PRE-KIT REVIEW COMMENTS

COMMUNITY ZONING APPEALS BOARD 5

Thursday, April 11, 2013 at 7:00 p.m.

A. LIBERTY PROPERTY LIMITED PARTNERSHIP 12-126

Straight To Final

***

CAO-Approved CAO Review Comments

C: ACA JOHN MCINNIS

Revised: 03/28/13
Reviewed: 02/28/13

FINAL AGENDA

3-15-2013 Version # 1

COMMUNITY ZONING APPEALS BOARD 5
LAWTON CHILES MIDDLE SCHOOL
8190 NW 197 Street, Miami
Thursday, April 11, 2013 at 7:00 p.m.

PREVIOUSLY DEFERRED

A.	13-3-CZ5-1	LIBERTY PROPERTY LIMITED PARTNERSHIP	12-126	31-52-40

Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 5

MEETING OF THURSDAY, APRIL 11, 2013

LAWTON CHILES MIDDLE SCHOOL

8190 NW 197 STREET, MIAMI, FLORIDA

NOTICE: THE FOLLOWING HEARINGS ARE SCHEDULED FOR 7:00 P.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

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

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

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

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

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

SWEARING IN OF WITNESSES

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1. LIBERTY PROPERTY LIMITED PARTNERSHIP (13-3-CZ5-1/12-126) **31-52-40**
Area 05/District 12

DELETION of Condition #11 of Resolution CZAB5-2-12, reading as follows:

"11.That the use of explosives shall be strictly prohibited in connection with the lake excavation operation."

The purpose of the above request is to allow the applicant to delete a condition prohibiting the use of explosives in connection with a previously approved lake excavation.

LOCATION: Lying South of NW 122 Street and East of the Homestead Extension of the Florida Turnpike, Miami-Dade County, Florida.

SIZE OF PROPERTY: 123.89 Acres

Department of Regulatory and Economic Resources Recommendation: Denial without prejudice.

Protests: 0 Waivers: 0

APPROVED: _____ DENIED WITH PREJUDICE: _____

DENIED WITHOUT PREJUDICE: _____ DEFERRED: _____

NOTICE

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

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

Further information regarding options and methods for challenging a CZAB decision may be obtained from sources that include, but are not limited to, the following: Sections 33-312, 33-313, 33-314, 33-316, and 33-317 of the Code of Metropolitan Dade County, Florida; the Florida Rules

of Appellate Procedure; and the Municode website (www.municode.com). Miami-Dade County does not provide legal advice regarding potential avenues and methods for appealing or otherwise challenging CZAB decisions; however, a licensed attorney may be able to provide assistance and legal advice regarding any potential challenge or appeal.

Miami-Dade County Department of Regulatory and Economic Resources
Staff Report to Community Council No. 5

PH: Z12-126 (13-3-CZ5-1) **April 11, 2013**
Item No. A

Recommendation Summary	
Commission District	12
Applicant	Liberty Property Limited Partnership
Summary of Requests	The applicant seeks to delete a condition prohibiting the use of explosives in connection with a previously approved lake excavation.
Location	South of NW 122 Street and East of Homestead extension of Florida Turnpike, Miami-Dade County, Florida.
Property Size	123.89 acres
Existing Zoning	IU-3
Existing Land Use	Vacant
2015-2025 CDMP Land Use Designation	Industrial and Office *(see attached Zoning Recommendation Addendum)*
Comprehensive Plan Consistency	Consistent with interpretative text, goals, objectives and policies of the CDMP
Applicable Zoning Code Section(s)	Section 33-311(A)(7) **Generalized Modification Standards** *(see attached Zoning Recommendation Addendum)*
Recommendation	**Denial without prejudice**

This item was deferred from the March 14, 2013 meeting of the Community Zoning Appeals Board (CZAB) 5 due to a lack of time.

REQUEST:

DELETION of Condition #11 of Resolution CZAB5-2-12, reading as follows:

"11. That the use of explosives shall be strictly prohibited in connection with the lake excavation operation."

The purpose of the above request is to allow the applicant to delete a condition prohibiting the use of explosives in connection with a previously approved lake excavation.

PROJECT DESCRIPTION:

A 30.54 +/- acre lake excavation project previously approved pursuant to CZAB5-2-12.

NEIGHBORHOOD CHARACTERISTICS		
	Zoning and Existing Use	**Land Use Designation**
Subject Property	IU-3; vacant	Restricted Industrial and Office/Industrial and Office
North	City of Medley; industrial area	Restricted Industrial and Office/Industrial and Office
South	OPD and IU-3; cement manufacturing plant	Restricted Industrial and Office/Industrial and Office

East	OPD and IU-3; cement manufacturing plant	Restricted Industrial and Office/Industrial and Office
West	GU; Florida Turnpike Expressway	Transportation

NEIGHBORHOOD COMPATIBILITY:

The subject property is located in the southeast corner of the intersection of N.W. 122nd Street and the Florida Turnpike Expressway. The surrounding properties are vacant parcels, commercial sites and a lake. The area surrounding the subject property is primarily characterized by commercial and industrial uses.

SUMMARY OF THE IMPACTS:

The approval of this application would allow the applicant to use explosives for the lake excavation. However, the use of explosives may create a negative aural impact and nuisance for the surrounding area.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The Comprehensive Development Master Plan (CDMP) Adopted 2015-2025 Land Use Plan (LUP) map designates a small portion of the site as **Restricted Industrial and Office** and the remaining parcel as **Industrial and Office**.

The CDMP Land Use Element interpretative text under the **Restricted Industrial and Office** land use category provides that *Industrial and Office areas designated as "Restricted" are areas where the range of uses and design of facilities are governed by special groundwater protection regulations. This category primarily affects "wellfield protection areas" designated in the Miami-Dade County Code (Chapter 24, Code of Miami-Dade County). Development in Restricted Industrial and Office areas should generally be limited to office uses, but certain business, warehousing and manufacturing uses may be permitted, provided that the use employs best management practices, and the use does not involve the on-site use, handling, storage, manufacture or disposal of hazardous materials or waste as defined in Chapter 24 of the County Code. Quarrying and environmentally compatible ancillary uses may also be approved in these areas. The inclusion of this Restricted category on the LUP map does not preclude the application of these or similar use limitations to other land contained in the Industrial and Office or any other land use category where necessary to protect groundwater resources.*

The CDMP Land Use Element interpretative text under the **Industrial and Office** land use category allows *manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers and similar uses. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. Quarrying activities and ancillary uses may also be approved in areas designated Industrial and Office where compatible with the surrounding area and environment. The specific range and intensity of uses appropriate in a particular Industrial and Office area vary by location as a function of the availability of public services and access and, among other factors, compatibility with neighboring development.*

As such, staff opines that the previously approved lake excavation is **consistent** with the CDMP LUP map designations for the subject property.

ZONING ANALYSIS:

In 2012, pursuant to Resolution #CZAB5-2-12, the subject property was approved for a district boundary change from IU-3 (Industry-Unlimited) and OPD (Office Park District) to IU-3 (Industry-Unlimited), an unusual use to permit a lake excavation, and a non-use variance to permit less right-of-way widths than permitted. The current application seeks to delete a condition from the previously approved application that prohibits the use of explosives in connection with the proposed lake excavation. At the public meeting, the applicant was asked about the use of explosives by members of the board as they are typically used in lake excavations. The applicant stated on the record that they would not be used in accordance with this lake excavation and is restricted by the Department's conditions of approval. When asked what means would be used to excavate the proposed lake, the applicant replied that they would use mechanical means. The applicant further explained that since the area had been used as a stormwater management area they would not have to excavate too deep, therefore, explosives would not be necessary.

When the subject request is analyzed under Section 33-311(A)(7), **General Modification Standards**, staff opines that the proposed deletion, allowing the use of explosives, will generate noise and vibration, tend to provoke a nuisance, be **incompatible** with the surrounding industrial/commercial and residential areas, and contrary to the public interest. Although the memoranda submitted by the Departments of Public Works and Waste Management, the Environmental Resources Management Division of the Department of Regulatory and Economic Resources and the Miami-Dade Fire Rescue Department do not object to the application, staff is of the opinion that the use of explosives with the lake excavation would be disruptive, unexpected and would create a negative impact for residents and property owners of the surrounding areas.

Miami-Dade County established an area located in the NW corner of Miami-Dade County called the Rockmining Overlay Zoning Area (ROZA), which allows rockmining and ancillary uses and the use of explosives without a public hearing. The ROZA district is specifically located west of the turnpike, south of NW 202 Street and north of SW 8 Street. State and local agencies considered multiple factors, with significant public input, when making determinations regarding the impacts of the rockmining land use in Miami-Dade County. Although located in close proximity to the ROZA, the subject property lies east of the ROZA boundary and closer to residential neighborhoods/communities, where blasting effects are not typically expected to occur. Staff notes that the subject property is abutted on the north by industrial buildings, warehouses, and other structures. On the south, the subject property is abutted by two structures owned by Tarmac, a cement manufacturing facility, also the previous owner of the subject property. The nearest residential structures are located approximately one (1) mile from the subject property where the area is made up of numerous homes and established residential communities.

The geotechnical report provided by the applicant indicates that the proposed blasting would not exceed a ground vibration of 0.5 in/sec, which meets the ground vibration criteria of the Code. However, staff opines that the use of explosives on this site may cause adverse effects on the nearby industrial buildings, warehouses, and other structures and nearby residents in the area.

Notwithstanding testimony offered at the prior hearing to approve the lake excavation, the letter of intent provided by the applicant states that they are seeking deletion of this condition in order to facilitate the excavation process. It further states that project engineers have determined that based on the size of the proposed lake and type of material within the lake area, blasting

techniques will be far more timely, efficient and cost effective than mechanical means. They also state that the "expedited lake excavation operation will facilitate the development of the property"; however, the applicant has had over a year from their previous approval to begin their lake excavation operation. Staff opines that the applicant's desire to expedite the lake excavation operation does not constitute a necessity or hardship, it would just take longer to complete. Furthermore, staff opines that the adverse effects of the proposed blasting to the residents of the surrounding area far outweigh the benefits of an expedited lake excavation operation for Miami-Dade County.

As such, staff opines that the proposed request would result in an over-intensive method of excavating the lake excavation that is not necessary and would create a nuisance for the surrounding area. Additionally, *when considering the necessity for and reasonableness of the proposed request in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development,* staff opines that approval of this application would be **incompatible** with the same. **Consequently, staff recommends denial without prejudice of the subject request under the Generalized Modification Standards, Section 33-311(A)(7).**

ACCESS, CIRCULATION AND PARKING: Not applicable.

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

RECOMMENDATION: **Denial without prejudice.**

CONDITIONS FOR APPROVAL: None.

ES:MW:NN:CH:JC

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

NDN

ZONING RECOMMENDATION ADDENDUM

Liberty Property Limited Partnership
Z12-126

NEIGHBORHOOD SERVICES PROVIDER COMMENTS*	
Regulatory and Economic Resources (Environmental Resources Management Division)	No objection
Regulatory and Economic Resources (Platting Section)	No objection
Parks, Recreation and Open Space	No objection
Miami-Dade Transit	No comment
Fire Rescue	No objection
Police	No objection
Schools	No comment
*Subject to conditions in their memorandum.	

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

Industrial and Office (Pg. I-39)	*Manufacturing operations, maintenance and repair facilities, warehouses, mini-warehouses, office buildings, wholesale showrooms, distribution centers and similar uses are permitted in areas designated as "Industrial and Office" on the LUP map. Also included are construction and utility-equipment maintenance yards, utility plants, public facilities, hospitals and medical buildings. The full range of telecommunication facilities, including switching and transmission facilities, satellite telecommunication facilities, microwave towers, radar stations and cell towers is also allowed. Very limited commercial uses to serve the firms and workers in the industrial and office area are allowed, dispersed as small business districts and centers throughout the industrial areas. Hotels and motels are also authorized. Free-standing retail and personal service uses and shopping centers larger than 10 acres in size are prohibited in these areas because they would deplete the industrial land supply and they are better located in commercially designated areas and in closer proximity to residential areas. Free-standing retail and personal service uses and shopping centers that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections.*
Restricted Industrial and Office (Pg. I-40)	*Industrial and Office areas designated as "Restricted" are areas where the range of uses and design of facilities are governed by special groundwater protection regulations. This category primarily affects "wellfield protection areas" designated in the Miami-Dade County Code (Chapter 24, Code of Miami-Dade County). Development in Restricted Industrial and Office areas should generally be limited to office uses, but certain business, warehousing and manufacturing uses may be permitted, provided that the use employs best management practices, and the use does not involve the on-site use, handling, storage, manufacture or disposal of hazardous materials or waste as defined in Chapter 24 of the County Code. Quarrying and environmentally compatible ancillary uses may also be approved in these areas. The inclusion of this Restricted category on the LUP map does not preclude the application of these or similar use limitations to other land contained in the Industrial and Office or any other land use category where necessary to protect groundwater resources.*

ZONING RECOMMENDATION ADDENDUM

Liberty Property Limited Partnership
Z12-126

PERTINENT ZONING REQUIREMENTS/STANDARDS

33-311(A)(7)(a) 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 Board of County Commissioners, 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.*

A. LIBERTY PROPERTY LIMITED PARTNERSHIP **13-3-CZ5-1 (12-126)**
(Applicant) **Area 05/District 12**
Hearing Date: 04/11/13

Property Owner (if different from applicant) **LIBERTY PROPERTY LIMITED PARTNER.**

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:

Year	Applicant	Request	Board	Decision
1973	Maule Industries, Inc.	- Zone change from GU to IU-3.	BCC	Approved
1973	Maule Industries	- Zone change from GU to IU-3.	ZAB	Recommended for approval
1989	Directors, Building & Zoning & Planning	- Zone change from IU-3 to OPD. - Unusual Use Lake Excavation & quarrying.	BCC	Approved In Part
2012	Tarmac America, LLC	- Zone change from IU-3, OPD to IU-3. - Unusual Use for Lake Excavation. - Non-Use Variance of Zoning regulations.	C05	Approved with condition(s)

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

MIAMI-DADE COUNTY
COMMUNITY ZONING APPEALS BOARD - AREA 5
MOTION SLIP

#1

APPLICANT'S NAME: **LIBERTY PROPERTY LIMITED PARTNERSHIP**

REPRESENTATIVE: Juan Mayol

HEARING NUMBER	HEARING DATE	RESOLUTION NUMBER		
13-3-CZ5-1 (12-126)	March 14, 2013	CZAB5		12

REC: Denial without prejudice.

☐ WITHDRAW: ☐ APPLICATION ☐ ITEM(S):_____

■ DEFER: ☐ INDEFINITELY ■ TO: **April 11, 2013** ☐ W/LEAVE TO AMEND

☐ DENY: ☐ WITH PREJUDICE ☐ WITHOUT PREJUDICE

☐ ACCEPT PROFFERED COVENANT ☐ ACCEPT REVISED PLANS

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

☐ WITH CONDITIONS

■ OTHER: Deferred due to a lack of time in the hearing.

TITLE	M/S	NAME	YES	NO	ABSENT
COUNCILWOMAN		Jessica FORTICH	X		
VICE CHAIRMAN	M	Juan A. GARCIA (C.A.)	X		
COUNCILMAN	S	Leonardo A. PEREZ	X		
COUNCILMAN		Alexander C. SENDEROFF			X
CHAIR WOMAN		Joanne CARBANA	X		
		VOTE:	4	0	

EXHIBITS: ☐ YES ■ NO COUNTY ATTORNEY: **JOHN MCINNIS**

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Memorandum

MIAMI-DADE COUNTY

Date: November 15, 2012

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

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

Subject: C-11 #Z2012000126
Liberty Property Limited Partnership
South of NW 122nd Street and East of the Homestead Extension of Florida's Turnpike in Unincorporated Miami-Dade County, Florida
Deletion of Conditions of a Previous Resolution for a Previously Approved Lake Excavation.
(IU-3) (124 Acres)
31-52-40

The subject application has been reviewed for compliance with the requirements of Chapter 24 of the Miami-Dade County Code (the Code) and meets the minimum requirements of the Code. Accordingly, the application may be scheduled for public hearing.

Wellfield Protection

The subject is located within the Northwest Wellfield protection area. The Board of County Commissioners approved a wellfield protection ordinance for this Wellfield. This ordinance provides for stringent wellfield protection measures that restrict development within the wellfield protection area. Since the subject request would permit non-residential land uses, the owner of the property has submitted a properly executed covenant, in accordance with Section 24-43(5) of the Code which provides that hazardous materials shall not be used, generated, handled, discharged, disposed of or stored on the subject property. Therefore, DERM can approve the application and it can be scheduled for public hearing.

Stormwater Management

This proposed development is located within the Basin B and currently has a cut and fill approval (CF 575). Any deviation of the final site plan from the below conditions will require a modification of the Cut and Fill CF-575.

The site, with exception of the proposed water management areas, shall be filled to average crown of road +7.61 feet NGVD, with a minimum low point set at elevation +7.25 feet NGVD.

A berm shall be provided with minimum elevation of +8.5 feet NGVD or equivalent grading along the property lines to match the required berm elevation at all roadway entrances.

No encroachment by fill or any use other than drainage is allowed in the surface water management areas.

A Class II permit is required if an emergency overflow outfall is proposed.

An Environmental Resources Permit from the South Florida Water Management District may 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.

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

Pollution Remediation
Since the extreme western portion of the property fall within the Northwest Wellfield Interim Protection area, if blasting is permitted, only food grade blasting fuels shall be allowed to be used on that portion of the property that falls within the wellfield protection area. In addition, a groundwater and surface water monitoring program shall be required for excavations which utilize explosives within the wellfield protection area.

Wetlands
The subject properties lie within the East Turnpike Wetland Basin and contain wetlands as defined by Section 24-5 of the Code. However, Class IV Wetland Permit CLIV 20120005 has been issued for the sites for the filling of 0.92 acres and excavation of 1.31 acres of wetlands for an industrial warehouse development and a Lake. Permit (CLIV 20120005) is scheduled to expire on May 18, 2014.

Be advised that the State of Florida Department of Environmental Protection (561-681-6600) and the South Florida Water Management District (1-800-432-2045) may require permits in this area. It is the applicant's responsibility to contact these agencies for their permitting requirements.

Tree Preservation
Class IV Wetland Permit (CLIV 20120005) was issued for these sites. Be advised that any wetland resources will be regulated through this permit. Any non wetland tree resources on the sites will require a Miami-Dade County Tree Removal/Relocation Permit prior to removal and/or relocation.

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

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

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

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

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

cc: Eric Silva, Department of Regulatory and Economic Resources

Memorandum

MIAMI-DADE COUNTY

Date: November 30, 2012

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

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

Subject: Z2012000126
Name: Liberty Property Limited Partnership
Location: Lying South of NW 122 St. & East of H.E.F.T.
Section 31 Township 52 South Range 40 East

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

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

Memorandum

MIAMI-DADE COUNTY

Date: November 9, 2012

To: Jack Osterholt, Director
Regulatory and Economic Resources Department

From: Christopher Rose
Assistant Director, Administration
Public Works and Waste Management Department

Subject: DIC # 12-126
Limited Property Limited Partnership

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 Stacey McDuffie of the Fiscal, Planning and Performance Management Division at 305-514-6661.

Attachment

PUBLIC WORKS AND WASTE MANAGEMENT DEPARTMENT

DIC REVIEW #12-126
Limited Property Limited Partnership

Application: ***Limited Property Limited Partnership*** is requesting a Modification of Resolution No. CZAB5-2-12 regarding a previously approved lake excavation on the property, which is currently zoned in an Industrial District, unlimited manufacturing (IU-3).

Size: The subject property is approximately 124 acres.

Location: The subject property is located on the south side of NW 122nd Street between NW 109th Avenue and the SR 821 Extension of the Florida Turnpike in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

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

2. Garbage and Trash Collection Services

The property as mentioned in the application falls within the PWWM solid waste collection service area. The requested modifications regarding a lake excavation in an Industrial District will likely be considered development for a "commercial establishment". Chapter 15 of the Miami-Dade Code, entitled Solid Waste Management, requires the following of commercial developments located in unincorporated Miami-Dade County:

"every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department." Therefore, the landlord or property owner is required to contact a private hauler to provide waste and recycling collection service. The collected material will subsequently be disposed of at PWWM facilities.

3. Recycling: Commercial Establishments

The following language from **Section 15-2.3a** 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
3) Corrugated cardboard
4) Glass (flint, emerald, amber)
5) Aluminum (cans, scrap)
7) other metals/scrap production materials
8) Plastics (PETE, HDPE-natural, HDPE-colored)
9) Textiles
10) Wood

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

4. Waste Storage/Setout Considerations

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

5. Site Circulation Considerations

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

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

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

Memorandum

MIAMI-DADE COUNTY

Date: December 3, 2012

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

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

Subject: Z2012000126: LIBERTY PROPERTY LIMITED PARTNERSHIP

Application Name: LIBERTY PROPERTY LIMITED PARTNERSHIP

Project Location: The site is located in that area LYING SOUTH OF NW 122 STREET AND EAST OF HOMESTEAD EXTENSION OF FLORIDA TURNPIKE, Miami-Dade County.

Proposed Development: The request is for a modification of a previous resolution to permit lake excavation by blasting methods and removal of excess excavation material.

Impact and demand: This application does not generate any residential population applicable to CDMP Open Space Spatial Standards. The Department has no objections to this application.

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

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

MN:jb
Cc: John M. Bowers, Parks Property Management Supervisor

Memorandum

Date: 05-NOV-12

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

From: William W. Bryson, Fire Chief.
Miami-Dade Fire Rescue Department

Subject: Z2012000126

Fire Prevention Unit:

No objection via Case # Z2012000126.

Service Impact/Demand

Development for the above Z2012000126
located at LYING SOUTH OF NW 122 STREET AND EAST OF HOMESTEAD EXTENSION OF FLORIDA TURNPIKE, MIAMI-DADE COUNTY, FLORIDA.
in Police Grid 0570 is proposed as the following:

N/A (residential)	dwelling units	N/A (industrial)	square feet
N/A (Office)	square feet	N/A (institutional)	square feet
N/A (Retail)	square feet	N/A (nursing home/hospitals)	square feet

Based on this development information, estimated service impact is: N/A alarms-annually.
The estimated average travel time is: 5:00 minutes

Existing services

The Fire station responding to an alarm in the proposed development will be:

Station 46 - Medley - 10200 NW 116 Way
ALS 50' Aerial (TRT), Battalion 14

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.

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

DATE: 25-OCT-12

BUILDING AND NEIGHBORHOOD COMPLIANCE DEPARTMENT

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

LIBERTY PROPERTY LIMITED PARTNER

APPLICANT

LYING SOUTH OF NW 122 STREET AND EAST OF HOMESTEAD EXTENSION OF FLORIDA TURNPIKE, MIAMI-DADE COUNTY, FLORIDA.

ADDRESS

Z2012000126

HEARING NUMBER

HISTORY:

ENFORCEMENT HISTORY: NC: No open cases. BNC: No open cases

Liberty Property Limited Partner

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

REPORTER NAME:

DISCLOSURE OF INTEREST*

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

CORPORATION NAME: _____

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MIAMI-DADE PLANNING AND ZONING DEPT.
BY _____

NAME AND ADDRESS	Percentage of Stock

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and the percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME _____

NAME AND ADDRESS	Percentage of Interest

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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: **Liberty Property Limited Partnership**

NAME AND ADDRESS	Percentage of Ownership
See attached	

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

NAME OF PURCHASER: _____

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest

Date of contract: _____

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

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BY AH

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

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

LIBERTY PROPERTY LIMITED PARTNERSHIP, a Pennsylvania limited partnership

By: Liberty Property Trust, a Maryland real estate investment trust, sole general partner of Liberty Property Limited Partnership

Signature: _____
Andy Petry, Vice President

Sworn to and subscribed before me this 24th day of September 2012. Affiant is personally know to me or has produced _____ as identification.

Amanda Zinzi
(Notary Public)

My commission expires: 12-18-15

Seal

AMANDA ZINZI
Notary Public - State of Florida
My Comm. Expires Dec 18, 2015
Commission # EE 132774

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

Disclosure of Interest Information for Liberty Property Limited Partnership:

Liberty Property Limited Partnership is owned by a publicly traded company and other limited partners with partnership interests totaling over 5,000.

General Partner	Percentage Owned
Liberty Property Trust	96.8046%

Liberty Property Trust is a publicly traded company, NYSE: LRY

Limited Partners	Partnership Interests	Percentage Owned
		3.1954%
Balitsaris, Peter	58,542	0.0490%
Carr, Claiborn	115,000	0.0962%
Denny, Joseph	260,250	0.2177%
Felix, Jill	195,043	0.1632%
Fenza, Robert	195,043	0.1632%
Fitzgerald, Ward	14,491	0.0121%
Larry Gildea Estate	-	0.0000%
Goldschmidt, Robert	22,895	0.0192%
Hagan, Michael	14,491	0.0121%
Hammers, David	244,426	0.2045%
Kiel, Bob	14,491	0.0121%
Kline, Earl	19,128	0.0160%
Lutz, Jim	37,312	0.0312%
Mazzarelli, James	14,491	0.0121%
Messaros, Sharron	7,245	0.0061%
Morrissey, Mary Beth	14,491	0.0121%
Price, Leslie	60,000	0.0502%

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Reichert, Joseph	27,242	0.0228%
Marital Trust for Susannah Rouse	460,418	0.3852%
Trust for Congdon Children	85,347	0.0714%
Trust for Hammers Children	95,348	0.0798%
Trust for Mary Rouse	13,621	0.0114%
Trust for Anne Rouse	13,621	0.0114%
Trust for Rouse Younger Children	81,726	0.0684%
Trust for Laurie Hammers	5,506	0.0046%
Weitzmann, Mike	42,312	0.0354%
Liberty Special Purpose Trust	10,574	0.0088%
Thomas, Rebecca	8,076	0.0068%
Trust for J. Ryan Lingerfelt	15,625	0.0131%
Trust for Justin M. Lingerfelt	15,625	0.0131%
Trust for Daniel K. Lingerfelt	15,625	0.0131%
Trust for Catherine E. Lingerfelt	15,625	0.0131%
Lingerfelt, Alan T.	268,750	0.2248%
Lingerfelt, L. Harold	164,375	0.1375%
Lingerfelt, David L.	30,674	0.0257%
Morris U. Ferguson Family Trust	6,000	0.0050%
Lingerfelt, Carl C.	10,900	0.0091%
Wright, Murray H.	7,500	0.0063%
Latimer, Erle Marie	12,500	0.0105%
Norman G. Samet Revocable Trust	14,013	0.0117%
Mann, Bernard	14,012	0.0117%
Rouse & Associates Maryland Partnership	20,000	0.0167%

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MIAMI-DADE PLANNING AND ZONING DEPT.
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Helwig, A. Carl	169,737	0.1420%
Sunday, James J.	79,348	0.0664%
Walters, Charles J.	100,723	0.0843%
Stanford Baratz Revocable Trust	9,044	0.0076%
F. Greek Logan Properties, LLC	33,682	0.0282%
Virginia Acquisition I, LLC	228,144	0.1909%
David Mandelbaum	228,144	0.1909%
Nathan Mandelbaum	228,144	0.1909%

Preferred Limited Partners

Belcrest Realty Corporation - Series B	**250,000**	N/A
Belwater Realty Corp. - Series B	**1,260,000**	N/A
Belbrook Realty Corporation - Series B	**740,000**	N/A
Clearfork Realty Corporation - Series B	**750,000**	N/A
Belvedere Equity Real Estate Corporation. - Series B	**800,000**	N/A
BSSF RP Holdings LLC - Series E	**400,000**	N/A
GSEP 2005 Realty Corp. - Series F	**1,000,000**	N/A
GSEP 2006 Realty Corp. - Series G	**540,000**	N/A
Belport Realty Corporation - Series H	**400,000**	N/A
Belrose Realty Corporation - Series H	**1,000,000**	N/A
Belshire Realty Corporation - Series H	**500,000**	N/A
Belterra Realty Corporation - Series H	**600,000**	N/A
Clearfork Realty Corporation (3/11/2010) - Series H	**150,000**	N/A
Beldore Realty Corporation - Series H	**1,350,000**	N/A
Total Ownership		100.0000%

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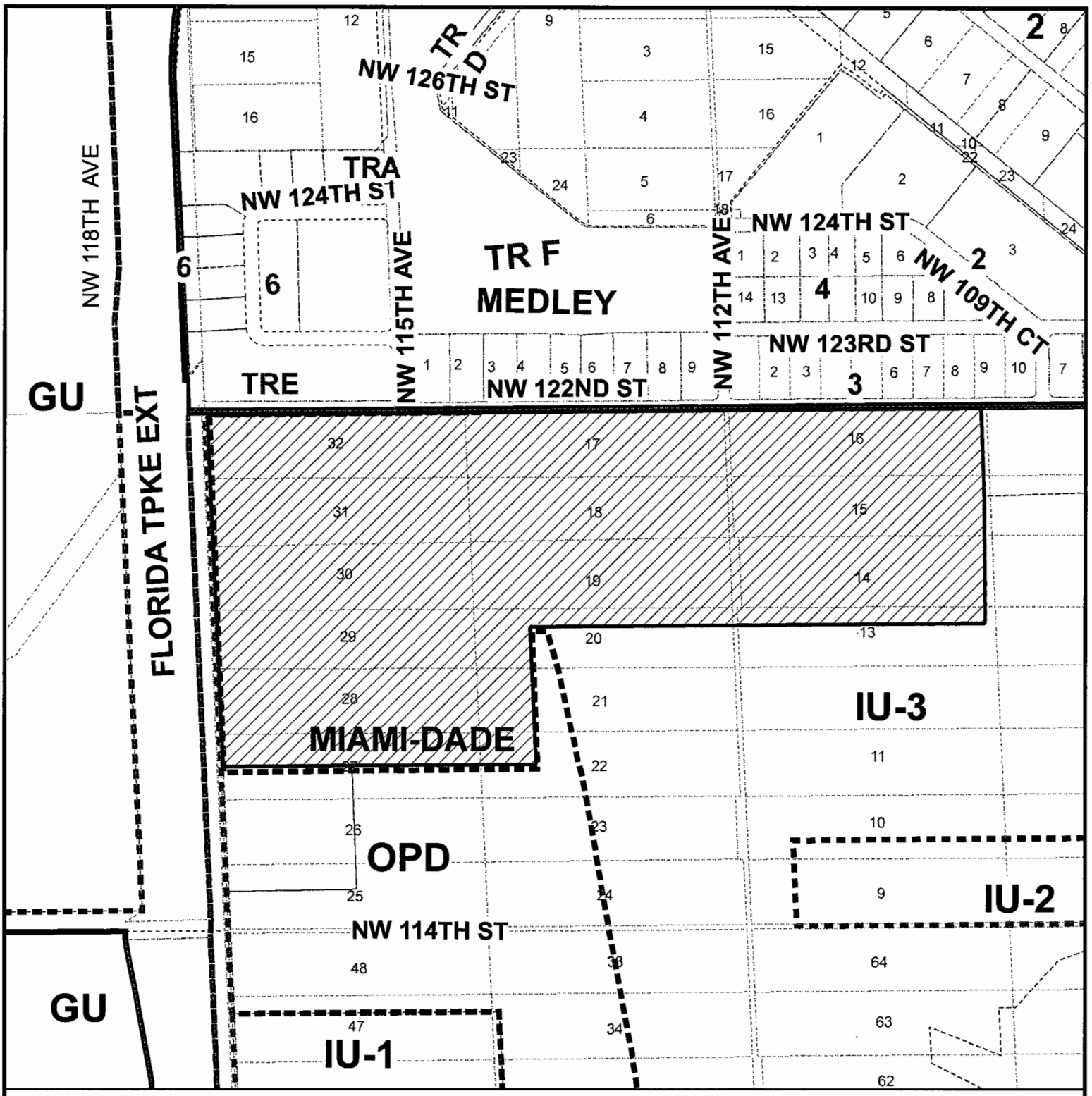
OCT 16 2012
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY



MIAMI-DADE COUNTY

HEARING MAP

Process Number

Z2012000126

Section: 31 Township: 52 Range: 40
Applicant: LIBERTY PROPERTY LIMITED PARTNER
Zoning Board: C5
Commission District: 12
Drafter ID: JEFFER GURDIAN
Scale: NTS

Legend

Subject Property Case

MIAMI-DADE COUNTY

SKETCH CREATED ON: Monday, November 5, 2012

REVISION	DATE	BY
		24

MIAMI-DADE COUNTY

AERIAL YEAR 2010

Process Number

Z2012000126

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Section: 31 Township: 52 Range: 40
Applicant: LIBERTY PROPERTY LIMITED PARTNER
Zoning Board: C5
Commission District: 12
Drafter ID: JEFFER GURDIAN
Scale: NTS

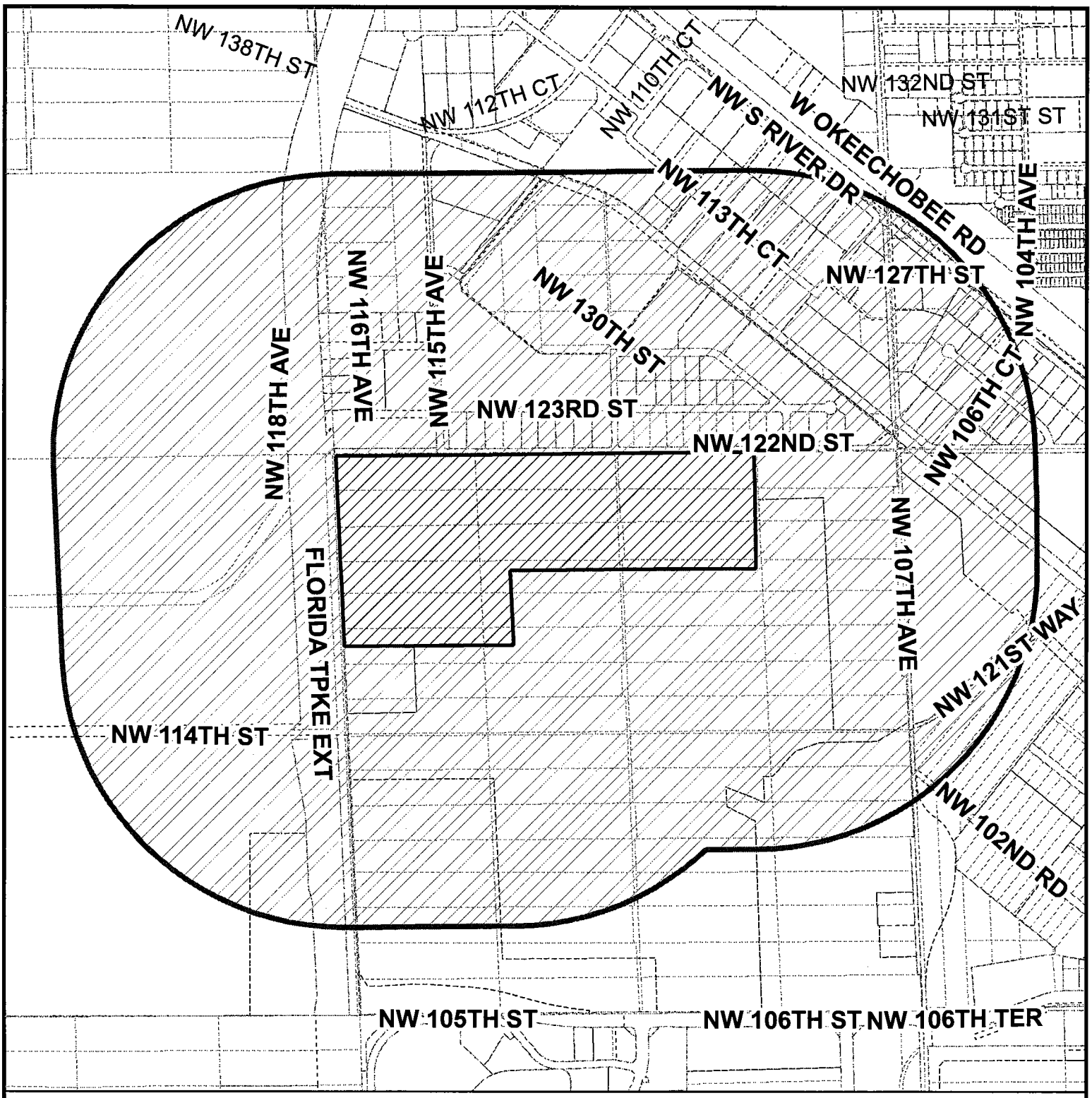
Legend

Subject Property

MIAMI-DADE COUNTY

SKETCH CREATED ON: Monday, November 5, 2012

REVISION	DATE	BY



MIAMI-DADE COUNTY

RADIUS MAP

Process Number

Z2012000126

RADIUS: 2640

Section: 31 Township: 52 Range: 40
Applicant: LIBERTY PROPERTY LIMITED PARTNER
Zoning Board: C5
Commission District: 12
Drafter ID: JEFFER GURDIAN
Scale: NTS

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Legend

Subject Property

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MIAMI-DADE COUNTY

SKETCH CREATED ON: Monday, November 5, 2012

REVISION	DATE	BY

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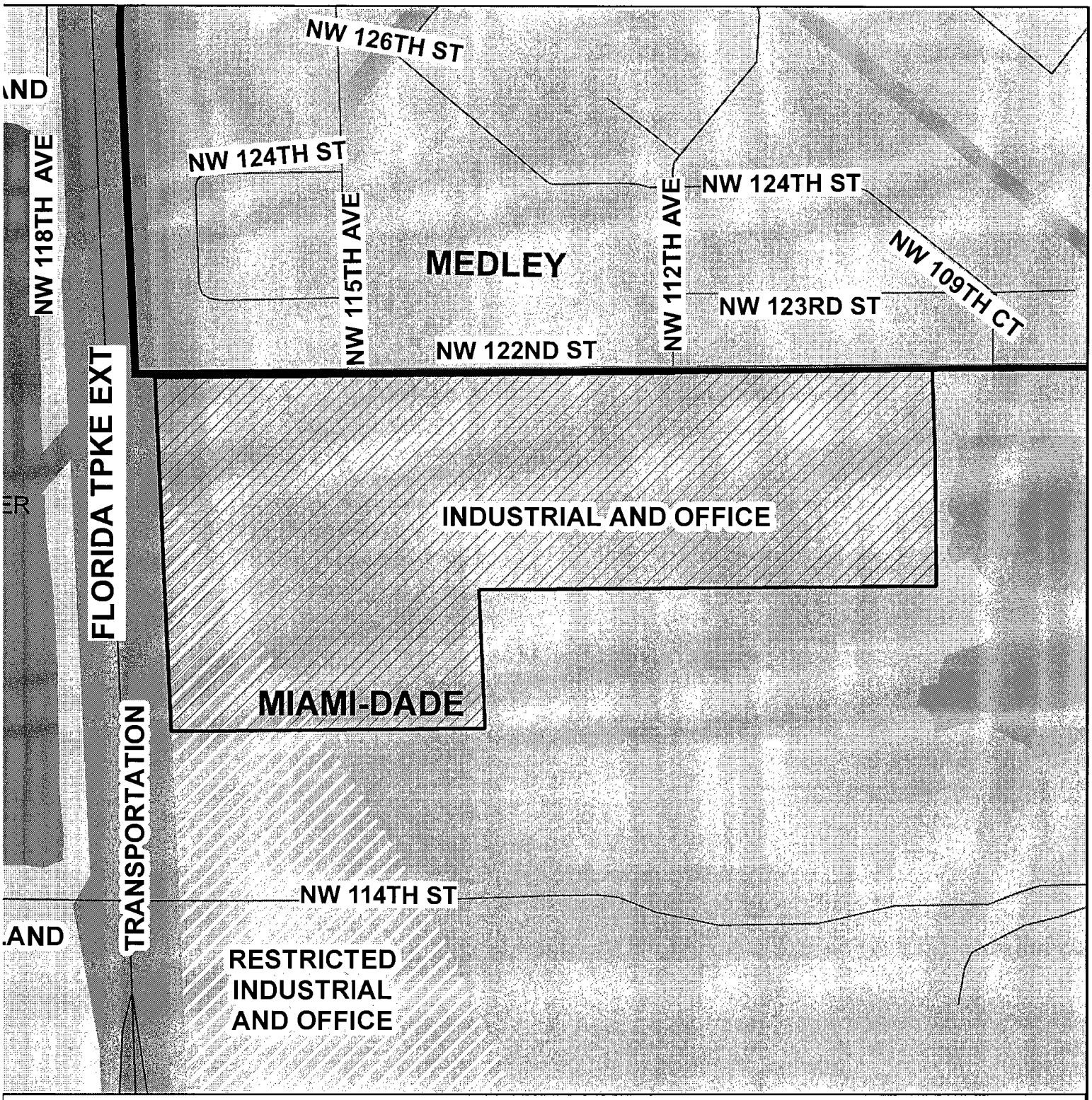

MIAMI-DADE COUNTY

CDMP MAP

Process Number

Z2012000126

Section: 31 Township: 52 Range: 40
Applicant: LIBERTY PROPERTY LIMITED PARTNER
Zoning Board: C5
Commission District: 12
Drafter ID: JEFFER GURDIAN
Scale: NTS

N W E S

Legend

Subject Property Case

MIAMI-DADE COUNTY

SKETCH CREATED ON: Monday, November 5, 2012

REVISION	DATE	BY