Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-4-15

WHEREAS, MANUEL J. MENENDEZ TRUST had applied to Community Zoning

Appeals Board 12 for the following:

REQUESTS #1 THROUGH #3 ON TRACT "B"

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

(2) DELETION of a Declaration of Restrictions, recorded in Official Record Book 24126, Pages 0768-0772.

(3) DELETION of a Declaration of Restrictions, recorded in Official Record Book 26198, Pages 4915-4919.

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

REQUEST #4 ON TRACT "A"

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

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

(5) NON-USE VARIANCE to permit one way drives with a minimum of 10′ (15′ required).

(6) NON-USE VARIANCE to permit a multi-family building setback a minimum of 2 feet (20 feet required) from the interior side (west) property line.

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

(8) NON-USE VARIANCE to waive the required 5′ wide dissimilar land use buffer including a 6′ high wall fence or hedge and buffer trees along portions of the east and west property lines.

(9) NON-USE VARIANCE to waive the required decorative masonry wall at least 5 feet in height between the business lot and residential lot interior to the site.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Central Park Apartments" as prepared by Collado and Partners, Inc., consisting of 5 sheets, dated stamped received 5/14/14 and landscape plans prepared by Kimberly Moyer RLA consisting of 2 sheets, all dated stamped received 2/26/14. Plans may be modified at public hearing.

SUBJECT PROPERTY: TRACTS "A" and "B", MENENDEZ TRACT, PB 167-52.

LOCATION: 6950 SW 40 Street, MIAMI-DADE COUNTY, FLORIDA, and

WHEREAS, a public hearing of Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 12 that the requested district boundary change to RU-4M (Item #1) on Tract B would not be compatible with the neighborhood and area concerned and should be denied without prejudice, and

WHEREAS, the requested deletion on Tract B of a Declaration of Restrictions, recorded in Official Record Book 24126, Pages 0768-0772 (Item #2), the deletion on Tract B of a Declaration of Restrictions, recorded in Official Record Book 26198, Pages 4915-4919 (Item #3), the non-use variance on Tracts A and B to permit one way drives with a minimum of 10′ (Item #5), the non-use variance on Tracts A and B to permit a multi-family building setback a minimum of 2 feet from the interior side (west) property line (Item #6), the non-use variance on Tracts A and B to permit an accessory building (gazebo) setback 15 feet from the interior side (west) property line (Item #7), the non-use variance on Tracts A and B to waive the required 5′ wide dissimilar land use buffer including a 6′ high wall fence or hedge and buffer trees along portions of the east and west property lines (Item #8) and the non-use variance on Tracts A and B to waive the required decorative masonry wall at least 5 feet in height between the business lot and residential lot interior to the site (Item #9) would not be in harmony with the general purpose and intent of the

regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and

WHEREAS, the requested special exception on Tract A to permit a multi-family residential development in the BU-2 zoning district (Item #4) would not be compatible with the area and its development and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and that the requested special exception on Tract A to permit a multi-family residential development in the BU-2 zoning district would have an adverse impact upon the public interest and should be denied without prejudice, and

WHEREAS, the application (Items #1 through #9) was denied without prejudice by Resolution No. CZAB12-2-15, and

WHEREAS, MANUEL J. MENENDEZ TRUST appealed the decision of Community Zoning Appeals Board 12 to the Board of County Commissioners for the following:

REQUESTS #1 THROUGH #3 ON TRACT "B"

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

(2) DELETION of a Declaration of Restrictions, recorded in Official Record Book 24126, Pages 0768-0772.

(3) DELETION of a Declaration of Restrictions, recorded in Official Record Book 26198, Pages 4915-4919.

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

REQUEST #4 ON TRACT "A"

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

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

(5) NON-USE VARIANCE to permit one way drives with a minimum of 10′ (15′ required).

(6) NON-USE VARIANCE to permit a multi-family building setback a minimum of 2 feet (20 feet required) from the interior side (west) property line.

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

(8) NON-USE VARIANCE to waive the required 5′ wide dissimilar land use buffer including a 6′ high wall fence or hedge and buffer trees along portions of the east and west property lines.

(9) NON-USE VARIANCE to waive the required decorative masonry wall at least 5 feet in height between the business lot and residential lot interior to the site.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Central Park Apartments" as prepared by Collado and Partners, Inc., consisting of 5 sheets, dated stamped received 5/14/14 and landscape plans prepared by Kimberly Moyer RLA consisting of 2 sheets, all dated stamped received 2/26/14. Plans may be modified at public hearing.

SUBJECT PROPERTY: TRACTS "A" and "B", MENENDEZ TRACT, PB 167-52.

LOCATION: 6950 SW 40 Street, MIAMI-DADE COUNTY, FLORIDA, and

WHEREAS, a public hearing of the Board of County Commissioners, Miami-Dade County, Florida was advertised and held, upon notice, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant requested that the application be remanded back to Community Zoning Appeals Board 12 with leave to amend for further consideration of a modified plan, and

WHEREAS, after reviewing the record and decision of Community Zoning Appeals Board 12 and after having given an opportunity for interested parties to be heard, it is the opinion of the Board of County Commissioners that the request to remand the application back to Community Zoning Appeals Board 12 should be granted with leave to amend, and

WHEREAS, a motion to remand the application (Items #1 through #9) with leave to amend was offered by Commissioner Xavier L. Suarez, seconded by Commissioner Rebecca Sosa, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	aye	Barbara J. Jordan	absent
Esteban Bovo, Jr.	aye	Dennis C. Moss	aye
Daniella Levine Cava	aye	Rebecca Sosa	aye
Jose "Pepe" Diaz	absent	Sen. Javier D. Souto	aye
Audrey M. Edmonson	aye	Xavier L. Suarez	aye
Sally A. Heyman	absent	Juan C. Zapata	absent

Jean Monestime aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the request to remand the application back to Community Zoning Appeals Board 12 for further consideration should be granted with leave amend.

The Director is hereby authorized to make the necessary notations upon the maps and records of the Miami-Dade County Department of Regulatory and Economic Resources.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 21st day of May, 2015, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 14-7-CZ12-1
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HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By CHRISTOPHER AGRIPPA
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 24 TH DAY OF JUNE, 2015.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Rosa Davis, as Deputy Clerk for the Miami-Dade County Department of Regulatory and Economic Resources as designated by the Director of the Miami-Dade County Department of Regulatory and Economic Resources and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-4-15 adopted by said Board of County Commissioners at its meeting held on the 21st day of May, 2015.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 24th day of June, 2015.

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

SEAL

COUNTY COMMISSIONERS
MIAMI-DADE COUNTY FLORIDA