



# KITS

2-6-09 Version #2

## BOARD OF COUNTY COMMISSIONERS ZONING HEARINGS

**THURSDAY, MARCH 5, 2009**

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

**TIME OF MEETING** 9:30 A.M.

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### **CURRENT**

### **HEARING #**

### **DISTRICT**

#### **1. The Department of Planning & Zoning**

(Developmental  
Impact  
Committee)

08-186

N 01

**Request:** - Zone change to GP for Opa-Locka Airport  
- Deletion of covenant in order to provide new covenant to add additional airport uses

**Location:** Lying between N.W. 37 Avenue and N.W. 57 Avenue (Red Road) and between N.W. 135 Street (Opa-locka Boulevard) and N.W. 154 Street, City of Opa-locka and Miami-Dade County, Florida, **within the Urban Development Boundary (UDB).**

#### **2. The Department of Planning & Zoning**

08-205

N 10

**Request:** Deletion of covenant for low income senior housing and park-n-ride to permit site development per zoning district.

**Location:** Lying north of S.W. 40 Street (Bird Road) and lying between S.W. 89 Avenue and S.W. 89 Court, Miami-Dade County, Florida, **within the Urban Development Boundary (UDB).**



# Official Zoning Agenda

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BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSION MEETING OF THURSDAY, MARCH 5, 2009

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

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

SWEARING IN OF WITNESSES

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1. **THE DEPARTMENT OF PLANNING & ZONING**  
**(09-3-CC-1/08-186)**

**16-21/52-41**  
**BCC/District 1**

- (1) ZONE CHANGE TO GP
- (2) DELETION a Declaration of Restrictions, recorded in Official Record Book 26612, Pages 690-696.

The purpose of request #2 is to delete a covenant which restricts the Opa-locka Executive Airport to public airport and ancillary public airport-related uses only and to proffer a revised covenant allowing aviation and non-aviation related uses.

**REQUEST #2 ON PARCEL "B"**

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

LOCATION: Lying between N.W. 37 Avenue and N.W. 57 Avenue (Red Road) and between N.W. 135 Street (Opa-locka Boulevard) and N.W. 154 Street, City of Opa-locka and Miami-Dade County, Florida.

SIZE OF PROPERTY: 1,565 Acres

Developmental Impact Committee  
Recommendation:

Approval of Request #1 only subject to the Board's enactment substantially in the form attached of the Proposed Section 33-363.1 and acceptance of the proffered covenant and the approval of same shall also be deemed to constitute approval of a covenant substantially in the form attached and to authorize its execution and recording. Such that if the proposed Section 33-363.1 is not adopted then the recommendation is for denial without prejudice. Approval of request #2 subject to the approval of request #1 under Section 33-311(A)(7) (Generalized Modification Standards) and denial without prejudice of request #2 under Section 33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

Protests: \_\_\_\_\_ 0 \_\_\_\_\_

Waivers: \_\_\_\_\_ 0 \_\_\_\_\_

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_

DEFERRED: \_\_\_\_\_

2. **THE DEPARTMENT OF PLANNING & ZONING**  
**(09-3-CC-2/08-205)**

**16-54-40**  
**BCC/District 10**

DELETION of a Declaration of Restrictions recorded in Official Record Book 22176,  
Pages 2970-2975.

The purpose for this request is to delete a covenant tying the site to low income elderly housing and a park and ride facility; to allow the applicant to develop the site in accordance with the underlying zoning district regulations.

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

LOCATION: Lying north of S.W. 40 Street (Bird Road) and lying between S.W. 89 Avenue and S.W. 89 Court, Miami-Dade County, Florida.

SIZE OF PROPERTY: 0.66 Acre

Department of Planning and  
Zoning Recommendation:

Approval of the application subject to a condition under Section 33-311(A)(7) and denial without prejudice of same under Section 33-311(A)(17).

Protests: \_\_\_\_\_ 0 \_\_\_\_\_

Waivers: \_\_\_\_\_ 0 \_\_\_\_\_

APPROVED: \_\_\_\_\_

DENIED WITH PREJUDICE: \_\_\_\_\_

DENIED WITHOUT PREJUDICE: \_\_\_\_\_

DEFERRED: \_\_\_\_\_

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T H E E N D

**NOTICE OF APPEAL RIGHTS**

Decisions of the Community Zoning Appeals Board (CZAB) are appealed either to Circuit Court or to the Board of County Commissioners (BCC) depending upon the items requested in the Zoning Application. Appeals to Circuit Court must be filed within 30 days of the transmittal of the CZAB resolution. Appeals to BCC must be filed with the Zoning Hearings Section of the Department of Planning and Zoning within 14 days of the posting of the results in the department.

Further information and assistance may be obtained by contacting the Legal Counsel's office for the Department of Planning and Zoning at (305) 375-3075, or the Zoning Hearings Section at (305) 375-2640. For filing or status of Appeals to Circuit Court, you may call the Clerk of the Circuit Court at (305) 349-7409.

**1. THE DEPARTMENT OF PLANNING & ZONING**  
**(Applicant)**

**09-3-CC-1 (08-186)**  
**BCC/District 1**  
**Hearing Date: 3/5/09**

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

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

Disclosure of interest form attached? Yes ☐ No ☒

**Previous Zoning Hearings on the Property:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
1995	Director, Dade County Aviation Dept.	- Zone change from GU to AU. - Non-Use variance for lot frontage.	BCC	Approved
2001	Director, Department of Planning & Zoning	Zone change from AU and GU to GP.	BCC	Approved

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 5, 2009

**To:** Board of County Commissioners

**From:** Developmental Impact Committee  
Executive Council

**Subject:** Developmental Impact Committee Recommendation

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**APPLICANT:** Director of the Planning and Zoning Department (Z08-186)

## **SUMMARY OF REQUESTS:**

The applicant is seeking to rezone the entire Opa-locka Executive Airport property to GP, Governmental Property District. In addition, the applicant is requesting to delete a covenant which restricts that portion of the Opa-locka Airport property located within unincorporated Miami-Dade County to public airport and ancillary public airport-related uses, more specifically defined as Aeronautical Activity and Aviation Use of Real Property, industrial and office use, and to proffer a revised covenant on the entire airport property allowing aviation and non-aviation related uses.

**LOCATION:** Lying between N.W. 37 Avenue and N.W. 57 Avenue (Red Road) and between N.W. 135 Street (Opa-locka Boulevard) and N.W. 154 Street, City of Opa-locka and Miami-Dade County, Florida.

## **COMMENTS:**

This application went before the Developmental Impact Committee because of the size of the application and the amount of square footage that could be developed. Section 33-303.1(D)(7) of the Code of Miami-Dade County charges the Developmental Impact Committee (DIC) to address applications with respect to: (I) conformance with all applicable plans; (II) environmental impact; (III) impact on the economy; (IV) impact on essential services; and (V) impact on public transportation facilities and accessibility.

The meeting of the DIC Executive Council was held and the attached Department memoranda were reviewed and considered by said Committee.

## **DIC RECOMMENDATION:**

Approval of request #1 only subject to the Board's enactment substantially in the form attached of the Proposed Section 33-363.1 and acceptance of the proffered covenant and the approval of same shall also be deemed to constitute approval of a covenant substantially in the form attached and to authorize its execution and recording. Such that if the proposed Section 33-363.1 is not adopted then the recommendation is for denial without prejudice. Approval of request #2 subject to the approval of request #1 under Section 33-311(A)(7) (Generalized Modification Standards) and denial without prejudice of request #2 under Section 33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

The Executive Council is of the opinion that this application will be in keeping with the Comprehensive Development Master Plan designation for the subject property. In addition, the Council found that the approval of this application, with the acceptance of the proffered covenant, will not be contrary to the public interest, is in keeping with the spirit of the regulations, and will permit the reasonable use of the premises. As such, the Executive Council finds that this application will permit a development which is **consistent** with the CDMP and **compatible** with the surrounding area.

APPLICATION NO. Z08-186  
THE DEPARTMENT OF PLANNING & ZONING

Respectfully Submitted,

DIC Executive Council  
February 11, 2009

Susanne M. Torriente  
Assistant County Manager



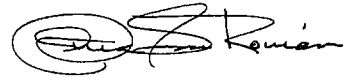
AYE

Manny Mena, Assistant Fire Chief  
Miami-Dade Fire Rescue Department



AYE

Irma San Roman, Deputy Director  
Metropolitan Planning Organization Secretariat



AYE

Marc C. LaFerrier, AICP, Director  
Department of Planning and Zoning



AYE

Esther Calas, P.E., Director  
Public Works Department

Absent

Jose Gonzalez, P.E., Assistant Director  
Department of Environmental Resources Mgmt



AYE

John W. Renfrow, P.E., Director  
Miami-Dade Water and Sewer Department

Absent



**DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO THE DEVELOPMENTAL IMPACT COMMITTEE**

**APPLICANT:** The Department of Planning and Zoning

**PH:** Z08-186

**SECTIONS:** 16,17,18,19, 20 and 21-52-41

**DIC DATE:** March 5, 2009

**COMMISSION DISTRICT:** 1

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**A. INTRODUCTION**

o **REQUESTS:**

(1) ZONE CHANGE TO GP

(2) DELETION of a Declaration of Restrictions, recorded in Official Record Book 26612, Pages 690 through 696.

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The applicant is seeking to rezone the entire Opa-locka Executive Airport property to GP, Governmental Property District. In addition, the applicant is requesting to delete a covenant which restricts that portion of the Opa-locka Airport property located within unincorporated Miami-Dade County to public airport and ancillary public airport-related uses, more specifically defined as Aeronautical Activity and Aviation Use of Real Property, industrial and office use, and to proffer a revised covenant on the entire airport property allowing aviation and non-aviation related uses.

o **LOCATION:** Lying between N.W. 37 Avenue and N.W. 57 Avenue (Red Road) and between N.W. 135 Street ( Opa-locka Boulevard) and N.W. 154 Street, City of Opa-locka and Miami-Dade County, Florida.

o **SIZE:** 1,565 Acres

**B. ZONING HEARINGS HISTORY:**

In 1996, pursuant to Resolution No. Z-40-96, the Board of County Commissioners (BCC) granted the Miami-Dade County Aviation Department a district boundary change from GU, Interim District, to AU, Agricultural District, on a portion of the subject property. Also included

was a non-use variance to permit a parcel of land with 0' of frontage (200' required) on a public street. In 2001, pursuant to Resolution No. Z-2-01, a district boundary change was requested by the Director of the Department of Planning and Zoning and granted by the BCC which rezoned the unincorporated portion of the property (Parcel B) from AU and GU to GP, Governmental Property District. A Declaration of Restrictions was proffered on the GP portion of the subject property in conjunction with Resolution No. Z-2-01, which provided that the use of the unincorporated property be limited to public airport use, Aeronautical Activity and Aviation Use of Real Property, industrial and office use, and as further limited by all other applicable federal, state and county regulations, including but not limited to the CDMP, by leases on the property and by all title restrictions of record.

**C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

1. The adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Transportation and Terminal** use. The LUP map includes a summarized portrayal of the major components of Miami-Dade County's existing and future transportation network. Included are roadways and major switching yards, and such major terminals as the County airports and the Miami-Dade Seaport. This information is included on the LUP map to provide orientation and locational references, and to relate future development patterns to the future transportation network. The Transportation and Capital Improvements Elements of the CDMP provide additional details about these facilities, including their intended sizes, functions, uses, and designs and, with the exception of local streets, schedules and improvements. As provided in the policies of the Transportation Element, transportation facilities such as terminals and transit stations shall contain the transportation uses and may contain other uses as provided in the applicable Transportation Subelement.
2. **Goal.** Ensure the provision of an economic, integrated environment and community-sensitive, and balanced system of air transportation facilities and services to move passengers and cargo effectively and efficiently; accommodate and encourage all types of general aviation activity, including business, commercial, instructional, and personal activity; and enhance the economy and quality of life in the County and region.
3. **Future Aviation Facilities.** All proposed use on lands owned by Miami-Dade County at the Opa-locka Executive Airport, Kendall-Tamiami Executive Airport, Homestead General Aviation Airport, and Miami International Airport that are designated as Terminal on the LUP map, may be developed for the uses described in this subsection. All proposed uses on such lands shall comply with the requirements of the Future Aviation Facilities Section of the Aviation Subelement, shall be compatible with, and not disruptive of, airport operations occurring on such lands, and shall comply with all applicable regulations of the Federal Aviation Administration and other applicable law.

The airside portion of the Opa-locka Executive Airport, Kendall-Tamiami Executive Airport, Homestead General Aviation Airport, and Miami International Airport, which shall be deemed to consist of all portions of the airports where general public access is restricted (but not including terminal concourses), shall be limited to aviation uses, including but not limited to airfield uses such as runways, taxiways, aprons, runway protection zones, landing areas, and support and maintenance facilities such as control towers, flight service stations,

access roads, fire stations, and fuel farms. Where not otherwise prohibited by law, open space and interim or existing agricultural uses and zoning may also be permitted in the airside portion, subject to such conditions and requirements as may be imposed to ensure public health and safety.

The landside portion of these airports, which shall be deemed to consist of all portions of the airport where general public access is not restricted and the terminal concourses only at Miami International Airport, may include both aviation and non-aviation uses that are compatible with airport operations and consistent with applicable law. At least one-third of the land area in the landside portion must be developed with aviation-related uses or uses that directly support airport operations.

Aviation uses where general public access is allowed may include existing uses and the following or substantially similar uses:

- passenger terminal area, which may include non-aviation related uses designed to service the traveling public and on-site employees, such as offices, personal services, retail activities, restaurants, auto rental businesses, and lodging establishments.
- parking garages and lots serving the airport,
- access roadways serving the airport,
- offices of aviation industry companies and the Miami-Dade County Aviation Department,
- facilities of fixed base operators,
- hangar rentals and tie downs,
- ground transportation services
- aircraft and automobile rental establishments
- aviation-related educational uses such as flight schools, simulator training facilities, helicopter and aerobics training and other educational facilities providing aviation courses,
- aviation-related governmental agency facilities,
- flying club facilities
- aviation-related entertainment uses such as skydiving establishments, museums and sightseeing services, and
- aviation-related retail uses such as aircraft sales, electronic instrument sales and pilot stores.

Subject to the restrictions contained herein, the following privately owned non-aviation-related uses may be approved in the landside area of the Opa-locka 00000 Executive Airport, Kendall-Tamiami Executive Airport, Homestead General Aviation Airport, and Miami International Airport accessible to the general public:

- lodgings such as hotels and motels (except for Homestead General),
- office buildings (except for Homestead General)
- lodgings and office buildings at Miami International Airport (except in terminal concourses)
- industrial uses such as distribution, storage, manufacturing research and development and machine shops (except for Homestead General),
- agricultural uses, and

- retail, restaurants, and personal service establishments (except for Homestead General).

Such privately owned non-aviation related uses at the Opa-locka Airport, Miami International, Kendall-Tamiami Executive and Homestead General Aviation airports shall be limited as follows:

- (1) Those portions of the landside area at Opa-locka Executive, Miami International, and Kendall-Tamiami Executive airports that are not developed for uses that are aviation-related or directly supportive of airport operations shall range from 50 to 85 percent for industrial uses, 5 to 25 percent for commercial uses, 5 to 25 percent for office uses, 0 to 10 percent for hotels and motels, and 0 to 20 percent for institutional uses. The distribution, range, intensity and types of such non-aviation related uses shall vary by location as a function of the availability of public services, height restrictions, CDMP intensity ceiling for the Urban Infill Area (FAR of 2.0 not counting parking structures) at Opa-locka Executive and Miami International airports or for the Urbanizing Area (FAR of 1.25 not counting parking structures) at Kendall-Tamiami Executive Airport impact on roadways, access and compatibility with neighboring development. Freestanding retail and personal services uses and shopping centers shall front service uses and shopping centers shall front on major access roads preferably near major intersections, where practicable, and have limited access to major roadways.
  - (2) Each non-aviation related use shall comply with applicable law, including but not limited to FAA regulations and any airport layout plan governing permissible uses on the entire airport property.
4. **Policy TE-1B.** Miami-Dade County shall continue to maintain programs for optimal development and expansion of the Port of Miami and the Miami-Dade County aviation system, and shall continue to support viable operation and enhancement of the Port of Miami. These activities will be conducted in accordance with the respective subelements of this element and other applicable elements of the CDMP including the Land Use and Capital Improvement Elements.
  5. **Objective. AV-1.** Provide facilities necessary to accommodate forecast aviation demand and optimize level of service.
  6. **Objective. AV-2.** Maintain and enhance the role of each airport in the aviation system.
  7. **Policy AV-4A.** Make aviation capacity improvements at existing airports so long as they are cost effective and consistent with other CDMP objectives and policies.
  8. **Policy AV-1A.** The Miami-Dade County Aviation Department with the assistance of the Florida Department of Transportation and the Federal Aviation Administration (FAA) shall, through facilities and operational improvements, provide system capacity to meet the following forecast levels of activity and minimize delays.

<u>Total Passenger Level</u>	<u>Forecast Attainment Dates</u>		
	<u>High</u>	<u>Preferred</u>	<u>Low</u>
33 million	2006	2008	2010
36 million	2008	2010	2015
39 million	2010	2015	2020
50 million	2015	2020	2035

9. **Policy AV-1B.** The Miami-Dade County Aviation Department with the assistance of the Florida Department of Transportation and the Federal Aviation Administration shall, through facilities and operational improvements, provide system capacity to meet the following forecast levels of general aviation activity and minimize delays.

<u>Planned Activity Level Operations</u>	<u>Forecast Attainment Date</u>	
	<u>Most Optimistic</u>	<u>Most Likely</u>
750,000	2007	2010
875,000	2011	2028
1,000,000	2024	2030

10. **Policy AV-7B.** Miami-Dade County shall update its airport compatible zoning ordinances to promote compatible land use around Miami International, Homestead Air Reserve Base, Opa-Locka, Kendall-Tamiami Executive, Opa-Locka West, and Homestead General Aviation Airports. These ordinance updates shall be based on the guidelines recommended in the following Federal and State documents. Due to operational differences, all listed documents may not pertain to all airports.

(Federal)- Department of Transportation – Federal Aviation Regulation Part 150 Guidelines (Land Use Compatibility)

(Federal) –Department of Transportation – Federal Aviation Regulation Part 77 (Objects affecting Navigable Airspace)

(Federal) – Department of Defense Air Installation Compatible Use Zone Report (AICUZ) for HAFB (August 1988)

(State) – Chapter 333, Florida Statutes, (Airport Zoning)

(State) – Florida Department of Transportation – Airport Compatible Land Use Guidance Manual

11. **Policy AV-7C.** Miami-Dade County shall proactively maintain a “good neighbor” program at its airports to ensure that community concerns are addressed on a timely basis, aircraft operations are aware of noise abatement procedures, and mitigation programs are implemented and monitored.

12. **Policy AV-8A.** The Miami-Dade County Aviation Department, through the continued increase in the capacity of the County's airports to meet the forecast aviation demands, and the State and local governmental economic development entities through their commerce and industry promotion programs should expand the importance of the aviation industry to Miami-Dade County and the regional economy.
13. **Policy AV-8B.** When consistent with aviation facility locational objectives for airspace safety and environmental and community compatibility, the Aviation Department shall provide additional facility and operational capacity in the aviation systems in locations that offer greatest potential for expansion of aviation-related economic development and redevelopment in the vicinity and opportunities for aviation-related employment for Miami-Dade County residents.
14. **Policy AV-9A.** Select system capacity improvements that can also be expected to meet needs beyond the 2020 planning horizon.
15. **Policy AV-9C.** Utilize advantageous financial phasing.
16. **Policy LU-5B.** All development orders authorizing a new land use or development, or redevelopment, or significant expansion of an existing use shall be contingent upon an affirmative finding that the development or use conforms to, and is consistent with the goals, objectives and policies of the CDMP including the adopted LUP map and accompanying "Interpretation of the Land Use Plan Map". The Director of the Department of Planning and Zoning shall be the principal administrative interpreter of the CDMP.
17. **Uses and Zoning Not Specifically Depicted on the LUP Map.** Some existing lawful uses and zoning are not specifically depicted on the LUP map. However, all such existing lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new commercial locations must be consistent with the LUP map or the specific exceptions provided in the various LUP map categories, and the objectives and policies of this Plan.

**D. NEIGHBORHOOD CHARACTERISTICS:**

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

GP, (Miami-Dade County)  
Opa-locka Airport Zoning Regulations

Transportation and Terminal

Surrounding Properties:

NORTH: AU, RU-1, RU-2 (City of Miami Gardens); vacant, lake, college, duplexes, and single-family residences

Industrial and Office, Low Density Residential 2.5 to 6 duu, Institutions, Utilities and Communications

SOUTH: GU, (Miami-Dade County), A, I-1, B-3  
(City of Opa-locka); Amelia Earhart Park,  
warehouses

Industrial and Office, Business and  
Office

EAST: R-1, R-2, R-3, I-3, (City of Opa-locka)  
IU-1 (Miami-Dade County);warehouses  
single-family residences, apartments

Low Density Residential 2.5 to 6 dua,  
Medium Density Residential 6 to 13  
dua, Business and Office, Industrial  
and Office

WEST: IU-C, GU, AU (Miami-Lakes), M-1  
(City of Hialeah); warehouses and school

Industrial and Office

The 1,565-acre subject property lies between N.W. 37 Avenue and N.W. 57 Avenue (Red Road) and between N.W. 135 Street (Opa-locka Boulevard) and N.W. 154 Street and located within the jurisdiction of both the City of Opa-locka and Miami-Dade County. The airport is primarily used for private pleasure and business flights, and light cargo traffic to the Caribbean. The area immediately surrounding the airport is primarily industrial and supportive of airport related activities with a college, apartments and single-family residences located to the north and east of the subject property.

**E. SITE AND BUILDINGS:**

**Site Plan Review:** (No plans submitted)

**F. PERTINENT REQUIREMENTS/STANDARDS:**

In evaluating an application for a **district boundary change**, Section 33-311 provides that the Board take into consideration, among other factors, the extent to which:

- (1) 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;
- (2) 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;
- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;

- (4) 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;
- (5) 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.

**Section 33-311(A)(7) (Generalized Modification Standards).** 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; 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 fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, 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.

**Section 33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).** The Community Zoning Appeals shall approve applications to modify or eliminate any condition or part thereof which has been imposed by any zoning action, and modify or eliminate any restrictive covenants, or parts thereof, accepted at public hearing, upon demonstration at public hearing that the requirements of at least one of the paragraphs of this section have been met. Upon demonstration that such requirements have been met, an application may be approved as to a portion of the property encumbered by the condition or the restrictive covenant where the condition or restrictive covenant is capable of being applied separately and in full force as to the remaining portion of the property that is not a part of the application, and both the application portion and the remaining portion of the property will be in compliance with all other applicable requirements of prior zoning actions and of this chapter.

**II. Modification or Elimination of Conditions and Restrictive Covenants That are Satisfied or Moot.** The Community Zoning Appeals Board shall approve an application to modify or eliminate a condition or part thereof, or a restrictive covenant or part thereof, where it is demonstrated by one of the following that the condition, restrictive covenant or part thereof either is satisfied or is moot:

- (B) Moot conditions, covenants, or restrictions. The condition, restrictive covenant or part thereof is moot in that it can no longer serve the purpose for which it was imposed. A condition, restrictive covenant or part thereof in effect for a period of more than five (5) years shall be determined to be moot upon demonstration of one of the four (4) following circumstances:
  - 1. The purpose of the condition, restrictive covenant or part thereof is apparent from the zoning record of the subject property, including record facts pertaining to the character of the subject property and its immediate vicinity, and the impacts that were projected to be generated by the zoning action at the time the condition or covenant was imposed; and either



- (a) the property subject to the condition or covenant has been developed in a manner or to an extent which does not, and under existing zoning approvals cannot, generated the adverse impacts intended to be prevented or mitigated by the condition or covenant; or
  - (b) since the imposition of the condition or covenant, all abutting parcels and the immediate vicinity have been zoned or developed in a manner or to an extent that the impacts previous anticipated or projected to be prevented or mitigated by the condition or restrictive covenant are not, and cannot be, adverse to the abutting parcels or the immediate vicinity.
- 2. the purpose of the condition, restrictive covenant or part thereof is not apparent from the zoning record of the subject property, including record facts pertaining to the character of the subject property and its immediate vicinity, and
  - (a) the condition, restrictive covenant or part thereof if imposed under current circumstances, would not and could not mitigate or prevent any describable harm or create any describable benefit to the public or to owners or residents or property in the immediate vicinity to a degree that is greater than de minimus; and
  - (b) The condition or restrictive covenant does not include a date of expiration, or
- 3. the condition or restrictive covenant for which modification or elimination is sought involves the timing or phasing of development, and :
  - (a) the development which is the subject of the condition or restrictive covenant is completed; and
  - (b) No enforcement action regarding the condition or restrictive covenant has been initiated.
- 4. the condition or restrictive covenant for which modification or elimination is sought involved only the timeliness of filing or recording or a document, and:
  - (a) the failure to file or record the document was due to circumstances beyond the control of the applicant, or to excusable neglect; and
  - (b) no one is prejudiced by the modification or elimination of the condition or restrictive covenant regarding the timing or the filing or recording; and
  - (c) the document has been recorded or filed subsequent to the deadline set by the original application, and accepted by the County.

**G. NEIGHBORHOOD SERVICES**

DERM  
Public Works

**No objection**  
**No objection**

Parks	No comment
MDT	No objection
Fire Rescue	No objection
Police	No comment
Solid Waste	No objection
Schools	No comment
Water and Sewer	No objection
Aviation	No objection
FDOT	No comment

#### H. ANALYSIS

The subject property is the Opa-locka Executive Airport which lies between N.W. 37 Avenue and N.W. 57 Avenue (Red Road) and between N.W. 135 Street (Opa-locka Boulevard) and N.W. 154 Street and lies within the City of Opa-locka and unincorporated Miami-Dade County. The subject property is located in an area characterized by industrial and airport-related uses with a college, single-family residences and apartments to the north and east of the airport site. In 2001, the Board of County Commissioners (BCC) rezoned the portion of the airport that lies within unincorporated Miami-Dade County from AU, Agricultural District, and GU, Interim District, to GP, Governmental Property District, pursuant to Resolution #Z-2-01. At this time, the County is seeking to rezone the entire airport property to GP. The southeastern portion of the airport lies within the City of Opa-locka and is currently zoned under Opa-locka Airport Zoning Regulations. Additionally, a deletion of a previous Declaration of Restrictions that was proffered on the GP portion of the subject property in conjunction with Resolution No. Z-2-01 is being sought and a new declaration of restrictions is being proffered that will restrict the uses on the entire airport property to aviation and non-aviation related uses. Under Florida law, Miami-Dade County has exclusive jurisdiction including zoning over County airport lands.

The Department of Environmental Resources Management (**DERM**) **does not object** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. The **Public Works Department does not object** to this application. however, their memorandum indicates that they have made no traffic concurrency determination for this application and that no vehicle trips have been reserved. Furthermore, Public Works indicates that they have not made a traffic impact determination but indicates that the Traffic Count Stations located in the vicinity of the site are within the determined Level of Service (LOS) established by Miami-Dade County. The **Miami-Dade Aviation Department has no objection** and has determined that the proposed district boundary change, subject to the Board's acceptance of the proffered covenant is compatible with operations at Opa-locka Executive Airport. They further indicate that the zone change to GP is necessary as it will allow third-party leaseholders to proceed with crucial revenue generating development on airport property. Additionally, the Department of Solid Waste Management (**SWM**), the Miami-Dade Water and Sewer Department (**WASD**) and Miami-Dade Transit (**MDT**) **do not object** to this application. The Miami-Dade Fire Rescue Department (**MDFR**) **does not object** to this application.

The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates the subject property for **Transportation and Terminal use**. Included within this designation are roadways and major switching yards, and such major terminals as the County airports and the Miami-Dade Seaport. Approval of this application will unify the zoning

classifications of the Opa-locka Executive Airport into one uniform zoning classification (GP) and permit future non-aviation related development on the site. The **Future Aviation Facilities** section of the Aviation Subelement of the CDMP states that all proposed uses on lands owned by Miami-Dade County at the Opa-locka Executive Airport, Kendall-Tamiami Executive Airport and Miami International Airport that are designated as Terminal on the LUP map, may be developed for the uses described in this subelement. All proposed uses on such lands shall comply with the requirements of the Future Aviation Facilities Section of the Aviation Subelement, shall be compatible with, and not disruptive of, airport operations occurring on such lands, and shall comply with all applicable regulations of the Federal Aviation Administration and other applicable law.

The CDMP goes on to say that the airside portion of the Opa-locka Executive Airport, Kendall-Tamiami Executive Airport, Homestead General Aviation Airport, and Miami International Airport, which shall be deemed to consist of all portions of the airports where general public access is restricted (but not including terminal concourses), shall be limited to aviation uses, including but not limited to airfield uses such as runways, taxiways, aprons, runway protection zones, landing areas, and support and maintenance facilities such as control towers, flight service station, access roads, fire stations, and fuel farms. Where not otherwise prohibited by law, open space and interim or existing agricultural uses and zoning may also be permitted in the airside portion, subject to such conditions and requirements as may be imposed to ensure public health and safety.

The landside portion of these airports, which shall be deemed to consist of all portions of the airport where general public access is not restricted and the terminal concourses only at Miami International Airport, may include both aviation and non-aviation uses that are compatible with airport operations and consistent with applicable law. At least one-third of the land area in the landside portion must be developed with aviation-related uses or uses that directly support airport operations.

During the April 2007-2008 Master Plan Amendment Cycle, a CDMP text amendment was granted, pursuant to Ordinance #08-47, by the Board of County Commissioners which amended text and policies in the Aviation Subelement regarding the County's aviation facilities and updated the CDMP Physical Airport Maps and adopted and created Aviation Facilities and schematic maps. Those changes included changing the CDMP text to reflect the proposed changes to the Zoning Code and creating Aviation Facilities' maps that reflect the approved uses on airside and landside portions of the airports. The GP zoning allows uses that are inconsistent with the Transportation and Terminal designation and the Aviation Facilities Map for Opa-locka Executive Airport of the CDMP. It allows public parks, fire stations, police stations, public hospitals, public buildings and centers, solid waste collection and disposal facilities, public bus stations, public water and sewer treatment and distribution centers, detention facilities and public libraries which extend beyond the scope of the CDMP uses allowed on airport property and, therefore, the Miami-Dade Aviation Department will be proffering a new covenant limiting the uses to aviation and non-aviation related uses. The airport is currently used for private pleasure and business flights and light cargo to the Caribbean and the surrounding area is primarily industrial and uses that are supportive of airport related activities. The rezoning would provide a logical continuum for future development on the site. However, based on the present zoning, staff opines that it is **inconsistent** with the current zoning code and the LUP map of the CDMP.

As previously stated, there is a proposed amendment to Section 33-363.1 of the Zoning Code that amends the present Zoning Code and would permit third party leasehold development on the Opa-locka airport consistent with the CDMP and the CDMP Physical Airport Maps. The current zoning code and the map only address the unincorporated western portion of the subject property and is not consistent with the current CDMP text and map for the Opa-locka Airport. The new Ordinance's language is consistent with the recent text changes to the CDMP.

When considering district boundary changes, the Board shall hear and grant or deny applications by taking in consideration whether the proposed development will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of 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. The Board shall consider whether the development will have a favorable or unfavorable impact on the economy of Miami-Dade County, if it will efficiently utilize or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities 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 and highways. The Miami-Dade Aviation Department is seeking approval for a district boundary change to GP, Governmental Property. In 2001, the County rezoned the portion of the airport located within unincorporated Miami-Dade County from GU and AU to GP. The southeastern portion of the subject property, which lies within the boundaries of the City of Opa-locka, is currently zoned under Opa-locka Airport Zoning Regulations. As previously mentioned, the GP zoning allows more uses that are consistent with the Transportation and Terminal designation and the Aviation Facilities Map for Opa-locka Executive Airport of the CDMP. The proposed rezoning does not, as evidenced by the memoranda from DERM and the Public Works Department, generate detrimental effects on the County's environment or road services in the area and staff notes that the rezoning to GP would unify the zoning and, as previously noted, would provide a logical continuum for future development for the site. The airport is currently used for private, pleasure and business flights and light cargo to the Caribbean and the surrounding area is primarily industrial and supportive of airport related activities. Staff notes that there is no negative impact anticipated on the economy of the County. In fact, the rezoning will enable the County to increase revenues by leasing portions of the airport for non-aviation related uses, thereby having a favorable impact on the economy. Staff opines that the proposed rezoning subject to the Board's acceptance of the proffered covenant will be **consistent** with the Transportation and Terminal designation of the LUP map of the CDMP, and would be **compatible** with the surrounding area. As such, staff recommends approval of request #1 subject to the Board's approval of the proffered covenant, incorporating the proposed amendment to Section 33-363.1 of the Zoning Code.

Request #2 is to delete a Declaration of Restrictions which was proffered in conjunction with Resolution No. Z-2-01 when the Miami-Dade County portion of the subject property (Parcel B) was rezoned in 2001 from GU and AU to GP. The Declaration of Restrictions was proffered in order to limit the uses permitted on said portion of the airport located within Miami-Dade County to ensure consistency with the CDMP text at that time. When analyzed under Section 33-311(A)(7), the Generalized Modification Standards, staff is of the opinion that the deletion of the Declaration of Restrictions, which was proffered in order to restrict the uses on the airport property to public airport use, Aeronautical Activity and Aviation Use of Real Property, industrial and office use,

would not generate excessive noise or traffic, would not provoke overcrowding of people and would not be incompatible with the area. The subject property is currently being utilized as an airport and the deletion of the Declaration of Restrictions will not increase noise in the area. Though staff acknowledges that future development may increase traffic, the memorandum from the Public Works Department indicates that this application has no traffic concurrency determination. When considering the necessity for and reasonableness of the proposed deletion of the Declaration of Restrictions in relation to the present and future development of the area, staff maintains that the deletion will not have an unfavorable effect on the area, will not be contrary to the public interest and is compatible with the surrounding area because it is an expansion to the currently permitted uses on airport property. A covenant was proffered in conjunction with Resolution No. Z-2-01 because the zone change to GP would have allowed more uses than would have been consistent with the CDMP text such as hospitals, public libraries and other non-aviation uses on the airport site. Staff has included the existing language pertaining to the uses permitted on Opa-locka Airport lands; however, there is current pending legislation to amend Section 33-363.1 that changes the text to be consistent with the CDMP, delineates the site development review requirements for non-aviation related business, industrial and office uses and requires Administrative Site Plan Review (ASPR) approval of all development applications. Additionally, the CDMP has been amended to allow more uses, such as commercial and retail uses, and therefore, the restrictive covenant will be replaced by a newly proffered covenant that will restrict the uses to aviation and non-aviation related uses. Based on the aforementioned, staff recommends approval of request #2 under Section 33-311(A)(7) (Generalized Modification Standards).

Section 33-311(A)(17), Modification or Elimination of Conditions or Covenants After Public Hearing, provides for the approval of a zoning application which demonstrates at public hearing that the modification or elimination of any restrictive covenants or parts thereof accepted at public hearing complies with one of the applicable modification or elimination standards and does not contravene the enumerated public interest standards as established. Part II of Section 33-311(A)(17) provides that the Board shall approve an application to eliminate a restrictive covenant where it is demonstrated that the restrictive covenant is satisfied or moot. While staff is of the opinion that the declaration of restrictions is no longer necessary due to the Master Plan amendment which has rendered the prior declaration of restrictions moot. Furthermore, a replacement covenant is being proffered to satisfy other CDMP provisions, other than airport-related uses from being established on the site. However, staff notes that request #2 does not meet any of the four enumerated criteria for approval under Section 33-311(A)(17) (II). Therefore, staff recommends denial without prejudice of request #2 under Section 33-311(A)(17) (Modification or Elimination of Conditions After Public Hearing).

Accordingly, staff recommends approval of request #1 subject to the Board's acceptance of the proffered covenant; and approval of request #2 under Section 33-311(A)(7) (Generalized Modification Standards); and denial without prejudice of request #2 under Section 33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

#### **I. RECOMMENDATION:**


Approval of request #1 only subject to the Board's enactment substantially in the form attached of the Proposed Section 33-363.1 and acceptance of the proffered covenant and the approval of same shall also be deemed to constitute approval of a covenant substantially in the form attached and to

authorize its execution and recording. Such that if the proposed Section 33-363.1 is not adopted then the recommendation is for denial without prejudice. Approval of request #2 subject to the approval of request #1 under Section 33-311(A)(7) (Generalized Modification Standards) and denial without prejudice of request #2 under Section 33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

J. **CONDITION:** None

DATE TYPED: 09/22/08  
DATE REVISED: 09/23/08, 09/25/08, 09/26/08, 09/29/08, 09/30/08, 10/03/08, 10/06/08  
10/08/08, 10/09/08, 10/14/08, 10/15/08, 10/17/08, 1/23/09, 1/29/09, 2/9/09  
2/10/09  
DATE FINALIZED: 2/10/09

MCL:MTF:LT:NN:CI

  
for Marc C. LaFerrier, AICP, Director  
Miami-Dade County Department of  
Planning and Zoning

# EXHIBIT 1

## EXISTING SECTION 33-363.1

**Sec. 33-363.1.** Uses permitted on Opa-locka Airport lands in the GP Governmental Property zoning district. The following public airport uses shall be permitted on those lands at Opa-locka Airport zoning area that are in the GP Governmental Property zoning district, provided that such uses comply with the requirements of the Future Aviation Facilities Section of the Aviation Subelement, are compatible with and not disruptive of airport operations occurring on such lands, and comply with all applicable regulations of the Federal Aviation Administration and other applicable law.

- (1) The airside portion of the airport, which shall be deemed to consist of all portions of the airport where general public access is restricted (but not including terminal concourses), shall be limited to aviation uses, including but not limited to airfield uses such as runways, taxiways, aprons, clear zones, landing areas, and support and maintenance facilities such as control towers, flight service stations, access roads, fire stations, and fuel farms. Where not otherwise prohibited by law, open space and interim or existing agricultural uses and zoning may also be permitted in the airside portion, subject to such conditions and requirements as may be imposed to ensure public health and safety.
- (2) The landside portion of the airport, which shall be deemed to consist of all portions of the airport where general public access is not restricted and also terminal concourses, may include both aviation uses and non-aviation uses that are compatible with airport operations and consistent with applicable law. At least 30% of the land area in the landside portion must be developed with aviation-related uses or uses that directly support airport operations.
  - (a) Aviation uses where general public access is allowed may include existing uses and the following or substantially similar uses:
    1. terminal area for general aviation passenger traffic, such as private or corporate aircraft passenger traffic, which may include non-aviation related uses designed to serve the traveling public and on-site employees, such as offices, personal services, retail activities, restaurants, auto rental businesses, and lodging establishments,
    2. Parking garages and lots serving the airport,
    3. Access roadways serving the airport,
    4. Offices of aviation industry companies and the Miami-Dade County Aviation Department,
    5. Facilities of fixed base operators,
    6. Hangar rentals and tie downs,

7. Ground transportation services,
  8. General aviation aircraft, such as private and corporate jets or other aircraft, and automobile rental establishments,
  9. Aviation-related educational uses such as flight schools, simulator training facilities, helicopter and aerobatics training and other educational facilities providing aviation courses,
  10. Aviation-related governmental agency facilities,
  11. Flying club facilities,
  12. Aviation-related entertainment uses such as museums and sightseeing services, and
  13. Aviation-related retail uses such as general aviation aircraft sales, electronic and instrument sales and pilot stores.
- (b) Subject to the restrictions contained herein, the following privately owned non-aviation-related uses may be approved in the landside area of the Opa-locka Airport accessible to the general public:
1. Lodgings such as hotels and motels (except in terminal concourses),
  2. Office buildings (except in terminal concourses),
  3. Industrial uses such as distribution, storage, manufacturing research and development and machine shops (except in terminal concourses),
  4. Agricultural uses, and
  5. Retail, restaurants, and personal service establishments.

Such privately owned non-aviation related uses shall be limited as follows:

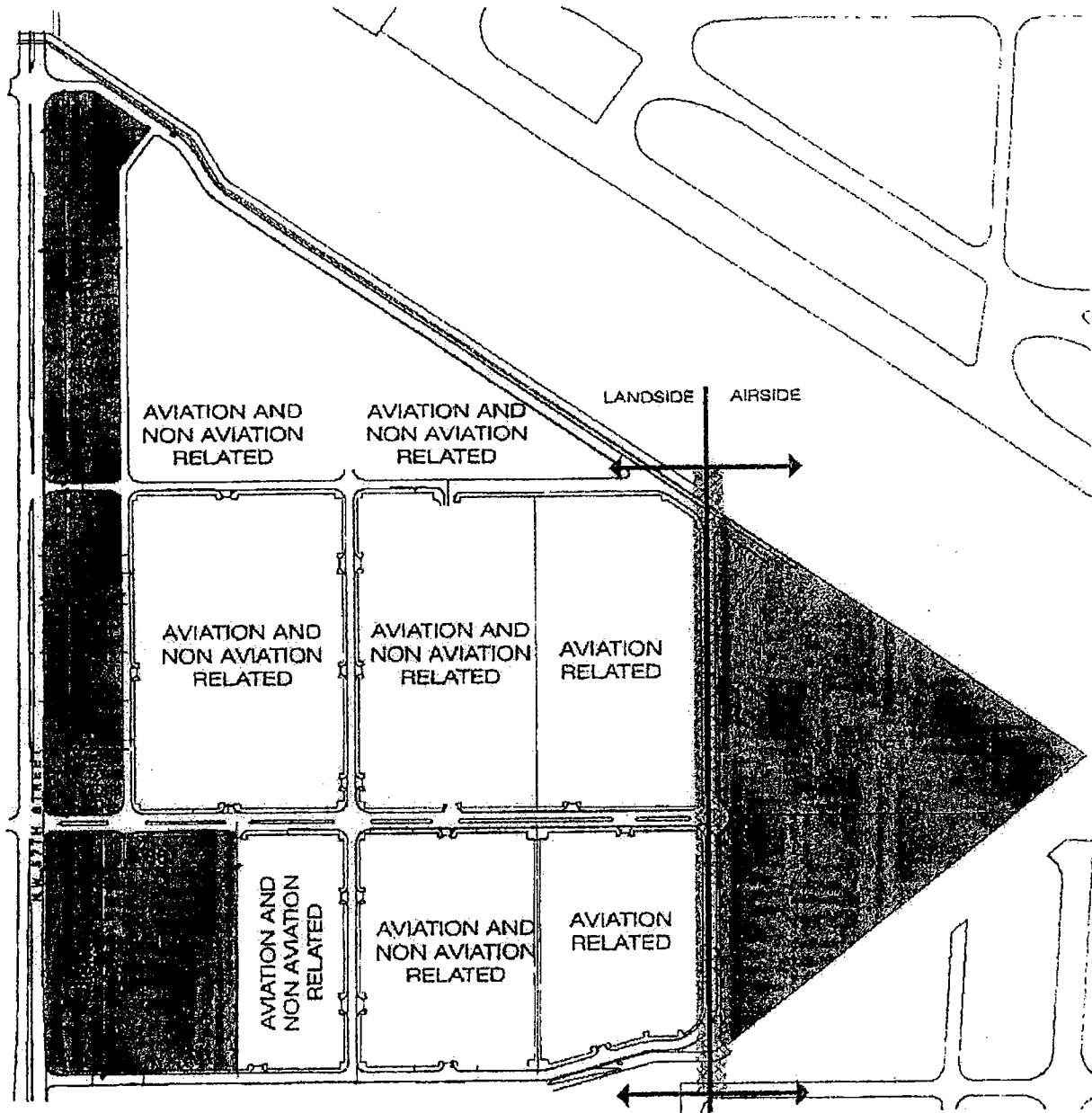
Those portions of the landside area that are not developed for uses that are aviation-related or directly supportive of airport operations shall range from 50 to 85 percent for industrial uses, 5 to 25 percent for commercial uses, 5 to 25 percent for office uses, 0 to 10 percent for hotels and motels, and 0 to 20 percent for institutional uses. The distribution, range, intensity and types of such non-aviation related uses shall vary by location as a function of the availability of public services, height restrictions, Comprehensive Development Master Plan (CDMP) intensity ceiling for the Urban Infill Area (FAR of 2.0 not counting parking structures) or the Urbanizing Area (FAR of 1.5 not counting parking structures) involved, impact on roadways, access and compatibility with neighboring development. Freestanding retail and personal service uses and



shopping centers shall front service uses and shopping centers shall front on major access roads preferably near major intersections, where practicable, and have limited access to major roadways.

Each non-aviation related use shall comply with applicable law, including but not limited to FAA regulations and any airport layout plan governing permissible uses on the entire airport property.

The landside non-aviation uses provided for in subsections 1 through 5 above shall be allowed in the "Aviation and Non-Aviation Related" areas depicted in the map entitled Opa-Locka Airport Business District and Landside Aviation and Non-Aviation Related Areas Map ("the Opa-Locka Use Map"), as set forth below. Additionally, subsection 2 and 5 uses above (office buildings, retail stores, restaurants, and personal service establishments) shall be allowed in the "Business District" depicted in the Opa-Locka Use Map, subject to the site development requirements contained in Chapter 33, Article XXV, BU-1A (Limited Business District). Development in both areas shall be governed by Chapter 18A (Landscaping) and Chapter 33, Article VII (Off-Street Parking), of this code.



(Ord. No. 06-20, § 2, 2-7-06; Ord. No. 08-73, § 2, 6-3-08)

Approved \_\_\_\_\_ Mayor Agenda Item No.  
 Veto \_\_\_\_\_  
 Override \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE PERTAINING TO AIRPORT ZONING REGULATIONS; AMENDING SECTION 33-363.1 OF THE CODE OF MIAMI-DADE COUNTY PERTAINING TO USES PERMITTED ON OPA-LOCKA AIRPORT LANDS IN THE GP GOVERNMENTAL PROPERTY ZONING DISTRICT; CREATING SECTION 33-363.2 PERTAINING TO SITE PLAN REVIEW STANDARDS; PROVIDING FOR DEVELOPMENT CRITERIA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Section 33-363.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 33-363.1. Uses permitted on Opa-locka Airport lands in the GP Governmental Property zoning district.**

The following public airport uses shall be permitted on those lands at Opa-locka Airport zoning area that are in the GP Governmental Property zoning district, provided that such uses comply with the requirements of the Future Aviation Facilities Section of the Aviation Subelement, are compatible with and not disruptive of airport operations occurring on such lands, and comply with all applicable regulations of the Federal Aviation Administration and other applicable law.

- (1) The ~~[[airside]]~~ portion of the airport >>designated in the Comprehensive Development Master Plan for aviation uses<<, ~~[[which]]~~ shall be deemed to consist of all portions of the airport where general public access is restricted (but not including terminal concourses), >>and<< shall be limited to aviation uses, including but not limited to airfield uses such as runways, taxiways, aprons, clear zones, landing areas, and support and maintenance facilities such as control towers, flight service stations, access roads, fire stations, and fuel farms. Where not otherwise prohibited by law, open space and interim or existing agricultural uses and zoning may also be permitted in the airside portion, subject to such conditions and requirements as may be imposed to ensure public health and safety.

<sup>1</sup> Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

- (2) The ~~[[landside]]~~ portion of the airport ~~>>designated in the Comprehensive Development Master Plan for aviation-related and non-aviation uses<<~~, ~~[[which]]~~ shall be deemed to consist of all portions of the airport where general public access is not restricted ~~[[and also terminal concourses]]~~, ~~>>and may be developed with aviation uses, aviation-related uses and non-aviation uses<<~~ ~~[[may include both aviation uses and non-aviation uses]]~~ that are compatible with airport operations and consistent with applicable law. ~~[[At least 30% of the land area in the landside portion must be developed with aviation-related uses or uses that directly support airport operations]]~~.

- (a) Aviation uses where general public access is allowed may include existing uses and the following or substantially similar uses:

\*

\*

\*

- (b) Subject to the restrictions contained herein, the following ~~[[privately owned]]~~ non-aviation ~~[[related]]~~ uses may be approved in the ~~[[landside]]~~ ~~>>aviation-related and non-aviation<<~~ ~~>>areas<<~~ of the Opa-locka Airport ~~[[accessible to the general public]]~~:

1. lodgings such as hotels and motels ~~[[except in terminal concourses]]~~,

\*

\*

\*

5. retail, restaurants, and personal service establishments.

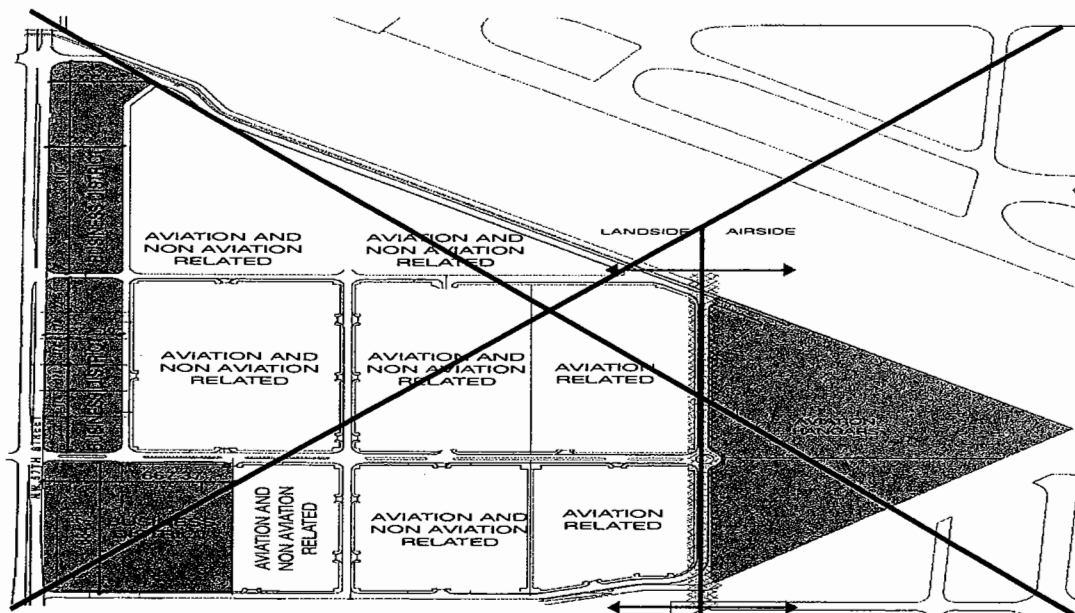
Such ~~[[privately owned]]~~ non-aviation ~~[[related]]~~ uses shall be limited as follows:

~~[[Those portions of the that are not developed for uses that are aviation-related or directly supportive of airport operations shall range from 50 to 85 percent for industrial uses, 5 to 25 percent for commercial uses, 5 to 25 percent for office uses, 0 to 10 percent for hotels and motels, and 0 to 20 percent for institutional uses.]]~~ The distribution, range, intensity and types of such non-aviation ~~[[related]]~~ uses shall vary by location as a function of the availability of public services, height restrictions, Comprehensive Development Master Plan (CDMP) intensity ceiling for the Urban Infill Area (FAR of 2.0 not counting parking structures) ~~[[or the Urbanizing Area (FAR of 1.5 not counting parking structures) involved]]~~, impact on roadways, access and compatibility with neighboring development. Freestanding retail and ~~>>personal service<<~~uses and shopping centers shall front on major access roads preferably near major intersections, where ~~[[practicable]]~~, and have limited access to major roadways.

Each non-aviation ~~[[related]]~~ use shall comply with applicable law, including but not limited to FAA regulations and ~~[[any]]~~ ~~>>the current<<~~ airport layout plan ~~>>on file with the Miami-Dade County Aviation Department<<~~ governing permissible

uses on the entire airport property. >>Warehouses, storage showrooms, printing shops and any other industrial use ~~[[permitted in those portions of the airport designated for aviation-related and non-aviation related uses]]~~ shall be subject to the site development standards of the IU-1 zoning district. Office buildings, retail sales, >>hotels and motels<<, restaurants, personal service establishments, and any other >>similar<< ~~[[business uses[permitted in those portions of the airport designated for non-aviation related uses]]]~~, shall be subject to the site development requirements of the BU-~~[[4A]]~~ >>2<< district. >> Agricultural uses shall be subject to the site development standards of the AU district.<< All development shall comply with the off-street parking regulations of Chapter 33, and with Chapter 18A (Landscaping). All non-aviation ~~[[related]]~~ uses shall be subject to the site plan review standards of Section 33-363.2 of this code.<<

~~[[The landside non-aviation uses provided for in subsections 1 through 5 above shall be allowed in the "Aviation and Non-Aviation Related" areas depicted in the map entitled Opa-Locka Airport Business District and Landside Aviation and Non-Aviation Related Areas Map ("the Opa-Locka Use Map"), as set forth below. Additionally, subsection 2 and 5 uses above (office buildings, retail stores, restaurants, and personal service establishments) shall be allowed in the "Business District" depicted in the Opa-Locka Use Map, subject to the site development requirements contained in Chapter 33, Article XXV, BU-1A (Limited Business District). Development in both areas shall be governed by Chapter 18A (Landscaping) and Chapter 33, Article VII (Off-Street Parking), of this code.]]~~



~~[[Opa-Locka Airport Business District and Landside Aviation and Non-Aviation Related Areas Map]]~~

**Section 2.** Section 33-363.2 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

**Sec. 33-363.2. Site plan review.**

- (A) For all non-aviation ~~[[related]]~~ uses, the Department shall review plans for compliance with zoning regulations and for compliance with the site plan review criteria. The purpose of the site plan review is to encourage logic, imagination, innovation and variety in the design process and encourage the congruity of the proposed development and its compatibility with the surrounding area. All plans submitted to the Department shall be reviewed and ~~[[fifteen (15)]]~~ >>thirty (30)<< days from the date of submission. ~~[[The applicant shall the right to extend the fifteen-day period by an additional fifteen (15) days upon request made in writing to the Department.]]~~ Denials shall be in writing and shall specifically set forth the grounds for denial. Receipt of applicant's plans for ~~[[fifteen (15)]]~~ >>thirty (30)<< days without formal written denial shall constitute approval]]. Notwithstanding the provisions of 33-314, if the site is located within unincorporated or incorporated Miami-Dade County and if the plan is disapproved, the applicant may appeal to the Board of County Commissioners. Appeals by the applicant shall be filed within thirty (30) days of the date the project was denied.
- (B) *Required exhibits.* The following exhibits shall be prepared by design professionals such as architects and landscape architects and submitted to the Department:
- (1) Dimensioned site plan(s) indicating, as a minimum, the following information:
    - (a) Existing zoning on the site and on adjacent properties.
    - (b) The basic use, height, bulk and location of all buildings and other structures with setbacks.
    - (c) Vehicular and pedestrian circulation systems including connection(s) to existing or proposed roadway and sidewalk system and the layout of parking, service and loading areas.
    - (d) Graphics and/or notations indicating the site planning or structure design methods used to minimize the impact of those industrial activities that could have a negative impact on existing or proposed adjacent land uses.
    - (e) Sketches of design elements to be used for buffering surrounding uses.
  - (2) Elevation of the proposed buildings and other major design elements.
  - (3) Landscape plans: Landscaping and trees shall be provided in accordance with Chapter 18A of this Code.
  - (4) Figures indicating the following:
    - (a) Proposed uses.

- (b) Gross floor area: \_\_\_\_\_ square feet
- (c) Land area:  
Gross lot area: \_\_\_\_\_ square feet \_\_\_\_\_ acres  
Net lot area: \_\_\_\_\_ square feet \_\_\_\_\_ acres
- (d) Landscaped open space:  
Required: \_\_\_\_\_ square feet \_\_\_\_\_ % of net land area  
Provided: \_\_\_\_\_ square feet \_\_\_\_\_ % of net land area
- (e) Tree Required: \_\_\_\_\_ Trees Provided: \_\_\_\_\_
- (f) Off-street parking spaces: Required: \_\_\_\_\_ Provided: \_\_\_\_\_

(C) *Criteria.* The following shall be considered in the plan review process:

- (1) *Planning studies:* Planning studies approved by the Board of County Commissioners that include development patterns or environmental and other design criteria shall be considered in the plan review process.
- (2) *Landscape:* Landscape shall be preserved in its natural state insofar as is practicable by minimizing removal of existing vegetation. Landscape shall be used to shade and cool, enhance architectural features, relate structure design to the site, visually screen noncompatible uses, and ameliorate the impact of noise.
- (3) *Compatibility:* The architectural design and scale of the proposed structures shall be compatible with surrounding existing or proposed uses or shall be made compatible by the use of screening elements. Screening elements can include such devices as trees and shrubs, walls and fencing, berming or any combination of these elements. Visual buffering shall be provided between parking and service areas and adjacent non-~~[[industrial]]~~ >> commercial<< uses.
- (4) *Emergency access:* Unobstructed on-site access for emergency equipment shall be considered.
- (5) *Circulation:* Internal vehicular and pedestrian circulation systems shall be designed to function with existing and/or approved systems outside the development. Vehicular traffic generated from the industrial activity should be routed in such a manner as to minimize impact on residential development.
- (6) *Energy conservation:* Applicants are advised to consider requirements of Florida Statutes Chapter 553 (Energy Code).
- (7) *Visual screening for decorative walls:* In an effort to prevent graffiti vandalism, the following options shall be utilized for walls abutting zoned or dedicated rights-of-way:
  - (a) *Wall with landscaping.* The wall shall be setback two and one-half (2 1/2) feet from the right-of-way line and the resulting setback area shall contain a continuous extensively landscaped buffer which must be maintained in a good healthy condition by the property owner, or where applicable, by the condominium, homeowners or similar association. The

landscape buffer shall contain one (1) or more of the following planting materials:

- (1) *Shrubs*. Shrubs shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.
  - (2) *Hedges*. Hedges shall be a minimum of three (3) feet in height when measured immediately after planting and shall be planted and maintained to form a continuous, unbroken, solid, visual screen within one (1) year after time of planting.
  - (3) *Vines*. Climbing vines shall be a minimum of thirty-six (36) inches in height immediately after planting.
- (b) *Metal picket fence*. Where a metal picket fence abutting a zoned or dedicated right-of-way is constructed in lieu of a decorative wall, landscaping shall not be required.

\* \* \*

**Section 3.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 4.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 5.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

\_\_\_\_\_



CDMP MAP

## EXHIBIT 3

**Note:** Any changes to this map will require a Comprehensive Development Master Plan amendment.



2.9

MIAMI-DADE AVIATION DEPARTMENT

Not to Scale

GRAPHICAL SCALE IN FEET  
ALL DRAWING ELEVATIONS IN FEET

MAGNETIC NORTH  
DECLINATION = 5.53° W  
ANNUAL RATE OF  
CHANGE = 4° W  
(JULY 24, 2006)

OPA-LOCKA  
EXECUTIVE AIRPORT

AIRPORT LAND USE MASTER PLAN 2015-2025

REVISION DATE

PRINT DATE

March 5, 2008

**SHEET NO.**

# Memorandum




**Date:** October 2, 2008

**To:** Marc C. LaFerrier, Director  
Department of Planning & Zoning

**From:** Sunil Harman, Director, Aviation Planning, Land-Use & Grants  
Aviation Department

**Subject:** DIC Application #08-186  
Director of the Department of Planning & Zoning's Application  
Request for a District Boundary Change on Opa-locka Executive Airport Property

A handwritten signature in black ink, appearing to be "SH", is located to the right of the "From:" field.

As requested by the Department of Planning and Zoning (DP & Z), the Miami-Dade Aviation Department (MDAD) has reviewed your request (Developmental Impact Committee Zoning Application #08-186) for a district boundary change to GP, Governmental Property, on a portion of property located at NW 37 Avenue and NW 57 Avenue and between NW 135 Street and NW 154 Street and to delete a Declaration of Restrictions on the remaining portion. The subject property consists of 1,565 acres.

MDAD has determined that the proposed district boundary change is compatible with operations from Opa-locka Executive Airport. The proposed district boundary change is necessary as the County has no previous zoning in place for the portions of Opa-locka Executive Airport within the City of Opa-locka's jurisdiction where the City's current zoning is inapplicable. The GP designation will allow third-party leaseholders to proceed with crucial revenue generating on-airport development. In addition, the GP designation allows for the necessary aviation uses that may have otherwise not have been permitted because of a zoning issue. MDAD respectfully requests that DP & Z amend the definition of Governmental Property as defined in Ordinance 99-164 to add "as defined for applicability to airports by Federal Aviation Administration (FAA) or Federal law or allowed under the applicable zoning regulations."

Please be advised that the third-party leases for the subject property have already been reviewed and approved by the Federal Aviation Administration (FAA). Both MDAD and the FAA will need to review and approve the associated plans for on-airport development, as they become available, for both land use and airspace impacts.

SH/rb

C: M. Fajardo  
M. Southwell  
G. Owens  
J. Ramos

# Memorandum



**Date:** September 24, 2008

**To:** Marc C. LaFerrier, AICP, Director  
Department of Planning and Zoning

**From:** Jose Gonzalez, P.E., Assistant Director  
Environmental Resources Management

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

**Subject:** #Z2008000186  
Director of The Department of Planning and Zoning  
N.W. 135<sup>th</sup> Street Between N.W. 57<sup>th</sup> Avenue and N.W. 37<sup>th</sup> Avenue  
District Boundary Changes from AU and GU to GP  
Deletion of a Covenant Proviso  
(AU) (1565 Acres)  
17-52-41

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

## Potable Water Supply 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

Any future development of this property may require the following:

A Surface Water Management Individual Permit from the South Florida Water Management District shall be required for the construction and operation of the required surface water management system.

This permit shall be obtained prior to site development, final plat or public works approval of paving and drainage plans. The applicant is advised to contact DERM for further information regarding permitting procedures and requirements.

A Class II permit, issued by DERM, shall be required for the construction of the drainage system associated with any proposed overflow system into the any water body at the subject site. Other DERM permits may be required or combined with the above permit.

A Class III permit will be required for any work within any Miami-Dade County canal right-of-way.

A Class VI permit and an environmental assessment may be required is the drainage area is determined to have possible contamination.

The C-8 (Biscayne Canal) adjacent to the subject property is owned and regulated by the South Florida Water Management District (SFWMD). The applicant is advised to contact the SFWMD for written verification of canal right of way. It is the applicant's responsibility to obtain information regarding possible permits required from the SFWMD prior to any work on the canal right of way.

#### Pollution Control

DERM has the following pollution control records for the subject property:

1. Folio # 30-2119-001-0010 has permitting records (ARP-54, File #15052) related to the maintenance operations and fuel facility at the Opa Locka Community Correctional Facility.
2. Folio # 30-2119-002-0030 has permitting records (IW5-12347 and UT-1924 File 8215) related to the former use of the existing non-operational runways as a soil staging area.
3. Folio # 34-2117-004-0010 has permitting records (ARP-163/18050) related to the former experimental airplane crash site.
4. Folio # 30-2117-001-0030 has permitting records (UT-5003/10572) related to the former fuel spill at the Miami Executive Terminal.
5. Folio # 08-2121-000-0020 has records of current contamination assessment or remediation issues associated with Chlorine and waste oil (Former Bldg #148, Kare Kemical, File #7475 / UT-843, IW-212, ARP-26). Additionally, there are permitting records with no known contamination associated with this site as follows:
  - a. IW5-8542 and UT-1658 File 8021 – Pump Station #345
  - b. ENC-24 File 21551 – NLE East Sanitary Line
  - c. ARP-41, File #15027 Former Warehouse Building #162
6. Folio # 30-2130-001-0020 has records of current and historical contamination assessment or remediation issues (MDAD-Opa Locka Airport, File #8090/ UT-1750, ARP-35) associated to petroleum and non-petroleum contaminants.
7. Folio #'s 08-2120-004-0160, -0170, -0180, -0240, -0280 have records of current and historical contamination assessment or remediation issues adjacent to or on this site (MDAD-Opa Locka Airport, File #8090/ UT-1750, ARP-35) associated to petroleum and non-petroleum contaminants.

8. Folio # 08-2120-000-0010 has records of current and historical contamination assessment or remediation issues as follows:

- a. ARP-204, File #5022, Building #410; Arsenic in soil, assessment is pending.
- b. IW5-3933, File #3631, Building #66; Metals and petroleum in soil, assessment is underway.
- c. ARP-53, File #15051, Building #105; Petroleum in soil, assessment is underway.
- d. UT-1462, File #1171, Near Building #138; Petroleum in soil and groundwater; assessment and remediation is pending state funding.
- e. IW5-7394, File #10766, Building #209; Metals in soil and groundwater, remediation is pending.
- f. UT-3925, File #9703, Building #418; Petroleum contamination documented and assessment is pending state funding.
- g. ARP-99, File #3584, Building #147; Metals and non-petroleum contaminants in soil and groundwater, assessment underway.
- h. IW5-441, File #415, Building #119; Petroleum and non-petroleum contamination in soil and groundwater, assessment underway.
- i. ARP-53, File #15051, West of Building #40; Petroleum contamination assessment underway.
- j. ARP-53, File #15051, Building #110; Petroleum and non-petroleum contamination in soil, assessment underway.
- k. UT-3306-6572 – Coast Guard; Petroleum and non-petroleum contamination in soil, assessment underway.
- l. IW5-6941, File #6406 – Jet One Express – Fuel spill to open ground, assessment/remediation underway.
- m. IW5-3879, File #3584 – National Aviation – Fuel spill to open ground, assessment/remediation underway.
- n. IW5-17962, File #23493 – TMF – Fuel spill to open ground, assessment or remediation underway.

The following table lists all of the permitting records associated with Folio # 08-2120-000-0010:

WORK_GROUP	WORK_GROUP	DEP_NUMBER	FACILITY_N	FILE_NUMBE	BUILDING_N
ARP	105		MDAD-AIRCRAFT WASHRACK	15980	
ARP	128		FIGHTERTOWN, INC.	16203	42
ARP	134		MDAD-UST/AST BID PROJECT	16358	GENL
ARP	140		MDAD-T-HANGARS/ DISMANTLING	16532	GENL
ARP	142		NATIONAL AVIATION	10587	35
ARP	149		MDAD-OGA AIRFIELD LIGHTING PROJECT	17129	176
ARP	170	9802672	MERLIN EXPRESS FUEL SPILL	18524	
ARP	172		EXPRESS AIRWAYS, INC.	8258	415
ARP	175	MULTIPLE	MDAD-OPA LOCKA AIRPORT SPILLS/SURVEILLANCE	18832	

ARP	184		FLORIDA AIR TRANSPORT	10572	45
ARP	201		WAYMAN AVIATION SERVICE, INC.	10766	209
ARP	204		AIRCRAFT PARTS SALES	5022	410-411
ARP	208		TURNBERRY HANGARS	23058	
ARP	209		SRX TRANSCONTINENTAL, INC. DBA AVIALEASING AVIATIO	23320	41
ARP	211		OPF SHELL FBO	23692	HGR.4-7
ARP	212		AIR REPAIR, INC. D/B/A FLORIDA AIR CARGO INC.	3631	66
ARP	213		MIAMI EXECUTIVE AVIATION, INC.	23828	
ARP	214		OPF NEW AIR TRAFFIC CONTROL TOWER	23829	
ARP	218		ADLER DEVELOPMENT, OGA	23925	GENERAL
ARP	220		THE CARRIE MEEK FOUNDATION, INC.	24374	GENERAL
ARP	222		MIAMI EXECUTIVE AVIATION	24482	48
ARP	25		CERTIFIED ENGINES UNLIMITED INC	415	119
ARP	26		KARE KEMICAL DIV. OF K A STEEL CORP	7475	148
ARP	35		MDAD-OPA LOCKA AIRPORT	8090	
ARP	40		MDAD-BLDG 150	15026	150
ARP	48		EXPRESS AIRWAYS	15034	66
ARP	53		MDAD-OPA LOCKA AIRPORT	15051	
ARP	70		CLIPPER AIR, INC.	1695	415
ARP	72		L M AIRCRAFT MAINTENANCE	1139	404
ARP	76		MDAD-BLDG 151	1681	151
ARP	77		ACCENT INTERIORS	7708	147
ARP	80		MDAD-BLDG 147-GENERAL	16289	147
ARP	81		WES AIR, INC.	7915	415
ARP	99		SUN AIR ASSOCIATES, INC.	3584	147
IW	212		KARE KEMICAL DIV. OF K A STEEL CORP	7475	148
IW	310	8622217	MIAMI AVIATION CORP.	1171	102
IW	352	9045776	MDAD-OPA LOCKA FUELING STATION	10597	138
IW	395	8522001	USCG AIR STATION MIAMI	6572	103
IW	481	REG STATUS?	SOUTH FLORIDA AVIATION INVESTMENTS, INC.	17435	500
IW	486	REG STATUS?	MIAMI EXECUTIVE AVIATION, LLC.	14581	45/46
IW	487	8622217	EXECUTIVE FUELING SERVICES, INC.	19086	138-A
IW5	10015		MIAMI EXECUTIVE	14581	45/46

			AVIATION, LLC.		
IW5	11737		WES AIR, INC.	7915	415
IW5	11930		SKY CHARTER, INC.	16176	137
IW5	11957		AEROSPACE SUPPLY INC.	6483	147F
IW5	12290		LEASE AIR LTD	16584	102
IW5	12299		ALLIED AIR FREIGHT, INC.	16591	102
IW5	12368		FIGHTERTOWN, INC.	16203	42
IW5	1260		MIAMI AVIATION CORP.	1171	102
IW5	13261		MIAMI HELICOPTERS SERVICE, INC.	17727	45
IW5	13262		J.S. AVIATION LLC./ DBA TURNBERRY AVIATION	17728	45
IW5	13412		MERLIN AIRWAYS	17912	102
IW5	13543		MDAD-OGA MAINTENANCE & CAR WASH	18091	212
IW5	13566		ETCA & ASSOCIATES, INC.	18251	45
IW5	13571		QUIET TECHNOLOGY BAC 1-11, INC.	18283	101
IW5	13612		AIRPORT RENTALS. INC.	18378	105
IW5	13787		NZ60CH, INC.	18698	45
IW5	15485		FLORIDA AIR CARGO	20624	41
IW5	15874		AIR CHARTER PROFESSIONALS, INC.	21069	600
IW5	160		J & M AIRCRAFT SERVICE INC	150	409
IW5	16216		MIAMI AIR LEASE	21462	500
IW5	16217		WES AIR, INC.	21463	600
IW5	16916		BMIS CORPORATION	22247	
IW5	17379		FLORIDA AIR TRANSPORT, INC.	22759	47
IW5	17424		TURNBERRY AIRPORT HANGARS, LLC.	22802	
IW5	17501		MIAMI AIR LEASE, INC.	22910	45
IW5	17823		SRX TRANSCONTINENTAL, INC./DBA AVIALEASING AVIATIO	23320	41
IW5	17838		J.P. AVIATION INVESTMENT, INC.	23337	600
IW5	17945		MIAMI AIR SERVICES, INC.	23474	600
IW5	17962		TMF AIRCRAFT, INC.	23493	40
IW5	17983		PAINT GENERAL AVIATION (LUIS FRANCO)	23516	GENERAL
IW5	18068		ATLANTIC AIR CARGO	23622	180
IW5	18208		TURNBERRY ASSOCIATES HANGARS H1 - H3	23770	H1 - H3
IW5	18260		SRX TRANSCONTINENTAL, INC./DBA AVIALEASING AVIATION	23852	102
IW5	18408		WISETOUGH INTRIORS, INC.	24037	
IW5	2538		AIRCRAFT PARTS SALES	5022	410-411

IW5	2774		MIAMI NDT, INC.	2566	406
IW5	2927		ALCA AVIONICS, INC.	2709	408
IW5	2974		ALCA AVIONICS, INC.	2750	40
IW5	3071		ALL GSE PARTS & ELECTRIC	10634	410
IW5	3133		QUIET TECHNOLOGY VENTURE, LTD.	2897	147A
IW5	3753		METRO DADE POLICE AVIATION UNIT	3471	40A
IW5	3879		SUN AIR ASSOCIATES, INC.	3584	147
IW5	3887		ETCA ENTERPRISES, INC.	3592	147A
IW5	3888		NATIONAL AIR TRANSPORT INC.	3593	147
IW5	3913		MIAMI HELICOPTER SERVICE INC	3615	147
IW5	3933		AIR REPAIR, INC. D/B/A FLORIDA AIR CARGO INC.	3631	66
IW5	3953		SUN AIR ASSOCIATES, INC.	3584	147
IW5	3977		FLORIDA POWER & LIGHT CO.	3672	45-7
IW5	3979		MIAMI AIR LEASE INC	3674	66
IW5	441		CERTIFIED ENGINES UNLIMITED INC	415	119
IW5	5147		ADVANCE AIRCRAFT ENGINES INC.	4772	406
IW5	5415		AIRCRAFT PARTS SALES	5022	412-413
IW5	5829		AVIATION ENTERPRISES	5419	147
IW5	6075		CLERO AVIATION CORP.	5654	137
IW5	633		AVIATION CENTER OF MIAMI, INC.	594	39
IW5	6941		JET ONE EXPRESS, INC.	6406	180
IW5	7170		USCG AIR STATION MIAMI	6572	103
IW5	7394		WAYMAN AVIATION SERVICE, INC.	10766	209
IW5	7425		CLERO AVIATION CORP.	10227	66
IW5	7446		EXPRESS AIRWAYS, INC.	8258	415
IW5	777		SOUTHEASTERN AERO SERVICES, CORP	726	407
IW5	7818		FLORIDA AIR TRANSPORT	10572	45
IW5	7822		NATIONAL AVIATION	10587	35
IW5	7960		MIAMI CHILDREN'S HOSPITAL	12254	47
IW5	8362		RENNISON GRAPHICS	12749	66
IW5	8518		MDAD-AIRFIELD MAINTENANCE	12938	66
UT	1462	8622217	MIAMI AVIATION CORP.	1171	102
UT	1568		MIAMI TRANSFER	7951	151
UT	1701	8629402	ALCA AVIONICS, INC.	2750	40
UT	1705		OPA-LOCKA AIRCRAFT STORAGE	8061	
UT	1750	9045776	MDAD-OPA LOCKA	8090	



			AIRPORT		
UT	1982	9600254	INTERNATIONAL AVIATION	8256	35
UT	1984	8622317	HANGER ONE, INC	1275	147
UT	1985	9101008	EXPRESS AIRWAYS, INC.	8258	415
UT	1995	8504222	AVIATION CENTER OF MIAMI, INC.	594	39
UT	2026	9801274	OPA-LOCKA AIRPORT BLDG #171	8277	171
UT	2028	8629084	AIRCRAFT PARTS SALES	5022	410-411
UT	3306	8522001	USCG AIR STATION MIAMI	6572	103
UT	3917	9502342	R & V AVIATION BLDG	9697	180
UT	3925	9502502	MDAD-BLDG 418	9703	418
UT	5017		MDAD-OPALOCKA AIRPORT	13169	101-102
UT	5027	9600079	MDAD-OPALOCKA BLDG 411	13180	411
UT	5542	9803129	NATIONAL AVIATION SERVICE	11187	35
UT	6001	9803188	SOUTH FLORIDA AVIATION INVESTMENTS, INC.	17435	500
UT	6010	9803261	MDAD-OGA AIRFIELD LIGHTING PROJECT	17129	176
UT	6237	9803966	MDAD-BLDG 147-GENERAL	16289	147
UT	6320	9805532	FIGHTERTOWN, INC.	16203	42
UT	843	8622389	KARE KEMICAL DIV. OF K A STEEL CORP	7475	148

#### Air Quality Preservation

In the event that this project includes any kind of demolition, removal or renovation of any existing structure(s), an asbestos survey from a Florida-licensed asbestos consultant is required. If said survey shows friable asbestos materials in amounts larger than prescribed by federal law (260 linear feet of pipe insulation/thermal system insulation [TSI] or 160 square feet of surfacing material), then those materials must be removed/abated by a Florida-licensed asbestos abatement contractor. A NOTICE OF ASBESTOS RENOVATION or DEMOLITION form must be filed with the Air Quality Management Division for both the abatement (renovation) work and the demolition activity at least 10 working days prior to starting the field operations.

#### Hazardous Materials Management

Due to the nature of activities inherent to the existing land use, the applicant may be required to obtain DERM approval for management practices to control the potential discharge and spillage of pollutants associated with some land uses permitted in the requested zoning district. The applicant is advised to contact the Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305) 372-6600 concerning permitting requirements for fuel storage facilities.

#### Operating Permits

Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant is advised that due to the nature of activities associated with the existing land use, operating permits from DERM may be required. The Permitting Section of DERM's Pollution Regulation and Enforcement Division may be contacted at (305) 372-6600 for further information concerning operating requirements.

#### Fuel Storage Facilities

Section 24-45 of the Code outlines regulations for any proposed or existing underground storage facilities. The regulations provide design, permitting, installation, modification, repair, replacement and continuing operation requirements and criteria. In addition, monitoring devices, inventory control practices and pressure testing of fuel storage tanks is required. The applicant is advised to contact the Permitting Section of DERM's Pollution Regulation and Enforcement Division, at (305) 372-6600 concerning permitting requirements for fuel storage facilities.

#### Wetlands

Portions of the subject properties contain jurisdictional wetlands as defined by Section 24-5 of the Code. Therefore, a Class IV Wetland Permit will be required before any work can be done. The applicant is advised to contact the DERM Wetland Resources Section at (305) 372-6585 for more information.

Additionally, state designated archeological sites exist within the subject property. Therefore, development of these sites should be coordinated with The Office of Historic Preservation (305) 375-4958. 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 project area revealed the presence of tree resources; however, some areas contain jurisdictional wetlands. Therefore, these tree resources will be regulated through a Class IV Wetland Permit. The applicant is advised that any tree resources that are not regulated through a Class IV Wetland Permit will require a Miami-Dade County Tree Removal Permit prior to removal or relocation.

#### Enforcement History

DERM has found no open enforcement cases involving the subject property. However, the following thirteen (13) closed enforcement cases are associated with the subject property:

1. There are nine (9) cases involving violations of operating permits or permit related conditions. These cases have been closed due to compliance.
2. There are two (2) cases (Hanger One, UT 01984 & Legion Express, DERM 10587) involving contamination issues onsite. These cases have been closed due to compliance.
3. There is one (1) case (United States Coast Guard) involving discharges to the sanitary sewers. This case has been closed due to compliance.
4. There is one (1) case (EEC Investments, Inc.) involving sanitary nuisances discharges to the open ground. This case has been closed due to compliance.

For a comprehensive report regarding the above-mentioned closed enforcement cases, please contact DERM's Code Enforcement Section at (305) 372-6902.

#### Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDM 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 DERM's written approval, as required by the Code.

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

# Memorandum



**Date:** October 24, 2008

**To:** Marc C. Laferrier, AICP  
Director  
Department of Planning & Zoning Department

**From:** Esther L. Calas, P.E. *ELC for*  
Director  
Public Works Department

**Subject:** DIC08-186  
Name: District Boundary Change from P and A to GP  
Location: NW 135<sup>th</sup> Street from NW 57<sup>th</sup> Avenue & NW 37<sup>th</sup> Avenue.  
Sec. 16 thru 21 Twp. 52 Rge. 41

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## **I SITE LOCATION**

A. Lying north of NW 135<sup>th</sup> Street between NW 57<sup>th</sup> Avenue and NW 37<sup>th</sup> Avenue. Miami-Dade County and City of Opa-Locka.

## **II EXISTING ROADWAYS SERVICEABLE TO THIS APPLICATION**

A. NW 57<sup>th</sup> Avenue, NW 138<sup>th</sup> Street, NW 135<sup>th</sup> Street (SR 916), NW 37<sup>th</sup> Avenue.

## **III IMPACT ON EXISTING ROADWAYS**

A. The traffic impact has not being determined at this time since there is no specific traffic impact information provided by this applicant. The Traffic Count Stations located in the vicinity of the site are within the determined level of service established by Miami-Dade County.

## **IV ADDITIONAL IMPROVEMENTS REQUIRED FOR THIS DEVELOPMENT**

A. Will be determined when a traffic impact study and plans are submitted for review. Roadway improvements and traffic signals will be determined based on the traffic impact generated by the development.

## **V SITE PLAN CRITIQUE**

A. There was no Site Plan provided at this time. Recommendations will be made upon receipt of Site Plan along with Traffic operations within the project(s).

Under this application there is no Traffic Concurrency determination. The property is within the Miami Dade County Infill Area. No vehicle trips have been reserved by this application.

cc: Esther L. Calas, P.E., Director, Public Works Department  
Nicholas Nitti, Development Impact Coordinator, Planning and Zoning Department  
Joan Shen, P.E., PTOE, Traffic Engineering Division, Public Works Department  
Armando E. Hernandez, Special Administrator for Concurrency, Public Works Department

# Memorandum



**Date:** September 26, 2008

**To:** Marc C. LaFerrier, Director  
Department of Planning & Zoning

**From:** Herminio Lorenzo, Director  
Miami-Dade Fire Rescue Department

**Subject:** DIC # 2008000186 – Director, Department of Planning & Zoning  
Lying north of NW 135<sup>th</sup> Street, between NW 37<sup>th</sup> Avenue and NW 57<sup>th</sup> Avenue,  
Opa-Locka, FL

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According to the application, the Director of the Department of Planning and Zoning is seeking to delete a recorded Covenant running with a portion of the property along with a district boundary change on the remainder of the property. The Miami-Dade Fire Rescue Department (MDFR) has **no objections** to DIC application # 2008000186. The request will have no impacts to capacity or levels of service that MDRF provides to that area of the County.

Please be advised that during the platting and permitting stages of this project, the proffered site plan must be reviewed by the Fire Water & Engineering Bureau to assure compliance with the Florida Fire Prevention Code (FFPC) and National Fire Protection Association (NFPA) standards.

If you need additional information, please contact the Planning Section at 786-331-4540.

HL:ch

# Memorandum



**Date:** September 26, 2008

**To:** Nicholas D. Nitti  
DIC Coordinator  
Department of Planning and Zoning

**From:** John Garcia  
Principal Planner  
Miami-Dade Transit - Planning & Development Division

**Subject:** Review of DIC Project No. 08-186 (Department of Planning and Zoning - Opa Locka Airport)

## Project Description

The applicant is seeking district boundary changes from AU and GU to GP (Government Property) and the deletion of a Covenant Proviso. The subject property is approximately 1,564.83 acres and is located lying north of NW 135<sup>th</sup> Street between NW 57<sup>th</sup> Avenue and NW 37<sup>th</sup> Avenue in the City of Opa-Locka and Miami-Dade County, Florida.

## Current Transit Service

There is direct transit service within the immediate vicinity of the application site. The closest transit service is provided by Metrobus Routes E, 28, 29, 32, 42, 73, 75 around the perimeter of the Opa-Locka Airport, but no service is provided into a terminal or bus stop inside the subject property. The service headways for the above mentioned routes (in minutes) are as follows:

**Metrobus Route Service Summary**  
**Department of Planning and Zoning - Opa Locka Airport**

Route(s)	Service Headways (in minutes)						Proximity to Bus Route (miles)	Type of Service
	Peak (AM/PM)	Off-Peak (middays)	Evenings (after 8pm)	Overnight	Saturday	Sunday		
E	30	60	30	N/A	45	45	0.0	L
28	30	40	60	N/A	60	60	0.0	F
29	30	45	N/A	N/A	N/A	N/A	0.3	F
32	24	30	30	N/A	40	60	0.3	F
42	30	60	N/A	N/A	40	60	0.0	F
73	30	30	60	N/A	40	60	0.3	F
75	30	30	30	N/A	45	60	0.2	L

Notes: L means Metrobus local route service  
F means Metrobus feeder service to Metrorail  
E means Express or Limited-Stop Metrobus service

### **Future Transportation/Transit Improvements**

Currently, the 2009 Transportation Improvement Plan (TIP) does not propose any improvements in the immediate vicinity of this project. The 2030 Long Range Transportation Plan (LRTP) does not propose any improvements in the immediate vicinity of this project.

The draft 2008 ten-year Transit Development Plan (TDP), that currently is in the review/approval phase before adoption by the Board of County Commissioners does not show any programmed or planned improvements for the routes illustrated above or for new service within the immediate area of the application

### **MDT Comments/Recommendations**

Based on the information presented, MDT has no objections to this project.

### **Concurrency**

This project has been reviewed by MDT for mass transit concurrency and was found to be concurrent with the level-of-service standards established for Miami-Dade County.

# Memorandum



**Date:** October 8, 2008

**To:** Nicholas D. Nitti, DIC Coordinator  
Department of Planning and Zoning

**From:** Bertha M. Goldenberg, P.E., Assistant Director  
Regulatory Compliance and Planning

*Handwritten signature: "Albin Valdes for:"*

**Subject:** Opa-Locka Airport District Boundary Change - DIC Application # - Z2008000186

Below, please find the Miami-Dade Water and Sewer Department's (MDWASD) comments for the subject project.

**Application Name:** Opa-Locka Airport District Boundary Change.

**Proposed Development:** Requesting a district boundary change from Public Area to Government Property for the Opa-Locka Airport.

**Project Location:** Lying north of NW 135<sup>th</sup> Street, South of NW 151<sup>th</sup> Street and between NW 57<sup>th</sup> Avenue and NW 37<sup>th</sup> Avenue.

**Water:** The subject project is located within MDWASD's service area. There are existing water lines inside the Airport Property. On the west side of the airport property, there is an existing sixteen (16)-inch water main on N.W. 57<sup>th</sup> Avenue. On the south side of the airport there is an existing twenty-four (24)-inch water main on N.W. 135<sup>th</sup> Street. The source of water for this project is the Hialeah/Preston Water Treatment Plant. MDWASD will be the utility providing water services subject to the following conditions:

- Adequate transmission and Plant capacity exist at the time of the applicant's request.
- Adequate water supply is available prior to issuance of a building permit or its functional equivalent.
- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

**Sewer:** The subject project is located within MDWASD's service area. On the east side of the airport, there is an existing gravity sewer system inside the Airport property. On the west and southwest side there is an existing forty-two (42)-inch force main on N.W. 57<sup>th</sup> avenue and on north of N.W. 135<sup>th</sup> Street there is an existing thirty (30)-inch force main on W. 2<sup>nd</sup> court east of N.W. 57<sup>th</sup> Avenue respectively. MDWASD will be the utility providing sewer services subject to the following conditions:

- Adequate transmission and plant capacity exist at the time of the owner's request. Capacity evaluations of the plant for average flow and peak flows will be required, depending on the compliance status of the United States Environmental Protection Agency (USEPA) Second and Final Partial Consent Decree.



- Approval of all applicable governmental agencies having jurisdiction over these matters are obtained.

**Water Conservation:**

All future development for the subject area will be required to comply with the water use efficiency Ordinance 08-14 as amended by the 2nd reading and adopted by the Board of County Commissioners in September 2008. The Ordinance stipulates water conservation measures for new development(s) to achieve higher water use savings. Said Ordinance amendment clarified certain standards for plumbing fixtures and changed the effective date to January 1, 2009.


Should you have any questions, please call me at (786) 552-8120 or contact Maria A. Valdes at (786) 552-8198.

# Memorandum



**Date:** October 14, 2008

**To:** Nicholas D. Nitti  
DIC Coordinator  
Department of Planning and Zoning

**From:**  Christopher Rose  
Deputy Director, Administration  
Department of Solid Waste Management

**Subject:** DIC #08-186  
Director of the Department of Planning and Zoning

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Attached please find a copy of this Department's review of the above-referenced item. Final comments will be offered as needed. If you should have any questions, please do not hesitate to contact Robert Menge at 305-514-6787. Thank you.

Attachment

DEPARTMENT OF SOLID WASTE MANAGEMENT

DIC REVIEW #08-186

**Director of the Department of Planning and Zoning**

**Application:** *Director of the Department of Planning and Zoning* is requesting a district boundary change to GP, Government Property, on a portion of the subject property and deletion of a Declaration of Restrictions on a remaining portion.

**Size:** The subject property consists of 1,565 acres.

**Location:** The subject property is located between NW 37 Avenue & NW 57 Avenue and between NW 135 Street & NW 154 Street, lying within Miami-Dade County and the City of Opa-Locka, FL.

**Analysis:**

1. Solid Waste Disposal

The County Solid Waste Management System consists of both County facilities and a private facility under contract as follows: two Class I landfills (one owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility and associated ash monofill, and three regional transfer facilities. The Department 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 17, 2008, which is valid for one (1) year, shows sufficient disposal system capacity to meet and exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Department of Planning and Zoning is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

The project proposes commercial uses. Chapter 15-2 of the Miami-Dade County Code requires the following of commercial uses located in unincorporated Miami-Dade County:

**Section 15-2** - "every commercial 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."

3. Recycling

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

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

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 associated with this project ensure that either of the following criteria be present in project design plans and circulation operations 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 accord 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 setout 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.

# TEAM METRO

## ENFORCEMENT HISTORY

DIRECTOR OF THE DEPARTMENT  
OF PLANNING & ZONING

lying between NW 37 Avenue & N.W.  
57 AVENUE and between NW 135 St  
and NW 154 ST, city of opa locka  
and MIAMI-DADE COUNTY,  
FLORIDA.

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APPLICANT

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ADDRESS

Z2008000186

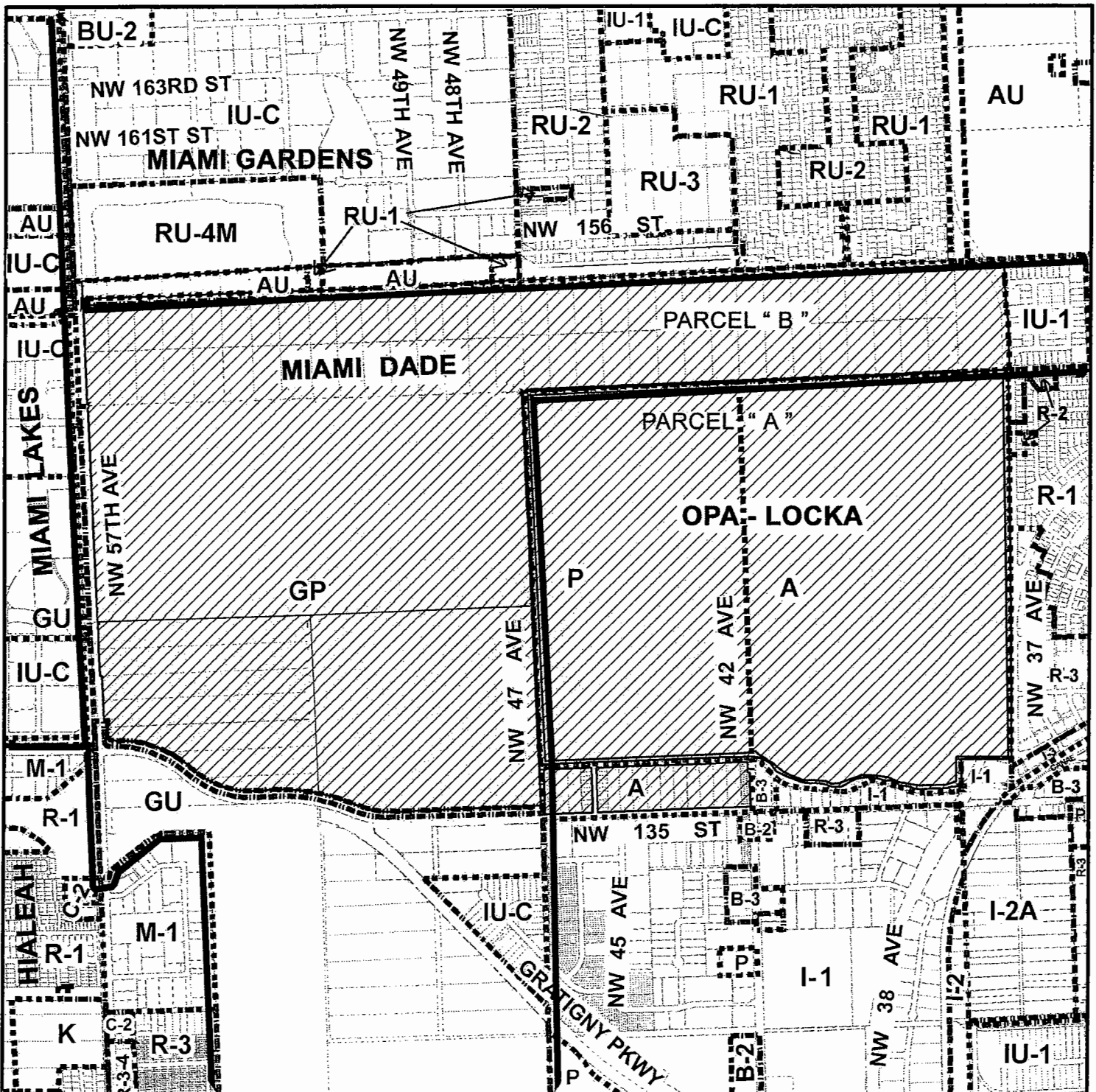
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HEARING NUMBER

## CURRENT ENFORCEMENT HISTORY:

Folio 3021300010050 has 2 abandoned trailers on the lot and the lot is overgrown. No violatons were observed for the other folios.

Bridget Davis



# MIAMI-DADE COUNTY

## HEARING MAP

Section: 16,17,18,19,20,21 Township: 52 Range: 41

Applicant: DIRECTOR OF THE DEPT.OF PLANNING & ZONING

Zoning Board: BCC

Commission District: 1

Drafter ID: JEFFER

Scale: NTS

----- Zoning

Process Number

**08-186**

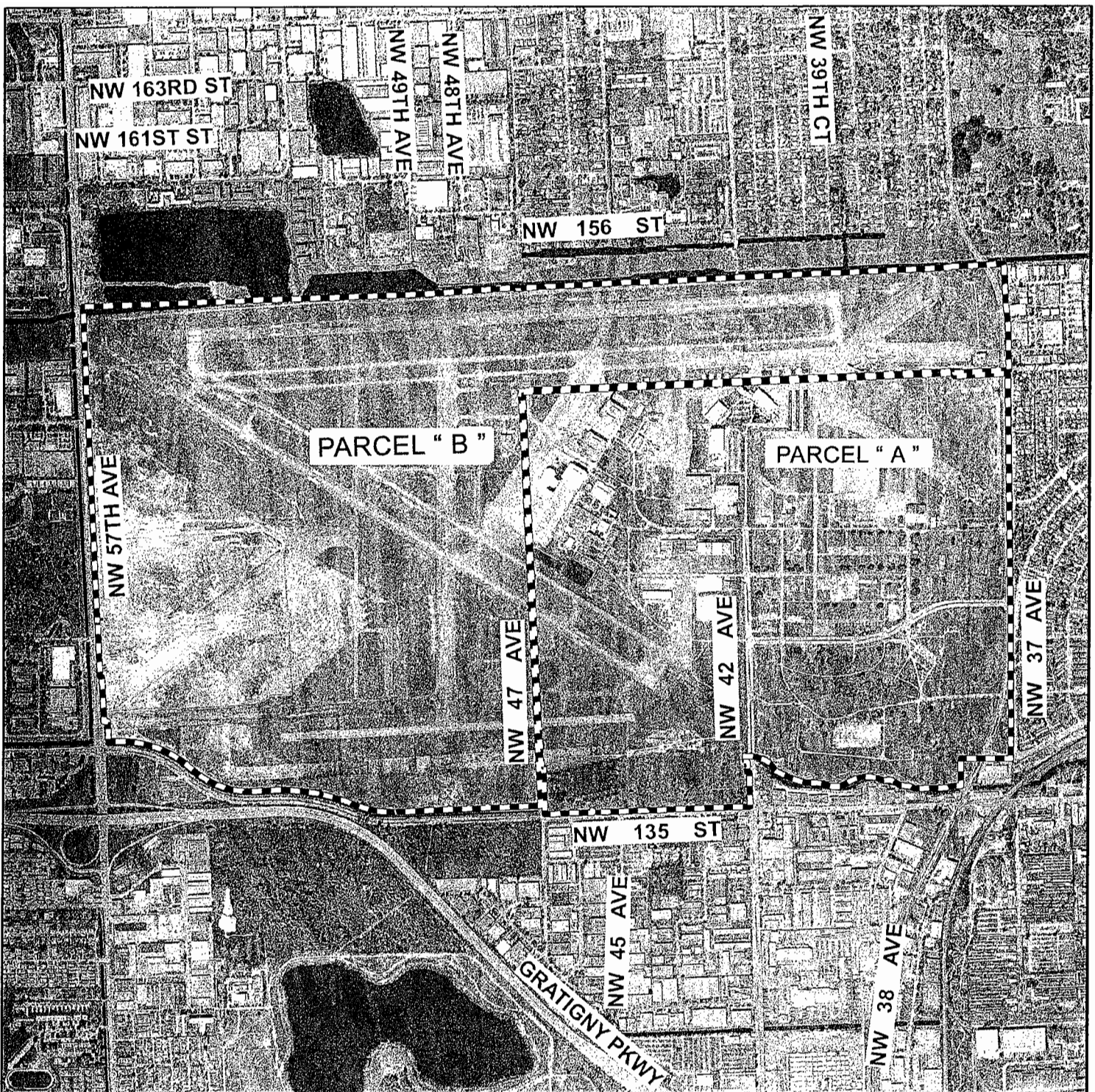


SUBJECT PROPERTY



SKETCH CREATED ON: 09/24/08

REVISION	DATE	BY
		50



# **MIAMI-DADE COUNTY**

**AERIAL YEAR 2008**

**Section: 16,17,18,19,20,21 Township: 52 Range: 41**

**Applicant: DIRECTOR OF THE DEPT.OF PLANNING & ZONING**

**Zoning Board: BCC**

**Commission District: 1**

**Drafter ID: JEFFER**

**Scale: NTS**

**----- Zoning**

**Process Number**

**08-186**



**SUBJECT PROPERTY**



SKETCH CREATED ON: 09/24/08

REVISION	DATE	BY
		51



ORIGINAL

CFN 20080844633  
OR Bk 26612 Pgs 0690 - 6961 (7pgs)  
RECORDED 10/16/2008 12:44:03  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

This instrument was prepared by:  
Name: Andrew Psalidas  
Assistant County Attorney  
Address: P.O. Box 592075 AMF  
Miami, FL 33159-2075

A/2

(Space reserved for Clerk)

### DECLARATION OF RESTRICTIONS

WHEREAS, Miami-Dade County is the Owner of the Opa-Locka Airport property, described in Exhibit A attached hereto and incorporated herein by reference; and

WHEREAS, Zoning Hearing Application Z-98-243 (Rezoning a portion of Opa-Locka Airport) will change the zoning from AU and GU to GP (Governmental Property District) for that portion of the Opa-Locka Airport lying within the unincorporated area of the County, as described in Exhibit B attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, Governmental Property zoning on the Property would be inconsistent with the Miami-Dade County Comprehensive Development Master Plan (CDMP) without a Declaration of Restrictions limiting the uses on the Property to public airport use and ancillary public airport-related use, as limited by the CDMP,

NOW, THEREFORE, the Owner agrees that the use of the Property shall be limited to public airport use, Aeronautical Activity and Aviation Use of Real Property, as defined in Order 5190.6A Appendix 5, issued by the Department of Transportation Federal Aviation Administration (original date October 2, 1989) as amended from time to time, and industrial and office use, and as further limited by all other applicable federal, state and county regulations, including but not limited to the CDMP, by leases on the property and by all title restrictions of record.

**Covenant Running with the Land.** This instrument shall be deemed a covenant running with the land described in Exhibit B hereto (the Property) and is considered as conditions, limitations and restrictions on the use of such land until released by the Director of the Department of Planning and Zoning of Miami-Dade County, Florida or his successor, or the first assistant in the absence of such director or his successor.

This instrument, for its duration, shall be for the benefit of, and limitation upon, all present and future owners of the Property and for the public welfare. This Declaration, on the part of the Owner's expense, in the public records of Miami-Dade County, Florida, and shall remain in full force and effect and be binding upon the undersigned, and its successors and assigns.

**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,

[L:\Forms\Declaration of Restrictions

Section-Township-Range:  
Folio number:





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.

**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, 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 and Amendment.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by written instrument executed by the, then, owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners of Miami-Dade County.

Should this Declaration of Restrictions be modified, amended, or released, the Director of the Miami-Dade County Department of Planning and Zoning, or successor, or in absence of such director by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

**Severability.** Invalidity 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.

**Recording.** This Declaration shall be recorded, at owner's expense, in the public records of Miami-Dade County, Florida.

**Effective Date.** This Declaration shall become effective immediately upon its recording in the public records of Miami-Dade County, Florida. This Declaration, and any subsequent modification, amendment, or termination of the covenants contained herein, shall be recorded at the Owner's expense.

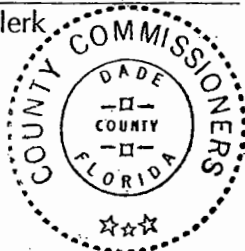
IN WITNESS WHEREOF, Miami-Dade County has caused these presents to be signed in its name by its proper officials.

ATTEST:

MIAMI-DADE COUNTY  
Acting by and through its  
BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_

Clerk/Deputy Clerk



By: \_\_\_\_\_

George M. Burgess  
County Manager



## LEGAL DESCRIPTION:

### PARCEL "A" (OPA-LOCKA AIRPORT - Property North of the Biscayne Canal C-8):

A portion of Tracts 2, 13, 15, 36, 37, 55, 57, 78, 80 and 91, "REVISED PLAT OF VENETIAN GARDENS", according to the Plat thereof, as recorded in Plat Book 31, Page 37, of the Public Records of Dade County, Florida, all of Block 8, "VENETIAN ACRES", according to the Plat thereof, as recorded in Plat Book 44, Page 92 of the Public Records of Dade County, Florida, a portion of Tracts 81 through 96 and Tracts 103 through 112, in Section 18, Township 52 South, Range 41 East, "MIAMI GARDENS", according to the Plat thereof, as recorded in Plat Book 2, Page 96 of the Public Records of Dade County, Florida, together with those portions of Rights-of-Ways vacated in Records Book 69, Page 890 to 893, by Resolution Number R-1279-66, all of the above described lands lying North of the BISCAYNE CANAL (C-8), as shown on the South Florida Water Management District Right-of-Way Map, Drawing Number C-8-25, being more particularly described as follows:

COMMENCE at the Southwest Corner of Section 16, Township 52 South, Range 41 East; thence N.00°47'37"E., along the West Line of said Section 16, for 1810.99 feet; thence N.89°13'36"W., for 35.00 feet to the POINT OF BEGINNING OF PARCEL "A" (the Tract references in the following nineteen (19) courses refer to the said Plat of "REVISED PLAT OF VENETIAN GARDENS"); thence continue N.89°13'36"W., along the South Line of the North 280 feet of Tract 91 (and the extension West thereof across N.W. 37TH COURT, as vacated South of this Line, by said Resolution Number R-1279-66) and the South Line of the North 280 feet of Tract 80, for 474.73 feet; thence S.00°45'21"W., along the West Line of Tract 80, for 55.00 feet; thence N.89°13'36"W., along the South Line of the North 335 feet of Tract 78 (and the extension East thereof across N.W. 37TH PLACE, as vacated South of this Line, by said Resolution Number R-1279-66), for 180.6d feet; thence N.00°45'26"E., along the West Line of the East one-half (1/2) of Tract 78, for 15.00 feet; thence N.89°13'36"W., along the South Line of the North 320 feet of Tract 78, for 120.08 feet; thence S.00°45'30"W., along the West Line of Tract 78, for 40.00 feet; thence N.89°13'36"W., along the South Line of the North 360 feet of Tract 57 (and the extension East thereof across N.W. 38TH COURT and the extension West thereof across N.W. 38TH PLACE, as vacated South of this Line, by said Resolution Number R-1279-66), for 360.29 feet; thence N.00°47'36"E., along the East Line of Tract 55 for 40.04 feet; thence N.89°08'26"W., along the South Line of the North 320 feet of Tract 55 (and the extension East thereof across that 60' CANAL RIGHT-OF-WAY - subject to Right-of-Way restrictions, as shown on the said Plat of "REVISED PLAT OF VENETIAN GARDENS") and the South Line of the North 320 feet of Tract 37, for 299.89 feet; thence S.00°47'06"W., along the West Line of Tract 37 for 39.91 feet; thence N.89°17'59"W., along the South Line of the North 360 feet of Tract 36 (and the extension East thereof across N.W. 39TH COURT and the extension West thereof across N.W. 39TH PLACE, as vacated South of this Line, by said Resolution Number R-1279-66), for 360.30 feet to a point on the East Line of Tract 15; thence N.89°10'55"W., along the South Line of the North 360 feet of Tract 15 (and the extension West thereof across N.W. 40TH COURT, as vacated South of this Line, by said Resolution Number R-1279-66), for 300.29 feet; thence N.00°48'15"E., along the East Line of Tract 13, for 39.97 feet; thence N.89°14'33"W., along the South Line of North 320 feet of Tract 13, for 107.54 feet; thence N.00°49'49"E., along the West Line of the East one-half (1/2) of Tract 13, for 40.00 feet; thence N.89°14'33"W., along the South Line of North 280 feet of Tract 13, for 107.52 feet; thence S.00°51'22"W., along the West line of Tract 13, for 80.00 feet; thence N.89°14'02"W., along the South Line of the North 360 feet of Tract 2 (and the extension East thereof across N.W. 41ST AVENUE, as vacated South of this Line, by said Resolution Number R-1279-66), for 264.59 feet; thence S.00°48'19"W., along the East Right-of-Way Line of N.W. 42ND AVENUE (LE JEUNE ROAD) said Line also being the West Line of Tract 2, for 62.19 feet; thence N.89°12'55"W., along the North Line of Block 8 of the said Plat of "VENETIAN ACRES" (and the extension East thereof across N.W. 42ND AVENUE (LE JEUNE ROAD) and the extension West thereof across N.W. 47TH AVENUE, as vacated South of this Line, by said Resolution Number R-1279-66) said Line also being the South Right-of-Way Line of N.W. 166TH STREET, for 2710.10 feet; thence N.00°48'52"E., along the West Right-of-Way Line of N.W. 47TH AVENUE, for 19.11 feet; thence S.89°59'42"W., along the North Line of those portions of Tracts 81 through 96 and Tracts 103 through 112, in said Section 18, of the said Plat of "MIAMI GARDENS", as deeded to the Dade County Board of County Commissioners in Official Records Book 3439, Page 206 and Page 208, of the Public Records of Dade County, Florida, for 5337.30 feet (said Line being coincident with the South Line of the Plat of "PALMETTO LAKES INDUSTRIAL PARK SECTION 3", according to the Plat thereof as, recorded in Plat Book 74, Page 64 of the Public Records of Dade County, Florida, and the South Line of the Plat of "PALMETTO LAKES APARTMENTS", according to the Plat thereof, as recorded in Plat Book 85, Page 61, of the Public Records of Dade County, Florida); thence S.00°32'14"W., along the East Right-of-Way Line of N.W. 57TH AVENUE (RED ROAD, STATE ROAD 819), as shown on the Florida Department of Transportation Right-of-Way Map, Section 87630-2602, as recorded in Plat Book 70, Page 5 of the Public Records of Dade County, Florida, for 343.12 feet (the following seventeen (17) courses being along the North Right-of-Way Line of said BISCAYNE CANAL C-8); thence N.87°03'35"E. for 13.79 feet; thence N.89°21'19"E. for 4393.91 feet; thence S.89°16'57"E. for 1003.91 feet; thence S.00°48'45"W. for 10.00 feet; thence S.89°16'57"E. for 1332.58 feet (the following ten (10) courses meander along the North Bank of said BISCAYNE CANAL C-8); thence N.48°26'36"E. for 27.73 feet; thence N.88°28'23"E. for 249.66 feet; thence N.87°06'58"E. for 196.22 feet; thence S.85°56'00"E. for 190.35 feet; thence S.78°28'01"E. for 49.64 feet; thence S.89°38'24"E. for 154.96 feet; thence N.71°20'46"E. for 35.48 feet; thence S.85°12'51"E. for 156.98 feet; thence S.75°13'33"E. for 72.20 feet; thence S.40°14'01"E. for 18.95 feet; thence S.89°13'09"E. for 140.18 feet; thence S.89°12'56"E. for 2605.38 feet; thence N.00°47'37"E., along a line 35 feet West of and parallel with the West Line of Section 16, Township 52 South, Range 41 East said Line also being the West Right-of-Way Line of N.W. 37TH AVENUE (DOUGLAS ROAD), for 435.40 feet to the POINT OF BEGINNING. Said lands lying in Dade County, Florida, and containing 78.691 Acres more or less.

EXHIBIT A



TOGETHER WITH:

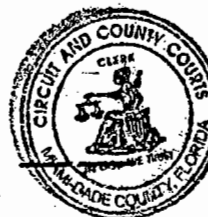
PARCEL "B" (OPA-LOCKA AIRPORT - Main Airport Property):

A portion of Sections 17, 18 and 19, Township 52 South, Range 41 East, together with all Tracts and Rights-of-Ways lying within said Sections 17, 18 and 19, all inclusive of the Plat of "MIAMI GARDENS", as recorded in Plat Book 2, Page 96 of the Public Records of Dade County, Florida, said portions of Sections 17, 18 and 19 lying South of the BISCAYNE CANAL C-8, as shown on the South Florida Water Management District Right-of-Way Map, Drawing Number C-8-25, said portions of Sections 17, 18 and 19 also lying North of the OPA-LOCKA CANAL Right-of-Way, as shown on the Metro-Dade Public Works Department, Water Control Division, Drawing Number WC2171, recorded in Official Records Book 9044, Page 1355, and Records Book 136, Page 833, of the Public Records of Dade County, Florida, together with a portion of Tracts 2 through 8, together with those adjacent Rights-of-Ways, North of Tract 8, East of Tracts 2 through 8, all inclusive of the Plat of "BLAIN ACRES", as recorded in Plat Book 24, Page 9, of the Public Records of Dade County, Florida, said portions of "BLAIN ACRES", lying North of said OPA-LOCKA CANAL and East of N.W. 57TH AVENUE (RED ROAD, STATE ROAD 819) as shown on the Florida Department of Transportation Right-of-Way Map, Section 87630-2602, as recorded in Plat Book 70, Page 5 of the Public Records of Dade County, Florida together with a portion of Sections 16 and 21, Township 52 South, Range 41 East, lying West of the N.W. 42ND - 37TH AVENUE CONNECTOR, as shown on Dade County Public Works Department, Right-of-Way Division, Right-of-Way Map, Project Number 620003, as recorded in Plat Book 112, Page 96 of the Public Records of Dade County, Florida together with the North one-half (1/2) of Section 20, Township 52 South, Range 41 East, and that portion of the Southeast one-quarter (1/4) of said Section 20, lying North of the North Bank of the OPA-LOCKA CANAL, and the North three-quarters (3/4) of the Southwest one-quarter (1/4), of said Section 20; together with Block 208 and those Rights-of-Ways in the South one-quarter (1/4) of the Southwest one-quarter (1/4) of said Section 20, said Block 208 and said Rights-of-Ways inclusive of the Plat of "SECTION FOUR INCOME GARDENS", as recorded in Plat Book 31, Page 8, of the Public Records of Dade County, Florida, lying North of N.W. 135TH STREET, as shown on the Right-of-Way Map for N.W. 138TH / 135TH STREET (RED ROAD TO S.R. 9), Dated 3-79, recorded in Plat Book 112, Page 9, revised 3-84, being more particularly described as follows:

COMMENCE at the Southwest corner of Section 16, Township 52 South, Range 41 East; thence S.89°16'37"E., along the South Line of said Section 16, for 533.78 feet to the POINT of BEGINNING of PARCEL "B" (the following three (3) courses being along the West Right-of-Way Line of said N.W. 42ND - 37TH AVENUE CONNECTOR); thence N.02°22'36"E. for 715.57 feet to a point on the arc of circular curve to the left, concave to the Southwest, said point bearing N.84°30'19"E. (RADIAL) from the center of said curve; thence Northerly along the arc of said curve, having a radius of 1114.44 feet and a central angle of 3°02'33", for 59.18 feet to a point of compound curvature; thence Northerly along the arc of a circular curve, having a radius of 1363.24 feet and a central angle of 23°00'42", for 547.52 feet to a point hereinafter referred to as POINT "C" (the following eight (8) courses being along the South Right-of-Way Line of said BISCAYNE CANAL C-8); thence S.87°58'34"W. for 352.48 feet; thence S.00°47'37"W. for 14.95 feet; thence N.89°12'56"W. for 1185.00 feet; thence N.00°47'04"E. for 35.98 feet; thence S.89°58'03"W. for 2608.92 feet; thence N.89°16'57"W. for 2453.99 feet; thence N.89°59'57"W. for 1057.93 feet; thence S.89°22'01"W. for 3350.75 feet (the following four (4) courses being along the East Right-of-Way Line of said N.W. 57TH AVENUE (RED ROAD, STATE ROAD 819)); thence S.00°32'42"W. for 1079.61 feet; thence S.00°32'51"W. for 1521.20 feet; thence S.00°32'27"W. for 1127.08 feet; thence S.00°32'35"W. for 661.24 feet; thence S.88°35'24"E., along the North Line of Tract 6, of the said Plat of "BLAIN ACRES", for 25.00 feet; thence S.00°32'35"W., along East line of the West 125 feet of Section 19, Township 52 South, Range 41 East, as shown on the Florida Department of Transportation Right-of-Way Map for GRATIGNY PARKWAY (STATE ROAD 924), Section 87008-2504, also recorded in Official Records Book 14186, Pages 3525 through 3529, of the Public Records of Dade County, Florida, for 563.68 feet (the following twelve (12) courses being along the North Right-of-Way Line of said OPA-LOCKA CANAL); thence S.89°27'25"E. for 49.00 feet; thence S.00°32'35"W. for 206.06 feet to a point of curvature of a circular curve to the left, concave to the Northeast; thence Southerly and Southeasterly along the arc of said curve, having a radius of 35.00 feet and a central angle of 87°33'15", for 53.48 feet to a point of tangency; thence S.87°00'40"E. for 97.40 feet to a point of curvature of a circular curve to right, concave to the Southwest; thence Southeasterly along the arc of said curve, having a radius of 1268.42 feet and a central angle of 39°00'55", for 863.72 feet to a point of tangency; thence S.47°59'45"E. for 199.96 feet to a point of curvature of a circular curve to left, concave to the Northeast; thence Southeasterly and Easterly along the arc of said curve, having a radius of 1023.42 feet and a central angle of 40°35'37", for 725.09 feet to a point of tangency; thence S.88°35'22"E. for 282.98 feet to a point of curvature of a circular curve to right, concave to the Southwest; thence Easterly and Southeasterly along the arc of said curve, having a radius of 2227.24 feet and a central angle of 22°43'58", for 883.69 feet to a point of tangency; thence S.65°51'23"E. for 201.02 feet to a point of curvature of a circular curve to left, concave to the Northeast; thence Southeasterly and Easterly along the arc of said curve, having a radius of 1023.42 feet and a central angle of 22°43'11", for 405.82 feet to a point of tangency; thence S.88°34'35"E. for 1825.52 feet; thence S.00°48'21"W., along the East Line of Section 19, Township 52 South, Range 41 East, for 84.51 feet; thence S.88°53'52"E., along the North Right-of-Way Line of said N.W. 135TH STREET, for 2524.83 feet; thence N.01°40'52"E., along the East Line of Block 208 of the said Plat of "SECTION FOUR INCOME GARDENS", for 402.02 feet; thence N.88°53'52"E., along the North Line of Lot 28, of said Block 208 for 15.00 feet; thence N.01°40'52"E., along the West Right-of-Way Line of N.W. 42ND AVENUE (LE JEUNE ROAD) said Line lying 50 feet West of and parallel with the West line of the Southeast one-quarter (1/4) of Section 20, Township 52 South, Range 41 East, for 181.78 feet; thence S.88°56'51"E., along the North Line of the South one-quarter (1/4) of the Southwest one-quarter (1/4) of said Section 20, for 100.01 feet (the following twelve (12) courses meander along the North Bank of the OPA-LOCKA CANAL); thence N.81°19'39"E. for 43.57 feet; thence S.68°05'27"E. for 132.06 feet; thence S.41°57'12"E. for 240.50 feet; thence S.65°19'53"E. for 167.23 feet; thence S.76°46'20"E. for 237.03 feet; thence S.79°09'50"E. for 281.52 feet; thence N.84°18'18"E. for 92.08 feet; thence N.68°23'58"E. for 219.27 feet; thence N.89°22'49"E. for 285.33 feet; thence S.71°00'43"E. for 247.59 feet; thence S.70°10'13"E. for 257.29 feet; thence S.88°42'25"E. for 456.20 feet; thence N.02°33'18"E., along the East Line of Section 20, Township 52 South, Range 41 East, for 351.78 feet; thence S.89°26'52"E. for 203.08 feet to a point hereinafter referred to as POINT "H" (the following nine (9) courses being along West Right-of-Way Line of said N.W. 42ND - 37TH AVENUE CONNECTOR); thence N.29°50'43"E. for 62.30 feet to a point of curvature of a circular curve to the left, concave to the Northwest; thence Northerly along the arc of said curve, having a radius of 2814.79 feet and a central angle of 13°57'51", for 686.02 feet to a point of compound curvature; thence Northerly, Northwesterly and Westerly along the arc of a circular curve, having a radius of 25.00 feet and a central angle of 105°09'51", for 45.89 feet to a point of tangency; thence N.89°17'00"W. for 50.00 feet; thence N.00°43'00"E. for 60.00 feet; thence S.89°17'00"E. for 77.43 feet to a point of curvature of a circular curve to the left, concave to the Northwest; thence Easterly, Northeastly and Northerly along the arc of said curve, having a radius of 25.00 feet and a central angle of 77°09'51", for 33.67 feet to a point of compound curvature; thence Northerly along the arc of a circular curve, having a radius of 2814.79 feet and a central angle of 11°10'34", for 549.05 feet to a point of tangency; thence N.02°22'36"E. for 3386.99 feet to the POINT of BEGINNING. Said lands lying in Dade County, Florida, and containing 1564.834 Acres more or less.

EXHIBIT A.

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**TOGETHER WITH:**

**PARCEL "C" (OPA-LOCKA AIRPORT - East of N.W. 42-37 Ave. Connector, South of C-8 Canal):**  
A portion of Section 16, Township 52 South, Range 41 East, lying East of the N.W. 42nd - 37TH AVENUE CONNECTOR, as shown on Dade County Public Works Department, Right-of-Way Division, Right-of-Way Map, Project Number 620003, as recorded in Plat Book 112, Page 96 of the Public Records of Dade County, Florida, and lying South of the BISCAYNE CANAL (C-8), as shown on the South Florida Water Management District Right-of-Way Map, Drawing Number C-8-25, being more particularly described as follows:

COMMENCE at POINT "C" as previously described in PARCEL "B"; thence N.87°58'34"E. for 79.83 feet to the POINT of BEGINNING of PARCEL "C" (the following two (2) courses being along the South Right-of-Way Line of said BISCAYNE CANAL C-8); thence continue N.87°58'34"E. for 115.69 feet; thence S.89°37'36"E. for 63.05 feet; thence S.00°49'09"W. for 481.60 feet to a point on the arc of a circular curve to the left, concave to the Southwest; thence Northerly along the arc of said curve, along the East Right-of-Way Line of said N.W. 42ND - 37TH AVENUE CONNECTOR, having a radius of 1433.24 and a central angle of 20°24'30", for 510.51 to the POINT of BEGINNING. Said Lands lying in Dade County, Florida, and containing 0.814 Acres more or less.

**TOGETHER WITH:**

**PARCEL "D" (OPA-LOCKA AIRPORT - Metro-Dade Public Safety Inspection Facility):**

A portion of Tracts 2 and 3, "BLAIN ACRES", according to the Plat thereof, as recorded in Plat Book 24, Page 9, of the Public Records of Dade County, Florida, lying Southerly of N.W. 138TH / 135TH STREET, as shown on the Right-of-Way Map for N.W. 138TH / 135TH STREET (RED ROAD TO S.R. 9), Dated 3-79, recorded in Plat Book 112, Page 9, revised 3-84, and lying East of and North of GRATIGNY PARKWAY (STATE ROAD 924), as shown on the Florida Department of Transportation Right-of-Way Map, Section 87008-2504, also recorded in Official Records Book 14186, Pages 3525 through 3529, of the Public Records of Dade County, Florida, being more particularly described as follows:

COMMENCE at the Southwest corner of Section 19, Township 52 South, Range 41 East; thence S.88°35'22"E., along the South Line of said Section 19, for 791.63 feet; thence N.01°24'38"E. for 380.00 feet to the POINT of BEGINNING of PARCEL "D"; thence S.88°35'22"E., along a Line 380 feet North of and parallel with the South Line of said Section 19, said Line being the North Right-of-Way Line of said GRATIGNY PARKWAY, for 765.46 feet to a point on the arc of a circular curve to the right, concave to the Northeast, said point bearing S.18°06'27"W. (RADIAL) from the center of said curve (the following three (3) courses being along the South Right-of-Way Line of said N.W. 138TH / 135TH STREET); thence Northwesterly along the arc of said curve, having a radius of 1185.92 feet and a central angle of 23°53'49", for 494.62 feet to a point of tangency; thence N.47°59'45"W. for 184.08 feet to a point of curvature of a circular curve to the left, concave to the Southwest; thence Northwesterly along the arc of said curve, having a radius of 1105.92 and a central angle of 27°45'17", for 535.72 feet (the following two (2) courses being along the East Right-of-Way Line of said GRATIGNY PARKWAY); thence S.00°40'21"W., along a Line 525 feet East of and parallel with the Range Line for Range 41 East and Range 40 East, according to the Plat of "RANGE LINE", as recorded in Plat Book 69, Page 85 of the Public Records of Dade County, Florida, for 322.25 feet to a point of curvature of a circular curve to the left; thence Southerly, Southeasterly and Easterly along the arc of said curve, having a radius of 275.00 feet and a central angle of 89°15'42", for 428.43 feet to a point of tangency, said point also being the POINT of BEGINNING. Said lands lying in Dade County, Florida, and containing 6.929 Acres more or less.

EXHIBIT A

**TOGETHER WITH:**

**PARCEL "E" (OPA-LOCKA AIRPORT - North of Gratigny Parkway, East of N.W. 49th Ave.):**

A portion of East one-half (1/2) of Tracts 2 and 7, of "SUBDIVISION OF N.E. 1/4 OF SEC. 30 TWP. 52 S. RGE 41 E.", according to the Plat thereof as recorded in Plat Book 18, Page 14 of the Public Records of Dade County, Florida, lying North of GRATIGNY PARKWAY (STATE ROAD 924), as shown on the Florida Department of Transportation Right-of-Way Map, Section 87008-2504, also recorded in Official Records Book 14186, Pages 3525 through 3529, of the Public Records of Dade County, Florida, being more particularly described as follows:

COMMENCE at the Northwest corner of the Northeast one-quarter (1/4) of Section 30, Township 52 South, Range 41 East; thence S.88°34'35"E., along the North Line of said Section 30, for 681.17 feet; thence S.01°15'47"W. for 30.00 feet to the POINT of BEGINNING of PARCEL "E"; thence S.88°34'35"E., along the North Line of said Tract 2, for 651.11 feet; thence S.01°22'59"W., along the East Line of said Tracts 2 and 7, for 630.54 feet; thence N.88°34'12"W., along the South Line of said Tract 7, for 69.67 feet (the following two (2) courses being along the Northerly Right-of-Way Line of said GRATIGNY PARKWAY); thence N.40°54'30"W. for 423.01 feet to a point of curvature of a circular curve to the left, concave to the Southwest; thence Northwesterly along the arc of said curve, having a radius of 2059.86 feet and a central angle of 11°08'46", for 400.72 feet; thence N.01°15'47"E., along the West Line of the East one-half (1/2) of said Tract 2, for 49.62 feet to the POINT of BEGINNING. Said lands lying in Dade County, Florida, and containing 5.299 Acres more or less.

**TOGETHER WITH:**

**PARCEL "F" (OPA-LOCKA AIRPORT - South of Gratigny Parkway):**

A portion of East one-half (1/2) of Tracts 2 and 7, of "SUBDIVISION OF N.E. 1/4 OF SEC. 30 TWP. 52 S. RGE 41 E.", according to the Plat thereof as recorded in Plat Book 18, Page 14 of the Public Records of Dade County, Florida, lying South of GRATIGNY PARKWAY (STATE ROAD 924), as shown on the Florida Department of Transportation Right-of-Way Map, Section 87008-2504, also recorded in Official Records Book 14186, Pages 3525 through 3529, of the Public Records of Dade County, Florida, being more particularly described as follows:

COMMENCE at the Northwest corner of the Northeast one-quarter (1/4) of Section 30, Township 52 South, Range 41 East; thence S.88°34'35"E., along the North Line of said Section 30, for 681.17 feet; thence S.01°15'47"W. for 270.93 feet to the POINT of BEGINNING of PARCEL "F"; thence continue S.01°15'47"W., along the West Line of East one-half (1/2) of said Tracts 2 and 7, for 389.55 feet; thence S.88°34'12"E., along the South Line of said Tract 7, for 377.19 feet (the following two (2) courses being along the Southerly Right-of-Way Line of said GRATIGNY PARKWAY); thence N.40°54'30"W. for 288.34 feet to a point of curvature of a circular curve to the left, concave to the Southwest; thence Northwesterly along the arc of said curve, having a radius of 1909.86 feet and a central angle of 7°42'56", for 257.19 feet to the POINT of BEGINNING. Said lands lying in Dade County, Florida, and containing 1.760 Acres more or less.

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**TOGETHER WITH:**

**PARCEL "G" (OPA-LOCKA AIRPORT - South of N.W. 135th St., East of N.W. 47th Ave.):**  
Tracts 1 and 8, of "SUBDIVISION OF N.E. 1/4 OF SEC. 30 TWP. 52 S. RGE 41 E.", according to the Plat thereof as recorded in Plat Book 18, Page 14 of the Public Records of Dade County, Florida, being more particularly described as follows:

COMMENCE at the Northeast corner of Section 30, Township 52 South, Range 41 East; thence N.88°34'35"W., along the North Line of said Section 30, for 33.00 feet; thence S.01°37'23"W. for 30.00 feet to the POINT of BEGINNING of PARCEL "G"; thence continue S.01°37'23"W. along the East Line of said Tracts 1 and 8, for 630.69 feet; thence N.88°34'12"W., along the South Line of said Tract 8, for 1296.58 feet; thence N.01°22'59"E. along the West Line of said Tracts 1 and 8, for 630.55 feet; thence S.88°34'35"E., along the North Line of said Tract 1, for 1299.22 feet to the POINT of BEGINNING. Said lands lying in Dade County, Florida, and containing 18.790 Acres more or less.

**TOGETHER WITH:**

**PARCEL "H" (OPA-LOCKA AIRPORT - East of N.W. 42-37 Ave., North of Ali Baba Ave.):**

A portion of the Southwest one-quarter (1/4) of Section 21; Township 52 South; Range 41 East; lying South-FISHERMAN STREET, East of N.W. 42ND - 37TH AVENUE CONNECTOR, North of ALI BABA AVENUE and West of DOUGLAS ROAD EXTENSION, as shown on Dade County Public Works Department, Right-of-Way Division, Right-of-Way Map, Project Number 620003, as recorded in Plat Book 112, Page 96 of the Public Records of Dade County, Florida, DOUGLAS ROAD EXTENSION, as also shown on the Plat of "SECOND REVISED PLAT NO. TWO OPA-LOCKA", according to the Plat thereof, as recorded in Plat Book 34, Page 76 of the Public Records of Dade County, Florida, being more particularly described as follows:

COMMENCE at POINT "H" as previously described in PARCEL "B"; thence S.89°26'52"E., for 397.64 feet; thence N.01°56'35"E., along a Line RADIAL to center of the next described curve, for 17.80 feet to a point on the arc of a circular curve to the right, concave to the North, said point being the POINT of BEGINNING of PARCEL "H"; thence Westerly along the arc of said curve, along the North Right-of-Way Line of said ALI BABA AVENUE, having a radius of 681.20 feet and a central angle of 16°15'33", for 193.31 feet to a point of compound curvature; thence Westerly, Northwesterly, Northerly and Northeasterly along the arc of a circular curve, having a radius of 50.00 feet and a central angle of 99°05'43", for 86.48 feet to a point of reverse curvature; thence Northeasterly along the arc of a circular curve, along the East Right-of-Way Line of said N.W. 42ND - 37TH AVENUE CONNECTOR, having a radius of 2914.79 feet and a central angle of 12°13'25", for 621.85 feet to a point of reverse curvature; thence Northeasterly, Easterly, Southeasterly and Southerly along the arc of a circular curve, having a radius of 23.94 feet and a central angle of 167°17'55", for 69.89 feet to a point of tangency; thence S.02°22'22"W. along the West Right-of-Way Line of said DOUGLAS ROAD EXTENSION, for 652.24 feet to a point of curvature of a circular curve to the right, concave to the Northwest; thence Southerly, Southwesterly and Westerly along the arc of said curve, having a radius of 25.00 feet and a central angle of 89°34'13", for 39.08 feet to a point of compound curvature, said point also being the POINT of BEGINNING. Said lands lying in Dade County, Florida, and containing 2.322 Acres more or less.

**TOGETHER WITH:**

**PARCEL "I" (OPA-LOCKA AIRPORT - North of Seaboard Railway, at Douglas Rd. Ext.):**

A portion of DOUGLAS ROAD EXTENSION, a portion of the SEABOARD LANE and a portion of Tract "A" - Block 112, all inclusive of the Plat of "SECOND REVISED PLAT NO. TWO OPA-LOCKA", as recorded in Plat Book 34, Page 76 of the Public Records of Dade County, Florida, being more particularly described as follows:

COMMENCE at the Southwest corner of Section 21, Township 52 South, Range 41 East; thence S.89°26'52"E., along the South Line of said Section 21, for 627.22 feet; thence N.02°22'22"E. for 230.12 feet to the POINT of BEGINNING of PARCEL "I"; thence continue N.02°22'22"E., along the West Right-of-Way Line of said DOUGLAS ROAD EXTENSION, for 88.40 feet; thence N.73°38'23"E. for 88.70 feet to a point on the East Right-of-Way Line of said DOUGLAS ROAD EXTENSION; thence continue N.73°38'23"E. for 104.26 feet to the Southeast corner of said Tract "A"; thence continue N.73°38'23"E. for 95.00 feet to a point on the arc of a circular curve to the left, concave to the Southeast, said point bearing N.33°52'04"W. (RADIAL) from the center of said curve; thence Southwesterly along the arc of said curve, along the Northerly Right-of-Way Line of the SEABOARD AIR LINE RAILWAY, as shown on the said Plat of "SECOND REVISED PLAT NO. TWO OPA-LOCKA", having a radius of 2914.93 feet and a central angle of 5°35'48", for 284.73 feet; thence N.89°26'52"W., along a Line 230 feet North of and parallel with the South Line of said Section 21, for 51.74 feet to the POINT of BEGINNING. Said lands lying in Dade County, Florida, and containing 0.405 Acres more or less.

**TOGETHER WITH:**

**PARCEL "J" (OPA-LOCKA AIRPORT - Property West of N.W. 57th St. - Red Rd.):**

A portion of Tracts "P" and "Q" of "MIAMI LAKES INDUSTRIAL PARK SECTION 3", according to the Plat thereof, as recorded in Plat Book 85, Page 62 of the Public Records of Dade County, Florida, being more particularly described as follows:

BEGIN at the Northeast Corner of said Tract "Q"; thence S.00°32'42"W., along the East Line of said Tract "Q" (said line being coincident with West Canal Right-of-Way Line of a 90 foot Canal as shown on the above described Plat), for 476.81 feet to the Northeast Corner of Tract "W" of "MIAMI LAKES INDUSTRIAL PARK SECTION 8", according to the Plat thereof, as recorded in Plat Book 107, Page 93 of the Public Records of Dade County, Florida; thence S.89°58'33"W., along the Northerly Boundary of said Plat of "MIAMI LAKES INDUSTRIAL PARK SECTION 8" and coincidentally along the Northerly Boundary of "MIAMI LAKES INDUSTRIAL PARK SECTION 5", according to the Plat thereof, as recorded in Plat Book 93, Page 96 of the Public Records of Dade County, Florida, for 1746.27 feet; thence N.00°04'11"E., along the Boundary Line of said Plat of "MIAMI LAKES INDUSTRIAL PARK SECTION 5", for 499.72 feet (the next four (4) courses being along the Northerly Boundary of said Tracts "P" and "Q", said lines being coincident with the Southerly Right-of-Way Line of the BISCAYNE CANAL (C-8) as shown on the South Florida Water Management Districts drawing number C-8-25); thence S.87°00'42"E. for 1463.40 feet to a point of curvature of a circular curve to the left, concave to the Northwest; thence Easterly and Northeasterly, along the arc of said curve, having a radius of 375 feet and a central angle of 27°35'11", for 180.55 feet to a point of reverse curvature of a circular curve to the right, concave to the Southeast; thence Northeasterly and Easterly, along the arc of said curve, having a radius of 225 feet and a central angle of 25°45'32", for 101.15 feet to a point of tangency; thence S.88°50'21"E. for 14.84 feet to the POINT of BEGINNING. Said lands lying and being in Dade County, Florida, and containing 18.430 acres more or less.

EXHIBIT A

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DIRECTOR OF PLANNING AND ZONING

APPLICATION NUMBER: 98-243

**LEGAL DESCRIPTION:**

All of that portion of Section 16 Township 52 Range 41 lying south of the southerly right of way line of Biscayne Canal and lying west of the westerly right of way line of NW 42-37<sup>th</sup> Avenue Connector.

AND

All of that portion of Section 17 and Section 18 Township 52 Range 41 lying south of the southerly right of way line of the Biscayne Canal.

AND

All of Section 19 Township 52 Range 41 less that portion lying south of the northerly right of way line of the Opa Locka Canal.

**RECEIVED**  
DEC 06 2000

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY \_\_\_\_\_

STATE OF FLORIDA, COUNTY OF DADE  
I HEREBY CERTIFY that this is a true copy of the  
original filed in this office on 16<sup>th</sup> day of  
October, A.D. 2008  
WITNESS my hand and Official Seal.  
HARVEY ROYAL, CLERK, of Circuit and County Courts  
By [Signature] 9267 D.C.



EXHIBIT B

This instrument was prepared by:

Name:

Address:

PROPOSED

(Space reserved for Clerk)

### DECLARATION OF RESTRICTIONS

WHEREAS, Miami-Dade County is the Owner of the Opa-Locka Airport property, described in Exhibit A (the Property) attached hereto and incorporated herein by reference; and

WHEREAS, Zoning Hearing Application Z08-186 will change the zoning on the entire airport property to GP (Governmental Property District) and will delete a declaration of restrictions.

NOW, THEREFORE, the owner agrees that the use of the Property shall be limited to those uses approved pursuant to Article XXXVIII - Opa Locka Airport Zoning of the Code of Miami-Dade County and as further limited by all other applicable federal, state, and county regulations, including but not limited to the CDMP, by leases on the property and by all title restrictions of record.

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

Should this Declaration of Restrictions be so modified, amended or released, the Director of the Miami-Dade County Department of Planning and Zoning, or the executive officer of the successor of such Department, or in the absence of such director or executive officer by his assistant in charge of the office in his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

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

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

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

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

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

**Recording.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the

60



Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

**Acceptance of Declaration.** Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the 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]

**2. THE DEPARTMENT OF PLANNING & ZONING**  
**(Applicant)**

**09-3-CC-2 (08-205)**  
**BCC/District 10**  
**Hearing Date: 3/5/09**

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

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

Disclosure of interest form attached? Yes ☐ No ☒

**Previous Zoning Hearings on the Property:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
1960	No Name	Unusual Use off-street parking.	BCC	Approved w/conds.
1962	Louis & Fannie Radin	Variance of overhang.	ZAB	Approved
1976	Stanley Pinder	Use variance installation of auto glass in BU-2.	BCC	Approved in part w/conds.
2004	Office of Public Transportation Management (OPTM)	Zone change from BU-1 and RU-2 to RU-4M.	CZAB-10	Approved w/conds.

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.

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS**

**APPLICANT:** Department of Planning and Zoning

**PH:** Z08-205 (09-3-CC-2)

**SECTION:** 16-54-40

**DATE:** March 5, 2009

**COMMISSION DISTRICT:** 10

**ITEM NO.:** 2

=====

**A. INTRODUCTION:**

o **REQUEST:**

DELETION of a Declaration of Restrictions recorded in Official Record Book 22176, Pages 2970-2975.

The purpose for this request is to delete a covenant tying the site to low income elderly housing and a park and ride facility; to allow the applicant to develop the site in accordance with the underlying zoning district regulations.

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

o **SUMMARY OF REQUEST:**

This application will allow the deletion of a previously recorded covenant which will allow the development of the site in accordance with the underlying zoning district regulations.

o **LOCATION:**

Lying north of S.W. 40 Street (Bird Road) and lying between S.W. 89 Avenue and S.W. 89 Court, Miami-Dade County, Florida.

o **SIZE:** 0.66 Net Acre (1.15 Gross Acres)

**B. ZONING HEARINGS HISTORY:**

In 1960, the Zoning Board granted an unusual use that permitted off street parking on a portion of the subject site, pursuant to Resolution No. ZB-190-60. In 1962, the Zoning Appeals Board (ZAB) granted a non-use variance of setback requirements to permit an oversized overhang on a portion of the subject site, pursuant to Resolution No. 2-ZAB-163-62. In 1976, the Board of County Commissioners (BCC) granted a use variance to permit auto glass installation in a BU-2 zone as would be permitted in the BU-3 zoning district and a request to permit the installation of auto glass within a fenced-in area on a portion of the subject site, pursuant to Resolution No. Z-308-76. In 2004, the Community Zoning Appeals Board 10 granted a zone change on the subject site from BU-2, Special Business District, and RU-2, Two-Family Residential District, to RU-4M, Modified Apartment House District, pursuant to Resolution No. CZAB10-5-04. A Declaration of Restrictions was proffered and recorded in conjunction with the aforementioned approval which restricted development of the subject site to a maximum of 14 residential units

for low-income elderly housing and a park/ride facility and provided that prior to obtaining the first building permit for any development on the site, a site plan be approved through the Administrative Site Plan Review (ASPR) process for the entire site and to be filed as one ASPR application.

**C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

1. The Adopted 2015 and 2025 Land Use Plan designates approximately 0.18 gross acre of the subject property as being within the Urban Development Boundary for **Low-Medium Density Residential** use. This category allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated low-medium density include single-family homes, townhouses and low-rise apartments. Zero-lot-line single-family developments in this category shall not exceed a density of 7.0 dwelling units per gross acre.
2. The Adopted 2015 and 2025 Land Use Plan designates approximately 0.97 gross acre of the subject property as being within the Urban Development Boundary for **Business & Office** use. 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.
3. 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.

4. 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.
5. **Policy LU-1J.** Miami-Dade County will maintain its commitment to improve Community Development Block Grant (CDBG)-eligible areas, enhance the County's Enterprise Zone and participate in the Empowerment Zone program as tools to expand the economy in locally distressed areas.
6. **Policy LU-7I.** Miami-Dade County will review development incentives to encourage higher density, mixed use and transit-oriented development at or near existing and future transit stations and corridors.

**D. NEIGHBORHOOD CHARACTERISTICS:**

**ZONING**

**LAND USE PLAN DESIGNATION**

**Subject Property:**

RU-4M; Vacant (1.15 gross acre)

Business & Office and  
Low-Medium Density Residential,  
6 to 13 du

**Surrounding Properties:**

**NORTH:** RU-2 and RU-3; Duplexes

Low-Medium Density Residential,  
6 to 13 du

**SOUTH:** BU-1A; Strip commercial retail

Business & Office

**EAST:** RU-3 and IU-1; Duplex and  
Auto repair shop

Business & Office and  
Low-Medium Density Residential,  
6 to 13 du

**WEST:** RU-2 and BU-1A; Duplex and  
Furniture store

Business & Office and  
Low-Medium Density Residential,  
6 to 13 du

**E. SITE AND BUILDINGS:**

<b>Site Plan Review:</b>	(No plans submitted.)
Scale/Utilization of Site:	N/A
Location of Buildings:	N/A
Compatibility:	N/A
Landscape Treatment:	N/A
Open Space:	N/A
Buffering:	N/A
Access:	N/A
Parking Layout/Circulation:	N/A
Visibility/Visual Screening:	N/A
Urban Design:	N/A

**F. PERTINENT REQUIREMENTS/STANDARDS:**

**Section 33-311(A)(7) Generalized Modification Standards.** 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; 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.

**Section 33-311(A)(17) Modification or Elimination of Conditions and Covenants After Public Hearing.** The Community Zoning Appeals Board shall approve applications to **modify** or eliminate any condition or part thereof which has been imposed by any zoning action, and to modify or eliminate any restrictive covenants, or parts thereof, accepted at public hearing, upon demonstration at public hearing that the requirements of at least one of the paragraphs under this section has been met. Upon demonstration that such requirements have been met, an application may be approved as to a portion of the property encumbered by the condition or the restrictive covenant where the condition or restrictive covenant is capable of being applied separately and in full force as to the remaining portion of the property that is not a part of the application, and both the application portion and the remaining portion of the property will be in compliance with all other applicable requirements of prior zoning actions and of this chapter.

**G. NEIGHBORHOOD SERVICES:**

DERM	No objection*
Public Works	No objection*
Parks	No objection
MDT	No objection
Fire Rescue	No objection
Police	No objection
Schools	No objection

\*Subject to conditions indicated in their memoranda.

## H. ANALYSIS:

The subject property is currently vacant and is located on the north side of a section-line roadway, SW 40 Street (Bird Road), between SW 89 Avenue and SW 89 Court. The surrounding area is characterized by a strip commercial development to the south and west, an auto repair shop to the east, and duplex residences to the north. A 4-story apartment building is located within the RU-4 zoning district to the northeast of the subject site.

In July, 1997, the Florida Department of Transportation (FDOT) issued a Public Purpose Quitclaim Deed for the subject property to Miami-Dade County for the public purpose of public parking by Miami-Dade Transit riders, provided that in the event the public parking use was discontinued, ownership of the site would immediately revert back to FDOT. In September 1997, the FDOT issued a Corrective Public Purpose Quitclaim Deed for the subject property to Miami-Dade County to correct an error in the original Public Purpose Quitclaim Deed to reflect the location of the subject site as being located in Miami-Dade County not Monroe County. In September 2001, the FDOT issued a second Corrective Public Purpose Quitclaim Deed for the subject property to Miami-Dade County in order to amend the public purpose of the subject site to reflect parking for Miami-Dade Transit riders and public housing for the elderly. In 2004, the subject site was granted a zone change from BU-2, Special Business District, and RU-2, Two-Family Residential District, to RU-4M, Modified Apartment House District, pursuant to Resolution No. CZAB10-5-04. The Declaration of Restrictions that is the subject of this application was proffered and recorded in conjunction with the aforementioned approval which, among other things, restricted development of the subject site to a maximum of 14 residential units for low-income elderly housing and a park/ride facility. It should be noted that said park and ride facility was approved by the Board of County Commissioners via a Governmental Facilities application (03-GF-12), pursuant to Resolution R-16-04. In December 2008, pursuant to Resolution R-1382-08, the Board of County Commissioners adopted said resolution requesting that the FDOT issue a Corrective Quitclaim Deed for the subject site for the purpose of modifying the use on the subject site to allow for the development of additional housing units for the elderly and related facilities. The request that is the subject of this application is to delete the previously recorded Declaration of Restrictions in order to allow for the development of additional housing units on the site in accordance with Resolution R-1382-08.

The **Department of Environmental Resources Management (DERM)** has **no objections** to this application and indicates that it meets the minimum requirements of Chapter 24 of the Miami-Dade County Code. However, the applicant will have to comply with all the requirements indicated in their memorandum. The **Public Works Department** also has **no objections** to this application. Their memorandum further indicates that this application will generate an additional **31 PM** daily peak hour **vehicle trips** to the area. However, said trips will not change or exceed the acceptable Levels of Service (LOS) on the area roadways that are currently operating at LOS "C" and "D". Additionally, the **Miami-Dade Fire Rescue Department (MDFR)** **does not object** to this application and indicates that the estimated average response time is 5:08 minutes.

The 1.15 gross acre (0.66-net acre) site is currently undeveloped. Approximately 0.18 gross acre of the subject property is designated for **Low-Medium Density Residential** use on the Land Use Plan (LUP) Map of the Comprehensive Development Master Plan (CDMP) which allows the maximum development of 2 residential units at a density of 6 to 13 dua per acre. The remaining 0.97 gross acre of the subject property is designated for **Business & Office** use

on the LUP map of the CDMP. The Interpretative Text of the CDMP 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. 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. The adjacent property to the north is designated for Low-Medium Density Residential use, and as such the portion of the subject site designated for Business and Office use may be developed at a density one category higher, Medium Density Residential (13 to 25 du per acre), which yields 24 units. As such staff notes that when density averaging is applied on the entire site the maximum density allowed is 26 residential units. As previously mentioned, in 2004 the subject site was rezoned from BU-2 and RU-2 to RU-4M, pursuant to Resolution No. CZAB10-5-04 and a Declaration of Restrictions was recorded which limited the subject site to a maximum of 14 residential units for low-income elderly housing and a park/ride facility. Staff notes that when the Declaration of Restrictions limiting the subject property to 14 units is deleted on the subject property, it reverts back to the existing RU-4M zoning. The existing RU-4M zoning permits residential development at a density of 35.9 units per net acre yielding a total of 23 residential units on the site, which is within the density threshold permitted under the CDMP for this site. Staff acknowledges that the underlying RU-4M zoning district permits a maximum height of 9 stories or 100' subject to compliance with setback and floor area ratio restrictions. However, staff notes that compatibility issues pertaining to height, bulk, and scale will be regulated through the subsequent amendment to the previously approved GF application for this site. As such, staff notes that approval of the request would be **consistent** with the density provisions of the LUP Map of the CDMP.

Moreover, as stated in the Housing Element of the CDMP, the 2003 Evaluation and Appraisal Report (EAR) shows that between the year 2000 and 2025, Miami-Dade County will require 294,200 new housing units. It is estimated that about 42 percent of those units will be needed by very low and low-income households. The subject site is located within a CDBG-eligible area and as such the development of this site with additional dwelling units is consistent with **Policy LU-1J** of the CDMP which states among other things, that the County will maintain its commitment to improve Community Development Block Grant (CDBG)-eligible areas as tools to expand the economy in locally distressed areas. Additionally, **Policy LU-71** of the CDMP states that the County will review development incentives to encourage **higher density**, mixed use and transit-oriented development at or near existing and future transit stations and corridors. Staff notes that the subject site is located along a transit corridor SW 40 Street (Bird Road) which is currently served by Metrobus Route 240 (Bird Road Max) and 40. In light of the foregoing, staff notes that approval of this application to allow for the construction of additional housing units on the subject site is **consistent** with the aforementioned Policies of the CDMP and with the density threshold of the LUP Map of the CDMP. As such staff recommends approval of this application subject to a condition.

When the request is analyzed under the Generalized Modification Standards, Section 33-311(A)(7), the deletion of the Declaration of Restrictions recorded in Official Record Book



22176, Pages 2970-2975 limiting the development of the site to a maximum of 14 residential units for low-income elderly housing and a park and ride facility, will not generate excessive noise or traffic, provoke excessive overcrowding of people, or tend to provoke a nuisance, and will not be contrary to the public interest. As previously mentioned, the applicant seeks to delete the aforementioned Declaration of Restrictions, in order to allow for the development of additional housing units on the site in accordance with the underlying RU-4M zoning district regulations. Staff acknowledges that the subject site abuts an RU-2-zoned residential neighborhood developed with duplex residences to the north. However, it should be noted that the future development of the site is well buffered from the adjoining duplexes to the north, by an existing 6' high wall located along the rear (north) property line. Additionally, it should be noted the subject site is located along the Bird Road commercial corridor and that properties to the east, south and west of the subject site are zoned BU-1A and IU-1 and are currently developed with commercial and industrial uses. As such, staff opines that the concentration of increased density along this commercial corridor is compatible with the surrounding area and will facilitate pedestrian accessibility to nearby retail establishments and Metrobus Route 240 (Bird Road Max) and 40 without the need for an automobile. Furthermore, the memorandum issued by the Public Works Department indicates that the 31 additional PM daily peak hour vehicle trips generated by this application will not exceed the acceptable Levels of Service (LOS) on the surrounding roadways. When considering the necessity for and the reasonableness of the proposal in relation to the surrounding area and the compatibility of said use with the area and its development, staff is of the opinion that the approval of the request subject will not have an unfavorable effect on same, and will not be contrary to the public interest. Based on all the aforementioned, staff recommends approval subject to a condition of the request under Section 33-311(A)(7).

The Standards under Section 33-311(A)(17), Modification or Elimination of Conditions and Covenants After Public Hearing, provide for the approval of a zoning application which demonstrates at public hearing that the modification or elimination of conditions of a previously approved resolution or restrictive covenant complies with one of the applicable modification or elimination standards and does not contravene the enumerated public interest standards as established. However, the applicant has not submitted documentation to indicate which modification or elimination standards are applicable in this instance. Due to the lack of information, staff is unable to analyze the request under said standards and, as such, the request should be denied without prejudice under same.

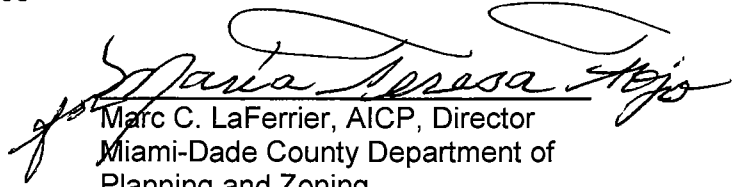
**I. RECOMMENDATION:**

Approval of the application subject to a condition under Section 33-311(A)(7) and denial without prejudice of same under Section 33-311(A)(17).

**J. CONDITION:**

That a Third Corrective Public Purpose Quitclaim Deed be recorded in accordance with Resolution R-1382-08.

**DATE INSPECTED:** 01/22/09  
**DATE TYPED:** 02/13/09  
**DATE REVISED:** 02/17/09; 02/25/09  
**DATE FINALIZED:** 02/25/09  
MCL:MTF:NN:TA:NC

  
Marc C. LaFerrier, AICP, Director  
Miami-Dade County Department of  
Planning and Zoning

# Memorandum



**Date:** October 30, 2008

**To:** Marc C. LaFerrier, AICP, Director  
Department of Planning and Zoning

**From:** Jose Gonzalez, P.E., Assistant Director  
Environmental Resources Management

A handwritten signature in black ink, appearing to read "Jose Gonzalez", written over the printed name and title.

**Subject:** C-10 #Z2008000205  
Director of the Department of Planning and Zoning  
S.W. 40<sup>th</sup> Street and S.W. 89<sup>th</sup> Avenue  
Deletion of a Declaration of Restrictions Restricting the Property to  
Elderly Home Sites  
(RU-4M) (0.65 Acres)  
16-54-40

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

DERM has no pertinent comments regarding this application since the request does not entail any environmental concern.

#### Enforcement History

DERM has found one closed enforcement case for the subject property:

Valls Insurance Case # 8923 S.W. 40<sup>th</sup> Street, Miami FL.

On July 16, 1987, a Final Notice Prior to Court Action (FNPTCA) was issued to this facility for operating without the required permit. Uniform Civil Violation Notice (UCVN) # 8326 was issued to this facility for non-compliance with the Code. The violation was corrected and the case was subsequently closed on September 16, 1987.

#### Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable Level of Service (LOS) standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan 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 DERM's written approval, as required by the Code.

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

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: THE DEPARTMENT OF PLANNING & ZONING

This Department has no objections to this application.

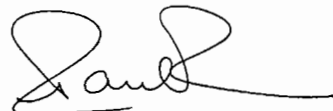
Additional improvements may be required at time of permitting.

This application does meet the traffic concurrency(\*) criteria for an Initial Development Order. It will generate 31 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
F-76	SW 40 St. w/o SW 87 Ave.	C	C
F-74	SW 40 St. e/o SW 107 Ave.	C	C
F-42	SW 87 Ave. s/o SW 24 St.	D	D
9699	SW 97 Ave. s/o SW 24 St.	C	C
9700	SW 97 Ave. s/o SW 40 St.	D	D

The request herein, constitutes an Initial Development Order only, and one or more traffic concurrency determinations will subsequently be required before development will be permitted.

(\*)Traffic concurrency is based on the density of the property with its proposed use where the number of peak hour vehicle trips may fluctuate.



Raul A Pino, P.L.S.

12-FEB-09

# Memorandum



**Date:** 15-OCT-08  
**To:** Marc LaFerrier, Director  
Department of Planning and Zoning  
**From:** Herminio Lorenzo, Fire Chief  
Miami-Dade Fire Rescue Department  
**Subject:** Z2008000205

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## **Fire Prevention Unit:**

No objection to this application.

## **Service Impact/Demand:**

Development for the above Z2008000205  
located at LYING NORTH OF S.W. 40 STREET & WEST OF S.W. 89 AVENUE, MIAMI-DADE COUNTY, FLORIDA.  
in Police Grid 1526 is proposed as the following:

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

Based on this development information, estimated service impact is: N/A alarms-annually.  
The estimated average travel time is: 5:08 minutes

## **Existing services:**

The Fire station responding to an alarm in the proposed development will be:  
Station 3 - Tropical Park - 3911 SW 82 Avenue  
Rescue, ALS Engine

## **Planned Service Expansions:**

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

## **Fire Planning Additional Comments:**

Not applicable to service impact analysis at this time.

# OFFICE OF NEIGHBORHOOD COMPLIANCE TAMIAMI REGION

## ENFORCEMENT HISTORY

**NAME:**

Miami Dade County/Miami  
Dade Transit Agency

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**ADDRESS:**

Lying north of SW 40 ST &  
lying between SW 89 Ave  
& SW 89 Ct.  
Folio# 3040160020010

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**DATE:** 01/29/09

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**ZONING HEARING#:**

08-205

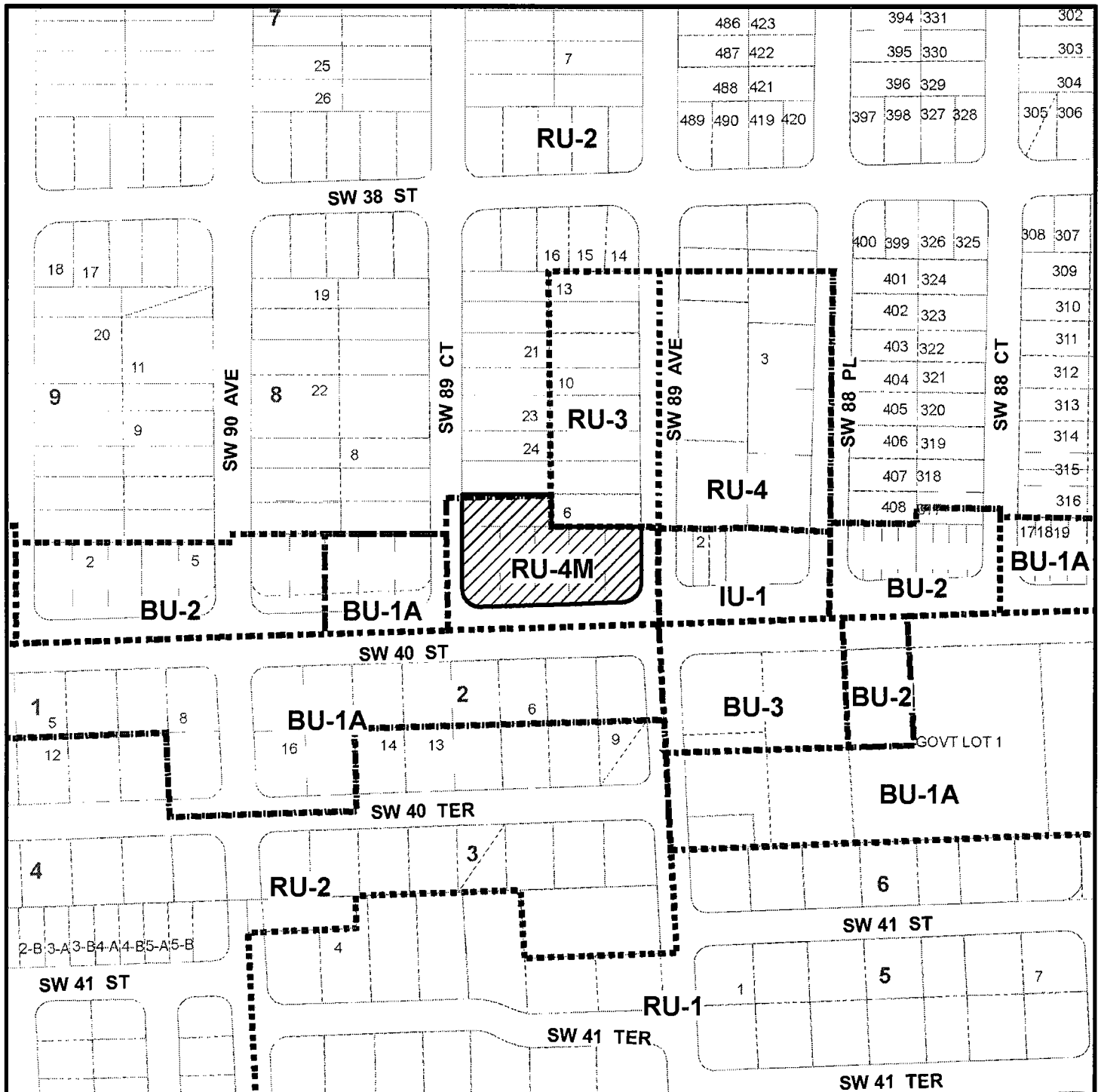
---

## CURRENT ENFORCEMENT HISTORY:

No open cases. No current violations.

## PRIOR CASES:

CMS#200703009726.Broken chain link fence. Referral to Miami Dade  
Transit. Case Closed.



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

Process Number  
**08-205**

Section: 16 Township: 54 Range: 40  
Applicant: DIRECTOR OF DEPT. OF PLANNING & ZONING  
Zoning Board: BCC  
Commission District: 10  
Drafter ID: ALFREDO  
Scale: NTS  
----- Zoning



SKETCH CREATED ON: 10/14/08

REVISION	DATE	BY
		14



**MIAMI-DADE COUNTY**  
**AERIAL YEAR 2008**

Process Number  
**08-205**

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 Zoning Board: BCC  
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**SUBJECT PROPERTY**



SKETCH CREATED ON: 10/14/08

REVISION	DATE	BY