

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-4-14

WHEREAS, MIAMI DADE COUNTY INTERNAL SERVICES DEPARTMENT applied for the following:

REQUEST #1 ON PARCELS "A" & "B"

- (1) DISTRICT BOUNDARY CHANGE from RU-1 and RU-3M to IU-3.

REQUEST #2 THROUGH #9 ON PARCEL "A"

- (2) SPECIAL EXCEPTION to permit rail cars and ground transportation vehicles, assembly buildings spaced less than the required 250' from RU zone districts and to permit the outdoor test tracks spaced less than the required 500' from RU-zone districts.
- (3) UNUSUAL USE to permit a lift station.
- (4) NON-USE VARIANCE to waive the zoning regulations requiring all uses to be carried on entirely within an enclosed building or confined and completely enclosed within masonry walls, at least 6' in height; to permit the rail cars test track operation and vehicle storage to be done outside.
- (5) NON-USE VARIANCE to waive the zoning regulations requiring drives to be surfaced with a minimum of a rolled six-inch rock base and a one-inch durable weatherproof asphaltic pavement; to permit drives with compacted rock.
- (6) NON-USE VARIANCE to permit a chain link fences with barbed wire with a height of 10' (8' maximum permitted).
- (7) NON USE VARIANCE to permit sound enclosure walls with a height of 10' (8' maximum permitted).
- (8) NON-USE VARIANCE to permit 662 lot trees (1,020 lot trees required).
- (9) NON-USE VARIANCE to permit 7,718 shrubs (12,290 shrubs required).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "Ansaldobreda Assembly Facility" as prepared by Gili-McGraw Architects, LLP, consisting of 12 sheets and plans entitled "Vehicular Circulation Plan" as prepared by Langan, consisting of 5 sheets, for a total of 17 sheets, and all sheets dated stamped received 12/9/13. Plans may be modified at public hearing.

SUBJECT PROPERTY: PARCEL "A": A portion of the North half of the Southeast 1/4 of Section 35, Township 56 South, Range 39 East. Being more particularly described by metes and bounds as follows: Commence at the Southeast corner of said Section 35 and run N00°45'40"W along the East line of said Section 35 a distance of 1344.58 feet; thence S89°14'40"W 50.00 feet to a point on the West right of way boundary for Southwest 127th Avenue; thence N00° 45'40"W along said West right of way a distance of 9.76 feet to the point of beginning; thence N83°35'33"W a distance of 2627.42 feet to the East right-of-way boundary for Southwest 132nd Avenue; thence N00°50'28"W along said right-of-way boundary a distance of 1307.77 feet to the South right-of-way boundary for Southwest 272nd Street; thence N89°11'34"E along said right of way boundary a distance of 2608.23 feet to the said West right-of-way boundary for Southwest 127th Avenue; thence S00°45'40"E a distance of 1299.91 feet to the said Point of Beginning.

PARCEL "B": All that lot, piece or parcel of land situate, lying and being in the Southeast 1/4 of Section 35, Township 56 South, Range 39 East, the same being more particularly described by metes and bounds as follows: Commence at the Southeast corner of said Section 35 N00°45'40"W along the East line of the Southeast 1/4 of said Section 35 for 575.06 feet; thence S89°14'20"W for 50.08 feet to the Point of Beginning; from said Point of Beginning, thence S89°14'06"W for 2640.03 feet; thence N00°50'22"W for 2097.14 feet; thence N89°11'29"E for 2642.98 feet; thence S00°45'40"E for 657.30 feet; thence N89°12'12"E for 50.00 feet; thence S00°45'40"E for 672.13 feet; thence S89°12'55"W for 50.00 feet; thence S00°45'18"E for 769.54 feet to the Point of Beginning.

LOCATION: Lying South of SW 272 Street, north of SW 278 Street, east of SW 132 Avenue & west of SW 127 Avenue, MIAMI-DADE COUNTY, FLORIDA, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions on Parcels A and B which among other things provided:

1. Uses. Notwithstanding the IU-3 zoning on the Property, the following represent the only permitted uses on the Property:
 - (a) Railcar and ground transportation assembly and testing facilities and Miami-Dade transit bus maintenance and repair facilities. No other IU-3 uses shall be permitted on the Property, except the uses identified in Paragraph (b) below.
 - (b) The IU-1 and IU-2 uses pursuant to Miami-Dade County Code, Sections 33-259 and 33-262, as may be amended from time to time, with the exception of the following uses:

33-259, IU-1 Uses

- (2) Adult entertainment uses as defined in Section 33-259.1, subject to all the restrictions and spacing requirements contained in said Section 33-259.1
- (5) Armories, arsenals
- (22) Clubs, private
- (24) Commercial chicken hatcheries
- (29.1) Electric substation
- (31) Fertilizer storage
- (32) Food products, including the grinding, cooking, roasting, preserving, drying, smoking or airing of meats, fish, fruits or vegetables (where more than five (5) persons are employed on premises)
- (38) Grinding shops
- (41) Insecticide, mixing, packaging and storage
- (44) Livery stables, for riding clubs, or a stable for sheltering horses, not closer than three hundred (300) feet to an RU or EU District
- (46) Lumberyards
- (57) Oxygen storage and filling of cylinders
- (74) Steel fabrication
- (85) Vulcanizing
- (90) Wood and coal yards

33-262, IU-2 Uses

- (2) Asphalt drum mixing plants which produce less than one hundred fifty (150) tons per hour in self-contained drum mixers.
- (3) Rock and sand yards
- (4) Cement and clay products, such as concrete blocks, pipe, etc.
- (5) Soap manufacturing, vegetable byproducts, only
- (7) Sawmills
- (8) (as amended for this Declaration) Petroleum products storage tank not exceeding 30,000-gallon capacity or a group of such tanks with an aggregate capacity not in excess of thirty thousand (30,000) gallons with the exception for refueling of vehicles related to the manufacturing, maintenance or assembly use which shall be permitted on the Property.
- (9) Petroleum products storage tank with a capacity of over thirty thousand (30,000) gallons or a group of such tanks with an aggregate capacity in excess of thirty thousand (30,000) gallons if approved after public hearing or if placed below the surface of the ground or in a rockpit.
- (10) Dynamite storage

2. Additional Requirement Related to Parcel A: The following additional restriction or requirement shall govern Parcel A:

- (a) That the testing of the rail cars on the proposed test track located on Parcel A shall not exceed 5 miles per hour.

3. Additional Requirements Related to Parcel B. The following additional restrictions or requirements shall govern Parcel B:

- (a) Prior to the issuance of a building permit for any construction on Parcel "B", the Owner of Parcel B shall submit an application for Administrative Site Plan Review ("ASPR") to the Zoning Hearings Section of Miami-Dade County;
- (b) Future development plans for Parcel B shall include a minimum of a 100 foot wide buffer from the residential and commercial uses abutting the South property line of Parcel B;
- (c) A minimum 21 foot wide landscape area shall be provided along the east, west and south property lines of Parcel B. The landscape area shall include a berm and landscaping at a combined minimum height of 17 feet.
- (d) All proposed uses shall be subject to the requirements of Chapter 33 of the Miami-Dade County Code.

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter and to the recommendation of the Developmental Impact Committee, it is the opinion of this Board that the requested district boundary change to IU-3 on Parcels A & B (Item #1) would be consistent with the COMPREHENSIVE DEVELOPMENT MASTER PLAN and would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the requested special exception on Parcel A to permit rail cars and ground transportation vehicles, assembly buildings spaced less than the required 250' from RU zone districts and to permit the outdoor test tracks spaced less than the required 500' from RU-zone districts (Item #2), and the requested unusual use on Parcel A to permit a lift station (Item #3) would be compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure

Ordinance and would be consistent with the Comprehensive Development Master Plan, and that the requested non-use variance on Parcel A to waive the zoning regulations requiring all uses to be carried on entirely within an enclosed building or confined and completely enclosed within masonry walls, at least 6' in height; to permit the rail cars test track operation and vehicle storage to be done outside (Item #4), the requested non-use variance on Parcel A to waive the zoning regulations requiring drives to be surfaced with a minimum of a rolled six-inch rock base and a one-inch durable weatherproof asphaltic pavement; to permit drives with compacted rock (Item #5), the requested non-use variance on Parcel A to permit chain link fences with barbed wire with a height of 10' (Item #6), the requested non-use variance on Parcel A to permit sound enclosure walls with a height of 10' (Item #7), the requested non-use variance on Parcel A to permit 662 lot trees (Item #8), and the requested non-use variance on Parcel A to permit 7,718 shrubs (Item #9) would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance and would be consistent with the Comprehensive Development Master Plan, and that the proffered Declaration of Restrictions should be approved, and

WHEREAS, a motion to approve Items #1 through #9 was offered by Commissioner Moss, seconded by Commissioner Jordan, and upon a poll of the members present the vote was as follows:

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

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the requested district boundary change to IU-3 on Parcels A & B (Item #1) be and the same is hereby approved, and said property is hereby zoned accordingly.

BE IT FURTHER RESOLVED that the requested special exception on Parcel A to permit rail cars and ground transportation vehicles, assembly buildings spaced less than the required 250' from RU zone districts and to permit the outdoor test tracks spaced less than the required 500' from RU-zone districts (Item #2), the requested unusual use on Parcel A to permit a lift station (Item #3), the requested non-use variance on Parcel A to waive the zoning regulations requiring all uses to be carried on entirely within an enclosed building or confined and completely enclosed within masonry walls, at least 6' in height; to permit the rail cars test track operation and vehicle storage to be done outside (Item #4), the requested non-use variance on Parcel A to waive the zoning regulations requiring drives to be surfaced with a minimum of a rolled six-inch rock base and a one-inch durable weatherproof asphaltic pavement; to permit drives with compacted rock (Item #5), the requested non-use variance on Parcel A to permit chain link fences with barbed wire with a height of 10' (Item #6), the requested non-use variance on Parcel A to permit sound enclosure walls with a height of 10' (Item #7), the requested non-use variance on Parcel A to permit 662 lot trees (Item #8), and the requested non-use variance on Parcel A to permit 7,718 shrubs (Item #9) be and the same are hereby approved, subject to the following conditions:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, and other requirements.

2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "AnsaldoBreda Vehicle Assembly Facility" as prepared by Gili-McGraw Architects, LLP, consisting of 12 sheets and plans entitled "Vehicular Circulation Plan" as prepared by Langan, consisting of 5 sheets, for a total of 17 sheets, and all dated stamped received 12/09/13.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant submit to the Department of Regulatory and Economic Resources for its review and approval a landscaping plan that indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Occupancy.
5. That the proposed trees along SW 132 Avenue closest to the single-family residences be 14' in height at time of planting.
6. That the landscape buffer on Parcel A be extended along the entire southern property line of said Parcel from SW 132 Avenue to SW 127 Avenue.
7. That the proposed trees, shrubs and berm located on the perimeter remain and be maintained by the applicant.
8. That the applicant provide \$35,800 in funding for landscaping prior to the issuance of the Certificate of Occupancy for Building No.1. The amount of the donation may be reduced based on the cost of the proposed landscape buffer required in Condition #6. Such amount shall be determined upon the submission of the landscaping plan.
9. That the applicant obtain a Certificate of Use from and promptly renew same annually with the Department of Regulatory and Economic Resources or its successor Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
10. That the use of outdoor speakers in connection with the railcar and ground transportation vehicles assembly and test car track facilities be prohibited.
11. That all outdoor lighting on the property be in compliance with Miami-Dade County's outdoor lighting regulations; specifically that any over-spill lighting onto adjacent properties not exceed one-half (1/2) foot candle vertical nor one-half (1/2) foot candle horizontal illumination on adjacent properties or structures, and that the outdoor lighting installation shall not be used until a compliance letter from a registered engineer or architect is provided.
12. Braking on the test railcar track shall be limited between the hours of 9:00 A.M. and 8:00 P.M., Monday through Friday, and the testing of the rail cars shall not exceed 5 miles per hour.
13. That the internal drives be paved at time of final permit approval for either building #2 and/or #3.

14. That the applicant complies with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Miami-Dade County Aviation Department as contained in its memorandum dated November 15, 2013.
15. That the applicant complies with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Miami-Dade County Fire Rescue Department as contained in its memorandum dated November 19, 2013.
16. That the applicant complies with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Miami-Dade County Water and Sewer Department as contained in its memorandum dated December 10, 2013.
17. That the applicant complies with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Miami-Dade County Department of Regulatory and Economic Resources - Division of Environmental Resources Management as contained in its memorandum dated December 4, 2013.
18. That the applicant complies with all of the applicable conditions, requirements, recommendations, requests and other provisions of the Miami-Dade County Department of Public Works and Waste Management as contained in its memorandum dated December 18, 2013.

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary notations upon the maps and records of the Miami-Dade County Department of Regulatory and Economic Resources and to issue all permits in accordance with the terms and conditions of this resolution.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 23rd day of January, 2014, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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

By **CHRISTOPHER AGRIPPA**

Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 26TH DAY OF MARCH, 2014.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Rosa Davis, as Deputy Clerk for the Miami-Dade County Department of Regulatory and Economic Resources as designated by the Director of the Miami-Dade County Department of Regulatory and Economic Resources and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-4-14 adopted by said Board of County Commissioners at its meeting held on the 23rd day of January, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 26th day of March, 2014.



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

SEAL

