

DRAFT
MEETING MINUTES
CITY OF OPA-LOCKA
PLANNING AND ZONING BOARD
NOVEMBER 19, 2024, 5:30 P.M.

CALL TO ORDER

Chair Elio Guerrero called the Planning and Zoning Board meeting to order at 5:44 p.m. on November 19, 2024.

An opportunity was given to the public to email the Planning and Zoning Clerk prior to the Board meeting with any questions, comments, or concerns on items to be heard on the Agenda.

1. ROLL CALL:

The following members of the Planning and Zoning Board were present: Chair Elio Guerrero, Board Member Audrey Dominguez, Board Member Aldo Mata, and Board Member Claudienne Hibbert Smith.

Absent Board Members: Board Member Germane Barnes, Board Member Dawn Mangham, and Board Member Nikisha Williams.

Also in attendance were Planning and Community Development Director Gregory Gay, Zoning Official Gerald Lee, City Attorney Pam Booker, Economic Development Manager Solomon Bankole, and Planning and Zoning Board Clerk Diana Cheng.

2. INVOCATION:

Chair Guerrero gave the Invocation.

3. PLEDGE OF ALLEGIANCE:

All present stood for the Pledge of Allegiance.

4. APPROVAL OF MINUTES:

- **Approval of Minutes PZAB – 09/03/2024**

Motion made by Board Member Dominguez, and seconded by Board Member Mata, to approve the minutes for the Planning meeting on September third. In a roll call vote, the **motion** passed unanimously (4-0).

5. PUBLIC HEARING:

1. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA PROVIDING APPROVAL OF THE SPECIAL EXCEPTION REQUEST FOR THE OPERATION OF A PLACE OF RELIGIOUS WORSHIP AT 3400 NW 135TH STREET, BUILDING B AND IDENTIFIED BY FOLIO 08-2128-003-0340 IN THE B-O ZONING DISTRICT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

Planning and Community Development Director Gregory Gay explained that this Application requests establishment of a place of religious worship, which requires special exception approval. The special exception process determines what conditions may apply to a particular location, whether or not there is adequate parking, and other requirements. The location in this case is a commercially zoned area.

Zoning Official Gerald Lee showed a PowerPoint presentation on the Application. The subject property is approximately 71,874 sq. ft. in size. The Applicant plans to use only Building B of the subject parcel. The zoning district is B-O, which includes office use. Zoning Code permits places of worship within the B-O district.

The City's land development regulations require special exception review to approve places of worship within the B-O zoning district. Special exception review requires that the following criteria be examined:

- The use must be in compliance with the City's Comprehensive Plan
- The use must be consistent with the character and purpose of the zoning district
- The size, shape, and character of the property are suited for the proposed use
- There must be compatibility with the existing uses near the property
- The use should not adversely affect the development of the general neighborhood or the district
- The use will not generate vehicular traffic or create vehicular circulation, ingress or egress problems, or parking demand that have an unfavorable impact on surrounding properties when compared to the uses permitted by right in the same district
- The use must not present the potential for fire and/or other hazards of equal or greater danger in the district
- The proposed development will not create unfavorable environmental impacts or surrounding uses, such as noise, smoke, glare, water pollution, or other impacts
- The use must be consistent with existing and planned pedestrian and vehicular circulation adjacent to and near the property
- The site must be adequately served by essential public services, such as water, sewer, drainage, and other requirements, and may not place an undue burden on infrastructure

- The use may not adversely affect any site or feature of historic, cultural, natural, or scenic importance
- The use may not be contrary to the public health, safety, and welfare, provided that a denial based exclusively on this language shall include explicit findings regarding the way in which granting the special exception would be contrary to the public health, safety, and welfare

Zoning Official Lee continued that the subject property includes buildings designated Building A and Building B. Building A is a school, while church operations would be located in Building B. The north end of the building would include the sanctuary, with office and administrative operations housed in the south part of that building.

With regard to compatibility, the subject B-O zoning district is surrounded by adjacent properties also zoned B-O on the same side of the street. There are also commercial properties zoned B-1 across the street to the north. Industrial uses are located to the west of the site; however, the site is insulated from these by commercial and residential uses. The surrounding land uses include Civic, Residential, and Commercial.

All the criteria listed above are met by the proposed use. It is Staff's conclusion that the Application does not contradict, create difficulty, or bring incompatible use to the area. Staff recommends approval of the Application.

Chair Guerrera asked if parking on the site is shared with the school building. Zoning Official Lee confirmed that while parking is shared, most of the church's operations will take place after the school's hours of operation, on Sundays, afternoons, and evenings rather than during school hours. The administrative facilities in Building B, which constitute a very small use, may operate Monday through Friday; however, the subject site has 50 parking spaces available exclusively for church use during the day, and on weekends the church may use the entire property.

A question was asked regarding the number of members who attend the church. Zoning Official Lee replied that he did not know the exact number of church members, but reiterated that there are more than 100 parking spaces available when the school is not open.

At this time Chair Guerrera opened the public hearing, which he closed upon receiving no input.

Motion made by Board Member Mata, seconded by Board Member Hibbert Smith, to approve. In a roll call vote, the **motion** passed unanimously (4-0).

2. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, PROVIDING FOR THE REGULATION OF EXISTING OUTDOOR OFF-PREMISE ADVERTISING DISPLAYS/BILLBOARDS

(“BILLBOARDS”) LOCATED WITHIN THE CITY OF OPA-LOCKA; PROVIDING REQUIREMENTS FOR CONVERTING EXISTING, LEGALLY NONCONFORMING BILLBOARDS LOCATED WITHIN THE HIGH TRAFFIC AREAS INTO DIGITAL BILLBOARDS; PROVIDING CRITERIA FOR DISTANCE SEPARATION; PROVIDING VOLUNTARY FUNDING REQUIREMENTS AND PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Director Gay advised that this Item was deferred to a later date.

- 3. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING ARTICLE 1, CHAPTER 7, SECTION 7-1 OF THE CITY OF OPA-LOCKA CODE OF ORDINANCES AND THE CITY LAND DEVELOPMENT REGULATIONS FOR SECTIONS 22-79, 22-80, 22-81 AND 22-82, TO INCLUDE PROVISIONS FOR “LIMITATIONS AND RESTRICTIONS ON USE OF METAL COVERING (METAL CONTAINERS) FOR BUILDINGS AND ADDITIONS” IF THEY CONFORM IN EVERY RESPECT WITH ALL APPLICABLE PROVISIONS OF THE FLORIDA BUILDING CODE; PROVIDING FOR REGULATIONS; PROVIDING FOR PENALTIES; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

Director Gay explained that this Application would allow businesses to use shipping containers for storage or office activities. Some businesses need to expand their operations beyond their existing footprints, and the use of shipping and/or metal containers allows them to do so in a timely and creative manner on a temporary basis.

Director Gay continued that while this particular use has been undertaken mostly on construction sites to provide on-site office operations, other businesses that need additional storage, possibly on a temporary basis, have the option of using these structures.

Zoning Official Lee stated that the proposed Ordinance would allow shipping containers to be repurposed in order to manage operations on an already-established site based on Florida Building Code. It will still be necessary to pull permits for the inclusion of these containers.

Zoning Official Lee continued this amendment would allow City residents and businesses may take advantage of a use that is already in Florida Building Code. Shipping containers are already repurposed and converted to uses allowed under Florida Building Code for residential and commercial use. Opa-locka already allows the use of these containers in industrial districts.

Zoning Official Lee stated that the primary advantages of using shipping containers include their ready availability as well as their multiple sizes. The containers are typically used in industrial districts for safety and security. They are easily moved from one part of a property to another and can also allow for greater speed when connected to an existing foundation, and the interior can be retrofitted more quickly than would be possible in building from the ground up. Manufactured containers are also stackable and can be used to create multiple levels.

Florida Building Code already allows for the use of metal containers in construction. The proposed Ordinance would support this permission and allow for the use of containers in additional districts.

Containers are also used for temporary purposes, such as construction or trade shows. The City hopes to go a step further by allowing these structures to be used on a permanent basis as a part of new development, where they will provide for a sturdier, more mobile, more easily configured, and faster-built space when adhering to the requirements of Florida Building Code.

Zoning Official Lee showed an example of the proposed use, pointing out that while a structure using containers may look rough from the outside, they provide safety, viability, and speed that can provide a significant return on investment. Other cities have allowed this type of use for some time. Staff recommends adding this Ordinance to the City's available options for building homes and/or commercial properties.

Chair Guerrero asked if the use of containers would also be accepted in residential areas as new development. Zoning Official Lee explained that the Ordinance would allow developers to incorporate containers into their properties as permitted by Florida Building Code. He emphasized that a developer may need to retrofit the inside of the container(s) in order to follow this Code.

Chair Guerrero asked if containers would be suitable additions to existing developments. Zoning Official Lee emphasized that this would be permitted as long as the use of the container follows Florida Building Code.

Director Gay noted that the photographic examples in the presentation show that containers are used in development. Some developments in South Florida include container construction that is modified by stucco and finishing, which make it more difficult to identify that containers are being used. Other applications at which containers are used may include "pop-up" events, stages, stores, parks, and others.

At this time Chair Guerrero opened the public hearing.

Ariana George, business owner, provided photos of the prefabricated container used by her business. The structure is fully compliant with Miami-Dade County Code and is used for office purposes only. There is no plumbing, although the container has electricity and air-conditioning. She explained that this was a convenient solution for her business, as it grew very quickly and required expansion into office space.

Ms. George continued that the container is pre-built and resembles an ordinary building on both the inside and outside. She is in the process of seeking a permit for the building, which would be the first office use of a shipping container in Opa-locka.

Motion made, and duly seconded, to approve the new coding in the City. In a roll call vote, the **motion** passed unanimously (4-0).

4. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING ORDINANCE 15-31 LAND DEVELOPMENT REGULATIONS, ARTICLE IV, SECTION 22-101, FOR THE HISTORIC DOWNTOWN OPA-LOCKA DISTRICT TO INCREASE BUILDING HEIGHTS TO TEN STORIES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Director Gay stated that this Ordinance would address the recently approved Historic Downtown Opa-locka District, which is a “stand-alone” zoning district focusing specifically on the Downtown area. When this district was created, the City took a conservative stance with regard to building heights, which are currently limited to seven stories. Over time, however, developers have approached the City to express interest in constructing taller buildings in the Downtown area. The City would like to consider this as a potential opportunity for development.

Staff has reached out to Miami-Dade Aviation, which provided a graphic of the takeoff and landing configurations in relation to the City. No runways extend directly toward Downtown, but instead move north or south of Downtown at angles. At the edges of the Airport property, the heights allowed are greater than the seven stories permitted within the Historic Downtown Opa-locka District.

Zoning Official Lee advised that Staff has entertained input from several different developers who wanted to build within Opa-locka. While the City offers density at up to 150 units per acre, it would be difficult to build this many units with a height limit of seven stories. He noted that zoning Code for the City’s mixed-use corridor allows up to eight stories, although this corridor does not cover the entire Downtown area.

The Historic Downtown Opa-locka District (HDOD) is a separate zoning district that is not considered commercial or industrial. Increasing the heights permitted within this

district would allow more mixed-use development which would make the area a destination and attract more people and services.

The intent behind creating the HDOD was to provide consistent zoning regulations while redefining the Downtown area as the City's center. This would allow for revitalization of underused areas and improvement of that segment of the City.

Zoning Official Lee continued that most developers indicated they wanted more height in order to attract good retail as well as a strong return on their investment in residential units. The requested increase in height would make the density more attainable and allow the developers to accommodate the cost of bringing in bottom-floor retail.

With respect to the Airport, Zoning Official Lee noted that for many years, proximity to that facility limited the heights to which a developer could build. When Staff reached out to Airport officials to discuss these heights, they determined that greater heights could be accommodated. Staff recommends approval of the Application.

Chair Guerrero requested clarification that the density parameters of the HDOD will not change: the only change would be to the height requirements, which would allow developers to more easily build to that density. Zoning Official Lee reiterated that the current limit of seven stories would not allow developers to build up to 110 or 120 units per acre rather than the permitted density. He estimated that most of the requested heights would be approximately 10 stories or 120 ft.

Director Gay advised that the height limitation provided to Staff through Federal Aviation Administration (FAA) was up to 125 ft. The permitted height may vary depending upon the type of building a developer is seeking to build. Strictly residential development may include a nine- to ten-foot floor plate; however, mixed-use development is proposed for the area, which may require a larger floor plate for the first two floors. If a parking garage is included, the floor heights may be lower for that area. He concluded that the number of stories would depend upon each project's design.

Director Gay further clarified that permission to build to a height of up to 120 ft. was provided on maps that show distance, direction, and angles from the Airport. Zoning Official Lee added that while height opportunities are being increased, the FAA will review all development plans to ensure that they meet the appropriate criteria based on that agency's regulations.

City Attorney Pam Booker noted that the Ordinance includes a typographical error in the eighth "Whereas" clause: the language in that clause should refer to 10 stories rather than 12.

Motion made by Board Member Mata, seconded by Board Member Hibbert Smith, to approve with the change in the “Whereas” clause to make it consistent with the title that it is 10 stories, not 12. In a roll call vote, the **motion** passed unanimously (4-0).

5. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO ADOPT A TEXT AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS, ORDINANCE 15-31, TO PERMIT CONSTRUCTION TRADES & EQUIPMENT/VEHICLE STORAGE; VEHICLE RECOVERY (REPOSSESSION) & STORAGE; TOW TRUCK AND TOW VEHICLE STORAGE; SHIPPING CONTAINER STORAGE YARD; UTILITY VEHICLES & EQUIPMENT PARKING & STORAGE USES IN THE I-4 ZONING DISTRICT; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Director Gay explained that this Ordinance also provides an opportunity for the City to expand on uses in its industrial areas. The I-4 zoning district is typically associated with junkyards, scrap metal operations, and other challenging uses.

Because many other municipalities have eliminated these uses from their zoning Codes over time, Opa-locka is often seen as providing an opportunity for those uses. The Ordinance is an attempt to make I-4 zoning more flexible. Director Gay pointed out that most junkyard or scrap metal operations do not expand; however, there are other heavy industrial uses that could be developed in the City, including logistics and vehicle storage. These uses would be added to the I-4 zoning district.

Director Gay pointed out that uses such as logistics and vehicle storage are cleaner than junkyard or scrap metal operations, with a lesser overall impact on the City’s infrastructure. The intent is to make the I-4 zoning district more integrative by adding these uses.

Zoning Official Lee recalled that for many years, certain areas of the City were home to only junkyards, salvage operations, scrap metal facilities, compacting/shredding of vehicles, and similar uses. The Miami-Dade Department of Environmental Resources Management (DERM) is currently attempting to ensure that uses comply with local, state, and federal Codes, some of which cannot be easily met by the businesses that have traditionally operated in those areas over the last 20 years.

Zoning Official Lee continued that it is in the City’s best interest to expand the uses allowed within those areas, encouraging uses that are cleaner, that can comply with DERM requirements, and do not contaminate soil, water, or air. With this in mind, Staff examined additional uses that need a significant amount of property on which to operate. The proposed Ordinance would amend the Zoning Code to allow these uses, which include construction trades as well as equipment and vehicle storage.

Zoning Official Lee further clarified that vehicle recovery or repossession would allow vehicles to be kept on a site until the vehicle is paid for by some entity. Shipping container storage would mean containers are stacked to a certain level on the property before they are sold or leased to others. Utility vehicles and equipment include Florida Power and Light (FPL) and other utility providers' equipment. These uses would all offer low contamination to the air, water, or soil.

Staff recommends approval of the amendments to provide better use of the I-4 zoning district and attract more businesses to Opa-locka.

Chair Guerrero asked if current uses involving storage of vehicles and equipment would become nonconforming uses under the amendments. Zoning Official Lee explained that there would be no changes to the zoning districts in which these uses are already permitted: the City would instead expand where those uses may be located.

Chair Guerrero asked if an owner seeking to change the use of an area that currently includes uses that may result in contamination would need to mitigate the effects of that contamination. Zoning Official Lee confirmed this, pointing out that these facilities are already required to do so. DERM inspects these facilities annually in order to renew those uses' licenses; if they do not meet DERM's requirements, they would not receive approval to continue their operation, and the City is prohibited from issuing a business license for those uses until requirements have been met.

Board Member Hibbert Smith asked how many businesses such as those described by the Ordinance are already located in the Cairo Lane or Alexandra Drive areas. Zoning Official Lee clarified that while no such uses are currently licensed to be in those areas, the City has received inquiries from users such as equipment storage, vehicle recovery, and construction trades.

Director Gay also pointed out that sufficient acreage is a necessity for these types of uses. Many other municipalities do not have large areas with contiguous acreage, although Opa-locka does.

Chair Guerrero requested clarification of the current zoning category for these uses. It was clarified that this may be I-2 or I-3. Director Gay added that some businesses may be operating in locations where zoning has changed over time, which means they may have become legal nonconforming uses.

Zoning Official Lee called the Board members' attention to a slide showing the entire I-4 zoning district, stating that the intent is to allow new uses on a market-driven basis.

At this time Chair Guerrero opened the public hearing, which he closed upon receiving no input.

Motion made by Board Member Hibbert Smith, seconded by Board Member Mata, to approve. In a roll call vote, the **motion** passed unanimously (4-0).

6. ADJOURNMENT:

Director Gay advised that no Planning and Zoning Board meeting is anticipated for the month of December 2024 at this time. Staff will prepare a year-in-review document in 2025 to show the Board's impact on development in Opa-locka in 2024.

The meeting was adjourned at 6:50 p.m.