

Memorandum



Date: April 23, 2026

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

Supplement No. 2 to
Agenda Item No. 3(A)

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Additional Supplemental Information on May 2023 Cycle Application
No. CDMP20230018 to Amend the Comprehensive Development Master Plan

This second supplement on May 2023 Application No. CDMP20230018 includes (Exhibit 1) Additional Items received by the Department of Regulatory and Economic Resources after the June 20, 2024.

A handwritten signature in blue ink, appearing to read "Jimmy Morales".

Jimmy Morales
Chief Operating Officer

EXHIBIT 1

ADDITIONAL ITEMS II
MAY 2023 CYCLE APPLICATION NO. CDMP20230018
TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN
(Consisting of materials submitted after the June 20, 2024 public hearing)

ITEMS	PAGE NO.
Applicant's Proffered Declaration of Restrictions, submitted June 18, 2024.	A-1
Applicant's request to defer the Board of County Commissioners' public hearing date on the Application to October, Letter dated August 7, 2024.	A-7

A-1

Received
7-25-24
RER-Planning

This instrument was prepared by:

Name: Ben Fernandez, Esq.
Address: Bercow Radell Fernandez, Larkin,
& Tapanes, PLLC
200 S. Biscayne Boulevard, Suite 300
Miami, FL 33131

Folio: 30-6801-000-0061

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned Ocla, LLC (hereinafter referred to as the "Owner") holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A," attached hereto, and hereinafter called the "Property", which is supported by the Opinion of Title; and

WHEREAS, the Owner has applied for an amendment to the Miami-Dade County Comprehensive Development Master Plan (the "CDMP") in the May 2023 Cycle and said amendment is identified as Application No. CDMP20230018 (the "Application"); and

WHEREAS, the Application seeks to re-designate the Property from "Agriculture" to "Business and Office" on the Miami-Dade County Comprehensive Development Master Plan adopted Land Use Plan ("LUP") map.

NOW, THEREFORE, in order to assure the Miami-Dade County that the representations made by the owner during consideration of the Application will be abided by, the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

1. Buildings shall be designed to include elements of Florida vernacular style architecture, including decorative wood porches and overhangs, as depicted in Exhibit B.
2. A grocery store on the Property shall not exceed 18,000 square feet.
3. A grocery store on the Property shall include the sale of products farmed or raised from the Miami-Dade County Agricultural area.
4. A restaurant on the Property shall provide menu options that include products farmed or raised from the Miami-Dade County Agricultural area.
5. All mechanical repair uses, including tire repair, are prohibited.
6. Liquor Stores shall be prohibited.



7. Non-grocery commercial stores shall be limited to neighborhood serving uses and shall not exceed 20,260 square feet in total.
8. Road Mitigation: In furtherance of the CDMP, the Owner acknowledges and agrees that because the Application has an impact on SW 177 Avenue/Krome Avenue south of SW 192 Street, a hurricane evacuation route, mitigation is required. The Owner acknowledges that Policy LU-8E and the Capital Improvement Element of the CDMP provides that applications to amend the CDMP Land Use Map are evaluated for, among other things, whether the proposed application would impact emergency management. At the time of any subsequent development order approval, the proposed development of the Property will be reanalyzed for concurrency in accordance with Chapter 33G of the Miami-Dade County Code, and the Owner must provide the proportionate share mitigation payment for impacts to the hurricane evacuation route along SW 177 Avenue/Krome Avenue south of SW 192 Street unless it is otherwise demonstrated by the applicant, through a traffic analysis, to the satisfaction of the County, that the impact mitigation is no longer required. The proportionate share mitigation payment shall be in accordance with Section 163.3180, Florida Statutes and shall be creditable against the roadway share of the mobility fees applicable to affected roadways due as part of the development of the Property.

MISCELLANEOUS

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. The 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 Property, or any portion thereof, by a written instrument executed by the then owner(s) of the property, including joinders of all mortgagees, provided that the same is also approved by the Board of County Commissioners of Miami-Dade County, Florida. Any such modification, amendment or release shall be subject to the provisions governing amendments to Comprehensive Plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation that may, from time to time, govern amendments to Comprehensive Plans (hereinafter "Chapter 163"). Such modification, amendment or release shall also be subject to the provisions governing amendments to the CDMP as set forth in Section 2-116.1 of the Code of Miami-Dade County, or successor regulations governing modifications to the CDMP. In the event that the property is incorporated within a new municipality or annexed into an existing municipality, and the successor municipality amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Miami-Dade County Code, then modifications, amendments or releases of this Declaration shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality



for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163 and by the provisions for the adoption of zoning district boundary changes. It is provided, however, that in the event that the successor municipality approves a modification or deletion of this Declaration of Restrictions, such modification or deletion shall not be effective until approved by the Board of County Commissioners, in accordance with applicable procedures. Should this Declaration be so modified, amended, or released, the Director of the Department of Regulatory and Economic Resources or the executive officer of a successor department, or, in the absence of such Director or executive officer, by his or her assistant in charge of the office in his/her absence, shall 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.

County Inspections. 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.

Authorization for Miami-Dade County (or successor municipality) 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 (or successor municipality) 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 (or successor municipality), and inspections made and approval of occupancy given by the County (or successor municipality), 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.

Recordation and Effective Date. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owner following the approval of the Application by the Board of County Commissioners. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the Application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Department of Regulatory and Economic Resources or the executive officer of the successor of said department, or in the absence of such director or executive officer



Signed, witnessed, executed on this 7/23/2024 day of July, 2024.

EXHIBIT A Legal Description

LEGAL DESCRIPTION:

THE EAST 625 FEET OF THE SOUTH 350 FEET OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 1, TOWNSHIP 56 SOUTH, RANGE 38 EAST OF MIAMI-DADE COUNTY, FLORIDA, SUBJECT TO THE RIGHT-OF-WAY ALONG THE SOUTH 35 FEET AND THE EAST 90 FEET THEREOF.

LESS

THE SOUTH 35.00 FEET AND THE EAST 50.00 FEET OF THE EAST 350 FEET OF THE SOUTH 350 FEET OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 SECTION 1, TOWNSHIP 56 SOUTH, RANGE 38 EAST, MIAMI-DADE COUNTY FLORIDA, AND THE AREA BOUNDED BY THE NORTH LINE OF THE SOUTH 35.00 FEET OF THE NORTHEAST 1/4 OF SAID SECTION 1, AND BOUNDED BY THE WEST LINE OF THE EAST 50.00 FEET OF THE NORTHEAST 1/4 OF SAID SECTION 1, AND LESS A PORTION OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF SECTION 1, TOWNSHIP 56 SOUTH, RANGE 38 EAST, MIAMI-DADE COUNTY, FLORIDA, AS RECORDED IN O.R.B. 31782, PAGE 1487 KNOWN AS PARCEL 134, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF SECTION 1, BEING AN ONE INCH IRON PIPE NO ID, TOWNSHIP 56 SOUTH, RANGE 38 EAST; THENCE NORTH 00°38'05" WEST (FOR A BASIS BEARINGS), ALONG THE EASTERLY LINE OF SAID NORTHEAST ONE-QUARTER (N.E. 1/4) OF SECTION 1, A DISTANCE OF 109.06 FEET; THENCE SOUTH 89°21'55" WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 50.00 FEET TO THE POINT OF INTERSECTION WITH THE WESTERLY EXISTING RIGHT-OF-WAY LINE OF STATE ROAD 997 (KROME AVENUE/SW 177TH AVENUE) AS SHOWN ON THE RIGHT-OF-WAY CONTROL SURVEY FOR STATE ROAD 997, SECTION 81750, FP NO. 427369-3, DATED NOVEMBER 2013 AND THE POINT OF BEGINNING; THENCE SOUTH 00°38'05" EAST, ALONG SAID WESTERLY EXSITING RIGHT-OF-WAY LINE OF STATE ROAD 997, A DISTANCE OF 48.81 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 25.00 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CIRCULAR CURVE THROUGH A CENTRAL ANGLE OF 90°11'29", A DISTANCE OF 39.35 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 89°33'24" WEST, ALONG THE NORTHERLY RIGHT OF WAY LINE OF SW 192ND STREET (GROSSMAN DRIVE) AS SHOWN ON THE ABOVE REFERENCED RIGHT- OF-WAY CONTROL SURVEY OF STATE ROAD 997, A DISTANCE OF 15.67 FEET; THENCE NORTH 28°17'13" EAST, A DISTANCE OF 84.27 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 189,246 SQUARE FEET (4.3445 ACRES), MORE OR LESS.



EXHIBIT B
Florida Vernacular Style Architecture



A-7



Received
8-7-24
RER-Planning

VIA ELECTRONIC MAIL

August 7, 2024

Ms. Rosa Davis, Zoning Junior Analyst
Department of Regulatory and Economic Resources
Development Services Division
111 NW First Street, 11th Floor
Miami, Florida 33128-6096

200 S. Biscayne Boulevard
Suite 300, Miami, FL 33131

www.brzoninglaw.com

305.377.6235 office
305.377.6222 fax
bfernandez@brzoninglaw.com

Re: Ocla, LLC, 19100 SW 177 Avenue – CDMP20230018

Dear Ms. Davis:

This law firm represents Ocla, LLC, the property owner and applicant (the "Applicant") with respect to the above captioned application to amend the Comprehensive Development Master Plan Land Use Plan Map. We respectfully request that the Board of County Commissioners defer the review of the application from their September 25, 2024 meeting to their October meeting.

The Applicant is requesting a deferral to the October meeting in order to obtain the necessary signatures and lender's joinder required to submit the proffered covenant.

Thank you for your attention to this matter. Should you have any questions or concerns, please do not hesitate to phone me at 305-377-6235.

Sincerely,

Ben Fernandez

BF/bl

MDC009