

FINAL AGENDA

1-6-2015 Version # 1



COMMUNITY ZONING APPEALS BOARD 5
LAWTON CHILES MIDDLE SCHOOL
8190 NW 197 Street, Miami
Thursday, February 12, 2015 at 7:00 p.m.

CURRENT

1. 15-2-CZ5-1 FLIGHTWAY ELEVEN, LLC 14-115 35-53-39 N



Official Zoning Agenda

COMMUNITY ZONING APPEALS BOARD

COMMUNITY ZONING APPEALS BOARD - AREA 5

MEETING OF THURSDAY, FEBRUARY 12, 2015

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

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

PH: Z14-115 (15-2-CZAB5-1)

February 12, 2015

Item No. 1

| Recommendation Summary | |
|--|---|
| Commission District | 12 |
| Applicant | Flightway Eleven, LLC |
| Summary of Requests | The applicant is seeking a zone change from GU to BU-1A. |
| Location | The southwest corner of NW 17 Street and NW 127 Avenue, Miami-Dade County, Florida. |
| Property Size | 2.9 acres |
| Existing Zoning | GU (Interim District) |
| Existing Land Use | Vacant |
| 2020-2030 CDMP Land Use Designation | Restricted Industrial and Office (<i>see attached Zoning Recommendation Addendum</i>) |
| Comprehensive Plan Consistency | Consistent with interpretative text, goals, objectives and policies of the CDMP |
| Applicable Zoning Code Section(s) | Section 33-311, District Boundary Change (<i>see attached Zoning Recommendation Addendum</i>) |
| Recommendation | Approval, subject to the Board's acceptance of the proffered covenant. |

REQUEST:

DISTRICT BOUNDARY CHANGE from GU to BU-1A.

PROJECT DESCRIPTION:

The applicant seeks to rezone the 2.9-acre parcel from GU (Interim District) to BU-1A, (Limited Business District).

| <u>NEIGHBORHOOD CHARACTERISTICS</u> | | |
|--|--------------------------------|----------------------------------|
| | Zoning and Existing Use | Land Use Designation |
| Subject Property | GU; vacant land | Restricted Industrial and Office |
| North | GU; lake | Restricted Industrial and Office |
| South | GU; vacant land | Restricted Industrial and Office |
| East | GU; lake | Restricted Industrial and Office |
| West | GU; vacant land | Restricted Industrial and Office |

NEIGHBORHOOD COMPATIBILITY:

The subject property is located at the southwest corner of NW 17 Street and NW 127 Avenue. The area surrounding the subject property is primarily characterized by undeveloped vacant parcels of land and lakes.

SUMMARY OF THE IMPACTS:

The approval of this application will provide additional commercial uses to the area. However, the approval of this request may reduce the number of available Industrial designated properties in the area and may have some impact on the existing wellfields.

COMPREHENSIVE DEVELOPMENT MASTER PLAN ANALYSIS:

The subject property is designated as ***Restricted Industrial and Office*** on the Adopted 2020-2030 Land Use Plan (LUP) map. Staff notes that the CDMP Land Use Element interpretative text states that *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.*

Additionally, said text states that *provisions of the "Industrial and Office" category which allow and limit residential and business uses, TNDs and hotels also apply to the Restricted category. The Industrial and Office category allows **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.***

The purpose of the BU-1A District is to provide for retail and service convenience facilities which satisfy the essential and frequent needs of the adjacent areas as well as the more specialized commercial facilities which may serve several neighborhoods. The BU-1A district allows uses such as, but is not limited to, banks with drive through tellers, beauty parlors, antique shops, bakeries and drug stores as well as service stations, auto parts stores, dry cleaners, retail stores and health and exercise clubs, including bath and massage parlors, and includes all uses permitted in the BU-1, Neighborhood Business District.

The subject property is approximately 2.9 acres in size and is located on the southwest corner of NW 17 Street and NW 127 Avenue. The applicant has proffered a covenant which restricts the types of commercial uses that would be allowed on the subject property to uses that, in staff's opinion, would be supportive of the workers within the surrounding industrial area (see proffered covenant). Some of the type of uses included in said covenant include bakeries; banks, including drive-in teller service; beauty parlors/barber shops; computer sales; day nurseries, kindergarten and after school care centers; dry cleaning establishments, using nonflammable solvents; hardware stores (maximum 4,000 sq. ft.); printing, copying and postal packing services; and restaurants. Staff notes that the applicant has also proffered a covenant to the Department of Regulatory and Economic Resources – Division of Environmental Resources Management (DERM), as required by Section 24-43(5)(a) of the Code, which provides that hazardous materials shall not be used, generated, handled, discharged, disposed of or stored on the subject property.

As such, staff opines that the proposed rezoning of the property to BU-1A, Limited Business District, with the proffered covenant, would be **consistent** with the CDMP LUP map Restricted Industrial and Office designation of the subject property and with the uses described in the interpretative text of the Restricted Industrial and Office category description.

ZONING ANALYSIS:

The applicant is seeking approval of a request for a district boundary change from GU (Interim District) to BU-1A, (Limited Business District). Staff notes that no site plans were submitted for this application. Staff further notes from the applicant's letter of intent that the applicant intends to develop the subject property as a non-hazardous mixed use development consisting of office, retail and personal services. Staff opines that approval of this application will provide retail and personal service uses to serve the firms and workers of the surrounding industrial and office designated area.

When the request to rezone the 2.9-acre parcel to BU-1A is analyzed under Section 33-311, District Boundary Change, staff opines that the approval of the application would not have an unfavorable impact on the environment and the natural resources of the County based on memorandum from the Division of Environment Resource Management of the Department of Regulatory and Economic Resources (RER). Further, the applicant has proffered a covenant which restricts the types of commercial uses that would be allowed on the subject property to uses that, in staff's opinion, would be supportive of the workers within the surrounding industrial area, and has also proffered a covenant to DERM, which provides that hazardous materials shall not be used, generated, handled, discharged, disposed of or stored on the subject property. Additionally, in staff's opinion, the approval of the application will not have a negative impact on the surrounding roadways or burden or affect transportation facilities as based on the memorandum from the Platting and Traffic Review Section of the Department of Regulatory and Economic Resources (RER), which has no objections to this application. Further, staff notes that the applicant has proffered a Declaration of Restrictions which restricts the types of commercial uses that would be allowed on the subject property to uses that serve the firms and workers in the area.

Consequently, staff is of the opinion that approval of the district boundary change from GU to BU-1A will be **compatible** with the industrial developments in the overall area given that it will provide goods and services for the area firms and workers with the proffered covenant, and would be **consistent** with the Restricted Industrial and Office designation of the site on the LUP map of the CDMP. **Staff, therefore, recommends approval of the application under Section 33-311, District Boundary Change, subject to the Board's acceptance of the proffered covenant.**

ACCESS, CIRCULATION AND PARKING: N/A

NEIGHBORHOOD SERVICES PROVIDER REVIEW: See attached.

OTHER: Not applicable.

RECOMMENDATION:

Approval, subject to the Board's acceptance of the proffered covenant.

CONDITIONS FOR APPROVAL: None.

Flightway Eleven, LLC

Z14-115

Page | 4

ES:MW:NN:CH:JV

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

ZONING RECOMMENDATION ADDENDUM

Flightway Eleven, LLC
Z14-115

| NEIGHBORHOOD SERVICES PROVIDER COMMENTS* | |
|---|--------------|
| Division of Environmental Resource Management (RER) | No objection |
| Platting and Traffic Review Section (RER) | No objection |
| Public Works and Waste Management | No objection |
| Parks, Recreation and Open Space | No objection |
| Fire Rescue | No objection |
| Police | No objection |
| Schools | No comment |

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

| | |
|---|---|
| <p>Restricted Industrial and Office (Pg. I-40)</p> | <p><i>The Adopted 2020 and 2030 Land Use Plan designates the subject property as being within the Urban Development Boundary for Restricted Industrial and Office. 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. Provisions of the "Industrial and Office" category which allow and limit residential and business uses, TNDs and hotels also apply to the Restricted category.</i></p> |
| <p>Industrial and Office (Pg. I-39)</p> | <p><i>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 telecommunications 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. Freestanding 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. Freestanding retail and personal service uses and shops that are approved in Industrial and Office areas should front on major access roads, particularly near major intersections. In addition, uncommon commercial uses such as amusement uses, and others with unusual siting requirements may also be considered at appropriate locations. 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. Through the zoning review process, use of particular sites or areas may be limited to something less than the maximum allowed in this category. Moreover, special limitations may be imposed where necessary to protect environmental resources.</i></p> |

ZONING RECOMMENDATION ADDENDUM

Flightway Eleven, LLC
Z14-115

PERTINENT ZONING REQUIREMENTS/STANDARDS

| | |
|---|--|
| <p>Section 33-311 District Boundary Change</p> | <p>(A) <i>The Community Zoning Appeals Boards are advised that the purpose of zoning and regulations is to provide a comprehensive plan and design to lessen the congestion in the highways; to secure safety from fire, panic and other dangers, to promote health, safety, morals, convenience and the general welfare; to provide adequate light and air; to prevent the overcrowding of land and water; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, with the view of giving reasonable consideration among other things to the character of the district or area and its peculiar suitability for particular uses and with a view to conserving the value of buildings and property and encouraging the most appropriate use of land and water throughout the County.</i></p> <p>(F) Section 33-311 provides that the Board shall take into consideration, among other factors the extent to which:</p> <ol style="list-style-type: none">(1) <i>The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;</i>(2) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;</i>(3) <i>The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;</i>(4) <i>The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;</i>(5) <i>The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.</i> |
|---|--|

1. FLIGHTWAY ELEVEN, LLC
(Applicant)

15-2-CZ05-1 (14-115)
Area 05/District 12
Hearing Date: 02/12/15

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

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

If, so who are the interested parties?

Disclosure of interest form attached? **Yes** **No**

Previous Zoning Hearings on the Property:

| <u>Year</u> | <u>Applicant</u> | <u>Request</u> | <u>Board</u> | <u>Decision</u> |
|-------------|------------------|----------------|--------------|-----------------|
| None | | | | |

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: December 2, 2014

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

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

Subject: C-05 #Z2014000115-1st Revision
Flightway Eleven, LLC
SW corner of the intersection of NW 17th Street and
NW 127th Avenue
DBC from GU to BU-1A
(GU) (2.96 Acres)
35-53-39

A handwritten signature in black ink, appearing to read "Jose Gonzalez". The signature is written in a cursive, flowing style.

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

Wellfield Protection

The subject property is located within the Northwest Wellfield protection area. The Board of County Commissioners approved a wellfield protection ordinance for this wellfield. This ordinance requires stringent wellfield protection measures that restrict development within the wellfield protection area.

Since the subject request involves a non-residential land use or a zoning category which permits a variety of non-residential land uses, the owner of the property has submitted a properly executed covenant running with the land in favor of Miami-Dade County, as required by Section 24-43(5)(a) of the Code. The covenant provides that hazardous materials shall not be used, generated, handled, discharged, disposed of or stored on the subject property.

Potable Water Service and Wastewater Disposal

Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required, in accordance with Code requirements. All sewer lines serving the property shall comply with the exfiltration standards as applied to development within wellfield protection areas.

Be advised that the required water main extension permit is issued by the Florida Department of Health. Civil drawings for the proposed water main extension will need to be approved by the Miami-Dade Water and Sewer Department and the Environmental Plan Review Section of RER.

Civil drawings for the required sewer main extension will need to be approved by Miami-Dade Water and Sewer Department and the DERM Environmental Wastewater Permitting Section, prior to approval of final development orders.

Existing public water and public sanitary 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 of 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

The proposed development is located within the North Trail Basin and is subject to a Cut and Fill approval. Be advised that if the property has been continuously four and one-half (4.5) acres or less in size since September 30, 1997, the applicant may opt to pay a financial contribution into the Stormwater Compensation Trust Fund in lieu of providing set aside area for surface Water Management.

Applicant is advised that an Environmental Resource Permit from the South Florida Water Management District (1-800-432-2045) may be required. It is the applicant's responsibility to contact the above mentioned agency for further information regarding permitting procedures and requirements.

Please contact the DERM Water Control Section at (305) 372-6681 for further information regarding permitting procedures and requirements.

Wetlands

The subject properties are located within the Transitional Northeast Everglades Wetlands Basin and contain wetlands as defined by Section 24-5 of the Code. Therefore, a Class IV Wetlands Permit will be required prior to any work on the subject properties.

DERM has no objection to this application provided the applicant acquires all permits prior to the initiation of any work on the subject properties. A full evaluation of the resources is performed during the permitting process. While every effort is made to notify the applicant of all requirements at this time, the full permit evaluation may require that site plans be changed to preserve unique biologic resources.

The Coastal and Wetlands Resources Section may be contacted at (305) 372-6585 for further information concerning the wetland permitting requirements.

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 also be required for the proposed project. It is the applicant's responsibility to contact these agencies.

Tree Preservation

The subject properties revealed the presence of tree resources and contain wetlands. Please be advised that tree resources that lie within wetlands areas will be regulated through a Class IV Wetlands

Permit; however any tree resources within areas not designated as wetlands will require a Miami-Dade County Tree Removal 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: Nathan Kogon, Department of Regulatory and Economic Resources

Memorandum



Date: November 3, 2014

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

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

Subject: Z2014000115
Name: Flightway Eleven, LLC
Location: Southwest Corner of the Intersection of NW 17 Street & NW 127 Avenue
Section 35 Township 53 South Range 39 East

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

This land complies with Chapter 28 of the Miami-Dade County Code. The property is platted as Lots 2 thru 23, Block 1, Plat Book 27, Page 33.

This application **does** meet the traffic concurrency criteria for an Initial Development Order. It will generate **209 PM** daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveals 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 |
|-------|---|-------------|---------------|
| 9365 | NW 12 St w/o NW 117 Ave to NW 127 Ave | B | B |
| 9160 | Flagler St w/o HEFT from NW 114 Ave to NW 118 Ave | E | E |
| 9770 | SW 127 Ave n/o SW 8 St from NW 6 St to SW 7 St | D | D |
| 9791 | SW 132 Ave n/o SW 8 St to NW 6 St | D | D |
| 9798 | SW 137 Ave n/o Tamiami Trail to NW 6 St | C | C |

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.

Memorandum



Date: October 22, 2014

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

From: 
Paul Mauriello, Deputy Director, Waste Operations
Public Works and Waste Management Department

Subject: Flightway Eleven, LLC (DIC #14_115)

The Department's review of the above-referenced item is provided below. Additional comments will be provided as needed. If you should have any questions, please do not hesitate to contact Stacey McDuffie, Manager, Fiscal Management and Planning Division, at 305-375-1354. **The PWWM has no objections to the proposed application.**

Application: *Flightway Eleven, LLC* is requesting a district boundary change from Interim (GU) to Business, limited (BU-1A) to provide a neighborhood type of retail/ personal service uses among the surrounding industrial areas.

Size: The subject property is approximately 2.969 acres.

Location: The subject property is located on the southwest corner of the intersection of NW 17th Street and NW 127th Avenue, in Miami-Dade County, Florida.

Analysis:

1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (PWWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 18, 2014, 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 Regulatory and Economic Resources Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

Pursuant to Chapter 15 of the Miami-Dade County Code (Code), entitled Solid Waste Management the district boundary change to Business, limited use meets the County Code

definition of commercial establishments. Per the Code, the following is required of multi-family residential and commercial establishments 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.

3. Recycling

The following language from **Section 15-2.3a** of the Code 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 |

Section 15-2.3 of the Code 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.

Memorandum



Date: October 22, 2014
To: Jack Osterholt, Deputy Mayor
Director, Regulatory and Economic Resources Department
From: Maria I. Nardi, Chief *M.I.N.*
Planning and Research Division
Parks, Recreation and Open Spaces Department
Subject: Z2014000115: FLIGHTWAY ELEVEN, LLC

Application Name: FLIGHTWAY ELEVEN, LLC

Project Location: The site is located at SW CORNER OF THE INTERSECTION OF NW 17 STREET & NW 127 AVENUE, Miami-Dade County.

Proposed Development: The request is for a district boundary change from GU to BU-1A for office, retail and personal service uses.

Impact and demand: This application does not generate any additional residential population, and therefore the CDMP Open Space Spatial Standards do not apply.

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

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

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor

Furney, Susan (RER)

From: Castillo, Guillermo (MDFR)
Sent: Tuesday, December 09, 2014 11:44 AM
To: Henderson, Cassandra (RER)
Cc: Furney, Susan (RER); Connally, Ronald (RER); Gutierrez, Franklin (RER); Heredia, Carlos (MDFR)
Subject: MDFR comments on Zoning Hearings Document Distribution (Case # Z2014000115)

The Miami-Dade Fire Rescue Department has reviewed the subject application and has the following comments:

- No objection to the request of Zoning change. No specific site plan was proffered for review.

Thank you,

Guillermo E. Castillo, Principal Planner
Planning Section
Miami Dade Fire Rescue Department
9300 NW 41 St., Miami - FL 33178
786-331-4545 Direct Phone
786-331-4540 Main Phone
786-331-5259 Fax Number
Castilo@miamidade.gov
www.miamidade.gov
"Delivering Excellence Every Day"

DATE: 14-JAN-15

BUILDING AND NEIGHBORHOOD
COMPLIANCE DEPARTMENT

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

FLIGHTWAY ELEVEN, LLC

lying west of NW 127 AVENUE,
between theoretical NW 16 street
and nw 17 street, MIAMI-DADE
COUNTY, FLORIDA.

APPLICANT

ADDRESS

Z2014000115

HEARING NUMBER

HISTORY:

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

Flightway Eleven, LLC

**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: Flightway Eleven, LIC

| <u>NAME AND ADDRESS</u> | <u>Percentage of Stock</u> |
|---------------------------------|----------------------------|
| <u>See attached Exhibit "A"</u> | |
| | |
| | |
| | |

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 _____

| <u>NAME AND ADDRESS</u> | <u>Percentage of Interest</u> |
|-------------------------|-------------------------------|
| | |
| | |
| | |
| | |



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

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: _____

| <u>NAME AND ADDRESS</u> | <u>Percentage of Ownership</u> |
|-------------------------|--------------------------------|
| | |
| | |
| | |
| | |

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

NAME OF PURCHASER: _____

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.



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

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

Signature: _____
(Applicant)

Sworn to and subscribed before me this 3 day of October, 2014. Affiant is personally know to me or has produced _____ as identification.

[Signature]
 (Notary Public)  **MARILYN SOMODEVILLA**
 MY COMMISSION # EE 116532
 EXPIRES: September 13, 2015
 Bonded Thru Budget Notary Services

My commission expires: _____ Seal

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

Exhibit "A"

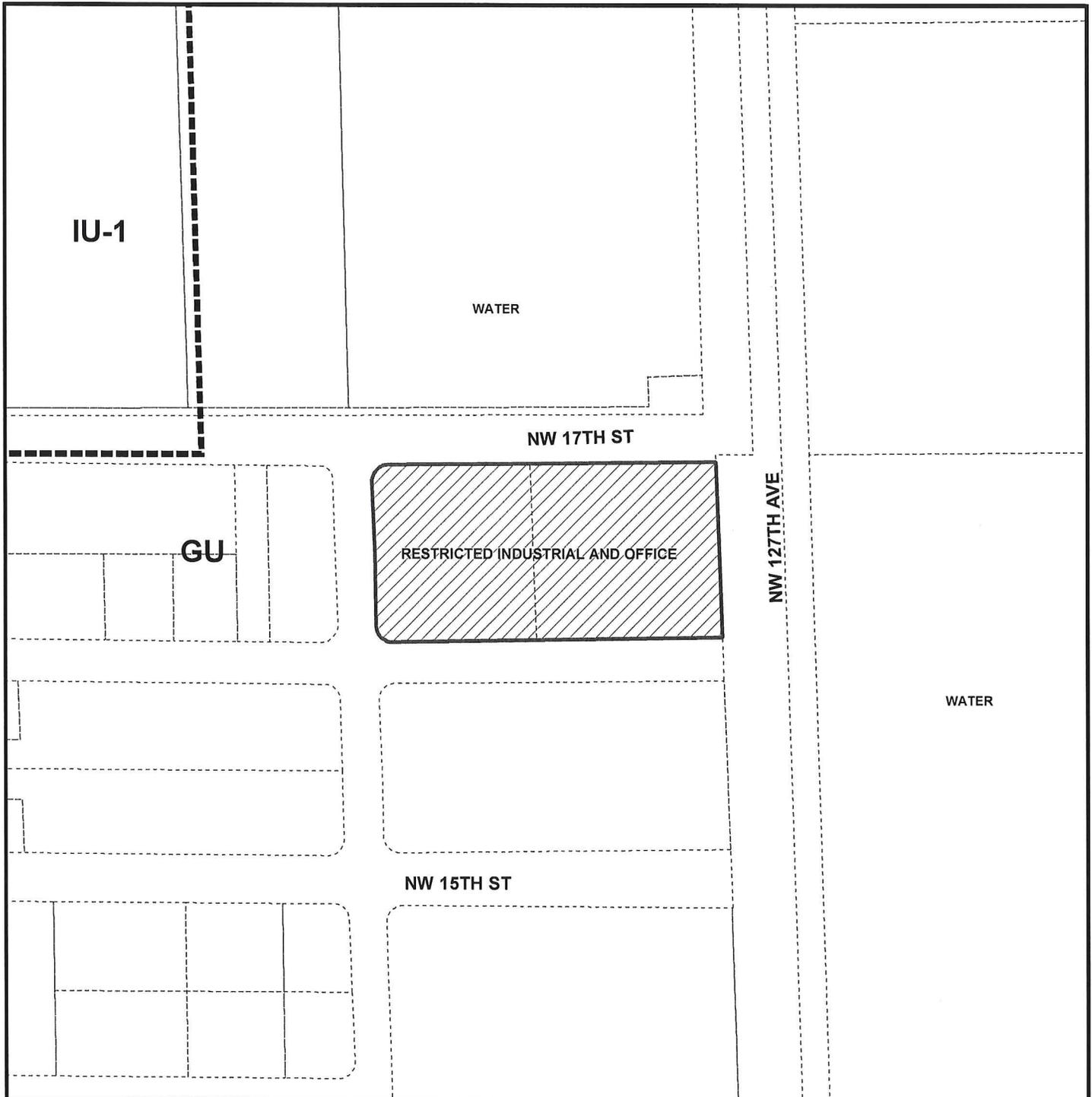
FLIGHTWAY ELEVEN, LLC

MEMBERS AND % OF OWNERSHIP

| CORPORATIONS | % OF OWNERSHIP | OWNER | |
|-----------------------------------|----------------|---------------------------------------|-------------------------------------|
| SR11 CORP | 21.35% | LUSSO PARTNERS, BVI CO | ROBERTO SIQUEIRA ROSA 100% |
| ALGIEN CORP | 14.30% | SILVERPATCH GROUP LIMITED, BVI CO | ALEXANDRE CORTE 100% |
| ROBINDALE FLORIDA, LLC | 14.30% | ROBINDALE INVESTMENTS LIMITED, BVI CO | LUIS F RUDGE LEITE 100% |
| ABZIK CORP | 7.15% | VITALE RESOURCES LIMITED, BVI CO | MARCIO ABESZYC 100% |
| TRENA INVESTMENTS, LLC | 7.15% | EMERAL VENTURES LIMITED, BVI CO | MARCELLO R RAMALHO DA CUNHA 100% |
| LIPELINA CORP | 7.15% | DERRINGER GROUP LIMITED, BVI CO | FELIPEJ RACA & CAROLINA RACA 100% |
| PIRANIDA CORP | 7.15% | VIVIDLITE HOLDINGS LIMITED, BVI CO | SILVIO BROMBERG & RACHEL RACA 100% |
| FOR3 CORP | 7.15% | RINGMAN PARTNERS LIMITED, BVI CO | MARCELLO R RAMALHO DA CUNHA 100% |
| G.D8 STOREHOUSES INVESTMENTS, LLC | 7.15% | GD EIGHT INVESTMENTS LTD | DANIEL GONCALVES LOPEZ RIBEIRO 100% |
| CLAUDIO KUTNIKAS | 7.15% | CLAUDIO KUTNIKAS | |

MEMBERS PERCENTAGE TOTAL 100.00%





MIAMI-DADE COUNTY
HEARING MAP

Process Number
Z2014000115



Section: 35 Township: 53 Range: 39
 Applicant: FLIGHTWAY ELEVEN, LLC
 Zoning Board: C5
 Commission District: 12
 Drafter ID: GGARCIA
 Scale: NTS

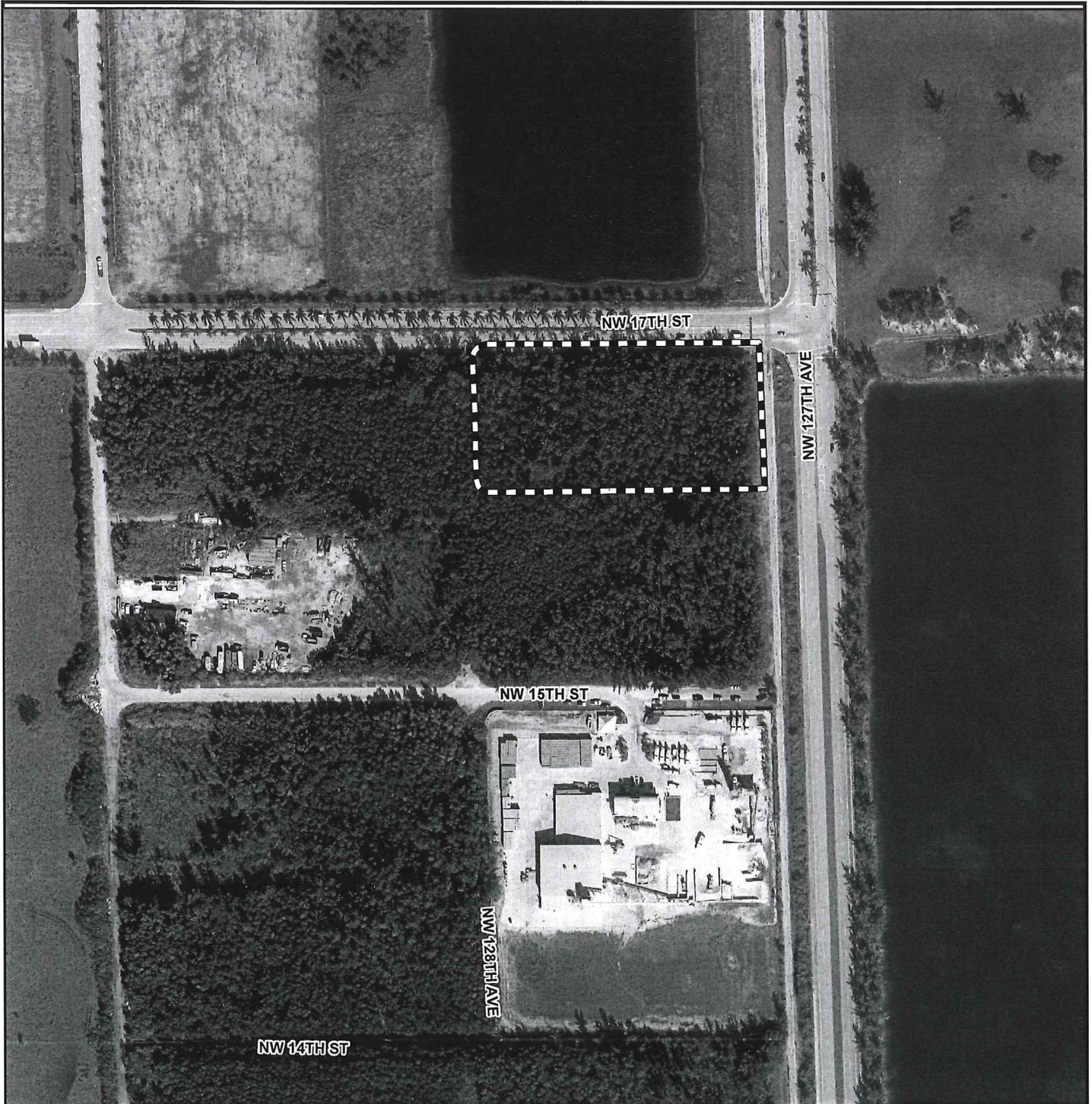
Legend

-  Subject Property Case
-  Zoning



SKETCH CREATED ON: Wednesday, October 15, 2014

| REVISION | DATE | BY |
|----------|------|----|
| | | 20 |



MIAMI-DADE COUNTY
AERIAL YEAR 2014

Process Number
Z2014000115

Legend
 Subject Property

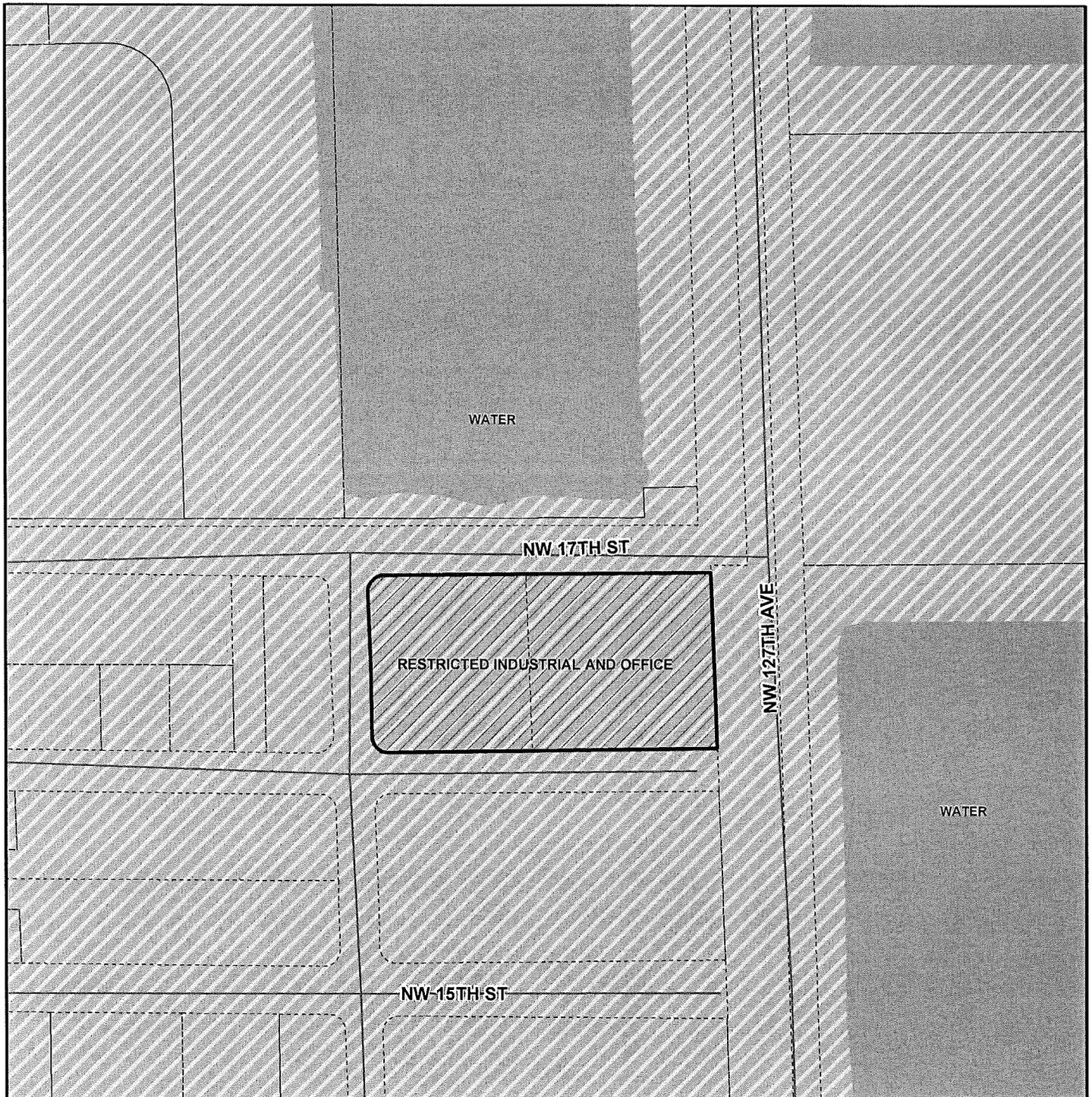


Section: 35 Township: 53 Range: 39
Applicant: FLIGHTWAY ELEVEN, LLC
Zoning Board: C5
Commission District: 12
Drafter ID: GGARCIA
Scale: NTS



SKETCH CREATED ON: Wednesday, October 15, 2014

| REVISION | DATE | BY |
|----------|------|----|
| | | 21 |



MIAMI-DADE COUNTY
CDMP MAP

Process Number

Z2014000115

Section: 35 Township: 53 Range: 39
 Applicant: FLIGHTWAY ELEVEN, LLC
 Zoning Board: C5
 Commission District: 12
 Drafter ID: GGARCIA
 Scale: NTS

Legend

 Subject Property Case



SKETCH CREATED ON: Wednesday, October 15, 2014

| REVISION | DATE | BY |
|----------|------|----|
| | | |

Flightway Eleven LLC
CZAB'S 2/12/15
214-115

This instrument was prepared by:

Name: Gilberto Pastoriza

Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.

2525 Ponce de Leon Blvd., Suite 700

Coral Gables, FL 33134

DRAFT

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

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

IN ORDER TO ASSURE the County that the representations made by the Owner during consideration of Public Hearing No. 14-115 will be abided by the Owner freely, voluntarily and without duress makes the following Declaration of Restrictions covering and running with the Property:

(1) Uses. Notwithstanding the approval of the Application and all applicable Code requirements, the Owner agrees to restrict the Property to the following permitted uses:

- Apparel Stores
- Automobile new parts and equipment, sales only
- Automobile service stations - (which may include facilities available for sale of other retail products and services related to servicing of automobiles)
- Automobile self-service gas stations
- Automobile storage within a building
- Automobile tires, batteries, and accessories (new) retail only, installation permitted
- Automobile washing
- Bakeries
- Banks, including drive-in tellers
- Beauty Parlors/Barber shops
- Computers and accessories sales
- Confectionery, ice cream and dairy stores
- Day nursery, kindergarten and after school care
- Dog and pet hospitals in air-conditioned building
- Dry cleaning establishments, using nonflammable solvents
- Drugstores/Pharmacies (4,000 sq. ft. maximum floor area)
- Electrical appliance and fixtures stores, including related repair shops
- Employment agencies
- Florist shops

Declaration of Restrictions

Page 2

- Grocery stores (4,000 sq. ft. maximum floor area)
- Hardware stores (4,000 sq. ft. maximum floor area)
- Health and exercise clubs and/or gymnasiums
- Medical clinics
- Medical offices
- Offices
- Office supplies and Equipment stores, Furniture stores, new merchandise only (4,000 sq. ft. maximum floor area)
- Pet grooming
- Post office stations and branches operated by postal service employees or agents that directly serve the public
- Printing, copying and postal parking stores
- Restaurants
- Restaurant with accessory cocktail lounge-bar use, subject to compliance with Article X, Alcoholic Beverages of the Code of Miami-Dade County, Florida
- Tailor Shops
- Hotels

(2) **Administrative Site Plan Review.** Prior to the issuance of a building permit for the construction of any improvements on the Property, the Owner shall obtain approval for such improvements from the Director through administrative site plan review (ASPR).

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 may be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the, then, owner(s) of the property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County,

Florida, whichever by law has jurisdiction over such matters, or the Director as provided by the Miami-Dade County Code of Ordinances. It is provided, however, in the event that the Property is annexed to an existing municipality or the Property is incorporated into a new municipality, any modification, amendment, or release shall not become effective until it is approved by such municipality and is thereafter approved by the Board of County Commissioners, in accordance with applicable procedures.

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

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

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

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

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

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owners following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Regulatory and Economic Resources Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application,

Declaration of Restrictions
Page 4

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]

Signed, witnessed, executed and acknowledge this 29th day of December, 2014.

Witnesses

Roger Ceballos
Print Name: Roger Ceballos

Cindy Ceballos
Print Name: CINDY CEBALLOS

FLIGHTWAY ELEVEN, LLC
A Florida limited liability company

By: Haydee Ceballos Vazquez
Print Name: Haydee Ceballos Vazquez
Its: Manager

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 29th day of December, 2014, by Haydee Ceballos Vazquez as Manager of FLIGHTWAY ELEVEN, LLC, a Florida limited liability company. He is personally known _____ or has produced _____ as identification.

Sandra Delgado
NOTARY PUBLIC, STATE OF FLORIDA
Print Name: SAUDRA DELGADO
Commission No.: EE055336
Commission Expires: JANUARY 12, 2015

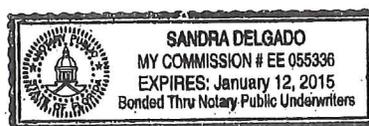


EXHIBIT "A"

Lots 8 thru 17, inclusive, in Block 1 of 'WESTERN MIAMI SECTION "B"', according to the Plat thereof, recorded in Plat Book 27, Page 33, of the Public Records of Miami-Dade County, Florida, less the East 70 Feet of said block.

and

Lots 2, 3, 4, 5, 6, 7, 18, 19, 20, 21, 22, and 23, in Block 1, WESTERN MIAMI SECTION "B", according to the Plat thereof, as recorded in Plat Book 27, Page 33, Public Records of Miami-Dade County, Florida.

Less and Except

The East 70 feet of Block 1, Western Miami Section "B", according to the map or plat thereof as recorded in Plat Book 27, Page 33, Public Records of Miami-Dade County, Florida.