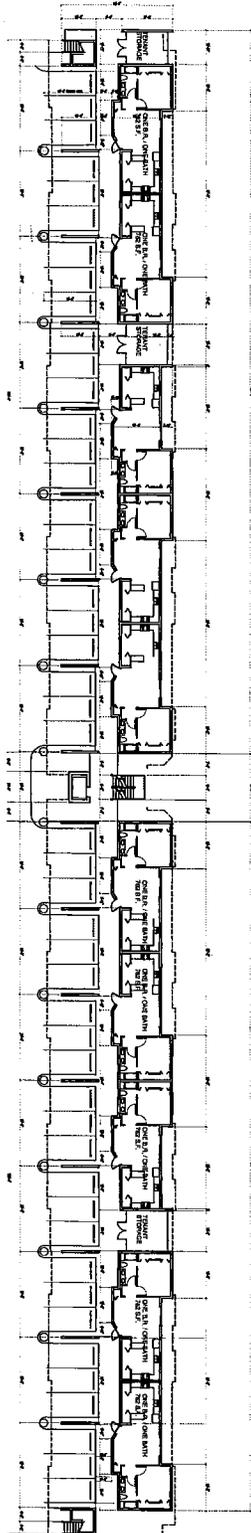


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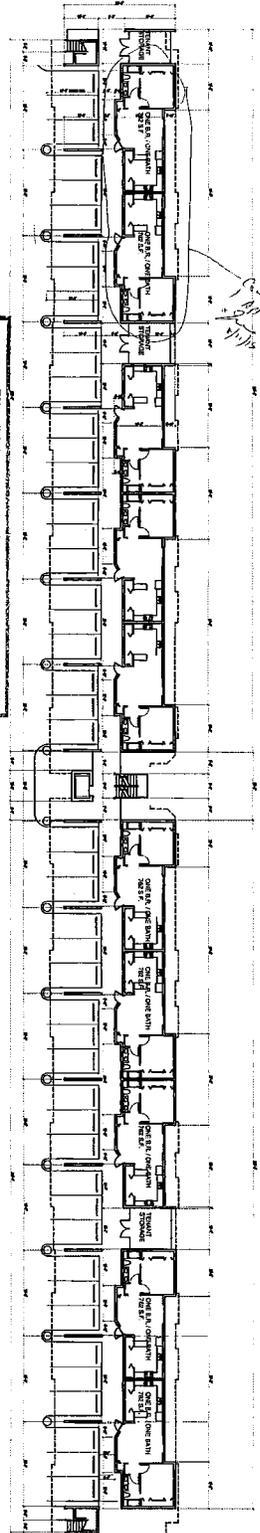
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					DATE: 6-10-15			
					DESIGNED BY: [Signature]			
					CHECKED BY: [Signature]			

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



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

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Floor plans with
big dimensions

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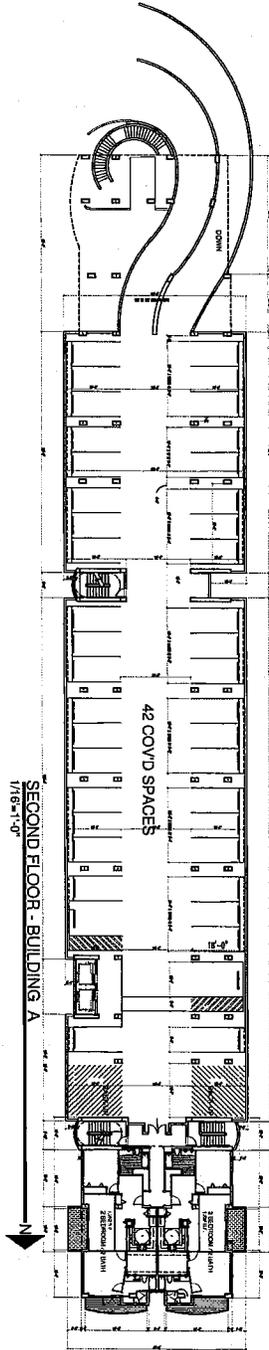
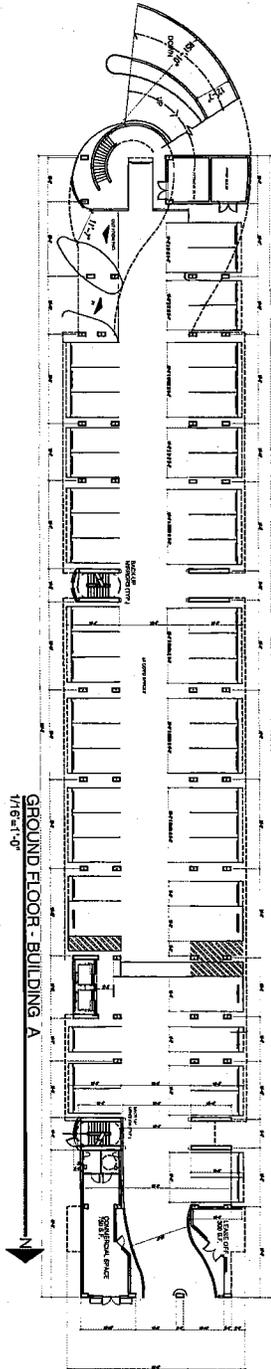
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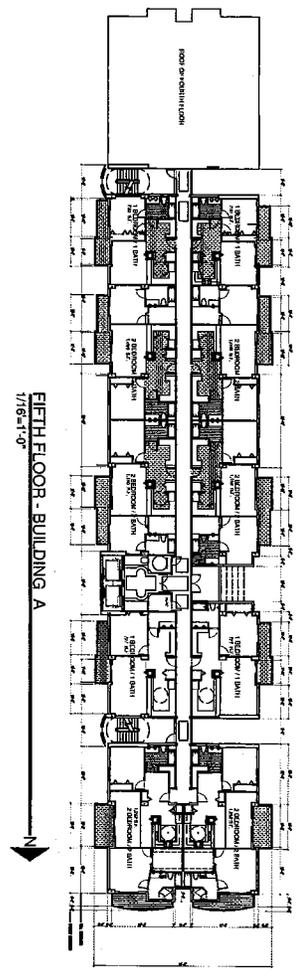
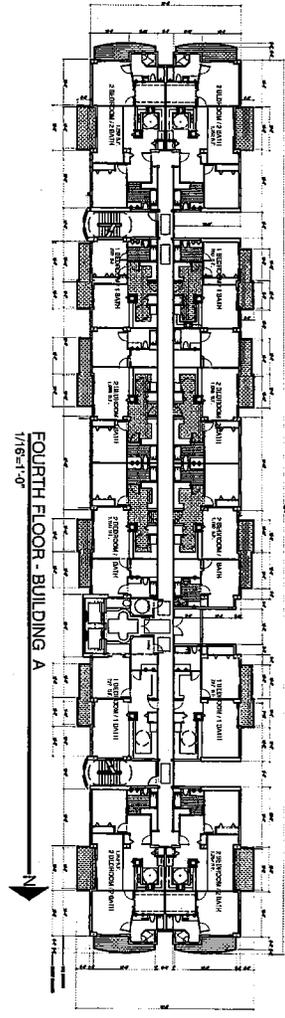
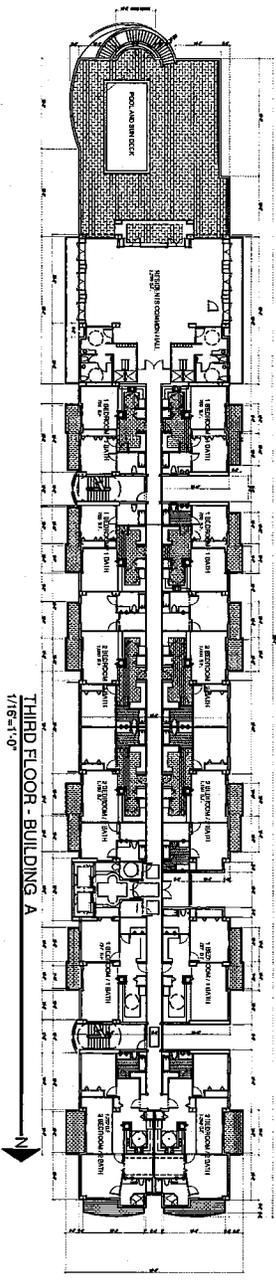
Revised plans with
 Mike's dimensions

RECEIVED
 Z.R.
 7/29/15
 AM

SHEET NO. A-2.04	A NEW DEVELOPMENT CENTRAL PARK Manuel J. Menendez as Trustee (owner) 6950 S.W. 40TH St. Miami, Florida 33156 DRAWING TITLE: FLOOR PLANS - THIRD FLOOR	COLLADO AND PARTNERS INC. ARCHITECTURE PLANNING INTERIORS <small>300 AVADOM AVENUE, SUITE 200 - CORAL GABLES, FLORIDA 33134 - TELEPHONE: (305) 593-8111 FAX: (305) 593-8282</small>	JOB NO. 1505-01 DATE: 6-10-15 SCALE: 6-10-15 ISSUED FOR CONST. CHECKED:	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>REVISION TYPE</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	DATE	REVISION TYPE												
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41

RECEIVED
 219-077
 JUL 29 2015
 HAMILDADE COUNTY
 DEPARTMENT OF REGULATORY AND ECONOMIC
 RESOURCES
 BY: *X18*



RECEIVED
 219-077
 JUL 29 2015
 floor plan with
 wall dimensions

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 A-2.05
 SHEET NO.

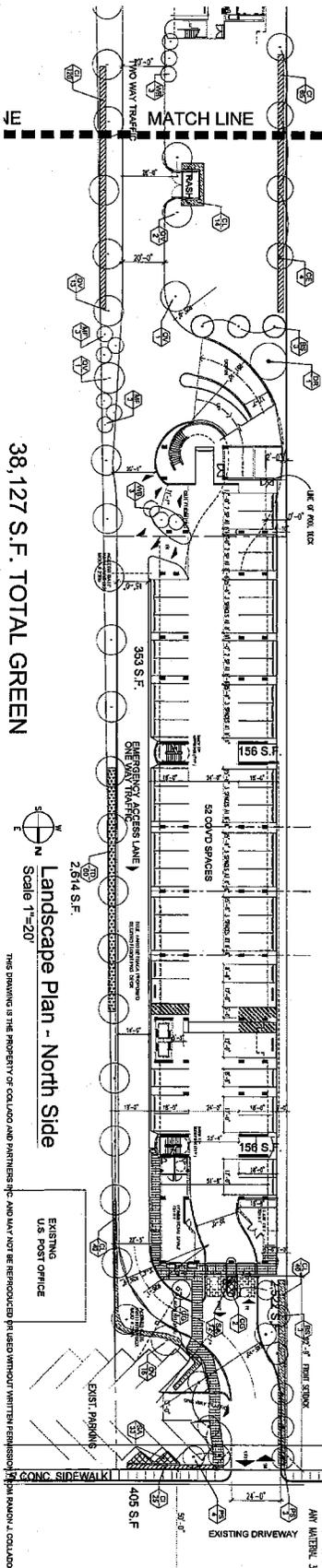
A NEW DEVELOPMENT
CENTRAL PARK
 Manuel J. Menendez as Trustee (owner)
 6950 S.W. 40TH ST. Miami, Florida 33155
 DRAWING TITLE: FLOOR PLANS - THIRD FLOOR

COLLADO AND PARTNERS INC.
 ARCHITECTURE PLANNING INTERIORS
300 BRACON AVENUE, 205 • CORAL GABLES, FLORIDA 33134 • TELEPHONE: (305) 444-9411 FAX: (305) 444-0266

NO.	DATE	REVISION TYPE

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

42



38,127 S.F. TOTAL GREEN

Landscape Plan - North Side
Scale 1"=20'

EXISTING U.S. POST OFFICE

SHEET NO. L-1

Produced by: COLLADO AND PARTNERS INC. ARCHITECTURE PLANNING INTERIORS

DATE: 8-29-15

DRAWING TITLE: SITE AND FLOOR PLANS

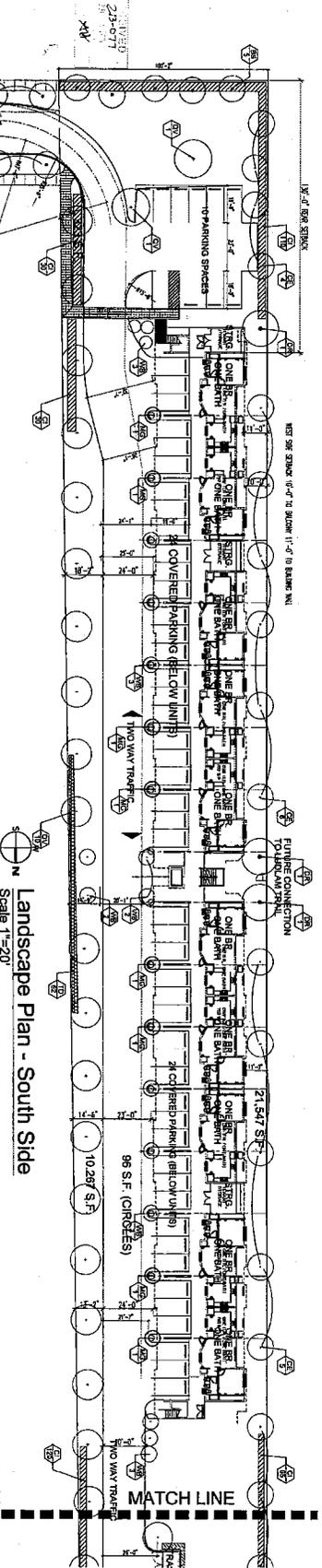
CENTRAL PARK

A NEW DEVELOPMENT

Manuel J. Menendez as Trustee (owner)
8950 S.W. 40TH ST. MIAMI, FLORIDA 33155

COLLADO AND PARTNERS INC.
ARCHITECTURE PLANNING INTERIORS

500 ANCHOR WALK #202 - CORAL GABLES, FLORIDA 33134 - TELEPHONE: (305) 999-2811 FAX: (305) 538-0828



Landscape Plan - South Side
Scale 1"=20'

RECEIVED

JUL 29 2015

213-077

FLORIDA COUNTY DEPARTMENT OF REVENUE AND ECONOMIC RESOURCES DEVELOPMENT SERVICES

BY: [Signature]

OPERATIONAL MAINTENANCE: [Text]

PLANTING: [Text]

IRRIGATION: [Text]

CONSTRUCTION: [Text]

MAINTENANCE: [Text]

TREE STAKING DETAIL

1. 2" x 4" STAKE

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99. 1/2" DIA. WIRE

100. 1/2" DIA. WIRE

PLANT LIST FOR NEW PLANTS

PLANT CODE	PLANT NAME	PLANT SIZE	PLANT QUANTITY	PLANT NOTES
P1	PLANT 1	PLANT SIZE	PLANT QUANTITY	PLANT NOTES
P2	PLANT 2	PLANT SIZE	PLANT QUANTITY	PLANT NOTES
P3	PLANT 3	PLANT SIZE	PLANT QUANTITY	PLANT NOTES
P4	PLANT 4	PLANT SIZE	PLANT QUANTITY	PLANT NOTES
P5	PLANT 5	PLANT SIZE	PLANT QUANTITY	PLANT NOTES
P6	PLANT 6	PLANT SIZE	PLANT QUANTITY	PLANT NOTES
P7	PLANT 7	PLANT SIZE	PLANT QUANTITY	PLANT NOTES
P8	PLANT 8	PLANT SIZE	PLANT QUANTITY	PLANT NOTES
P9	PLANT 9	PLANT SIZE	PLANT QUANTITY	PLANT NOTES
P10	PLANT 10	PLANT SIZE	PLANT QUANTITY	PLANT NOTES
P11	PLANT 11	PLANT SIZE	PLANT QUANTITY	PLANT NOTES
P12	PLANT 12	PLANT SIZE	PLANT QUANTITY	PLANT NOTES
P13	PLANT 13	PLANT SIZE	PLANT QUANTITY	PLANT NOTES
P14	PLANT 14	PLANT SIZE	PLANT QUANTITY	PLANT NOTES
P15	PLANT 15	PLANT SIZE	PLANT QUANTITY	PLANT NOTES
P16	PLANT 16	PLANT SIZE	PLANT QUANTITY	PLANT NOTES
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P18	PLANT 18	PLANT SIZE	PLANT QUANTITY	PLANT NOTES
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P46	PLANT 46	PLANT SIZE	PLANT QUANTITY	PLANT NOTES
P47	PLANT 47	PLANT SIZE	PLANT QUANTITY	PLANT NOTES
P48	PLANT 48	PLANT SIZE	PLANT QUANTITY	PLANT NOTES
P49	PLANT 49	PLANT SIZE	PLANT QUANTITY	PLANT NOTES
P50	PLANT 50	PLANT SIZE	PLANT QUANTITY	PLANT NOTES

Landscape Legend

PLANT CODE	PLANT NAME	PLANT SIZE	PLANT QUANTITY	PLANT NOTES
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P50	PLANT 50	PLANT SIZE	PLANT QUANTITY	PLANT NOTES

BLDG. "C" BLDG. "B"

EAST ELEVATION 69th AVENUE SIDE
1" = 40'

BLDG. "A"

WEST ELEVATION (RAILROAD SIDE)
1" = 40'

FULL PROJECT ELEVATIONS FROM SW 40 STREET TO SW 44 STREET

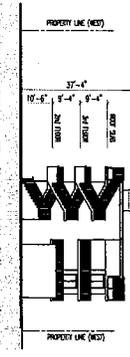
BLDG. "B"

BLDG. "C"

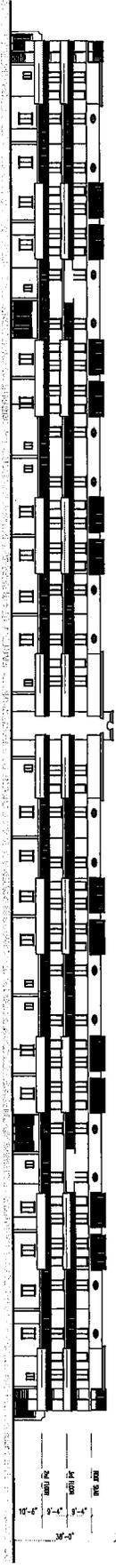
BLDG. "A"



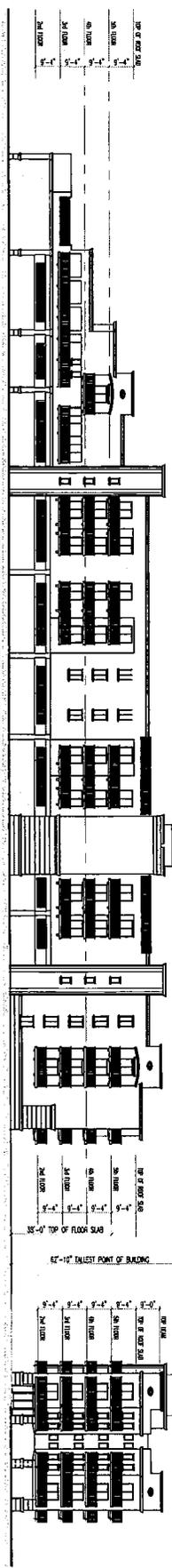
SOUTH ELEVATION BUILDING "C"
1/8" = 1'-0"



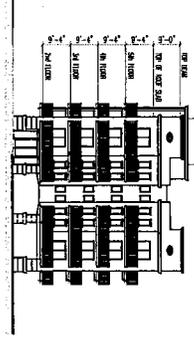
NORTH ELEVATION BUILDING "B"
1/8" = 1'-0"



BUILDINGS B AND C EAST ELEVATION (69th AVE. / RESIDENTIAL SIDE)
1/8" = 1'-0"



BUILDING A EAST ELEVATION (69th AVE. / BIRDS OFFICE)
1/8" = 1'-0"

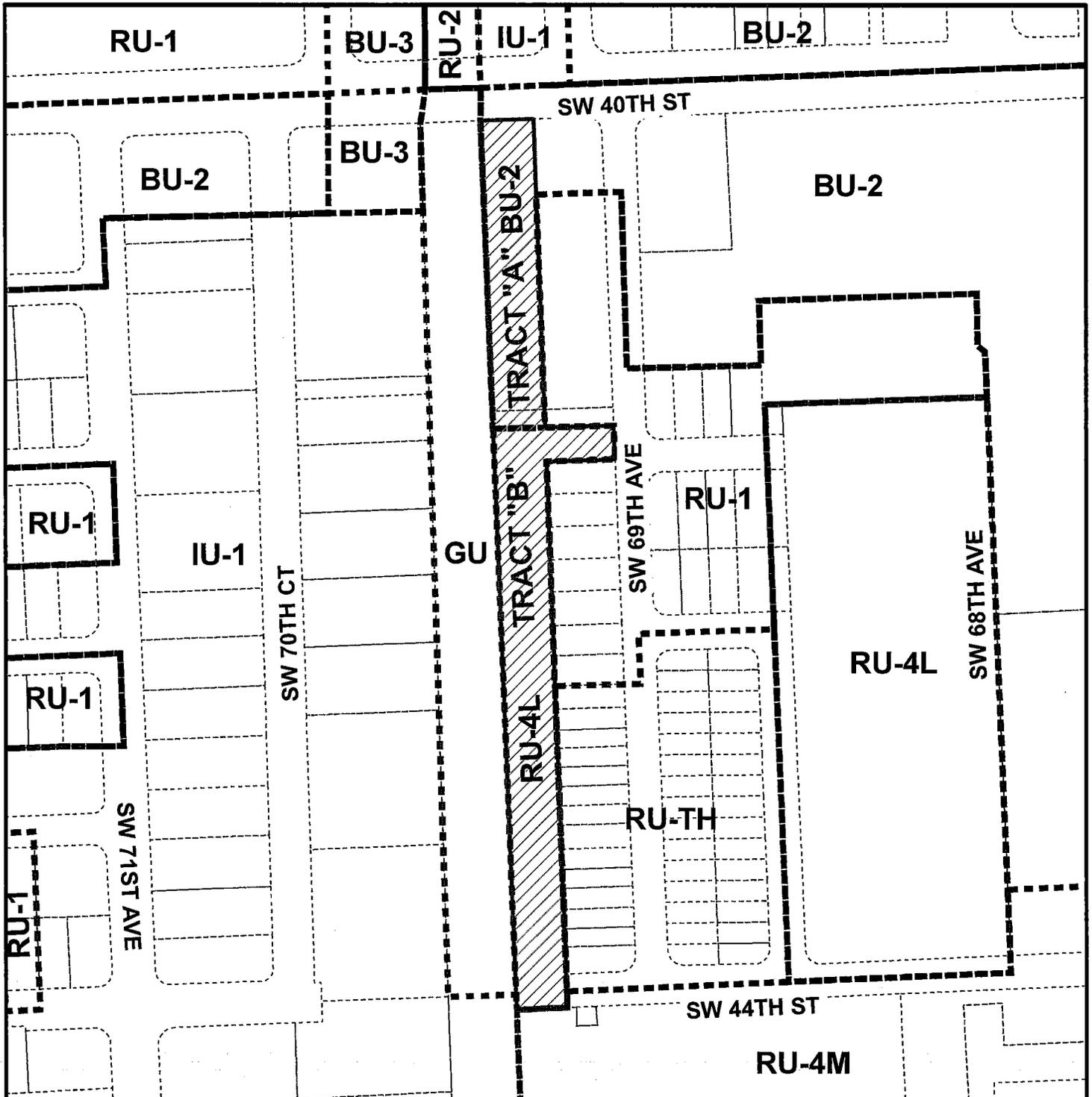


BUILDING "A" (BIRD ROAD) ELEV.
1/8" = 1'-0"

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213-077
JUL 29 2015
MIAMI-DADE COUNTY
DEPARTMENT OF REGULATION AND ECONOMIC
RESOURCES DEVELOPMENT SERVICES

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SHEET NO. A-4.00		A NEW DEVELOPMENT CENTRAL PARK APTS Manuel J. Menendez as Trustee (owner) 6950 S.W. 40TH St. Miami, Florida 33155		COLLADO AND PARTNERS INC. ARCHITECTURE PLANNING INTERIORS <small>300 BRADSHAW AVENUE, SUITE 200, MIAMI, FLORIDA 33134 • TELEPHONE (305) 551-1111 FAX (305) 551-8888</small>		JOB NO. 1505-01 DATE: 6/12/15 SCALE: ISSUED FOR CONSTRUCTION CHECKED:	NO. DATE REVISION TYPE
		DRAWING TITLE: SITE PLAN					



MIAMI-DADE COUNTY

Process Number

HEARING MAP

Z2013000077

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

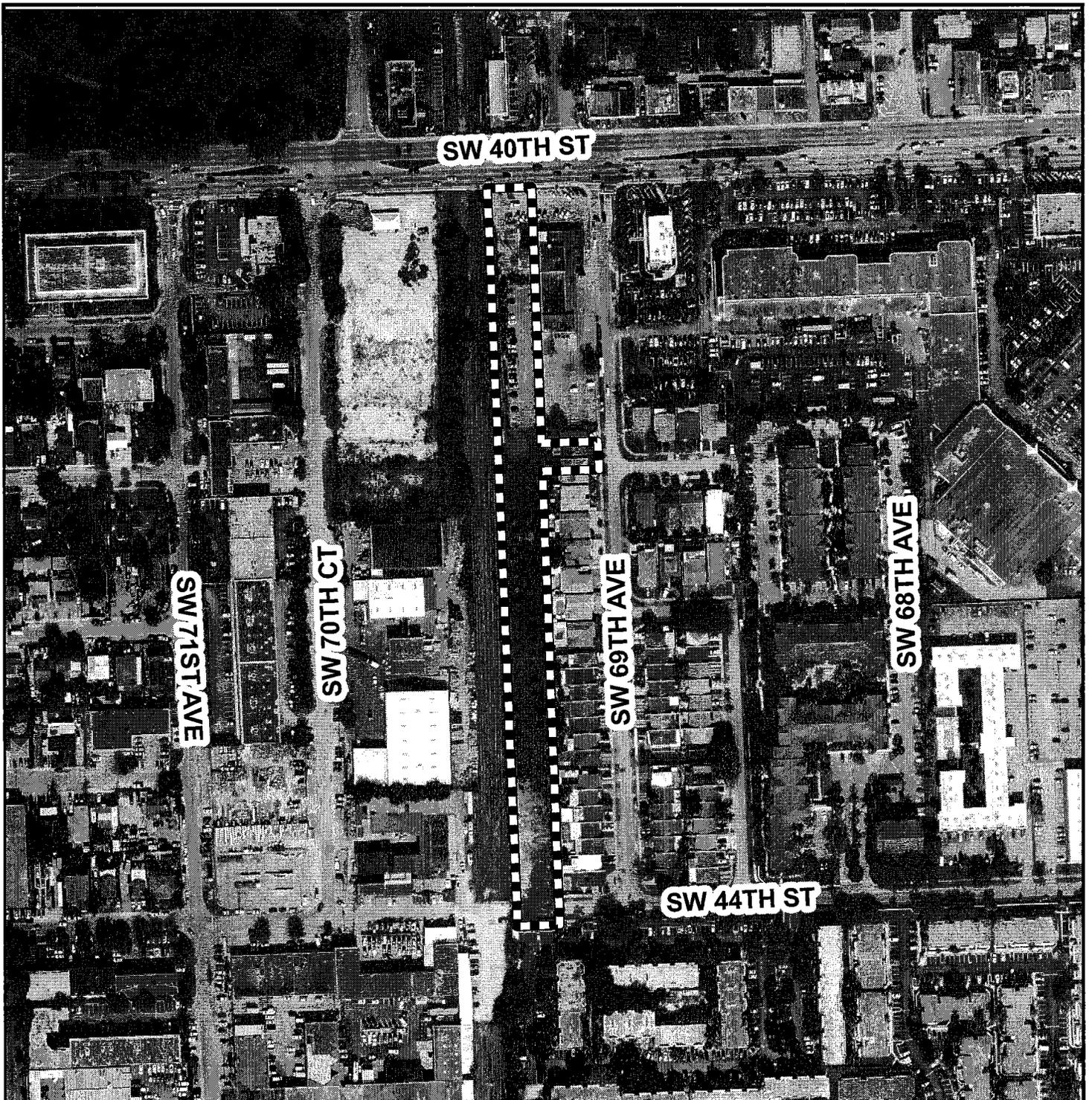
Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Tuesday, September 29, 2015

REVISION	DATE	BY
		45



MIAMI-DADE COUNTY
AERIAL YEAR 2015

Process Number
Z2013000077

Legend
 Subject Property

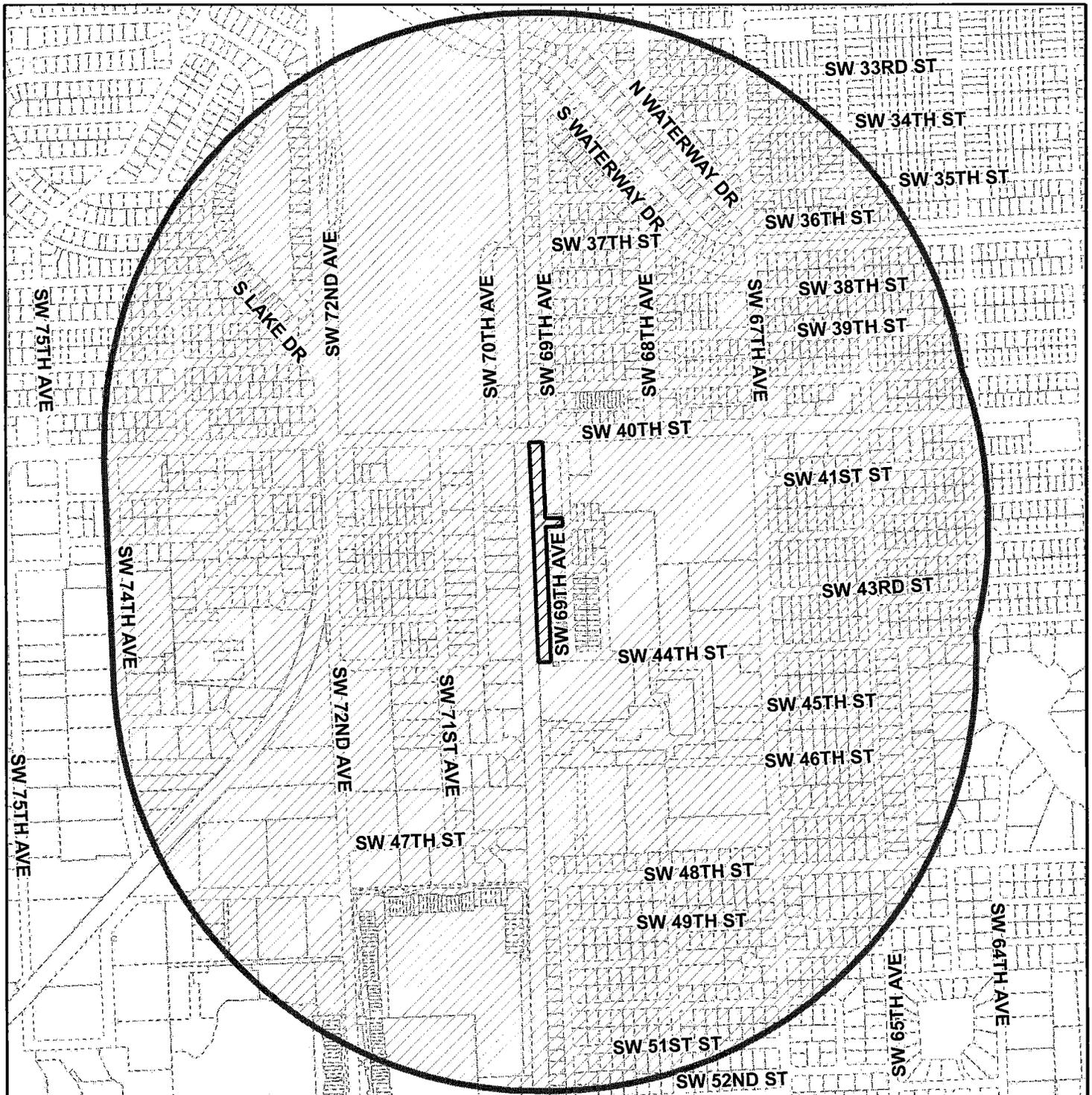


Section: 23 Township: 54 Range: 40
 Applicant: **MANUEL J. MENENDEZ TRUST**
 Zoning Board: C12
 Commission District: 7
 Drafter ID: E.CESPEDES
 Scale: NTS



SKETCH CREATED ON: Tuesday, September 29, 2015

REVISION	DATE	BY
		46



MIAMI-DADE COUNTY
RADIUS MAP

Process Number
Z2013000077
 RADIUS: 2640

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

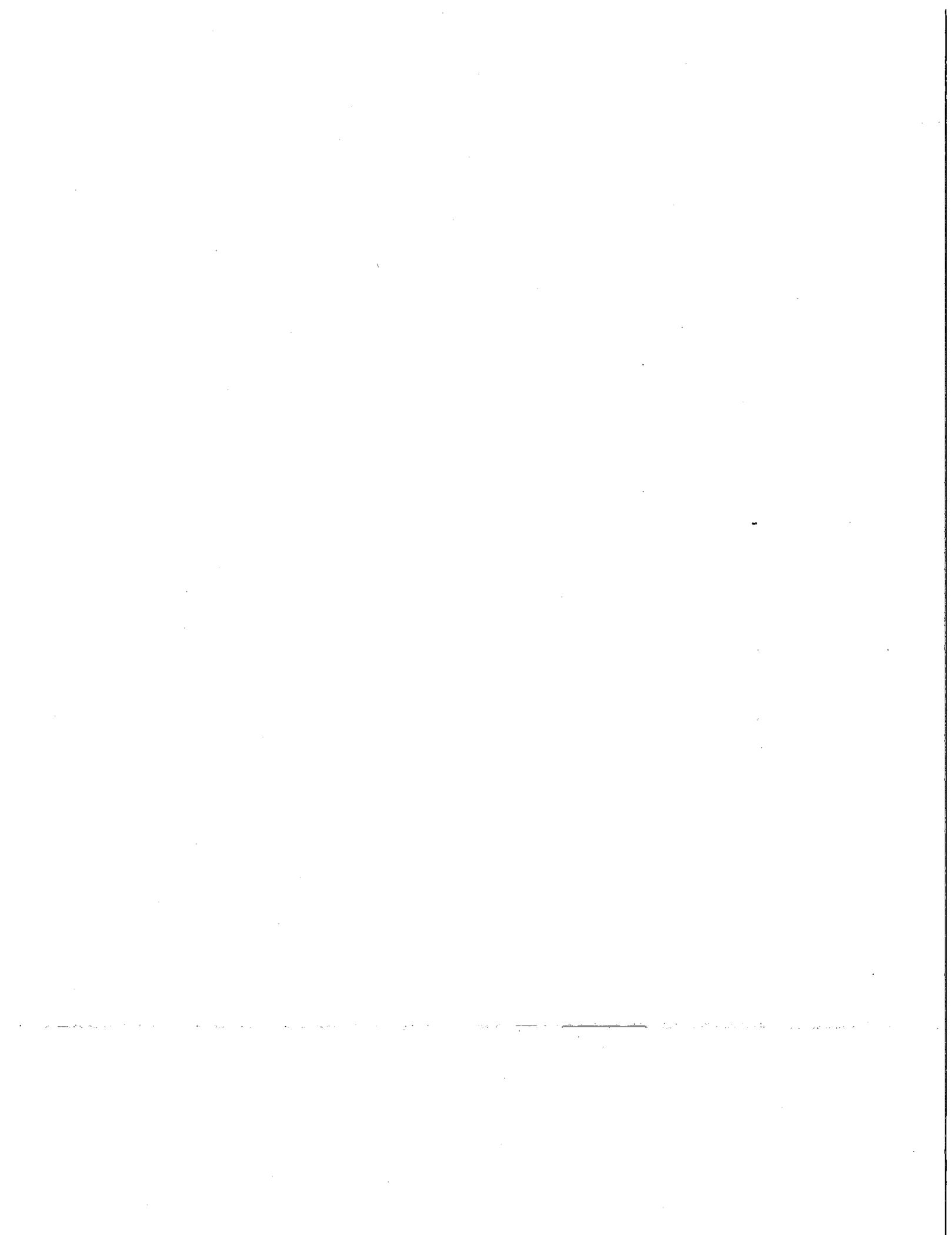
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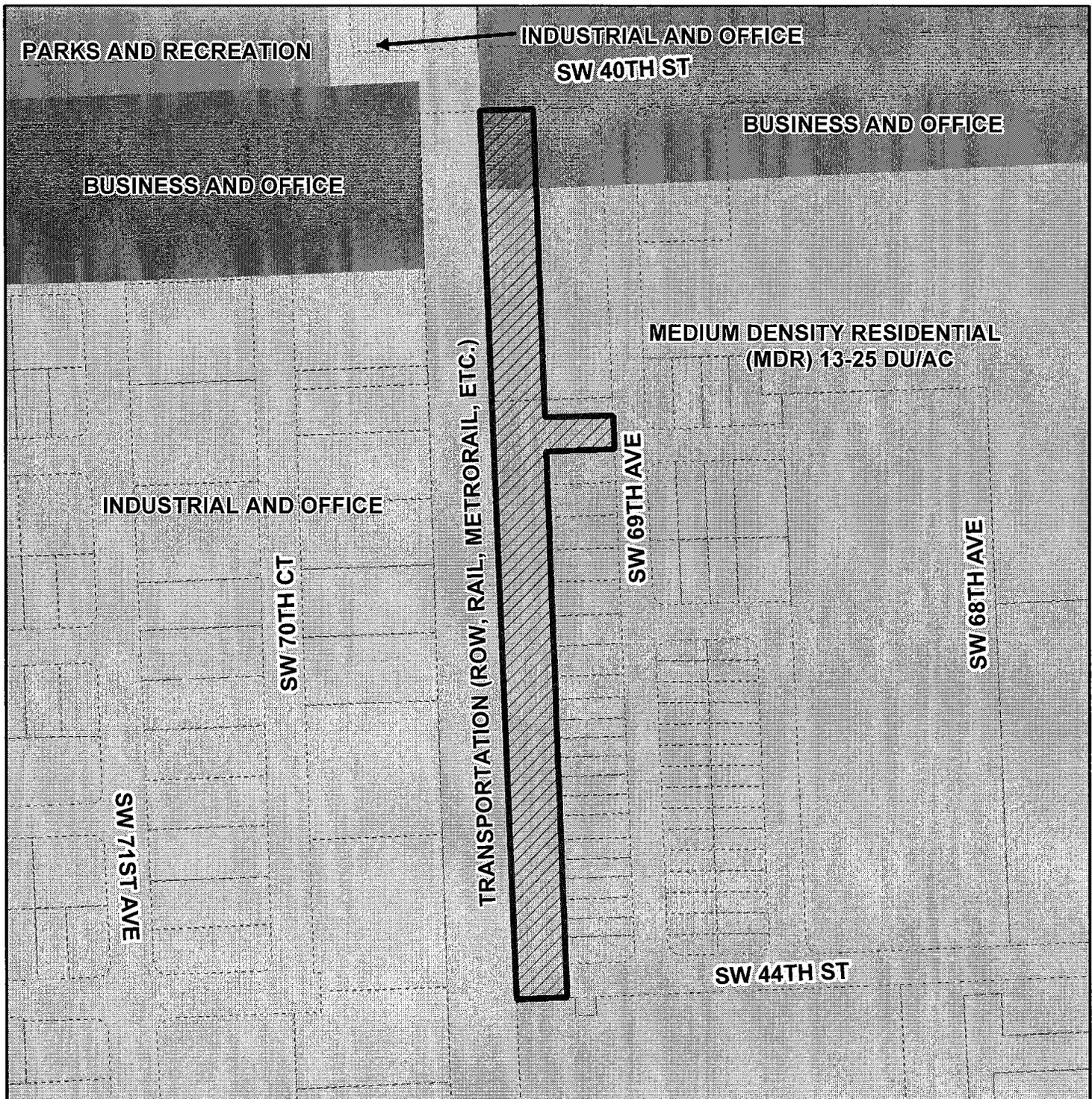
-  Subject Property
-  Buffer
-  Property Boundaries



SKETCH CREATED ON: Tuesday, September 29, 2015

REVISION	DATE	BY
		47





MIAMI-DADE COUNTY
CDMP MAP

Process Number

Z2013000077



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

Legend

 Subject Property Case



SKETCH CREATED ON: Tuesday, September 29, 2015

REVISION	DATE	BY

DRAFT

This instrument was prepared by:

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

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

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Owner, MANUEL J. MENENDEZ TRUST, holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit A, attached hereto, and hereinafter called the "Property", which is supported by the attorney's opinion, and

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

- (1) That, if the property is developed based on RU-4M and BU-2 Zoning Districts, said property shall be developed substantially in accordance with the plans entitled "Central Park" as prepared Collado and Partners, Inc., Sheet A-100 dated stamped received 09/01/15, A-200 dated stamped received 08/12/15 and the remaining eight (8) sheets dated stamped received 07/29/15, for a total of ten (10) sheets.
- (2) That a continuous five foot (5') high masonry wall shall be provided along the Property's east side where the parking area abuts the RU-1 District uses and RU-TH District uses, subject to Miami- Dade County Code regulations. However, the wall shall be built up to six feet (6') high along the Property's boundary with 4090 SW 69th Avenue (folio number 30-4023-099-0020) and 4100 SW 69th Avenue (folio number 30-4023-009-0160).
- (3) That the Owner will file an application to rezone the single family home located at 4090 SW 69th Avenue (folio number 03-4023-099-0020) and described in Exhibit B, attached hereto, to RU-1 prior to obtaining a certificate of occupancy for any residential development on said parcel referenced in Exhibit A.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Execution Pages Follow]

**ACKNOWLEDGMENT
TRUSTEE**

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

WITNESSES:

Signature

Trustee Signature

Print Name

Print Name
Address:

Signature

Print Name

STATE OF _____

COUNTY OF _____

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

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

- did take an oath
- did not take an oath

Notary Public

My Commission expires:

Print Name

Exhibit A

Legal Description

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

and

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

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

Exhibit B

Legal Description

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