

# FINAL AGENDA

6-5-2017 Version # 1



COMMUNITY ZONING APPEALS BOARD 12  
KENDALL VILLAGE CENTER - CIVIC PAVILLION

8625 SW 124 Avenue, Miami

Tuesday, July 8, 2014 at 6:30 p.m.

CURRENT

1. 14-7-CZ12-1 MANUEL J. MENENDEZ TRUST 13-77 23-54-40 N



# Official Zoning Agenda

## COMMUNITY ZONING APPEALS BOARD

---

**COMMUNITY ZONING APPEALS BOARD - AREA 12**

**MEETING OF TUESDAY, JULY 8, 2014**

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

**23-54-40  
Area 12/District 7**

**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.





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](http://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)**

**July 8, 2014**

Item No. 1

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

**REQUESTS:**

REQUESTS #1 - #3 ON TRACT "B"

- (1) DISTRICT BOUNDARY CHANGE from RU-4L to RU-4M.
- (2) Deletion of Declaration of Restrictions recorded in Official Records Book 24126, pages 0768-0772.
- (3) Deletion of Declaration of Restrictions recorded in Official Records Book 26198, pages 4915 - 4919.

The purpose of requests #2 and #3 is to remove a requirement that the property be developed in accordance with a site plan for a townhome development and to allow the applicant to submit a revised site plan showing a multi-family development in lieu of the previously approved townhome development.

REQUEST #4 ON TRACT "A"

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

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

- (5) NON-USE VARIANCE to permit one way drives with a minimum of 10' (15' required).
- (6) NON-USE VARIANCE to permit multi-family residential building setback a minimum of 2' (20' required) from the interior side (west) property line.
- (7) NON-USE VARIANCE to permit an accessory building (gazebo) setback 15' (20' required) from the interior side (west) property line.
- (8) NON-USE VARIANCE to waive the 5' wide dissimilar land use buffer including a 6' high wall fence or hedge and buffer trees along portions of the east and west property lines.
- (9) NON-USE VARIANCE to waive the dissimilar land use buffer (minimum 5' wide required) between the business lot and residential lot interior to the site.

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

**PROJECT DESCRIPTION AND PROJECT HISTORY:**

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

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

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

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

Pursuant to Resolution #CZAB12-30-05 and Resolution #CZAB12-35-05, the existing BU-2 and RU-4L zoning districts were approved on the subject property. However, the approval of the RU-4L portion of the property was approved subject to the acceptance of a covenant proffered by the applicant that restricted the development of the site to a site plan along with other restrictions. Said covenant was subsequently modified pursuant to Resolution #CZAB12-37-06.

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

**NEIGHBORHOOD COMPATIBILITY:**

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

**SUMMARY OF THE IMPACTS:**

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

**COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:**

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

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

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

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

The applicant seeks to rezone the southern approximately 2.057-acres of the subject property to RU-4M, Modified Apartment House District. The RU-4M zoning district allows development at a maximum of 35.9 units per acre. However, the applicant has proffered a covenant that will restrict the development of the entire subject property to a maximum of 78 residential units. This would allow for the development of Tract "B" within the density threshold allowed under the Medium Density designation on the CDMP Plan map. Therefore, staff opines that the proposed development of the subject property, as restricted by the proffered covenant to a maximum of 78 residential units is within the density threshold allowed in areas designated Business and Office and Medium Density Residential on the CDMP LUP map.

Further, staff notes that the CDMP Land Use Element interpretative text for Business and Office states that, *residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including*

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

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

### **ZONING ANALYSIS:**

The subject property is a 2.92-acre parcel, of which, the northern 0.863 acre portion, identified as Tract "A" on the submitted plans is currently zoned BU-2. The remaining southern portion of the subject property, approximately 2.057 acres in size, Tract "B", is currently zoned RU-4L. For reasons that were previously outlined in the CDMP analysis, the applicant is now seeking approval of a district boundary change from RU-4L to RU-4M, Modified Apartment House District (request #1) on Tract "B" of the subject property under Section 33-311(District Boundary Change), along with requests to delete prior declarations of restrictions on said tract (requests #2 and #3), under Section 33-311(A)(7), Generalized Modification Standards. With the aforementioned requests (requests #1- #3), the applicant also seeks approval of a request to permit a multifamily residential development on the commercially zoned portion of the subject parcel, Tract A (request #4), under Section 33-311(A)(3), Special Exception, Unusual use and New Uses. This will allow the applicant to develop the entire subject property as a unified multifamily residential development.

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

Similarly, the memorandum from the Division of Environmental Resources Management (DERM) of the Department of Regulatory and Economic Resources (RER) indicates that the approval of the aforementioned requests will not have an unfavorable impact on the environmental resources of the County. The DERM memorandum states that a concurrency

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

The submitted plan depicts the proposed nine (9)-story building with 78 residential units and 1,050 sq. ft. of commercial space on the commercial and residentially zoned parcel. The linear shaped building is depicted on the northern portion of the subject property, Tract A, that is currently zoned BU-2, which is the subject of request #4. However, staff opines that the elevations submitted by the applicant indicate that the linear shaped building is designed with a gradual step design, with the highest point, approximately 100' high, abutting the SW 40 Street frontage of the property located to the north. The building height is gradually reduced towards the south, to a maximum height of approximately 59', closer to the area where the property abuts a townhouse development located to the east. Along the east and west property lines of Tract "B", the submitted plans indicate a continuous row of trees and to the south, the trees taper off into a small green area with trees and a walking path, where the property abuts a multi-family residential development to the south. Staff opines that said trees provide an adequate visual buffer that will mitigate the negative visual impact of the proposed development on the single-story residential uses to the east. Further, contingent on the approval of the request to permit the residential development in the BU-2 district, the applicant is also seeking ancillary non-use variances, among which are variances that will permit structures encroaching into the interior side (west) setback areas (request #6 and #7). Staff is supportive of these requests since it will allow the applicant to site the buildings away from the less intensive town houses to the east and thereby, will mitigate the visual impact of the more intensive development on same. Additionally, the submitted plans indicate that the project complies with the FAR, open space, lot coverage and complies with the numerical parking requirements. Further, staff notes that the subject property abuts Bird Road (SW 40 Street), which is a well-travelled, east/west section line roadway and is approximately 0.6 miles east of the Palmetto Expressway (SR 826).

As such, based on the foregoing analysis and the memoranda from the Departments concerned, staff opines that the approval of the request to rezone a portion of the subject property (request #1) along with the requests to delete two (2) previous declarations of restrictions that tied the property to previously approved plans (requests #2 and #3), in order to permit a proposed residential and commercial development on the commercial and residentially zoned parcel, will be **compatible** with the area and **consistent** with the CDMP. Further, staff opines that approval of said requests will not have an unfavorable impact on the economy of the County and would not have an unfavorable impact on the environmental and natural resources or create an unnecessary burden on the water, sewer, solid waste or recreational resources among others which have been constructed, planned or budgeted for. **Therefore, subject to**

**the Board's acceptance of the proffered covenant, staff recommends approval of request #1 under Section 33-311, District Boundary Change, approval with conditions of requests #2 and #3, under Section 33-311(A)(7), Generalized Modification Standards; and approval with conditions of request #4, under Section 33-311(A)(3), Special Exception, Unusual use and New Uses.**

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

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

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

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

through #7 and #9, and approval with conditions of request #8, under Section 33-311(A)(4)(b), the Non-Use Variance Standards.

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

**NEIGHBORHOOD SERVICES PROVIDER REVIEW:** See attached.

**OTHER:** Not applicable.

**RECOMMENDATION:**

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

**CONDITIONS FOR APPROVAL (For requests #2 through #9 only):**

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "Central Park Apartments" as prepared Collado and Partners, Inc., consisting of 3 sheets dated stamped received 5/14/14, sheets A-1 and A-2, revised, dated 6/11/14, for a total of 5 sheets, and landscape plans prepared by Kimberly Moyer, RLA, consisting of 2 sheets, sheet L-2, revised, dated stamped received 6/11/14 and the remaining sheet dated stamped received 2/26/14.
3. That the applicant shall install all the required landscaping along the property lines prior to obtaining a Certificate of Occupancy.
4. That the applicant submits to the Department of Regulatory and Economic Resources for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use.
5. That the applicant comply with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources as contained in their memorandum dated March 14, 2014, that is incorporated herein by reference.

ES:MW::NN:JV:CH



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

NDW

## ZONING RECOMMENDATION ADDENDUM

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

<b>NEIGHBORHOOD SERVICES PROVIDER COMMENTS</b>	
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><b>Business and Office</b> (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>
---------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

## 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>
<b>Medium Density Residential</b> <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>
<b>Medium-High Density Residential</b> <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>
<b>Density Averaging</b> <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>
<b>Objective LU-4</b> <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>
<b>Policy LU-4A</b> <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><b>Section 33-311 District Boundary Change</b></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) <b>Section 33-311</b> provides that the Board shall take into consideration, among other factors the extent to which:</p> <ol style="list-style-type: none"> <li>(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></li> <li>(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></li> <li>(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></li> <li>(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></li> <li>(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></li> </ol>
<p><b>Section 33-311(A)(3) Special Exception, Unusual and New Uses.</b></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

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

**14-7-CZ12-1 (13-077)**  
**Area 12/District 7**  
**Hearing Date: 07/08/14**

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

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

If so, who are the interested parties?

Disclosure of interest form attached? Yes  No

Year	Applicant	Request	Board	Decision
2005	PANCHO MENENDEZ	- Zone change from GU, RU-1 & RU-4M to BU-2.	C-12	Approved with condition(s)
2005	PANCHO MENENDEZ LAND TRUST, II	- Zone change from GU, RU-1, RU-4M & IU-1 to RU-4L, GU, RU-1 & RU-4M & BU-2.	C-12	Approved with condition(s)
2006	PANCHO MENENDEZ LAND TRUST, II	- Mod. of resolution. - Deletion of description.	C-12	Approved with condition(s)

**Previous Zoning Hearings on the Property:**

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

# Memorandum



**Date:** March 26, 2014

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

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

A handwritten signature in black ink, appearing to read "Jose Gonzalez".

**Subject:** C-12 #Z2013000077-1<sup>st</sup> Revision  
Collado & Partners  
6950 SW 40<sup>th</sup> Street and 4090 SW 69<sup>th</sup> Avenue, Miami, FL 33155  
Special Exception to Permit a Multi-Family Residential  
Development  
(BU-2) (2.98 Acres)  
23-54-40

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

#### Potable Water Service and Wastewater Disposal

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

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

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

#### Stormwater Management

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

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

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

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

#### Pollution Remediation

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

#### Wetlands

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

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

#### Tree Preservation

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

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

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

#### Enforcement History

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

#### Concurrency Review Summary

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

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

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

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

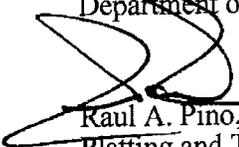
cc: Nathan Kogon, Department of Regulatory and Economic Resources

# Memorandum



**Date:** May 19, 2014

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

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

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

---

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

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

Additional improvements may be required at time of permitting.

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

# Memorandum



**Date:** September 18, 2013

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

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

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

---

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

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

**Size:** The subject property is approximately 2.98 acres.

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

## **Analysis:**

### 1. Solid Waste Disposal

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

### 2. Garbage and Trash Collection Services

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

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

#### 4. Recycling

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

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

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

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

#### 4. Waste Storage/Setout Considerations

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

#### 5. Site Circulation Considerations

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

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

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

# Memorandum



**Date:** March 6, 2014

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

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

**Subject:** Z2013000077: MANUEL J.MENENDEZ TRUST  
Revised Plans Submitted Dated Stamped Received 3/5/2014

**Application Name:** MANUEL J.MENENDEZ TRUST

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

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

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

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

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

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

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

Coral Villas Park	MINI-PARK	0.37
-------------------	-----------	------

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

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

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

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor



# Memorandum

**Date:** 15-APR-14  
**To:** Jack Osterholt, Director  
 Department of Regulatory and Economic Resources  
**From:** Dave Downey, Fire Chief  
 Miami-Dade Fire Rescue Department  
**Subject:** Z2013000077

**Fire Prevention Unit:**

Fire Engineering & Water Supply Bureau reviewed and approved the revised site plan dated stamp received 2/26/14 as follows: (1) Approval is only for Sheet LS-1.00.

**Service Impact/Demand**

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

_____	dwelling units	_____	square feet
residential		industrial	
_____	square feet	_____	square feet
Office		institutional	
89,811 SF	square feet	_____	square feet
Retail		nursing home/hospitals	

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

**Existing services**

The Fire station responding to an alarm in the proposed development will be:  
 Station No. 3 - 3911 SW 82 Avenue

**Planned Service Expansions:**

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

**Fire Planning Additional Comments**

N/A

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

23

DATE: 06-MAR-14  
REVISION 1

BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT

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

MANUEL J. MENENDEZ TRUST

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

---

APPLICANT

---

ADDRESS

---

Z2013000077

---

HEARING NUMBER

**HISTORY:**

ENFORCEMENT HISTORY: NC: No open cases. BNC: No bss cases open/closed.

Manuel Menendez Trust

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

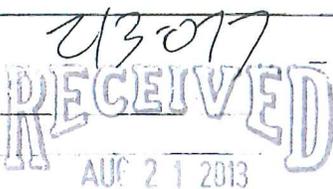
**REPORTER NAME:**

**DISCLOSURE OF INTEREST\***

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

CORPORATION NAME: \_\_\_\_\_

<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>
<u>Manuel J. Menendez</u>	<u>100%</u>
<u>Teresita F. Menendez</u>	_____
<u>3305 Alhambra Circle</u>	_____
<u>Coral Gables, Florida 33134</u>	_____

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: \_\_\_\_\_

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

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

NAME OF PURCHASER: HONG

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

Date of contract: N/A

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

<u>N/A</u>	

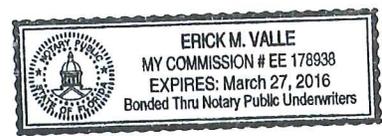
**NOTICE:** For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

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

Signature [Signature] (Applicant) MANUEL M. MEDRIZTES (Print Applicant name)

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

[Signature]  
(Notary Public)



My commission expires: March 27/16

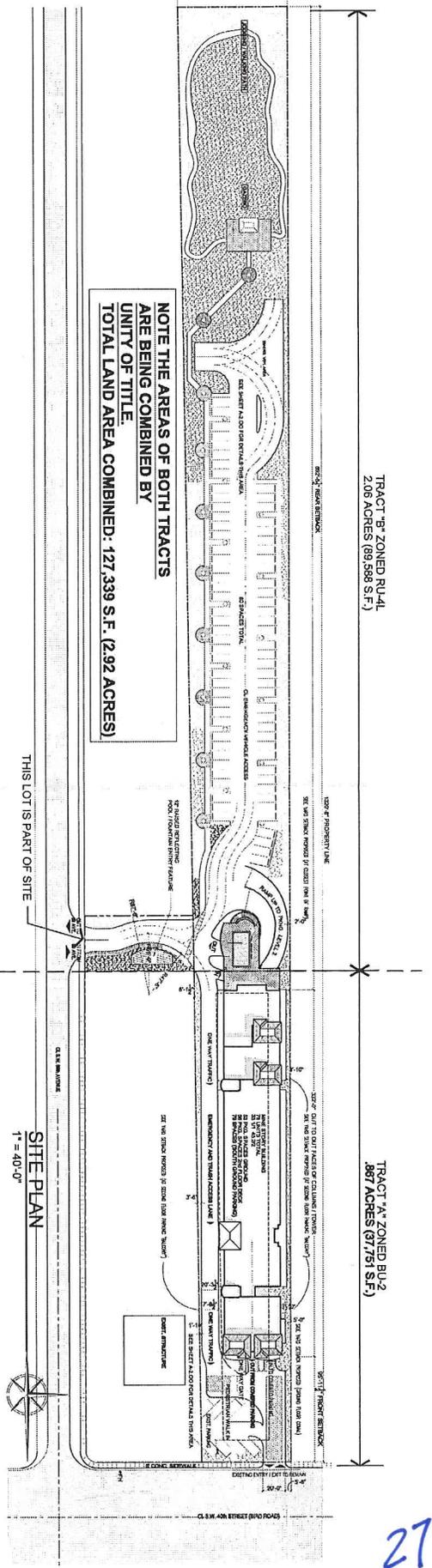
Seal

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

TRACT "B" ZONED RU-4L  
2.06 ACRES (89,588 S.F.)

TRACT "A" ZONED BU-2  
367 ACRES (97,751 S.F.)

NOTE THE AREAS OF BOTH TRACTS  
ARE BEING COMBINED BY  
UNITY OF TITLE.  
TOTAL LAND AREA COMBINED: 127,339 S.F. (2,92 ACRES)



**RU-4M ZONING LEGEND**

GROUP	MINIMUM AREA	MINIMUM SETBACK	MINIMUM HEIGHT	MINIMUM FLOOR AREA	MINIMUM UNIT COUNT
1	1,000 S.F.	5 FT.	10 FT.	1,000 S.F.	10 UNITS
2	2,000 S.F.	5 FT.	10 FT.	2,000 S.F.	20 UNITS
3	3,000 S.F.	5 FT.	10 FT.	3,000 S.F.	30 UNITS
4	4,000 S.F.	5 FT.	10 FT.	4,000 S.F.	40 UNITS
5	5,000 S.F.	5 FT.	10 FT.	5,000 S.F.	50 UNITS
6	6,000 S.F.	5 FT.	10 FT.	6,000 S.F.	60 UNITS
7	7,000 S.F.	5 FT.	10 FT.	7,000 S.F.	70 UNITS
8	8,000 S.F.	5 FT.	10 FT.	8,000 S.F.	80 UNITS
9	9,000 S.F.	5 FT.	10 FT.	9,000 S.F.	90 UNITS
10	10,000 S.F.	5 FT.	10 FT.	10,000 S.F.	100 UNITS

**ZONING CALCULATIONS, AND SETBACK MATRIX**

	PERMITTED / REQUIRED	PROPOSED
F.A.R.	1.05 (133,706 S.F.)	103,938 (0.79)
LOT COVERAGE	30% MAX. (39,201 S.F.)	21,930 S.F. (17%)
GREEN AREAS	30% MIN. (39,201 S.F.)	45,298 S.F. (36%)
PAVED AREAS	N/A	60,171 S.F. (48%)
SETBACKS	REQUIRED	PROVIDED
FRONT	25'	96'
SIDES (INTERIOR)	20'	20' EAST LINE 3'-10" WEST LINE
REAR	25'	89'
BUILDING HT.	100' TO ROOF DECK	83'-4" TO ROOF DECK

**UNIT TYPE MATRIX**

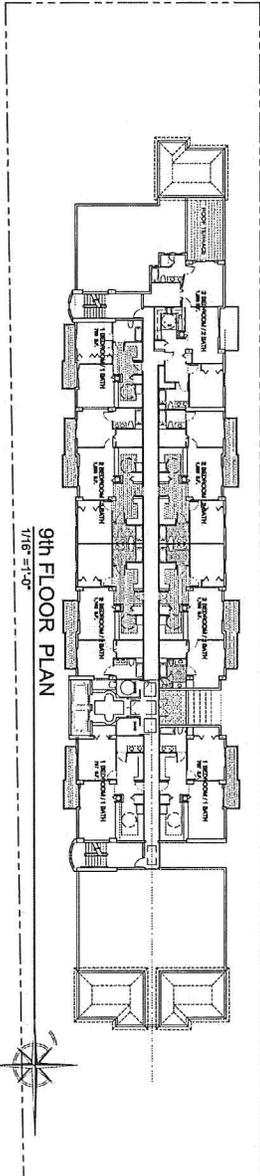
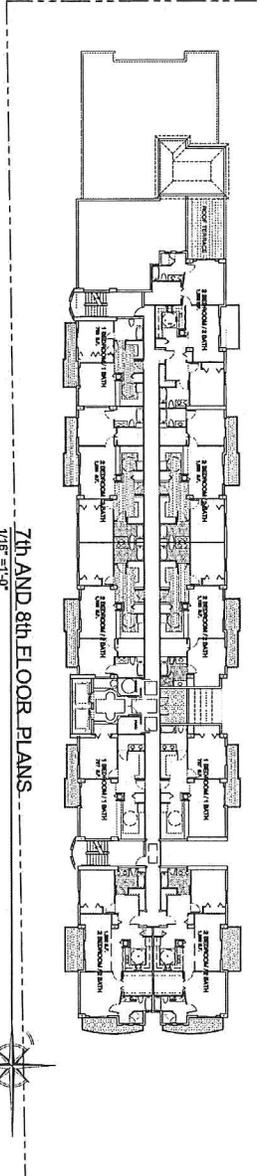
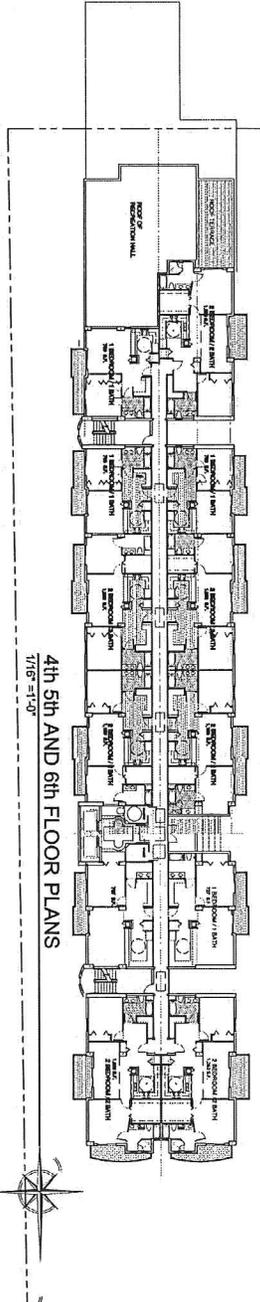
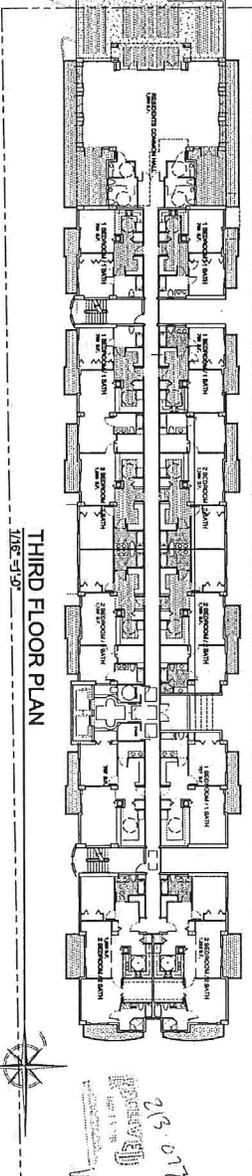
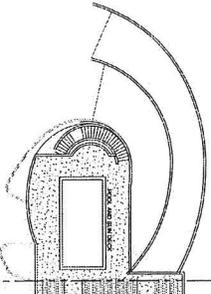
FLOOR	1 BR 1 BATH	2 BR 2 BATH	CIRC-STR-ELEV	GROSS AREAS
2nd FLOOR	1	2		2,787 S.F.
3rd FLOOR	6	6		1,478 S.F.
4th FLOOR	6	6		1,364 S.F.
5th FLOOR	6	6		1,364 S.F.
6th FLOOR	6	6		1,364 S.F.
7th FLOOR	3	7		1,223 S.F.
8th FLOOR	3	7		1,223 S.F.
9th FLOOR	3	5		1,223 S.F.
TOTAL UNITS	33	45		93,649 S.F.
COMMERC. AREA				1,050 S.F.
AREA TOTALS (UNITS, CIRCULATION, RECREATION, AND COMMERCIAL AREAS, TOTAL GROSS BUILDING AREA)				103,938 S.F.

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

- A1. Stair width increased to 48" per flight and 36" doors
- A2. Enclosed one hour fire rated lobbies and doors, (for fire crews staging).
- A3. Increased unit to unit fire separation to 1 hour, and unit to common areas to 2 hours. (Stair enclosure wall rating reduction normally allowed under sec. 7.1.3.2.1, F.P.C. for apartments and hotels is not allowed).
- A4. Increased sprinkler density from .10 to .15 gals/ft. throughout.
- A5. Increase elevator size to 7'-6" wide x 5'-3" deep minimum with a 48" center opening door with a minimum of 4000lbs capacity.
- A6. Strengthen structural integrity of elevator hoistway and exit enclosure wall impact resistance by using concrete block or poured concrete, no drywall allowed.







THIS DRAWING IS THE PROPERTY OF COLLADO AND PARTNERS INC. AND SHOULD BE RETURNED TO COLLADO AND PARTNERS INC. IMMEDIATELY UPON RECEIPT. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

2/9/07

A-2.01

MANUEL J. COLLADO  
 ARCHITECT  
 LICENSE NO. 11111

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

TITLE: FLOORS 3 TO 9

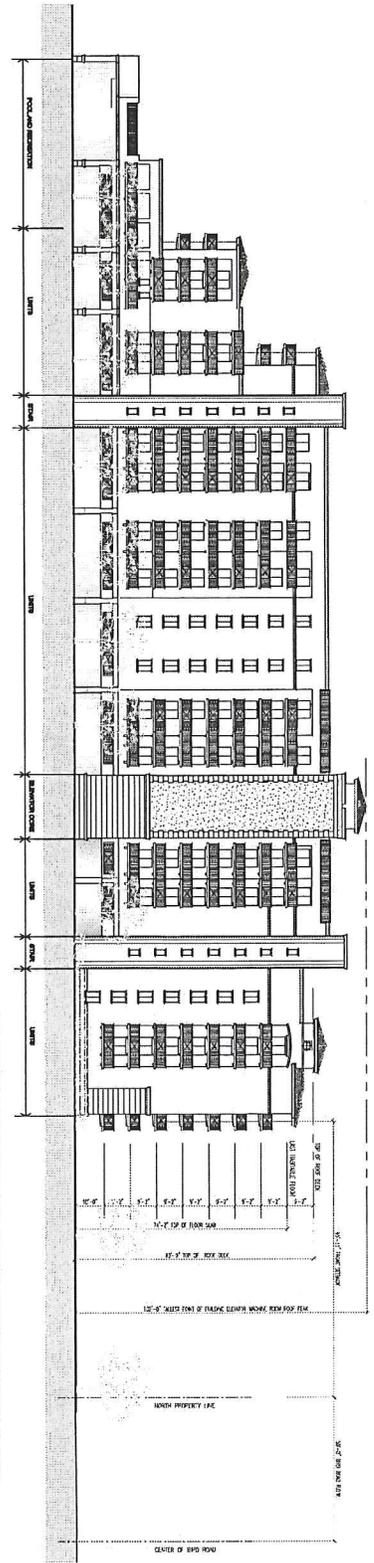


**COLLADO AND PARTNERS INC.**  
 ARCHITECTURE PLANNING INTERIORS  
 6950 SW 40TH STREET • MIAMI GARDEN, FLORIDA 33167 • TELEPHONE 4 (407) 591-1111 FAX 4 (407) 591-1112

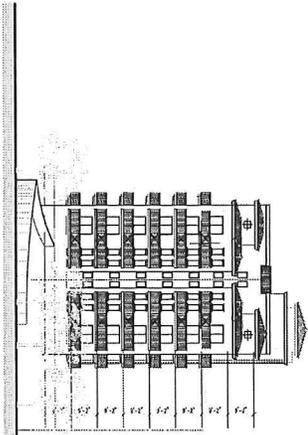
JOB NO. -  
 DRAWN BY: RJC  
 DATE: 2-20-14  
 SCALE: AS NOTED  
 CHECKED: RJC

NO.	DATE	REVISION TYPE

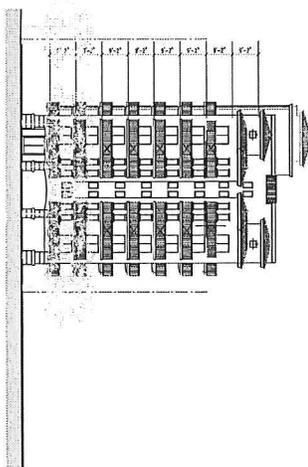
29



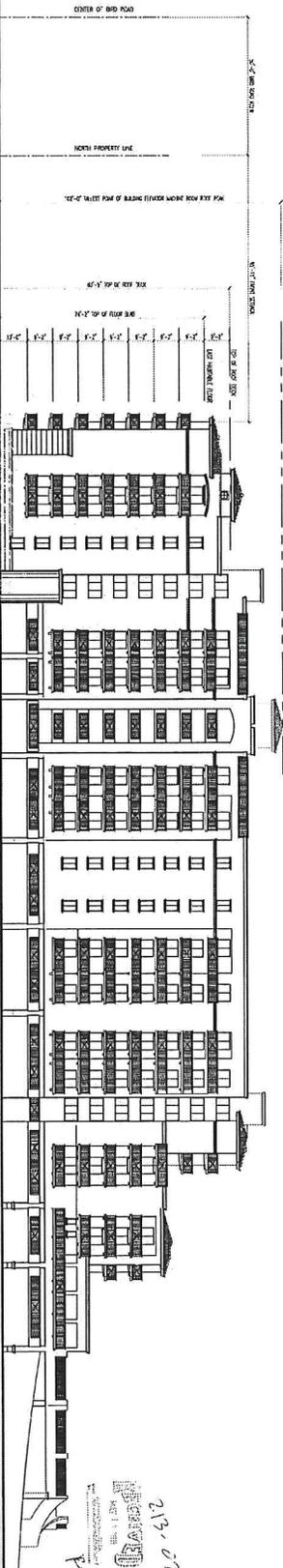
EAST ELEVATION (TO POST OFFICE NEIGHBOR)  
1/16" = 1'-0"



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



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



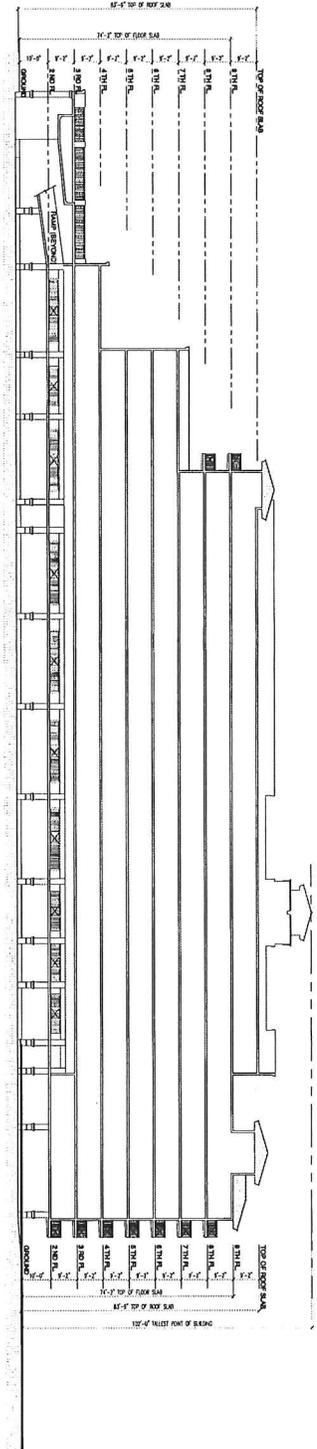
WEST ELEVATION (TO LINEAR PARK / EX-RR EASMENT)  
1/16" = 1'-0"

213-077  
A

THIS DRAWING IS THE PROPERTY OF COLLADO AND PARTNERS INC. AND SHALL BE KEPT IN CONFIDENCE BY ALL PERSONS TO WHOM IT IS LOANED OR REPRODUCED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF COLLADO AND PARTNERS INC.

SHEET NO.: <b>A-4.00</b>	RAJAN K. COLLADO ARCHITECT 11111 N. MIAMI BLVD. SUITE 100 MIAMI, FL 33150	A NEW DEVELOPMENT <b>Central Park Apartments</b> Manuel J. Menendez as Trustee (owner) 6950 S.W. 40TH St. Miami, Florida 33155		COLLADO AND PARTNERS INC. ARCHITECTURE PLANNING INTERIORS 11111 N. MIAMI BLVD., SUITE 100 MIAMI, FL 33150 TEL: 305.441.1111 FAX: 305.441.1112	JOB NO.: DRAWN BY: RJC DATE: 2-20-14 SCALE: AS NOTED CHECKED: RJC	NO. DATE REVISION TYPE
		TITLE: ELEVATIONS			_____ _____ _____ _____ _____	

30



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

THIS DRAWING IS THE PROPERTY OF COLLADO AND PARTNERS INC. AND MAY NOT BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF COLLADO AND PARTNERS INC.

23-071

RAYMOND J. COLLADO  
 ARCHITECT  
 12345  
 STATE OF FLORIDA  
 SHEET NO. A-5.00

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

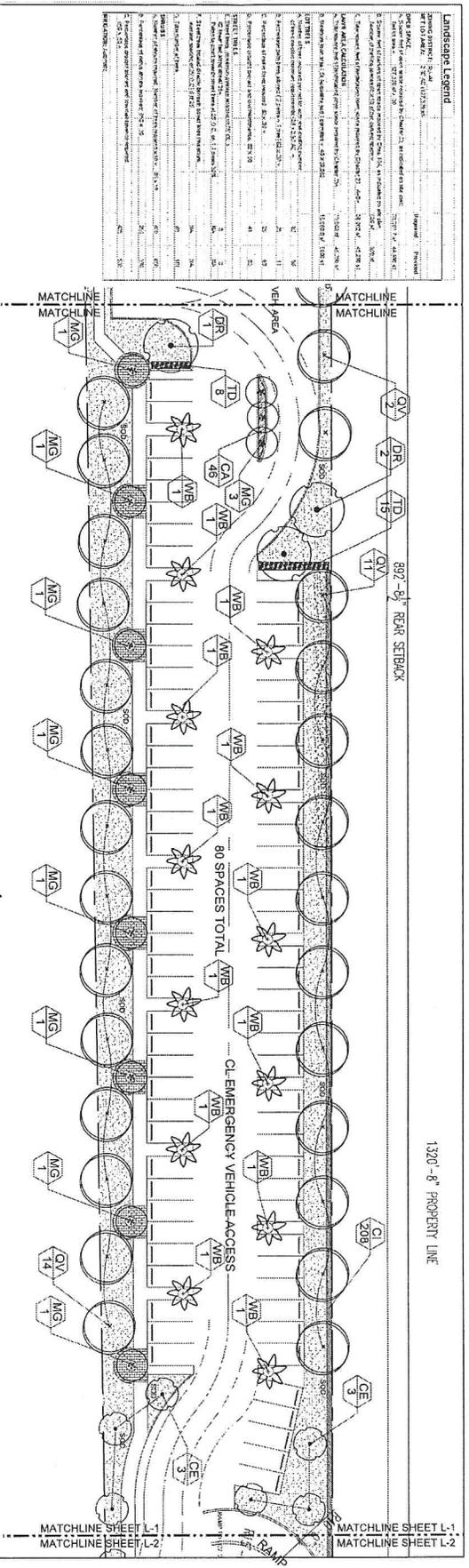


**COLLADO AND PARTNERS INC.**  
 ARCHITECTURE PLANNING INTERIORS  
 12345  
 STATE OF FLORIDA  
 12345 ARCHITECTS INC. • COLLADO GARCIA, FLORIDA 33134 • TELEPHONE (305) 555-1234 FAX (305) 555-1234

JOB NO. -	NO.	DATE	REVISION TYPE
DESIGNED BY: RJC			
DRAWN BY: RJC			
DATE: 2-12-14			
SCALE: AS NOTED			
CHECKED: RJC			

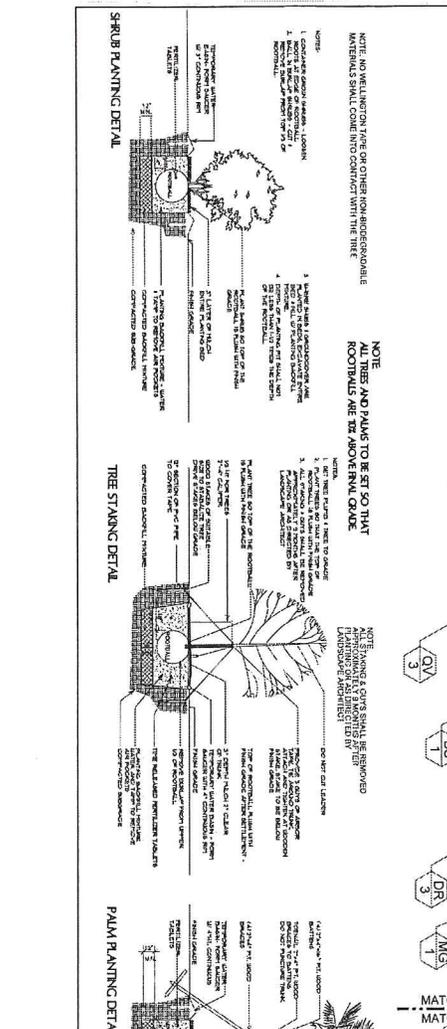
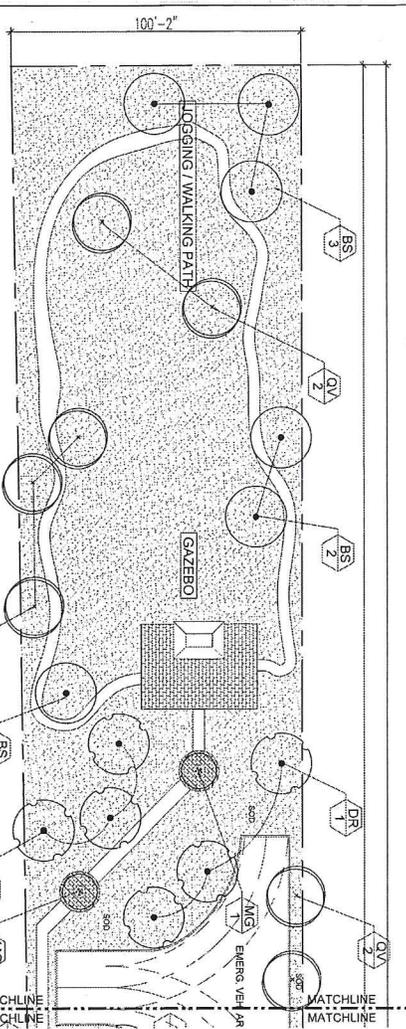
32

1320' - 6" PROPERTY LINE



**Landscape Legend**

Symbol	Plant Name	Quantity
MG 1	Magnolia grandifolia	100
MG 2	Magnolia speciosa	100
MG 3	Magnolia x soulangeana	100
MG 14	Magnolia	100
MG 15	Magnolia	100
MG 16	Magnolia	100
MG 17	Magnolia	100
MG 18	Magnolia	100
MG 19	Magnolia	100
MG 20	Magnolia	100
MG 21	Magnolia	100
MG 22	Magnolia	100
MG 23	Magnolia	100
MG 24	Magnolia	100
MG 25	Magnolia	100
MG 26	Magnolia	100
MG 27	Magnolia	100
MG 28	Magnolia	100
MG 29	Magnolia	100
MG 30	Magnolia	100
MG 31	Magnolia	100
MG 32	Magnolia	100
MG 33	Magnolia	100
MG 34	Magnolia	100
MG 35	Magnolia	100
MG 36	Magnolia	100
MG 37	Magnolia	100
MG 38	Magnolia	100
MG 39	Magnolia	100
MG 40	Magnolia	100
MG 41	Magnolia	100
MG 42	Magnolia	100
MG 43	Magnolia	100
MG 44	Magnolia	100
MG 45	Magnolia	100
MG 46	Magnolia	100
MG 47	Magnolia	100
MG 48	Magnolia	100
MG 49	Magnolia	100
MG 50	Magnolia	100
MG 51	Magnolia	100
MG 52	Magnolia	100
MG 53	Magnolia	100
MG 54	Magnolia	100
MG 55	Magnolia	100
MG 56	Magnolia	100
MG 57	Magnolia	100
MG 58	Magnolia	100
MG 59	Magnolia	100
MG 60	Magnolia	100
MG 61	Magnolia	100
MG 62	Magnolia	100
MG 63	Magnolia	100
MG 64	Magnolia	100
MG 65	Magnolia	100
MG 66	Magnolia	100
MG 67	Magnolia	100
MG 68	Magnolia	100
MG 69	Magnolia	100
MG 70	Magnolia	100
MG 71	Magnolia	100
MG 72	Magnolia	100
MG 73	Magnolia	100
MG 74	Magnolia	100
MG 75	Magnolia	100
MG 76	Magnolia	100
MG 77	Magnolia	100
MG 78	Magnolia	100
MG 79	Magnolia	100
MG 80	Magnolia	100
MG 81	Magnolia	100
MG 82	Magnolia	100
MG 83	Magnolia	100
MG 84	Magnolia	100
MG 85	Magnolia	100
MG 86	Magnolia	100
MG 87	Magnolia	100
MG 88	Magnolia	100
MG 89	Magnolia	100
MG 90	Magnolia	100
MG 91	Magnolia	100
MG 92	Magnolia	100
MG 93	Magnolia	100
MG 94	Magnolia	100
MG 95	Magnolia	100
MG 96	Magnolia	100
MG 97	Magnolia	100
MG 98	Magnolia	100
MG 99	Magnolia	100
MG 100	Magnolia	100



**NOTE:**  
1. REFER TO SHEET L-2 FOR THE FRONT YST.  
2. ALL SOD ON THIS SHEET SHALL BE BAYWA SOD.

**NOTE:**  
1. SOD AND BRICCATO TO BE OF ROAD.  
2. TREE REMOVAL BRICCATO BY CITY ROCK TO REMOVAL OF ANY TREES ON SITE.  
3. ALL MACHINICAL REMOVAL SHALL BE CORDED FROM VERY WITH APPROPRIATE SAFETY MARKERS.

**NOTE:**  
1. ALL TREES AND PALMS TO BE SET SO THAT ROOTBALLS ARE 12" ABOVE RAIL GRADE.

**NOTE:**  
1. ALL TREES AND PALMS TO BE SET SO THAT ROOTBALLS ARE 12" ABOVE RAIL GRADE.

**NOTE:**  
1. ALL TREES AND PALMS TO BE SET SO THAT ROOTBALLS ARE 12" ABOVE RAIL GRADE.

**NOTE:**  
1. ALL TREES AND PALMS TO BE SET SO THAT ROOTBALLS ARE 12" ABOVE RAIL GRADE.

**General Notes:**

1. The contractor shall be responsible for obtaining all necessary permits and approvals from the local authorities.
2. The contractor shall be responsible for the removal of all existing vegetation and structures on the site.
3. The contractor shall be responsible for the installation of all new vegetation and structures on the site.
4. The contractor shall be responsible for the maintenance of all new vegetation and structures on the site.
5. The contractor shall be responsible for the protection of all existing utilities and structures on the site.
6. The contractor shall be responsible for the safety of all workers and the public during the construction process.
7. The contractor shall be responsible for the completion of all work within the specified time frame.
8. The contractor shall be responsible for the cleanup of all construction materials and debris from the site.
9. The contractor shall be responsible for the final inspection and approval of the project by the local authorities.
10. The contractor shall be responsible for the payment of all taxes and fees associated with the project.
11. The contractor shall be responsible for the insurance of all workers and the public during the construction process.
12. The contractor shall be responsible for the bonding of all workers and the public during the construction process.
13. The contractor shall be responsible for the maintenance of all records and documents related to the project.
14. The contractor shall be responsible for the protection of all confidential information related to the project.
15. The contractor shall be responsible for the compliance with all applicable laws and regulations.
16. The contractor shall be responsible for the coordination with all other project stakeholders.
17. The contractor shall be responsible for the communication of all project progress and issues to the client.
18. The contractor shall be responsible for the resolution of all disputes and claims related to the project.
19. The contractor shall be responsible for the final handover of the project to the client.
20. The contractor shall be responsible for the final payment of the project.

Scale: 1" = 30'-0"

North

811  
How to call before you dig

**CENTRAL PARK APARTMENTS**  
6950 SW 40TH STREET, MIAMI, FL 33155

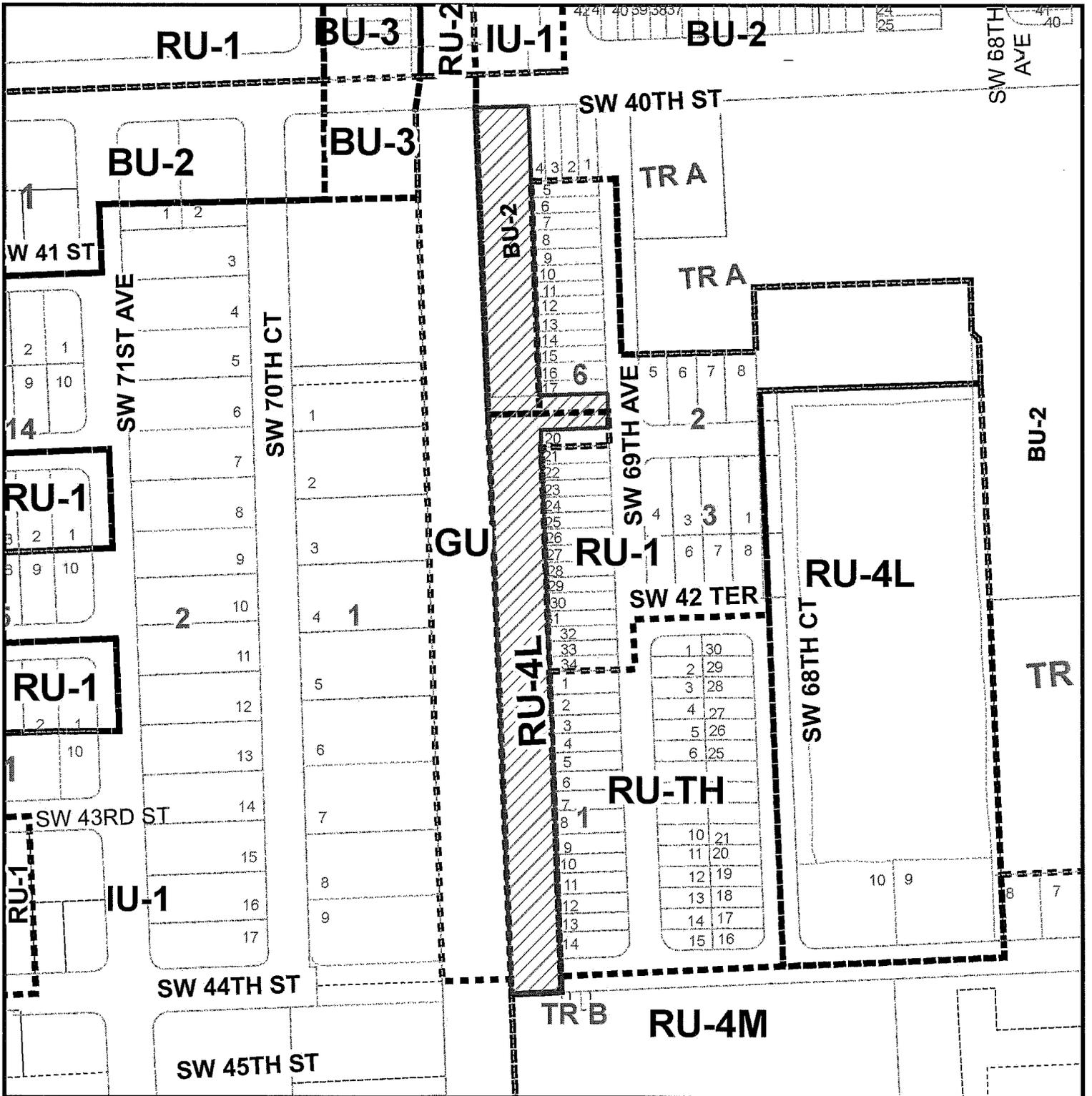
PREPARED BY:  
Kimberly Moyer, RLA  
Landscape Architect  
(954) 492-5609  
LIC. No. RL40000982

PREPARED FOR:  
Collado and Partners  
Architecture, Planning, Interiors  
300 Aragon Ave 20th  
Miami, FL 33134  
(305) 569-9911

DATE: MAR 22, 2017  
PROJECT NUMBER: 1832  
DRAWING NO.: L-1  
SCALE: 1/8" = 1'-0"  
REVISION: DATE: 03/20/17 BY: M.M.  
SHEET NUMBER

**L-1**





**MIAMI-DADE COUNTY**  
**HEARING MAP**

Process Number

**Z2013000077**



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

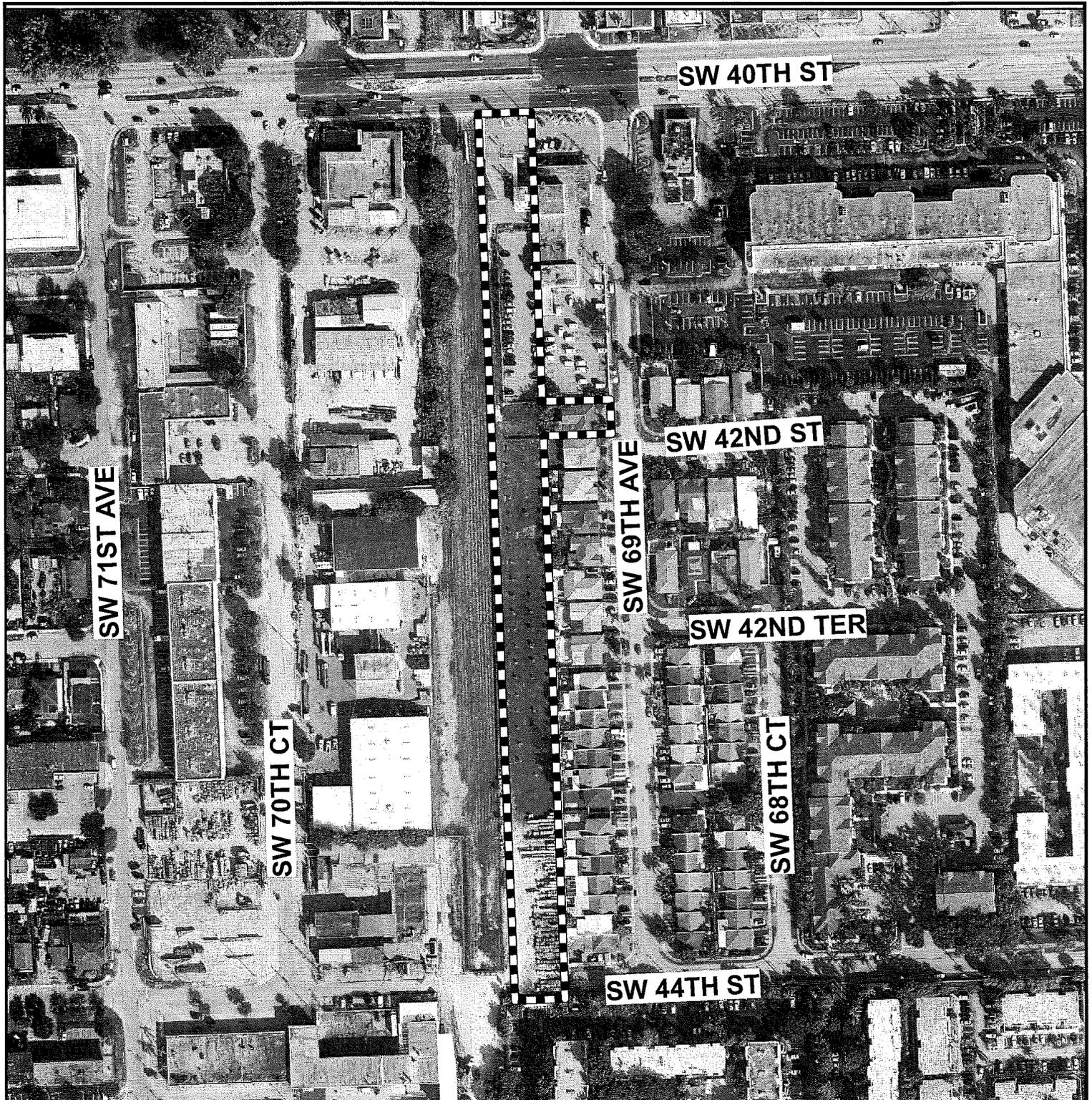
**Legend**

 Subject Property Case



SKETCH CREATED ON: Thursday, September 12, 2013

REVISION	DATE	BY
		34



**MIAMI-DADE COUNTY**  
**AERIAL YEAR 2012**

Process Number  
**Z2013000077**



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

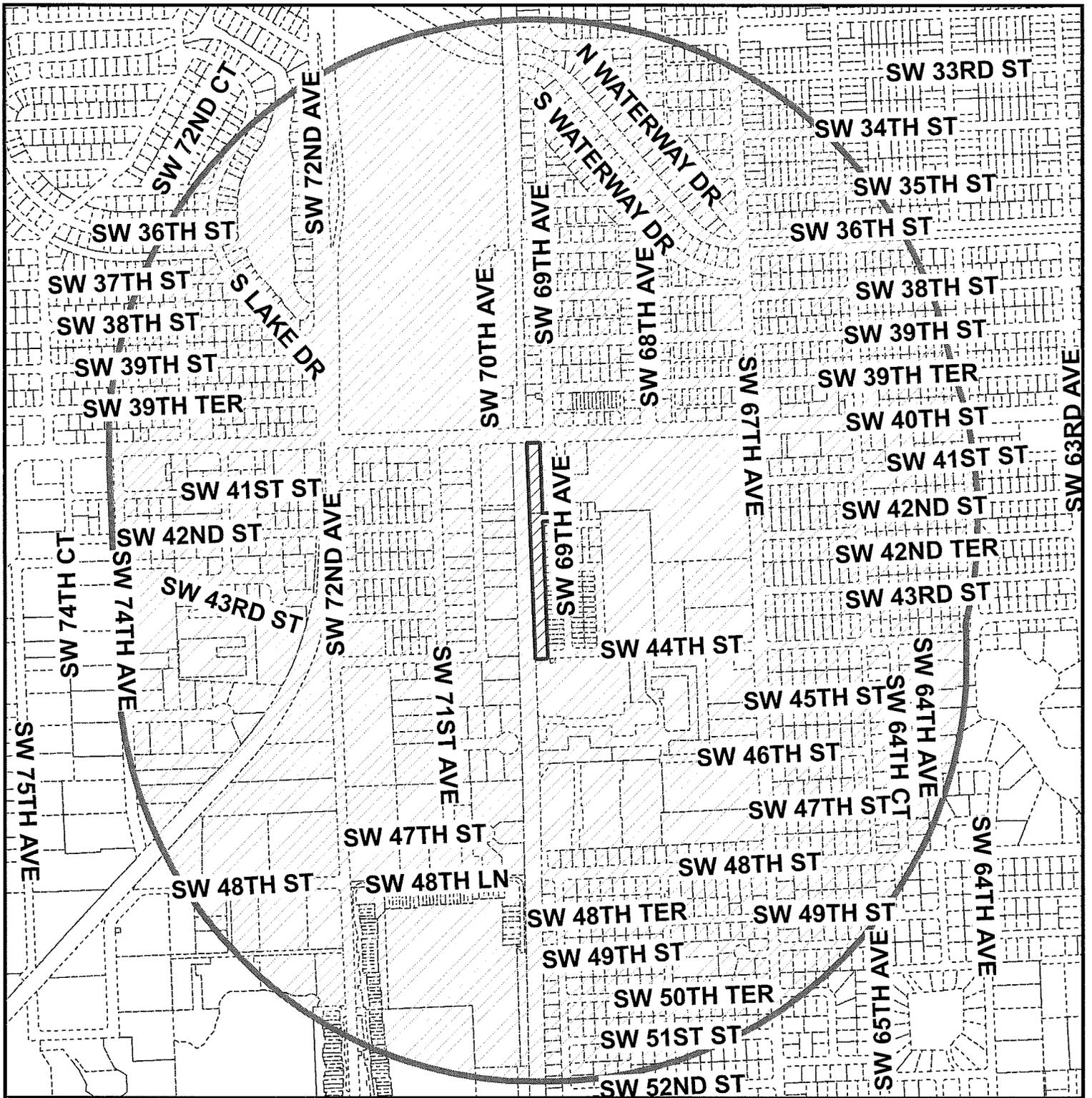
Legend

 Subject Property



SKETCH CREATED ON: Thursday, September 12, 2013

REVISION	DATE	BY
		35



**MIAMI-DADE COUNTY**  
**RADIUS MAP**

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

Process Number

**Z2013000077**

RADIUS: 2640



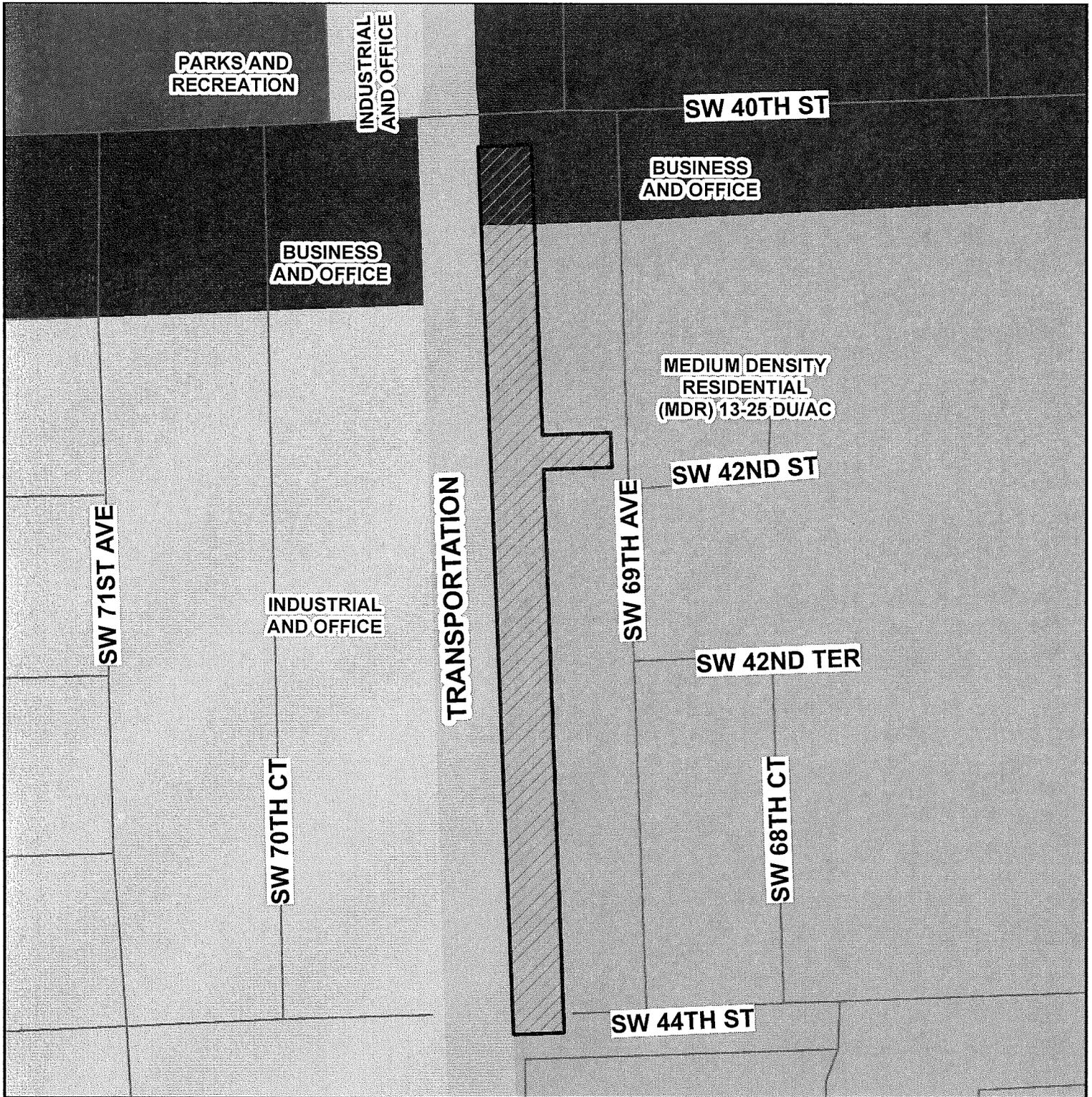
**Legend**

-  Subject Property
-  Buffer



SKETCH CREATED ON: Thursday, September 12, 2013

REVISION	DATE	BY
		36



**MIAMI-DADE COUNTY**  
**CDMP MAP**

Process Number  
**Z2013000077**



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

**Legend**

 Subject Property Case



SKETCH CREATED ON: Thursday, September 12, 2013

REVISION	DATE	BY

This instrument was prepared by:  
Name: Jorge J. del Valle, Attorney at Law  
4000 Ponce de Leon Boulevard-Suite 470  
Coral Gables, Florida 33146  
[jorgejdelvalle@comcast.net](mailto:jorgejdelvalle@comcast.net)  
Tel.: (305) 777-0262

PLANNING AND ZONING  
AGENDA OFFICE

2014 JUN 13 A 8:15

**DRAFT**

Manuel Menendez

Trust

CZAB12 7/8/14

Z13-077

---

### **DECLARATION OF RESTRICTIONS**

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

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

- (1) That said property shall be developed substantially in accordance with the plans entitled "Central Park Apartments" as prepared by Collado and Partners, Inc., consisting of 5 sheets, date stamped received 5/14/14, and landscape plans prepared by Kimberly Moyer RLA consisting of 2 sheets, all date stamped received 2/26/14.
- (2) That the proposed mixed-use residential and commercial development shall be restricted to a maximum of 78 residential units.

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

**Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect

\\forms\MENENDEZTRUSTDECLARATIONOFRESTIRCTIONSMDCOUNTYZONINGAPPLICATION 10/4/12

0

Section-Township-Range:  
Folio number

**Declaration of Restrictions**

**Page 2**

and be binding upon the undersigned Owner, 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. Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

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

**Modification, Amendment, Release.** This Declaration may be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the, then, owner(s) of the property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida, whichever by law has jurisdiction over such matters, after public hearing. 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

[L:\forms\MENENDEZTRUSTDECLARATIONOFRESTIRCTIONSMDCOUNTYZONINGAPPLICATION

**(Public Hearing)**

**Section-Township-Range:**

**Folio number:**

**Declaration of Restrictions**

**Page 3**

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 Regulatory and Economic Resources 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 Owner 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 Owner shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

**TRUSTEE**

Signed, witnessed, executed and acknowledged one this \_\_\_\_\_ day of June, 2014,

**WITNESSES:**

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Print Name*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Print Name*

\_\_\_\_\_  
*Trustee Signature*

MANUEL J. MENENDEZ

\_\_\_\_\_  
*Print Name*

Address:  
3305 Alhambra Circle  
Coral Gables, Florida 33134-6209

**STATE OF FLORIDA**

**COUNTY OF MIAMI-DADE**

The foregoing instrument was acknowledged before me by MANUEL J. MENENDEZ, Trustee, to me personally known or produced \_\_\_\_\_ as identification and who acknowledged the foregoing instrument for the purposes therein contained, and acknowledged that he was authorized under the trust to execute said instrument on behalf of the beneficiaries of the trust.

Witness my signature and official seal this \_\_\_\_\_ day of June, 2014 in the County and State aforesaid.

\_\_\_\_\_  
*Signature*

Notary Public-State of Florida

\_\_\_\_\_  
*Print Name*

My Commission Expires:

**EXHIBIT "A"**

There are 2 tracts of land constituting the Owner's, MANUEL J. MENENDEZ TRUST,  
Declaration of Restrictions described as follows, to wit:

1. Folio Number: 30-4023-099-0010  
MENENDEZ TRACTS  
PB 167-052 T-22724  
TR A  
LOT SIZE 37,767 SQ. FT.  
FAU 30-4023-000-0061,0062 & 30-4023-009-0150
  
2. Folio Number: 30-4023-099-0020  
MENENDEZ TRACTS  
PB 167-052-T-22724  
TR B  
LOT SIZE 89603 SQ. FT//.  
FAU 30-4023-000-0061, 0062 & 30-4023-009-0150