

ORDINANCE No. 2007-01-107

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING AN APPLICATION SUBMITTED BY REDOUND CORPORATION, FOR A REZONING OF PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF N.W. 47TH AVENUE AND N.W. 156TH STREET, MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM IU-C, CONDITIONAL INDUSTRIAL DISTRICT, TO RU-4L, LIMITED APARTMENT HOUSE DISTRICT; PROVIDING FOR THE ACCEPTANCE OF A PROFFERED DECLARATION OF RESTRICTIVE COVENANTS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Redound Corporation has filed an Application with the City of Miami Gardens, to approve a rezoning from IU-C, Conditional Industrial District to RU-4L, Limited Apartment House District, for property located at the Northwest corner of N.W. 47th Avenue and N.W. 156th Street, more particularly described on Exhibit "A" attached hereto ("Property"), and

WHEREAS, a public hearing has been held on this matter, and

WHEREAS, the City's Developmental Services staff has made a determination that the application is consistent with the Comprehensive Development Master Plan and that the proposed development conforms to the Miami-Dade County Height Zoning Ordinance, and

WHEREAS, the City Council has considered the testimony of the Applicant, if any, and

WHEREAS, the City Council also considered the testimony of the Developmental Services staff, and the Staff Report attached hereto as Exhibit "B," and

WHEREAS, City staff recommends approval of the Application, and

WHEREAS, the City Council has reviewed the Application and approves the same,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, as follows:

SECTION 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas Clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

SECTION 2. APPROVAL: The City Council for the City of Miami Gardens hereby approves the Application submitted by the Redound Corporation to approve a rezoning from IU-C, Conditional Industrial District to RU-4L, Limited Apartment House District for the property described on Exhibit "A" hereto.

SECTION 3: DECLARATION OF RESTRICTIVE COVENANTS: This Ordinance is conditioned upon the acceptance of the proffered Declaration of Restrictive Covenants attached hereto as Exhibit "B."

SECTION 4. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

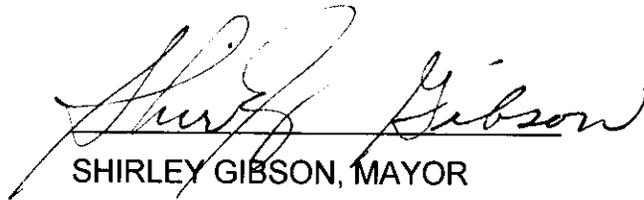
SECTION 5. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 6. EFFECTIVE DATE: This Ordinance shall become effective

immediately upon passage.

PASSED ON FIRST READING ON THE 6th DAY OF DECEMBER 2006.

ADOPTED AND PASSED ON SECOND READING BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS ZONING MEETING HELD ON THE 3rd DAY OF JANUARY, 2007.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, CMC, CITY CLERK

Prepared by SONJA KNIGHTON DICKENS, ESQ.
City Attorney

SPONSORED BY: DANNY O. CREW, CITY MANAGER

MOVED BY: Councilwoman Watson
SECONDED BY: Councilman Campbell

VOTE: 4-1

Mayor Shirley Gibson	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)	
Vice Mayor Oscar Braynon, II	<input type="checkbox"/> (Yes)	<input type="checkbox"/> (No)	Not present
Councilman Melvin L. Bratton	<input type="checkbox"/> (Yes)	<input type="checkbox"/> (No)	Not present
Councilman Aaron Campbell	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)	
Councilman Andre Williams	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)	
Councilwoman Sharon Pritchett	<input type="checkbox"/> (Yes)	<input checked="" type="checkbox"/> (No)	
Councilwoman Barbara Watson	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)	



CFN 2007R0996271
OF BK 25984 Pgs 4739 - 4755 (17pgs)
RECORDED 10/12/2007 11:28:30
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

Return to: (enclose self-addressed stamped envelope)

Name: Ronetta Taylor, City Clerk

Address:

City of Miami Gardens
1515-200 N W 167th Street
Miami Gardens, Florida 33169

This Instrument Prepared by:

Sonja K. Dickens, Esquire
Arnstein & Lehr, LLP
200 East Las Olas Blvd., Suite 1700
Fort Lauderdale, Florida 33301

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DECLARATION OF RESTRICTIONS

WHEREAS, the Redound Corporation ("Applicant") own certain property located at Northwest corner of N.W. 47th Avenue and N.W. 156th Street ("Property"), more particularly described on Exhibit "A," attached hereto, and

WHEREAS, the Applicant filed an Application with the City of Miami Gardens for a rezoning of the Property from IU-C, Conditional Industrial District to RU-4L, Limited Apartment House District,

IN ORDER TO ASSURE the City of Miami Gardens that the representations made by the Applicant will be abided by, the Applicant, subject only to conditions contained herein, freely, voluntarily and without duress, makes the following Declaration of Restrictions covering and running with the Property:

1. **Site Plan.** That the property be developed in substantial accordance with the plans submitted for the public hearing, entitled "Vista View Townhomes" and consisting of the following sheets: Proposed Site Plan, Sheet SP-1; Building 1 Ground & Second Floor Plans, Sheet A-1; Building 1 Elevations, Sheet A-2; Building 2 Ground & Second Floor Plans, Sheet A-3; Building 2 Elevations, Sheet A-4; Models A Ground & Second Floor Plans, Sheet A-6; Building 4

Ground Floor, Second Floor & Elevations Plans, Sheet A-5; Landscaping Plans, L-1 & L-2, as prepared by Juan Silverio Fernandez, Architects and Planners. All sheets dated, stamped and received November 17, 2005.

The site plan be submitted to and meet with the approval of the City upon the submittal of an application for a building permit and/or Certificate of Use and Occupancy; said plan to include among other things, location of structure(s), the type(s), size(s) and location of sign(s), lighting standards, off-street parking areas, exit and entrance drive(s), perimeter walls or fences and the landscaping details.

2. **City Inspection.** As further part of this Declaration, it is hereby understood and agreed that any official inspector of the City, 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.
3. **Covenant Running With The Land.** This Declaration on the part of the Developer shall constitute a covenant running with the land and shall remain in full force and effect and be binding upon the Developer, and his 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 public welfare.
4. **Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming from the date this Declaration is recorded. This Declaration shall be in effect for a period of thirty (30) years from the date of recordation in the public records of Miami-Dade County, Florida, after which time it shall be automatically extended for periods of ten (10) years. This Declaration may be modified, amended or released as to the Property or any portion thereof by a written instrument executed by the then Developer(s) of the Property, and applicable mortgagees, if any, provided that same is approved by the City Council after public hearing. In such event, the Mayor or City Manager shall execute a written instrument suitable for recordation acknowledging such modification, amendment or release.
5. **Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the City, or other procedure permitted under the City's Code, whichever by law has jurisdiction over such matters, after public hearing.

6. **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 judge to be reasonable for attorney fees. This enforcement provision shall be in addition to any other remedies available at law or in equity. Jurisdiction shall be proper in Miami-Dade County.
7. **Authorization for Miami Gardens to Withhold Permits and Inspections.** In the event the terms of this Declaration are not complied with, in addition to any other remedies available, the City 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.
8. **Executed Copy to be provided to the City.** The Applicant shall be fully responsible for providing to the City an original and fully executed copy of the Proffered Declaration of Restrictions within thirty (30) days of the approval of this request by the City Council. If this is not accomplished, the approval shall become null and void. If circumstances prevent the Applicant from complying with this timeframe condition, the Applicant may request, in writing, an extension of said thirty day timeframe in writing to the Development Services Director, who is authorized to take such action upon the request to either approve, disapprove or approve with conditions such request.
9. **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.
10. **Recording.** The City, at Developer's expense following the approval of the same by the City of Miami Gardens, shall file this Declaration of record in the Public Records of Miami-Dade County, Florida.
11. **Acceptance of Declaration.** The Owner acknowledge that acceptance of this Declaration does not obligate the City in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the City Council retains its full power and authority to deny each such application in whole or in part, and to decline to accept any conveyance.
12. **Owner.** The term Owner shall include the Owner, and its heirs, successors and assigns.
13. **Waiver.** Each and every covenant and agreement contained herein shall be for any and all purposes hereof construed as separate and independent and the breach of any covenant by any party shall not release or discharge such party

from its obligations hereunder. No delay or omission by any party to exercise its rights accruing upon any noncompliance or failure of performance by any party shall impair any such right or be construed to be a waiver thereof. A waiver by any party hereto of any of the covenants, conditions or agreements to be performed by any other party shall not be construed to be a waiver of any succeeding breach or of any other covenants, conditions or agreements contained herein.

14. **Severability**. All rights, powers and remedies provided herein may be exercised only to the extent that the exercise thereof does not violate any then applicable law and shall be limited to the extent necessary to render the real covenants herein valid and enforceable. If any term, provision, covenant or agreement contained herein or the application thereof to any person, entity or circumstance shall be held to be invalid, illegal or unenforceable, the validity of the remaining terms, provisions, covenants or agreements or the application of such term, provision, covenant or agreement to persons, entities or circumstances other than those to which it is held invalid or unenforceable shall not be affected thereby.

15. **Entire Agreement**. This Agreement and the exhibits attached hereto contain the entire agreement between the parties hereto with respect to the subject matter hereof. This Agreement and exhibits supersede any prior correspondence, memoranda or agreements in total hereto.

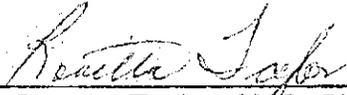
16. **Counterparts**. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, and all of which, when taken together, shall constitute one and the same document.

(SIGNATURE PAGE TO FOLLOW)

ACCEPTANCE

The City of Miami Gardens, hereby accepts this Declaration of Restrictions hereby made by Redound Corporation.

Attest.



Ronetta Taylor, CMC, City Clerk

CITY OF MIAMI GARDENS

BY: 

Shirley Gibson, Mayor

Date: 06/19/2007

EXHIBIT "A"

LEGAL DESCRIPTION

Tract 5, less the North 253 feet, PALMETTO LAKES INDUSTRIAL PARK,
SECTION THREE, according to the Plat thereof, as recorded in Plat Book 94,
Page(s) 64, Public Records of Miami-Dade County, Florida.



City of Miami Gardens

1515 NW 167th Street, Bldg. 5, Suite 200
Miami Gardens, Florida 33169

Mayor Shirley Gibson
Vice Mayor Oscar Braynon II
Councilman Melvin L. Bratton
Councilman Aaron Campbell
Councilman André Williams
Councilwoman Sharon Pritchett
Councilwoman Barbara Watson

MEMORANDUM

To: The Honorable Mayor and City Council
Thru: Dr. Danny O. Crew, City Manager
From: Jay Marder, AICP, Development Services Director
Date: January 3, 2006
Re: ZPH-2006-11 Public Hearing for Redound Corporation regarding a Rezoning
(Second Reading)

Summary

Applicant(s): Redound Corporation
Agent: Robert W. Holland, Esq.
Location: Northwest Corner of N.W. 47th Avenue and N.W. 156th Street
Land Area: ± 2.57 acres
Building Area: Vacant
Future Land Use: Industrial Office
Existing Zoning: IU-C, Conditional Industrial District
Requested Action(s): DISTRICT BOUNDARY CHANGE from IU-C, Conditional Industrial District to RU-4L, Limited Apartment House District

Latest City Council Action

At the December 6, 2006 public hearing, the City Council passed on first reading the attached ordinance, which approves the Applicant's request for a district boundary change from IU-C to RU-4L for the above-captioned property.

Other City Council Action

At the July 5th, 2006 public hearing the City Council deferred this district boundary change request to a date certain so as to allow the Applicant to address the comments from the Miami-Dade Aviation Department (MDAD), regarding the location of the site within the Inner Land Use Zone (ILZ) of the Opa-Locka Airport. A preliminary height analysis was conducted by the MDAD, which found the proposed development to conform to Miami-Dade County's Height Ordinance. However, Renée Bergeron of the Aircraft Noise and Environmental Planning Division had informed the City that the Miami-Dade County Department of Planning and Zoning and Attorney Office were still reviewing the application

**8-A) ORDINANCE
2ND READING
REDOUND CORPORATION
PROPERTY REZONING**

and had not made a land use compatibility determination. Additionally, in accordance with Federal Regulation Title 14 Part 77, the required clearance from the Federal Aviation Administration (FAA) was not available. (See Letter dated June 16, 2006 from Miami-Dade Aviation Department, attached).

At the September 6th, 2006 public hearing, the City Council deferred the application. In a letter dated August 3, 2006 (attached), the Miami Dade Aviation Department determined that the assumed height of 37 feet AMSL (Above Mean Sea Level) for the proposed development conforms to the Miami-Dade County Height Zoning Ordinance. Additional and necessary confirmation of such determination of clearance from the Federal Aviation Administration was not available at that date.

In an email dated September 1, 2006 (attached), the Assistant Zoning Director, Miami-Dade Department of Planning and Zoning addresses the Applicant, Mr. Michael Osman, Vice-President of Redound Corporation and alludes to forthcoming but as-yet-to-be-drafted zoning regulation and variance standards. This communication appears to conflict with the determination by the Miami-Dade Aviation Department.

In a letter dated September 22, 2006 (attached), the Federal Aviation Administration confirms that the proposed development meets obstruction standards and does not constitute a hazard to air navigation.

Recommendation

Recommendation to the City Council:

1. Adopt an ordinance granting the rezoning of the above-described parcel from IU-C to RU-4L based on findings contained herein and generally summarized as follows:
 - The requested rezoning meets the criteria of the Comprehensive Development Master Plan (CDMP) pertaining to the siting of residential uses in areas designated as Industrial and Office. This rezoning does not change policies of the CDMP and is consistent with same.
 - The requested rezoning is not detrimental to the adjoining developments and provides an appropriate transition between the residential neighborhood east of N.W. 47th Avenue and the more intensive industrial uses west of same street.
 - The development has been determined to conform to the Miami-Dade County Height Zoning Ordinance, to comply with obstruction standards, and not to be a hazard to airspace navigation. These findings have been confirmed by the Miami Dade County Aviation Authority with has jurisdiction upon the Opa Locka Airport and the Federal Aviation Administration.
 - This rezoning maintains the basic intent and purpose of the Code.
2. To accept the proffered Declaration of Restrictions requiring:
 - That the property be developed in substantial accordance with the plans submitted for the public hearing, entitled "Vista View Townhomes" and consisting of the

following sheets: Proposed Site Plan, Sheet SP-1; Building 1 Ground & Second Floor Plans, Sheet A-1; Building 1 Elevations, Sheet A-2; Building 2 Ground & Second Floor Plans, Sheet A-3; Building 2 Elevations, Sheet A-4; Models A Ground & Second Floor Plans, Sheet A-6; Building 4 Ground Floor, Second Floor & Elevations Plans, Sheet A-5; Landscaping Plans, L-1 & L-2, as prepared by Juan Silverio Fernandez, Architects and Planners. All sheets dated, stamped and received November 17, 2005; and

- That a site plan be submitted to and meet with the approval of the City upon the submittal of an application for a building permit and/or Certificate of Use and Occupancy; said plan to include among other things, location of structure(s), the type(s), size(s) and location of sign(s), lighting standards, off-street parking areas, exit and entrance drive(s), perimeter walls or fences and the landscaping details.

REVIEW AND ANALYSIS

Neighborhood Land Use Characteristics

Property	Zoning	Existing Use	Future Land Use Map
Site	IU-C, Industrial Conditional	Vacant	Industrial and Office
North	IU-C, Industrial Conditional	Light Manufacturing	Industrial and Office
South	RU-1 (East) & AU (West)	Biscayne Canal Right-of-Way	Terminals
East	RU-2, Two-Family Residential	Duplexes and Condominium	Low Density Residential
West	IU-C, Industrial Conditional	Light Manufacturing	Industrial and Office

The subject parcel is located on the northwest corner of N.W. 47th Avenue and N.W. 156th Street, right at the southeasternmost periphery of the planned Palmetto Lakes Industrial Park. The site covers approximately 2.57 acres and is currently unimproved. It is surrounded by a mixture of uses that include light manufacturing to the north and west, the Opa-Locka Airport to the south, and single- and two-family residences to the east. (See Aerial, attached).

Consistency with Comprehensive Development Master Plan

The subject parcel is designated **Industrial and Office** on the adopted 2005-2015 Land Use Plan (LUP) Map of the Future Land Use Element of the Comprehensive Development Master Plan (CDMP). Uses allowed in this category include industries, manufacturing operations, mini-warehouses, office buildings, wholesale showrooms, distribution centers, and merchandise marts. (Future Land Use Element, Page I-33).

Pursuant to the Future Land Use Element of the CDMP, residential development is generally incompatible with major industrial concentrations and shall not be encouraged in areas designated as Industrial and Office. A minor exception may be granted for a portion of an industrially designated area whereby:

- The site is 10 acres or smaller: The site of the requested residential rezoning comprises approximately 2.57 acres

- The site is bounded on two or more sides by existing residential development or zoning: The property abuts a single-family zoning district to the south and fronts N.W. 47th Avenue which includes developed single- and two-family residences; therefore, the site is bounded on two sides by existing residential zoning and development.
- The site adjoins a currently developed or platted residential area: The residential area adjacent to the site is a platted residential area. The subdivision is called Venetian Acres.
- The inclusion of a residential component in the industrially designated area, designed to provide compatible transition along the boundary, is the best means of maintaining the quality of the adjoining residential area. The proposed residential component provides a means of maintaining quality and providing a compatible transition between the adjoining residential area. (Excerpts from Future Land Use Element, Page I-33, 34)

In conclusion, the subject site meets the criteria set forth in the CDMP regarding the siting of residential development in areas designated as Industrial and Office in the adopted 2005-2015 LUP Map.

Analysis and Criteria

The Applicant, Redound Corporation, seeks to rezone the above-described property from IU-C, Conditional Industrial District to RU-4L, Limited Apartment House District. The property is presently unimproved and is part of a planned industrial park, the Palmetto Lakes Executive Park. Upon the approval of this request, the Applicant intends to build a multifamily residential development consisting of 46 townhomes and amounting to a gross density of 18 dwelling units per acre (du/a). As for any rezoning application, the applicant is not required to submit a site plan for departmental review and no variances are being requested that would otherwise necessitate a site plan approval. The attached plans are provided for informational purposes only.

Criteria for Rezoning: Section 33-311(A)(8) of the Zoning Code provides authority to the City Council to hear and grant or deny applications for zoning district boundary changes. In evaluating an application for a district boundary change or rezoning, the Council shall take into consideration, among other factors, the extent to which:

- The development permitted by the application, if granted, (1) conforms to the CDMP, (2) is consistent with applicable area or neighborhood studies or plans, and (3) would serve a public benefit warranting the granting of the application at the time it is considered;
- The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education, and other necessary public facilities which have been constructed or planned and budgeted for construction;
- 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 constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways;

- The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of the City of Miami Gardens, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate impacts may have a substantial impact on the natural and human environments; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development.

The purpose of this district boundary change is to allow the Applicant to build a 46-unit multifamily residential development. The property meets all the criteria pertaining to the location of residential uses in industrially designated districts. Additionally, the proposed residential development accounts for a density of approximately 18 du/a, which is far below the maximum allowable density of the requested RU-4L zoning district. In accordance with Section 33-311(A)(8) of the Code, this rezoning will therefore conform to the goals, objectives and policies of the CDMP.

This rezoning request is not detrimental and is otherwise compatible to the neighboring low-density residential developments to the east. In fact, this development provides a better transition between the latter developments and the more intense light manufacturing uses and industrial zoning to the west than which would have been provided under the current zoning designation of the site. The Applicant's request will not be contrary to the public interest. As per plans submitted, adequate landscaped buffer is provided to protect the welfare of the future residents and screen the proposed development from the adjoining industrial uses.

It is also noted that existing and similar multiple family residential development is located west of the site in a manner that is similarly situated in relationship to the Opa Locka Airport. See the attached map of the Opa Locka Airport which depicts the approximate location of the site and westerly similar multiple family development in relationship to the airport hazard/clear zones.

Given the location of the site within the Inner Land Use Zone (ILZ) of the Opa-Locka Airport, the proposed development plans were submitted to the Miami-Dade Aviation Department and the Federal Aviation Administration for their review and approval. Both agencies determined the height of the proposed development to conform to their height regulations and to have an inconsequential impact on airspace navigation. As such, the development sought through this rezoning will not unduly burden or affect this public airport facility. Moreover, no detrimental impact on natural resources and no undue burden on water, sewer, solid waste disposal, recreation, education, or other necessary public facilities, including mass transit, roads, streets and highways, will result from this rezoning and the proposed residential development.

In view of these findings, the Applicant's request (1) is in keeping with the spirit of the policies of the CDMP; (2) maintains the basic intent and purpose of the Zoning Code; (3) complies with airport hazard criteria; and (4) does not impact negatively the stability and character of the area. Therefore, recommendation is made to the City Council to adopt the ordinance granting the zone change from IU-C to RU-4L and the accompanying declaration of restrictions requiring:

1. That the property be developed in substantial accordance with the plans submitted for the public hearing, entitled "Vista View Townhomes" and consisting of the following sheets: Proposed Site Plan, Sheet SP-1; Building 1 Ground & Second Floor Plans, Sheet A-1; Building 1 Elevations, Sheet A-2; Building 2 Ground & Second Floor Plans, Sheet A-3; Building 2 Elevations, Sheet A-4; Models A Ground & Second Floor Plans, Sheet A-6; Building 4 Ground Floor, Second Floor & Elevations Plans, Sheet A-5; Landscaping Plans, L-1 & L-2, as prepared by Juan Silverio Fernandez, Architects and Planners. All sheets dated, stamped and received November 17, 2005; and
2. That a site plan be submitted to and meet with the approval of the City upon the submittal of an application for a building permit and/or Certificate of Use and Occupancy; said plan to include among other things, location of structure(s), the type(s), size(s) and location of sign(s), lighting standards, off-street parking areas, exit and entrance drive(s), perimeter walls or fences and the landscaping details.

Anticipated Facilities Impact

General: Concurrency determinations are not finalized during the zoning approval process.

Water and Sewer: Central water and central sewer services are available to this site through the Miami-Dade County's Water and Sewer Department (WASD), and connection shall be required.

Drainage/Water Management: Per code requirements, all stormwater runoff must be retained on site utilizing properly designed infiltration or seepage type systems. Drainage must be provided for the 5-year storm event with full on-site retention of a 25-year/3-day storm. Pollution control devices shall be required at all drainage inlet structures. Site grading and development shall comply with the requirements of Chapter 11C of the Code of Miami-Dade County. Additionally, a Surface Water Management General Permit from DERM shall be required for the construction and operation of the required surface water management.

Traffic Circulation: Access to the site and the proposed residential development is provided on N.W. 47th Avenue. According to the Traffic Impact Study submitted, this development will generate 20 AM Peak Hour Vehicle Trips and 24 PM Peak Hour Vehicle Trips. This study further indicates that the intersection most impacted by the proposed development, namely N.W. 47th Avenue and N.W. 156th Street, will be at LOS A. As such, sufficient roadway capacity exists to support the development. (See Traffic Impact Study, attached).

Education: According to the Miami-Dade County Public Schools, students generated from the proposed development will attend Carol City Elementary School, Lake Stevens Middle School and Hialeah Miami Lakes Senior High School. These schools are currently operating at 88%, 123% and 105% of FISH utilization, respectively. The proposed residential development will increase the FISH% utilization of Carol City Elementary School and Lake Stevens Middle School to 90% and 124%, while the utilization of Hialeah Miami Lakes Senior High will remain unchanged at 105% of FISH% utilization. Pursuant to the Interlocal Agreement and the School Board Review Criteria, a meeting was held between the School District and the Applicant so as to discuss mitigation options for Lake Stevens Middle, which will be impacted beyond the 115%

of FISH capacity threshold. Subsequently, the Applicant has voluntarily proffered a covenant to the School Board in order to provide a monetary donation, over and above the impact fees. (See School District Review and Covenant, attached).

Public Notification/Comments

In accordance with Subsections (c)(1), (2) and (3), Subsections (d)(40 of Section 33-310 of the Code, notification of the applicant's requests was mailed to property owners within one (1) mile of the subject site to provide them an opportunity to comment on the application if they so choose. Only one objection letter was received and is attached.

This recommendation to approve the Applicant's rezoning request and to accept the proffered declaration of restrictions does not constitute a final development order; one or more concurrency determinations will subsequently be required.

Attachments:

- Public Hearing Checklist
- Letter of Intent
- Letter from Miami-Dade Aviation Department (Dated June 16, 2006)
- Letter from Miami-Dade Aviation Department (Dated August 3, 2006)
- Email from Miami-Dade Planning and Zoning to Applicant (Dated September 1, 2006)
- Letter from Federal Aviation Administration (Dated September 22, 2006)
- Objection Letter
- Hearing Map-Zoning
- Hearing Map-Aerial
- Mailed Notice Affidavit
- Mailed Notice Radius Map
- Opa Locka Airport Map
- Submitted Plans
- Traffic Impact Study
- School District Review Analysis
- Covenant in favor of the School Board
- Miami Gardens Proposed Ordinance
- Proffered Declaration of Restrictions