

Memorandum



Date: April 21, 2021

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

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

Subject: Supplemental Information on Application No. CDMP20200012 of the October 2020 Cycle Applications to Amend the Comprehensive Development Master Plan

Supplement
Agenda Item No. 4(A)

The following supplemental information is provided to the Board of County Commissioners regarding Application No. CDMP20200012 of the October 2020 Cycle Applications to amend the Comprehensive Development Master Plan (CDMP). The information includes: (Exhibit 1) the Mayor’s Memorandum on the October 2020 Cycle Applications to Amend the CDMP; (Exhibit 2) the Initial Recommendation report for Application No. CDMP20200012; and (Exhibit 3) Additional Items received by the Department of Regulatory and Economic Resources addressing Application No. CDMP20200012 after the publication of the Initial Recommendation report.

A handwritten signature in blue ink that reads "Jimmy Morales".

Jimmy Morales
Chief Operations Officer

Date: April 21, 2021

Supplement Exhibit 1
Agenda Item No. 4(A)

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor



Subject: Report on October 2020 Cycle Applications to Amend the Comprehensive Development Master Plan

Recommendation

It is recommended that the Board of County Commissioners (Board) take action on Application Nos. CDMP20200011, CDMP20200012, and CDMP20200013 filed in the October 2020 Cycle applications to amend the Comprehensive Development Master Plan (CDMP). The Board is scheduled to take final action on small-scale Application No. CDMP20200011 and transmittal action on standard Application Nos. CDMP20200012 and CDMP20200013 as indicated in the table below and further detailed in this memorandum.

APPLICATION NUMBER	ITEMS FOR CONSIDERATION BY THE BOARD
Application No. CDMP20200011 Common Wealth Trust Services, LLC (Small-Scale Application)	Item No. 3A – Ordinance (Final Action) Item No. 3A1 – Resolution for Transmittal to the State Land Planning Agency (if converted to a Standard Application)
Application No. CDMP20200012 Old Cutler Village Apartments, Ltd. (Standard Application)	Item No. 4A – Resolution for Transmittal to the State Land Planning Agency Item No. 4A1 – Ordinance (First Reading)
Application No. CDMP20200013 Lennar Homes, LLC (Standard Application)	Item No. 4B – Resolution for Transmittal to the State Land Planning Agency Item No. 4B1 – Ordinance (First Reading)

Small Scale Applications

Background

Two small-scale applications (Application Nos. CDMP20200011 and CDMP20200014) were filed by private parties in this October 2020 CDMP amendment review cycle. A description of Application No. CDMP20200011 along with the recommendations of the Department of Regulatory and Economic Resources (Department) and the Local Planning Agency are provided in Attachment A. Pursuant to Section 2-116.1 of the Code of Miami-Dade County, Application No. CDMP20200014 is being processed concurrently with Zoning Application No. Z2020000198, the applicant has requested additional time allowing for the application to be brought before the Board at a later date to facilitate the concurrent processing, and the Department Director has authorized the requested additional time.

The attached Ordinance (Agenda Item No. 3A), which was approved on first reading on March 16, 2021, provides for the Board’s action on small-scale amendment Application No. CDMP20200011 application filed in the October 2020 CDMP amendment review cycle. State law allows the adoption of the referenced small-scale application at the Board’s CDMP public hearing

currently scheduled for April 21, 2021. A CDMP amendment application is eligible, under Section 163.3187, Florida Statutes (F.S.), to be processed as a small-scale amendment to the local comprehensive plan if it involves 10 or fewer acres. The Board has the ability to approve the proposed small-scale amendments without prior review by the State Land Planning Agency.

At the April 21, 2021 public hearing, the Board is scheduled to take final action on the attached ordinance providing for final disposition of the October 2020 Cycle small-scale Application No. CDMP20200011. Such action may be to adopt, adopt with change or not adopt the referenced small-scale amendment application. If the Board does not adopt the referenced small-scale amendment, the Board may elect, by a separate resolution (Agenda Item Nos. 3A1), to transmit the application as proposed standard amendments to the State Land Planning Agency and other state and regional agencies (reviewing agencies) for review and comments, and then take final action in or about July 2021, after State review. Denial or failure to adopt a small-scale amendment and failure to transmit a CDMP amendment application to the reviewing agencies for review effectively denies approval of the application.

Scope

The CDMP is a broad-based Countywide policy-planning document created to guide future growth and development, ensure the adequate provision of public facilities and services for existing and future populations in Miami-Dade County, and maintain or improve the quality of the natural and man-made environment in the County. While the adopted text of the CDMP generally applies Countywide, some text amendment applications and individual, site-specific Land Use Plan map amendment applications may have localized impact on one or more Commission Districts. For example, Application No. CDMP20200011 is located within District 6, represented by Commissioner Rebeca Sosa.

Fiscal Impact

There is no direct fiscal impact associated with the small-scale amendment. However, the development allowed by the CDMP amendment application may have varying impacts to County services. These impacts are discussed in the document titled, “Initial Recommendations, October 2020 Applications to Amend the Comprehensive Development Master Plan,” dated February 2021. This document is kept on file with and available from the Department of Regulatory and Economic Resources, and can be accessed at the following link: <http://www.miamidade.gov/planning/cdmp-amendment-cycles.asp>.

Social Equity Statement

The recommendation of the Director on the small-scale Application No. CDMP20200011 as contained in the documents titled “Initial Recommendations, October 2020 Applications to Amend the Comprehensive Development Master Plan,” dated February 2021, which was prepared in accordance with Section 2-116.1 of the Code of Miami-Dade County, include among other things, a compatibility analysis and conclusion that satisfies the requirements of Ordinance No. 15-83, regarding social equity, to the extent applicable to the application.

Track Record/Monitor

Amendments to the CDMP do not involve the monitoring of contracts.

Standard Applications

Background

Two standard applications (Application Nos. CDMP20200012 and CDMP20200013) were filed by private parties in this October 2020 CDMP amendment review cycle. A description of the

applications along with the recommendations of the Department of Regulatory and Economic Resources (Department), the affected community councils, and the Local Planning Agency are provided in Attachment A.

At the conclusion of the public hearing for the standard applications, the Board will take action on a resolution issuing transmittal instruction for each of the standard applications to the State Land Planning Agency and other reviewing agencies. The resolutions (Agenda Item Nos. 4A and 4B) will also incorporate a request for the reviewing agencies to review and return their comments on the transmitted applications before the Board takes final action. After adoption of the transmittal resolutions, the Board will be requested to approve, on first reading, an ordinance for each of the transmitted applications (Agenda Item Nos. 4A1 and 4B1) that will be used at a later date to take final actions on the pending standard applications. A subsequent public hearing, currently scheduled for July 2021, will be held for the Board to take final action on the standard applications if transmitted to the State Land Planning Agency and other reviewing agencies.

Scope

The CDMP is a broad-based Countywide policy-planning document created to guide future growth and development, ensure the adequate provision of public facilities and services for existing and future populations in Miami-Dade County, and maintain or improve the quality of the natural and man-made environment in the County. While the adopted text of the CDMP generally applies Countywide, some text amendment applications and individual, site-specific Land Use Plan map amendment applications may have localized impact on one or more Commission Districts. For example, Application No. CDMP20200012 is located within District 9, which is represented by Commissioner Kionne L. McGhee, and Application No. CDMP20200013 is located within District 8, represented by Commissioner Danielle Cohen Higgins.

Fiscal Impact

There is no direct fiscal impact associated with Application Nos. CDMP20200012 and CDMP20200013. However, the development allowed by the CDMP amendment Application may have varying impacts on County services. The impacts associated with Applications are discussed in the “Initial Recommendations, October 2020 Applications to Amend the Comprehensive Development Master Plan,” dated February 2021. This document is kept on file with and available from the Department of Regulatory and Economic Resources and can be accessed at the following link: <http://www.miamidade.gov/planning/cdmp-amendment-cycles.asp>.

Social Equity Statement

The recommendation of the Department’s Director on Application Nos. CDMP20200012 and CDMP20200013, as contained in the “Initial Recommendations, October 2020 Applications to Amend the Comprehensive Development Master Plan,” dated February 2021, was prepared in accordance with Section 2-116.1 of the Code of Miami-Dade County. This report includes, among other things, a compatibility analysis and a conclusion that satisfies the requirements of Ordinance No. 15-83, regarding social equity, to the extent applicable to the applications.

Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners
Page No. 4

Track Record/Monitor

Amendments to the CDMP do not involve the monitoring of contracts.



Jimmy Morales
Chief Operations Officer

Attachment A

Summary of October 2020 Cycle Applications to Amend the Comprehensive Development Master Plan for Miami-Dade County, Florida April 2021

Item No./ Application Number/ Type	Applicant/Applicant representative/ Location/Acreage/ Requested Amendment	BCC District/ Commissioner	Department's Initial Recommendation February 2021	Community Council Recommendation, Resolution # and Date February	PAB/LPA Recommendation March 1, 2021	BCC Action/ Recommendation April 21, 2021
CDMP20200011/ small-scale Item 3A	Common Wealth Trust Services, LLC. / Juan Mayol, Esq. & Pedro Gassant, Esq. South and north of NW 7 Street and east of NW 71 Avenue / (±7.1 gross acres/±6.7 net acres) <u>Requested Amendment to the CDMP</u> Redesignate the application site on the LUP map: From: "Industrial and Office" To: "Medium-High Density Residential" (25 to 60 dwelling units per gross acre)	BCC District 6/ Sosa/ Community Council 8	Adopt	No Quorum (February 18, 2021)	Adopt	To be determined
CDMP20200012/ Standard Item 4A	Old Cutler Village Apartments, Ltd. (c/o Weiss Serota Helfman Cole & Bierman, PL.) / Tony Recio, Esq. Edward Matos, Esq., & Alejandro Uribe, Esq North of Old Cutler Rd., between Homestead Extension of Florida's Turnpike (HEFT) and the Black Creek Canal / ±22.57 gross/net acres <u>Requested Amendment to the CDMP</u> 1. Redesignate the application site on the LUP map: From: "Low-Medium Density Residential" (6 to 13 dwelling units per gross acre) To: "Medium Density Residential" (13 to 25 dwelling units per gross acre) 2. Add the proffered Declaration of Restrictions in the Restrictions Table in Appendix A of the CDMP Land Use Element, if accepted by the Board of County Commissioners.	BCC District 9/ McGhee / Community Council 15	Transmit and Adopt with Acceptance of the Proffered Declaration of Restrictions	Motions failed due to tie votes. (February 22, 2021)	Transmit and Adopt with Acceptance of the Proffered Declaration of Restrictions	To be determined
CDMP20200013/ Standard Item 4B	Lennar Homes, LLC. / Hugo P. Arza, Esq., & Amanda M. Naldjieff, Esq. South Side of SW 288 Street between SW 162 and SW 164 Avenues/±35.8 gross acres/±34.83 net acres (with an additional ±4.7 acres recommended by staff, for a total of ±40.5 gross acres) <u>Requested Amendment to the CDMP</u> Redesignate the application site on the LUP map:	BCC District 8/ Cohen Higgins/ Community Council 14	Transmit with Change [Change is to add ±4.7 acres to the application site as recommended by Staff, for a total of ±40.5 acres.]	Transmit with Change and with the recommendation that the applicant proffer a Declaration of Restrictions to address the parcel with environmental resources and meet with neighbors	Transmit with Change, and with the recommendation that the applicant proffer a Declaration of Restrictions to address the parcel with environmental	To be determined

Item No./ Application Number/ Type	Applicant/Applicant representative/ Location/Acreage/ Requested Amendment	BCC District/ Commissioner	Department's Initial Recommendation February 2021	Community Council Recommendation, Resolution # and Date February	PAB/LPA Recommendation March 1, 2021	BCC Action/ Recommendation April 21, 2021
	From: "Low Density Residential" (2.5 to 6 dwelling units per gross acre) To: "Low-Medium Density Residential" (6 to 13 dwelling units per gross acre)			to address their concerns regarding traffic and other issues. Resolution No. 14-01-21 (February 22, 2021)	resources and meet with neighbors to address their concerns regarding traffic and other issues.	

Source: Miami-Dade County Department of Regulatory and Economic Resources (Department)

Notes:

* No date set due to Community Council seat vacancies.

-BCC means Board of County Commissioners; PAB means Planning Advisory Board

Application No. CDMP20200012

Old Cutler Village Apartments, Ltd.

Commission District 9 Community Council 15

APPLICATION SUMMARY

Applicant/Representative:	Old Cutler Village Apartments, Ltd. / Tony Recio, Esq., Edward Martos, Esq. and Alexandro Uribe, Esq., Weiss Serota Helfman Cole & Bierman, PL
Location:	North side of Old Cutler Road, between the Homestead Extension of Florida's Turnpike (HEFT) and Black Creek Canal
Total Acreage:	±22.57 gross/net acres
Current Land Use Plan Map Designation:	"Low-Medium Density Residential (6 to 13 dwelling units per gross acre)"
Requested Land Use Plan Map Designation and Other Changes:	- Redesignate the application site: - From: "Low-Medium Density Residential (6 to 13 dwelling units per gross acre)" - To: "Medium Density Residential (13 to 25 dwelling units per acre)" - Add the proffered Declaration of Restrictions in the Restrictions Table in Appendix A of the CDMP Land Use Element, if accepted by the Board of County Commissioners.
Amendment Type:	Standard
Existing Zoning District/Site Condition:	RU-3M / Minimum Apt. house, 12.9 units/net acre

RECOMMENDATIONS

Staff:	TRANSMIT AND ADOPT WITH THE PROFFERED DECLARATION OF RESTRICTIONS (February 2021)
South Bay Community Council (CC15):	MOTIONS FAILED DUE TO TIE VOTES (February 22, 2021)
Planning Advisory Board (PAB) Acting as the Local Planning Agency:	TRANSMIT AND ADOPT WITH THE PROFFERED DECLARATION OF RESTRICTIONS (March 1, 2021)
Transmittal Action of Board of County Commissioners:	TO BE DETERMINED (April 21, 2021)
Final Action of Board of County Commissioners:	TO BE DETERMINED (July 21, 2021)

Staff recommends to **TRANSMIT AND ADOPT WITH THE PROFFERED DECLARATION OF RESTRICTIONS** the proposed standard amendment to the Comprehensive Development Master Plan (CDMP) Adopted 2030 and 2040 Land Use Plan (LUP) map to redesignate the ±22.57 gross/net acre application site from "Low Medium Density Residential (6 to 13 dwelling units per gross acre)" to "Medium Density Residential (13 to 25 dwelling units per gross acre)" for the following reasons:

Principal Reasons for Recommendation:

1. This application seeks through its requested land use designation change to a higher density to allow for redevelopment of portions of the site with additional residential development generally in accordance with Land Use Policies LU-1C and LU-10A that calls for the prioritization of infill and redevelopment of environmentally suitable urban areas, where the necessary urban facilities and services are projected to have capacity to accommodate additional demand. The application site is currently designated "Low-Medium Density Residential (6 to 13 dwelling units per gross acre)" which allows up to 293 multi-family residential dwelling units (apartments). The application site is currently developed with 288 apartments. The applicant seeks redesignation to "Medium Density Residential (13 to 25 dwelling units per gross acre)" Which would allow up to 564 apartments, or 276 additional residential units to be developed on the site. As discussed in Principal Reason No. 3(I) below, with the exception of roadways, public facilities and services are adequate to address the proposed redevelopment, and approval of the application would not cause a violation of any of the County's adopted level of service standards.
2. The application proposes development that would expand the availability of workforce housing options in the application area generally consistent with Land Use Element Policy LU-8A and Housing Element Objective HO-6 and Policy HO-6C. These policies and objective require the County to promote a variety of affordable housing options and to assist affordable workforce housing projects proximate to mass transit and with access to a range of public services. The applicant has proffered a Declaration of Restrictions (covenant) that requires, among other things, at least 10% of new units on the application site to be set aside for workforce housing units for households earning 60% to 140% of the County's Area Median Income, consistent with the County's Workforce Housing Development program. Furthermore, the application site currently is developed with 288 apartments, subject an existing affordable housing covenant between the applicant and the Florida Housing Finance Corporation. This existing covenant was covenant executed and recorded in 2003 (CFN2003R0460263) and is slated to expire in 2053 (see Appendix C, Extended Low-Income Housing Agreement with Florida Housing Finance Corporation on Appendices page 41). The application notes the property is "improved with 288 affordable housing units" and stresses that this "existing housing on the Property is slated to remain" and that the requested land use redesignation is "geared toward infill development on open areas within the Property." The expansion of affordable housing options as proposed in the application is generally consistent with the foregoing CDMP policies.
3. Approval of the application would be generally consistent with the criteria for evaluating Land Use Plan map amendment applications in accordance with Policy LU-8E of the CDMP Land Use Element. Policy LU-8E requires that amendments to the LUP map be evaluated for consistency with the Goals, Objectives and Policies of the CDMP, and to the extent the proposed amendment would: (i) satisfy a deficiency in the LUP map to accommodate projected population or economic growth, (ii) enhance or impede the provision of services at or above adopted LOS Standards, (iii) be compatible with abutting and nearby land uses, (iv) enhance or degrade environmental or historical resources or features, and (v) would be a use that promotes transit ridership and pedestrianism if located in a planned urban center or within ¼ mile of existing transit as indicated in Objective LU-7. Each factor is discussed below.

- i. *Need to Accommodate Population or Economic Growth:* The application, if approved with acceptance of the Declaration of Restrictions, would increase the capacity of residential land supply within the analysis area (Minor Statistical Area 7.1) where the application site is located. An analysis of the residential capacity by type of dwelling units in MSA 7.1 shows the depletion of single-family type units occurring in 2030 and for multi-family type units occurring beyond 2040. The supply of residential land for both single-family and multi-family units is projected to be depleted beyond 2040. If the proposed application is approved, it will increase the supply of multi-family type units from approximately 276 net additional units. This will extend the depletion year of multi-family type units by approximately 4.5 years. (see "Supply and Demand Analysis" section on page 13). An increase in the number of residential units, as proposed in the application, would provide additional residential capacity in the subject MSA and could be of benefit to the area.
- ii. *Public Services and Facilities:* Approval of the application would be generally consistent with Objective CIE-3 of the CDMP Capital Improvements Element, which requires CDMP Land Use Plan map decisions not to cause a violation in the adopted level of service standards for public facilities and services. The impacts that would be generated from the allowable potential development on the site (564 multi-family residential units, or 276 units more than the existing development), if the application is approved, with the exception of roadways, would not cause a violation in the Level of Service (LOS) standards for public services and facilities.

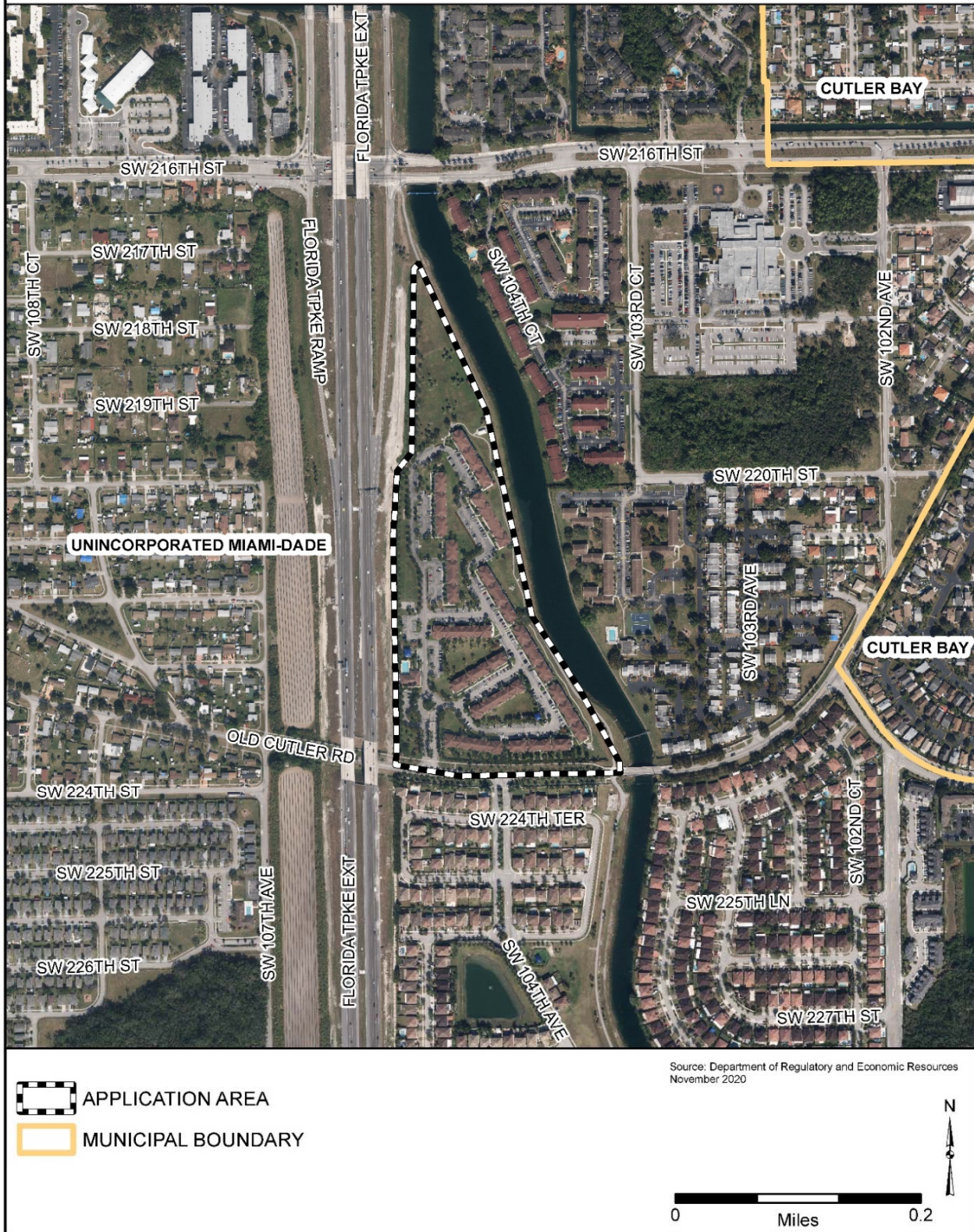
The applicant's traffic study included a 2023 short term concurrency analysis, which determined that all roadways except two, impacted by the proposed development, will have sufficient capacity to handle the additional traffic impacts that would be generated by this project. The study projected that Old Cutler Road southwest of Franjo Road would operate at LOS 'F' and SW 216 Street east of the Turnpike would operate at LOS 'E', both in violation of the adopted LOS 'D' standard. However, the application site is inside a Community Development Block Grant (CDBG) eligible block group which "...will not be denied a concurrency approval for transportation facilities" pursuant to the CDMP Capital Improvement Element (CIE, page IX-16). Also, the roadways that are failing to meet the County's LOS standards are not significantly impacted by the project traffic, as the percentage traffic impact is less than five percent. The applicant's traffic study also included a 2045 Long Term analysis, that determined that the two previously mentioned roadway segments, as well as SW 216 Street west of US-1 would operate at LOS 'F' in violation of the adopted LOS 'D' standard. The long-term analysis showed that the three roadway segments are projected to fail in 2045 with and without the traffic impacts from the project. In addition, the traffic impact from this project is not significant as the percentage impact is less than five percent (see "Roadways" on page 24). The County's Department of Transportation and Public Works, Traffic Engineering Division indicated that a Traffic Impact Level II Study was required of the applicant, in addition to other requested revisions. County staff will continue to work with the applicant's representatives and transportation consultant to address these issues, prior to the Board of County Commissioners' Final hearing on the application.

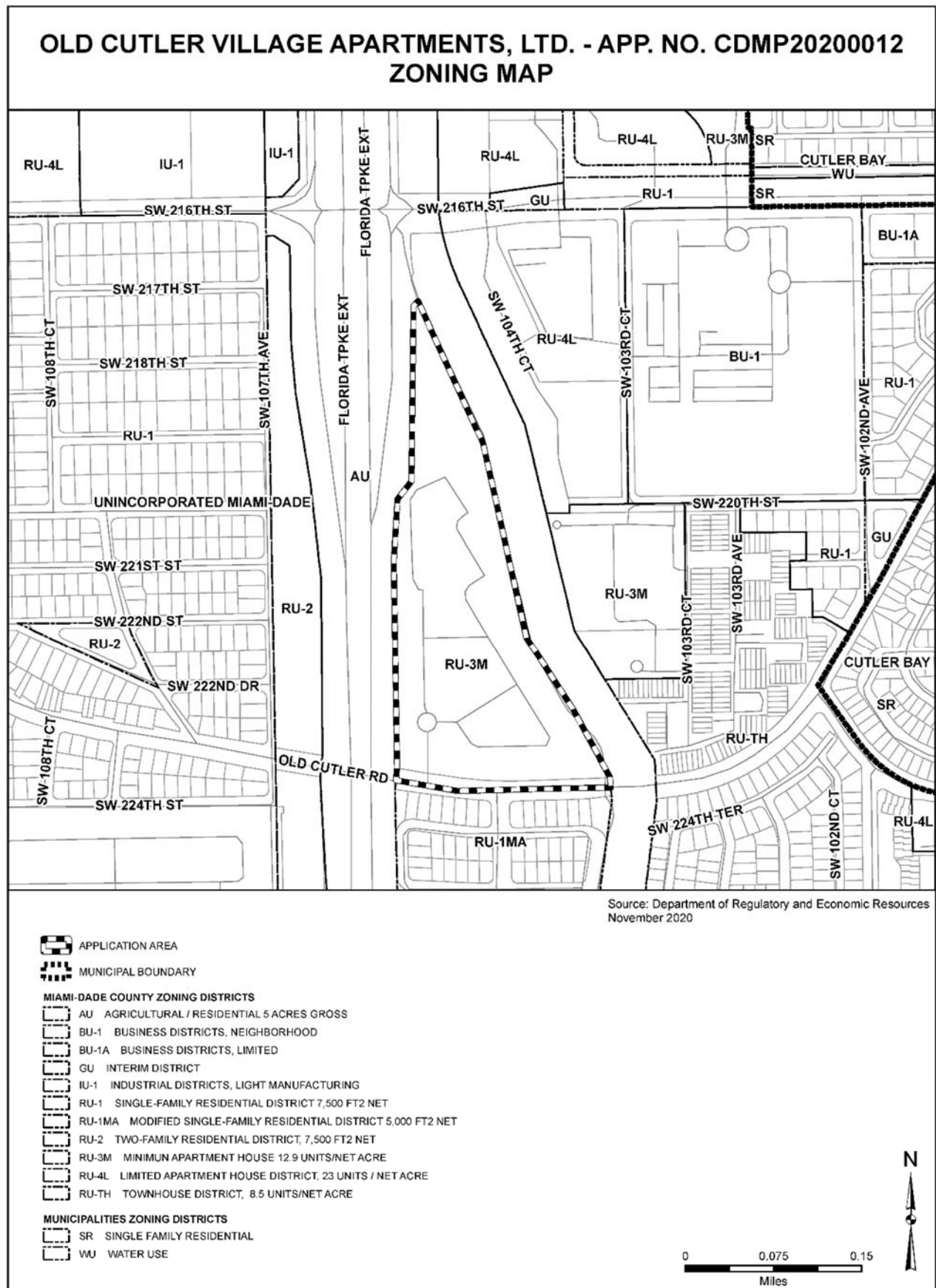
- iii. *Compatibility:* The potential 564 apartments, or 276 more residences than the existing development, which could be developed on the application site, if the requested "Medium Density Residential (13 to 25 dwelling units per gross acre)" designation is approved with acceptance of the proffered covenant, would be generally compatible with the existing development on the adjacent properties. CDMP Land Use Policy LU-4A requires consideration of such factors as height, bulk, landscaping, and buffering when evaluating compatibility among proximate land uses. The application site is abutted on the east and

north by the Black Creek Canal, the Homestead Extension of the Florida Turnpike (HEFT) to the west, and Old Cutler Road to the south that buffer the application site from the adjacent apartments, townhouses and other single-family residences. To the north and northeast of the application site are the Bel Aire apartments and the Cutler Canal apartments that span both sides of SW 216 Street. Further northeast fronting SW 216 Street is the County's Doris Ison South Dade Community Health Center. East of the application site across Black Creek Canal are the Cutler Creek Village condominiums and the Black Creek Villas townhouses. To the south and southeast, beyond Old Cutler Road, are the single-family residences of the Enclave at Black Point Marina and Herfa single-family subdivisions. To the west beyond the HEFT is a linear shaped ± 16.46 -acre site spanning both sides of Old Cutler Road previously approved for development of up to 400 residential units (Ordinance 19-104) at a density of 24 units per acre. Given the abutting canal and roadways buffer the application site from the surrounding uses, the additional units that would be developable on the site, if the requested redesignation were approved, would be generally compatible with the surrounding community.

- iv. *Environmental and Historic Resources:* The application, if approved, will not impact any historic resources but may impact environmental resources. The application site contains tree resources and may contain specimen tree resources (trees with a trunk diameter at breast height of 18 inches or greater). Specimen trees are protected pursuant to Section 24-49.2(II) of the Code and CON-8A of the CDMP. A Miami-Dade County Tree Permit is required prior to the removal and/or relocation of any tree that is subject to the tree preservation and protection provisions of the Code (see "Environmental Conditions" on page 17).
- v. *Transit Ridership and Pedestrianism* The application, if approved with acceptance of the proffered covenant, would support transit ridership and pedestrianism. The application site is served by Metrobus Route 52 that provides service along Old Cutler Road with the closest bus stops located adjacent the gated entrance of the site. In addition, Metrobus Routes 35 and 287 provide service along SW 216 Street to the north of the application site with the closest bus stop for Route 35 adjacent to the Turnpike ramp approximately 0.35 miles from the site and the closest stop for Route 287 located at the Doris Ison South Dade Community Health Center (also served by Route 52), approximately 0.4 miles ($\pm 2,100$ feet) from the northern boundary of the site, both accessible from the adjacent Black Creek Trail. Metrobus Route 52 provides 30-minute peak and 45-minute off-peak headways, Route 35 provides 30-minute peak 40-minute headways while Metrobus Route 287 provides 35-minute weekday peak hour headways. All three routes provide transit service connections to the South Dade Transitway and Metrorail (see "Transit" section on page 32). The application site is adjacent to the Black Creek Trail, which runs along the Black Creek Canal, east of the application site (see Appendix D: Black Creek Trail Map on Appendices page 65). As outlined in Principal Reason No. 3, the applicant's proffered covenant includes a commitment to constructing a pedestrian/bicycle connection to the Black Creek Trail on the east, which would support bicycling and pedestrianism.

OLD CUTLER VILLAGE APARTMENTS, LTD. - APP. NO. CDMP20200012 AERIAL PHOTO

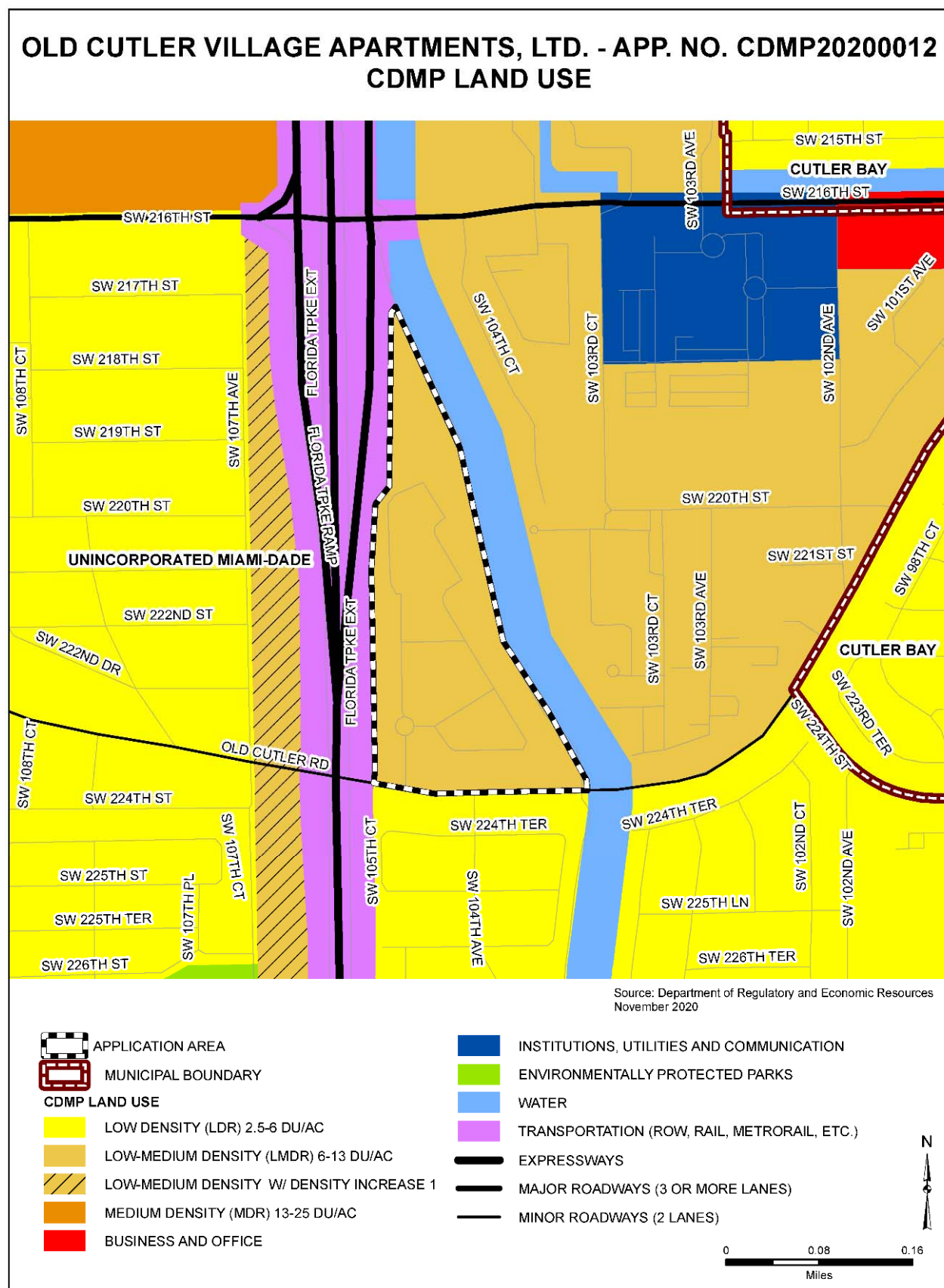




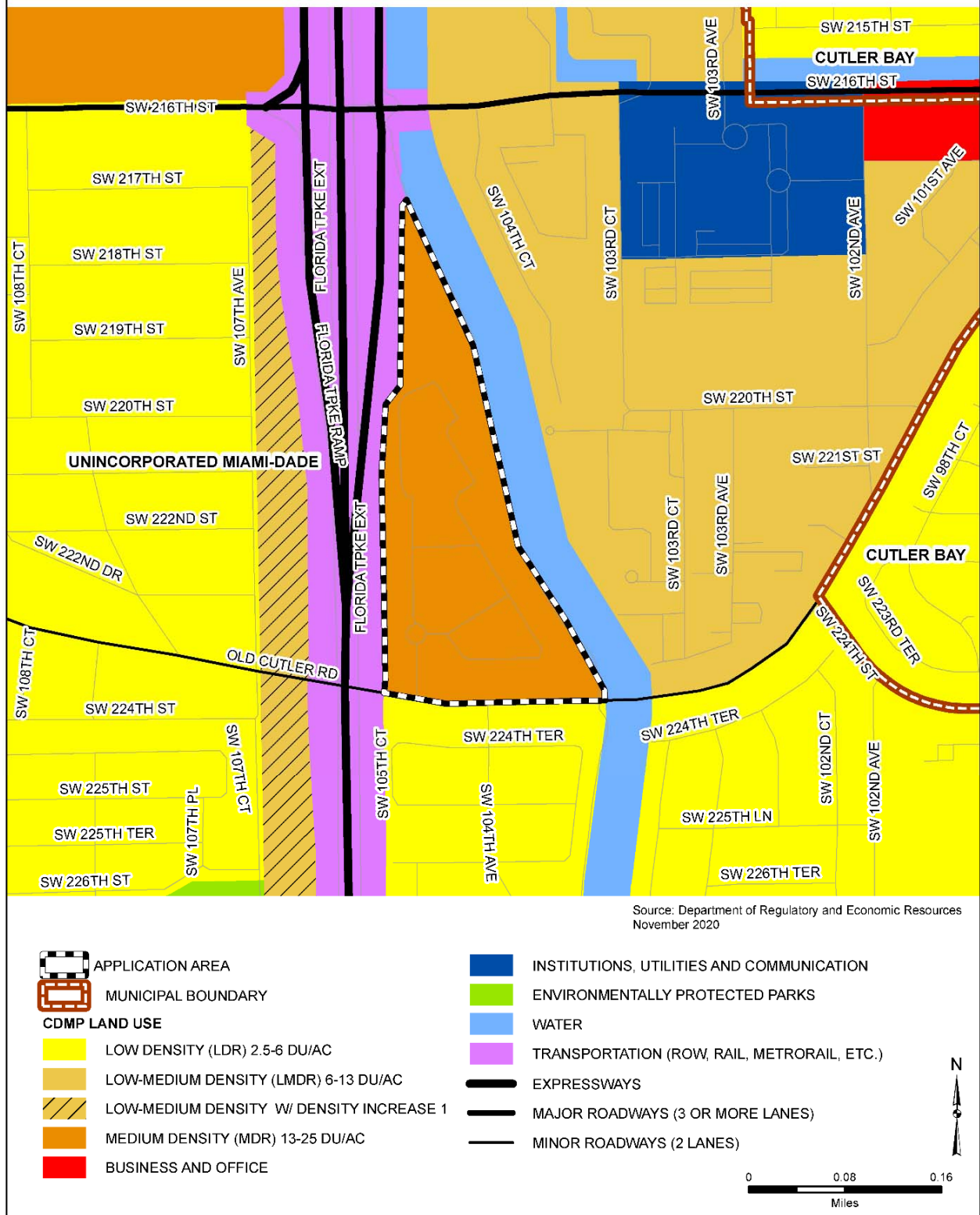
OLD CUTLER VILLAGE APARTMENTS, LTD. - APP. NO. CDMP20200012 **EXISTING LAND USE**



Application No. CDMP20200012



Application No. CDMP20200012



STAFF ANALYSIS

Application Site

Location

The ±22.57 gross/net acre triangular shaped application site is located on the north side of Old Cutler Road, between the Homestead Extension of Florida's Turnpike (HEFT) and Black Creek Canal. The application site is within a Community Development Block Grant (CDBG) eligible block group and is approximately 1,101 feet west of the western limits of the Town of Cutler Bay (see "Aerial Photo" map on page 5).

Existing Land Use

The application site is developed with the "Old Cutler Village Apartments", a gated rental apartment affordable housing complex which according to the County's Property Appraiser records consists of 12 two-story apartments with a total 288 units built in 2003 (see Appendix H: Photos of Site and Surroundings on Appendices Page 83).

CDMP Land Use Designation/Request

The CDMP Adopted 2030 and 2040 Land Use Plan (LUP) map designates the application site as "Low-Medium Density Residential" (see "CDMP Land Use Map" on page 8). The "Low-Medium Density Residential" CDMP land use category allows residential densities between 6 and 13 dwelling units per gross acre. The types of housing typically found in areas with this land use designation include single-family homes, townhouses and low-rise apartments. Under its current "Low-Medium Density Residential" land use designation the application site could be developed with a maximum of 293 residential units. The site is currently developed with 288 apartments that are affordable units, pursuant to an agreement with the Florida Housing Finance Corporation, as described in the "Existing Agreement" section below .

The applicant requests redesignation of the application site on the LUP map to "Medium Density Residential (13 to 25 dwelling units per gross acre)." Under the requested "Medium Density Residential" land use designation, the application site could be developed with a maximum development of 564 multifamily residential dwelling units (apartments), or 276 more apartments than the existing 288 apartments that are on the site, (see "Current and Proposed CDMP LUP Map Designations and Development" table below). It must be noted that the actual densities or intensities of development approvable on a given site may be significantly lower than the maximum, where necessary, to conform to an overriding Plan policy, or to ensure compatibility of the proposed development with its surrounding land uses. Therefore, the total permissible development may be significantly less than the maximum allowed under the CDMP due to land use compatibility and other site-related considerations.

Current and Proposed CDMP LUP Map Designations and Development

Current CDMP LUP Map Designation	“Low Medium Density Residential (6 to 13 dwelling units per acre)”	Current Potential Development 293 SF attached (currently developed with 288 MF)
Applicant’s Requested CDMP LUP Map Designation	“Medium Density Residential (13 to 25 dwelling units per acre)”	Applicant’s Proposed Potential Development – 564 MF (or 276 more than the existing development)

Notes: SF means single-family residences; MF means multi-family residences

Source: Department of Regulatory and Economic Resources, Planning Division, December 2020

Other Planning Considerations

The applicant submitted a letter dated October 30, 2020 outlining the intent for the application and the proposed project, and among other things, describing the application site as a “land use island”, given its shape and adjoining uses (see Appendix A: Amendment Application on Appendices page 25 and “Aerial Photo” on page 5). The triangular shaped application site is gated and fenced, with a walking path along the western perimeter. The existing housing units are towards the center and southern end, with open space towards the northern ± 3.3 acres of the site. The application states that the existing 288 residential units on the property, are “slated to remain” with the proposed development, which is geared towards infill development on open areas” on the application site (*October 2020 Applications To Amend The Comprehensive Development Master Plan* report, [“Applications Report”], page 2). According to the applicant’s property survey, dated November 4, 2020, the northern tip is identified as “Future Release Parcel” comprising of ± 3.31 acres, or $\pm 143,970$ square feet. The application references “development on the north end and along the western boundary” which is assumed where the additional units will be placed (*Applications Report*, page 7). As indicated in the application, the inner walking trail on the western portion of the application site may possibly not remain in the redevelopment process and cause a loss of open space. The County’s Parks, Recreation and Open Spaces Department requested that the development include a connection to the Black Creek Trail and the applicant has complied with this request through a commitment in the proffer covenant to a bicycle and pedestrian connection from the application site to the Black Creek Trail. (see Appendix B: Applicant’s Proffered Declaration of Restrictions on Appendices page 31). This direct connection may encourage walking and bicycling, in accordance with the Community Health and Design Element Policy CHD-2A that supports design principles that encourage physical activity through interconnectivity and pedestrian and bicycle linkages between residential and non-residential uses.

Existing Agreement

There is an Extended Low-Income Housing Agreement (Agreement) for the existing 288 units on the application site, dated May 5, 2003 between the applicant and Florida Housing Financing Corporation. As recorded in Book 21408, Pages 183-203 of the public records of Miami-Dade County, the primary provision of the Agreement specifies the development requirements for the site and stipulates that the development consists of 288 units and that at least 40% of the units be occupied by residents with an income of 60% or less of the area median gross income, in

accordance with Section 42(g) of the Internal Revenue Service Code. The existing Agreement is due to expire in 2053 (see Appendix C, Extended Low-Income Housing Agreement with Florida Housing Finance Corporation on Appendices page 41).

Applicant's Proffered Declaration of Restrictions

The applicant proffered a covenant on November 12, 2020 that requires at least 10% of the new development on the application site to be set aside for workforce housing for households earning from 60% to 140% of the Area Median Income of the County, consistent with the Workforce Housing Development Program of Miami Dade County (see Appendix B: Applicant's Proffered Covenant on Appendices page 31). The covenant also includes the requirement for a pedestrian/bicycle path connection from the application site to the Black Creek Trail.

Zoning

The application site is zoned RU-3M, Minimum Apartment House at 12.9 units per net acre (see "Zoning Map" on page 6).

Zoning History

Miami-Dade County zoning districts and zoning code regulations were first created in 1938. The application site was originally part of the larger 1948 "Lincoln City Section H" plat, as recorded in Plat Book 46, Page 91 of the public records of Miami-Dade County (County). The application site was part of a larger ±350-acre parcel that the Board of County Commissioners (BCC), through Resolution No. 3027, rezoned in 1948 from GU (Interim, uses depend on character of neighborhood) to RU-1 (Single Family Residential, 7,500 sq. net acre). In 1993 the BCC adopted Resolution No. Z-09-93 rezoning the application site from RU-1 to RU-3M, which remains its present zoning to date. As part of the 1993 public hearing, the applicant proffered a Declaration of Restrictions (covenant), that included a monetary contribution to the public schools, as recorded in Book 16090, Pages 2433-2441 of the public records of the County. The application site was replatted in 2002 as "Old Cutler Apartments" as recorded in Plat Book 159, Page 1 of the public records of the County. Administrative Site Plan Reviews were approved in 1994 and 1999, as well as a 2004 covenant for the entrance gate feature.

Adjacent Land Use and Zoning

Existing Land Uses

North and northeast of the application site beyond the abutting Black Creek Canal, are the Bel Aire apartments, and the Cutler Canal apartments, which span both sides of SW 216 Street. Further northeast and fronting SW 216 Street is the County's Doris Ison South Dade Community Health Center. East of the application site across Black Creek Canal are the Cutler Creek Village condominiums and the Black Creek Villas townhouses. South and Southeast of the application site, beyond Old Cutler Road, are the Enclave at Black Point Marina and Herfa single-family subdivisions on the west and east sides of the Black Creek Canal, respectively. Directly adjacent to the application site on the west is the Homestead Extension of the Florida Turnpike (HEFT). Beyond the HEFT is a linear ±16.46 gross acre site spanning both sides of Old Cutler Road that was the subject of the January 2019 Cycle Application CDMP20190004 approved with a covenant by Ordinance 19-104 for the development to 400 units (see "Existing Land Use" map on page 7).

CDMP Land Use Designations

North of the application site, the Bel Aire apartments are designated "Low-Medium Density Residential (6 to 13 dwelling units per gross acre)," as are the Cutler Canal apartments to the north and northeast. Further northeast the County's Community Health Center is designated "Institutions, Utilities and Communication." East of the application site the Cutler Creek Village condominiums and the Black Creek Villas townhouses are designated "Low-Medium Density Residential (6 to 13 dwelling units per gross acre)." Southeast and south of the application site

the single-family residences of the Herfa subdivision and the Enclave at Black Point Marina are designated “Low Density Residential (2.5 to 6 dwelling units per gross acre).” West of the application site the HEFT is designated “Transportation.” Further west the linear ±16.46-acre site is designated “Low-Medium Density Residential with One Density Increase (DI-1),” see “CDMP Land Use Map” on page 8.

Zoning

North and northeast of the application site, the Bel Aire and Cutler Canal apartments are zoned RU-4L (Limited Apartment House District, 23 units/net acre). Further northeast the Community Health Center is zoned BU-1 (Business Districts, Neighborhood). East of the application site the Cutler Creek Village condominiums are RU-3M (Minimum Apartment House 12.9 units/net acre) and the Black Creek Villas townhouses are zoned RU-TH (Townhouse District, 8.5 units/net acre). Southeast of the application site the Herfa subdivision residences are zoned RU-TH (Townhouse District, 8.5 units/net acre) and south of the application site the Enclave at Black Point Marina residences are zoned RU-1MA (Modified Single-Family Residential District, 5,000 square feet per net acre). Beyond the HEFT to the west the linear ±16.46-acre site is currently the subject of Application No. Z2020000101 for a District Boundary Change from RU-2 (Two-family Residential District, 7,500 net square feet) to RU-4M (Modified Apartment House District, 35.9 units per net acre), see “Zoning Map” on page 6.

Supply and Demand Analysis

The capacity of the LUP map to accommodate population or economic growth is generally expressed in acres of vacant land zoned or designated for residential and non-residential development. In the context of this small-scale application, land capacity is analyzed at the localized or Minor Statistical Area (MSA) level.

The combined vacant land for single-family and multi-family residential development in the Analysis Area (Minor Statistical Area 7.1) in 2020 was estimated to have capacity for about 6,483 dwelling units, with about 75.0 percent of these units intended as multi-family. The annual average residential demand in this Analysis Area is projected to increase from 203 units in the 2020-2025 period to 281 units in the 2035–2040 period. An analysis of the residential capacity by type of dwelling units shows the depletion of single-family to take place in 2030 and multi-family type beyond the year 2040 (see “Residential Land Supply/Demand Analysis” table below).

Residential Land Supply/Demand Analysis
2020 to 2040: **(MSA 7.1)**

ANALYSIS DONE SEPARATELY FOR EACH
TYPE, I.E. NO SHIFTING OF DEMAND
BETWEEN SINGLE & MULTI-FAMILY TYPE

	STRUCTURE TYPE		
	SINGLE-FAMILY	MULTIFAMILY	BOTH TYPES
CAPACITY IN 2020	1,798	4,685	6,483
DEMAND 2020-2025	159	44	203
CAPACITY IN 2025	1,003	4,465	5,468
DEMAND 2025-2030	196	54	250
CAPACITY IN 2030	23	4,195	4,218
DEMAND 2030-2035	211	58	269
CAPACITY IN 2035	0	3,905	2,873
DEMAND 2035-2040	220	61	281
CAPACITY IN 2040	0	3,600	1,468
DEPLETION YEAR	2030	2040+	2040+

Residential capacity is expressed in terms of housing units.

Housing demand is an annual average figure based on population projections.

Source: Miami-Dade Department of Regulatory and Economic Resources, Planning Division, Planning Research and Economic Analysis Section, December 2020.

The applicant is requesting a change from “Low-Medium Density Residential” to “Medium Density Residential” for a total of approximately 22.57 net acres. If the proposed application is approved, it will increase the supply of multi-family type units by approximately 276 net additional units. This will extend the depletion year of multi-family type units by approximately 4.5 years or the overall residential capacity by approximately 14 months.

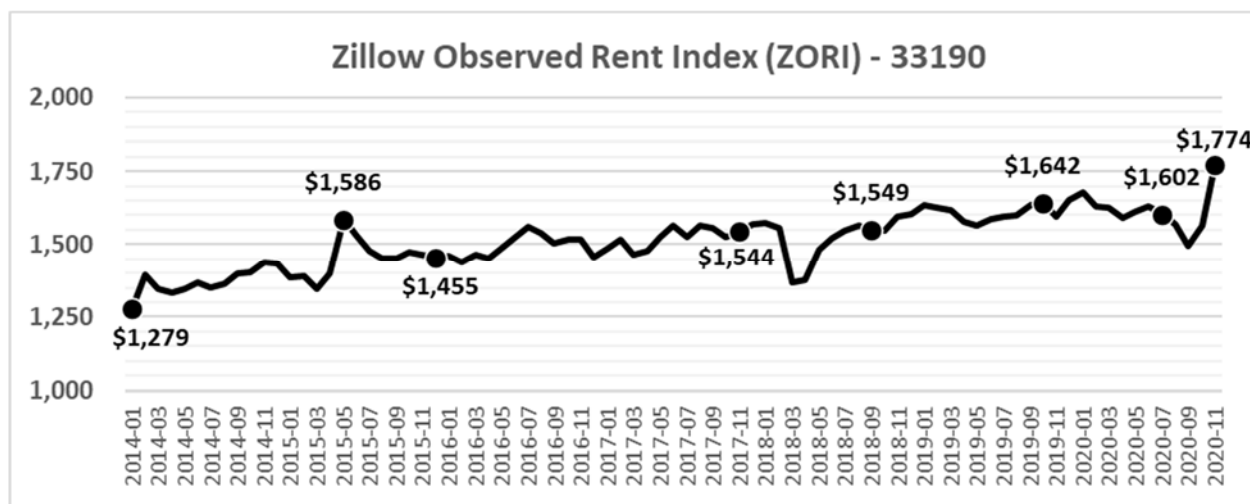
Potential Impact on Affordable Housing

The applicant's site is in zip code 33190. For the purposes of analysis, the three surrounding zip codes were considered: 33032, 33170 and 33189. . The applicant has committed to reserving 10% of the proposed new units as workforce housing, affordable to households earning between 60% and 140% of the HUD Area Median Income. This section addresses the potential impact the project could have on the county's housing market based on the information provided and available housing data. At currently prevailing rates, extracted, where available, online from Zillow, the following rents are identified.

Zillow Rent Index

	Zip Code	2020 Rent Index	Average
All Homes Including Multifamily	33032	\$1,984	\$1,733
	33189	\$1,599	
	33190	\$1,616	

Source: Zillow.com (The 2020 index is the monthly unweighted average for the year through November.)



The current most recently available observed rent from November 2020, \$1,774, is up 21.1% from five years earlier. It is the maximum value since January 2014.

The table below comes from the Florida Housing Finance corporation and identifies the countywide affordable rent limits for households according to the household-income as a share of area median income (AMI). Miami-Dade County AMI is identified by HUD currently for 2020 at \$59,100. If this project sets rents at the currently prevailing average rate for rentals in the surrounding zip codes, then a two-bedroom unit would be naturally affordable to a household earning 80% of AMI. A one-bedroom unit would be affordable to a household earning 100% of AMI.

Miami-Dade County Housing Rent Limits, 2020

AMI Category	0 Bedroom Limit (\$)	1 Bedroom Limit (\$)	2 Bedroom Limit (\$)	3 Bedroom Limit (\$)	4 Bedroom Limit (\$)
30%	480	514	617	726	879
50%	800	857	1,028	1,188	1,326
60%	960	1,028	1,234	1,452	1,758
80%	1,280	1,371	1,645	1,900	2,120
100%	1,600	1,714	2,056	2,376	2,652
120%	1,920	2,058	2,469	2,853	3,183
140%	2,240	2,401	2,880	3,328	3,713

Sources: Florida Housing Finance Corporation, 2020 Combined Income and Rent Limits by County

The two tables above illustrate that within the zip code that defines the market area for this project, prevailing market-rate rents are naturally affordable to workforce households according to the Florida Housing Finance Corp (FHFC) data. Workforce housing, under county ordinance, is defined as housing that is affordable to a household earning between 60% and 140% of AMI. Though indications are that the rate of population growth is slowing, in the county's still rapidly appreciating housing market, there is unquestionable value in commitments for preserving units as affordable long into the future.

Finally, the table below illustrates the affordability situation that currently exists within the study area. In this case, the study area is broadened to include the MSA within which the application property lies, which is MSA 7.1. The data for cost burden is drawn from the 2019 American

Community Survey 5-year estimates, the most currently available data, released in December of 2020. The data shows most households earning less than \$35,000 per year pay 50% or more of their income on rent and are thus severely cost burdened (52.7% of households). An income of \$35,000 per year represents just 61% of AMI after adjusting for inflation. The median ratio of gross rent to household income for households earning less than \$19,000 per year (1,980 households) was 57.7%, and for households earning \$20,000 to \$34,999 (1,519 households) was 48.8%. Also, 69.6% of households earning between \$35,000 and \$49,999 per year (1,242 households) pay 30% or more of their income on rent and are cost burdened. A household income of \$49,999 represents 84.6% of AMI. Only 21.7% of households in MSA 7.1 earning \$50,000 per year or more (3,336 households) found themselves cost burdened. The data makes apparent, in this market area, how much greater the housing crisis is for low income and extremely low-income households versus moderate income or workforce households.

Miami-Dade County Cost Burden of Renter Households by Household Income

	MSA 7.1	Total Study Area	Shares
Total Renter Households:	8,077	8,077	
Less than \$19,999:	1,980	1,980	100%
Less than 30.0 percent	336	336	17.0%
30.0 to 49.9 percent	411	411	20.8%
50.0 percent or more	1,158	1,158	58.5%
Not computed	75	75	3.8%
Median	57.7	66.5	
\$20,000 to \$34,999:	1,519	1,519	100%
Less than 30.0 percent	220	220	14.5%
30.0 to 49.9 percent	558	558	36.7%
50.0 percent or more	686	686	45.2%
Not computed	55	55	3.6%
Median	48.8	58.1	
\$35,000 to \$49,999:	1,242	1,242	100%
Less than 30.0 percent	350	350	28.2%
30.0 to 49.9 percent	583	583	46.9%
50.0 percent or more	281	281	22.6%
Not computed	28	28	2.3%
Median	36.4	39.8	
\$50,000 or more:	3,336	3,336	100%
Less than 30.0 percent	2,542	2,542	76.2%
30.0 to 49.9 percent	688	688	20.6%
50.0 percent or more	38	38	1.1%
Not computed	68	68	2.0%
Median	n/a	n/a	

Data Source: U.S. Census Bureau 2019 American Community Survey 5-year Estimates.

Additional Comments

A clarification should be made about statements made by the applicant regarding projected population growth in Miami-Dade County. The applicant states that “based on the American Community Survey data from 2018 and compiled by Clarion Ledger, Miami Dade County’s Population is slated to increase by 6.5%.” The American Community Survey does not make population projections. Also, according to population projections generated by RER’s Planning Division’s Planning Research and Economic Analysis Section, the expected population growth in the next five years is 5.3% and not 6.5%. For MSA 7.1, where the application site is located, the County’s projected population growth is expected to be 4.5%.

Environmental Conditions

The following information pertains to environmental conditions of the application site. All YES entries are further described below.

Flood Protection

FEMA Flood Zone	AE
Stormwater Management Permit	DERM Surface Water Management Permit Required
County Flood Criterion	5.5 feet
(National Geodetic Vertical Datum)	

Biological Conditions

Wetlands Permit Required	No
Native Wetland Communities	No
Specimen Trees	Yes
Endangered Species Habitat	No DERM records
Natural Forest Community	No

Other Considerations

Within Wellfield Protection Area	No
Contaminated Site	No

Environmental Monitoring and Restoration

DERM has no records of current contamination issues on the subject site or abutting properties. However, based on the historical use of the site, all construction plans (inclusive of drainage) and dewatering plans shall require review and approval from the Environmental Monitoring and Restoration Division of DERM as it relates to potential environmental contamination issues.

If any required future Phase 1 or Phase 2 Environmental Site Assessment shows evidence of contamination on the site, any portion of the site to be sold, transferred, or dedicated (including for public right-of-way) shall be identified, and the receiving entity must be made aware of the contamination and accept any conveyance. If soil contamination, groundwater contamination, solid waste, and/or methane will be addressed via a No Further Action with Conditions, each individual property owner will have to execute a restrictive covenant and each receiving entity must accept all applicable restrictions and responsibilities that are required following the transfer of ownership. Please note that nothing stated herein may be interpreted to limit or restrict an engineer’s or other professional’s responsibility to prepare plans accurately and completely for proposed rights-of-way as well as any other projects or plans.

If right-of-way dedications are required, any soil, groundwater or surface water contaminants or solid waste and/or methane must be disclosed to the receiving County or Municipal applicable department at the earliest stage possible; the presence of any such contamination and/or solid waste and/or methane impacts or a delay in disclosure of such contamination or impacts could

result in the County declining to accept the proposed dedication, the need for the developer to reconfigure or change previously approved site plans, or other changes to the proposed development.

In addition, any construction, development, drainage, and dewatering at a site with documented contamination shall require DERM review and approval as it relates to environmental contamination issues.

Natural Resources

The subject property contains tree resources, including specimen tree resources (trees with a trunk diameter at breast height of 18 inches or greater) identified by DERM staff during a site inspection on December 9, 2020. Specimen trees are protected by Section 24 -49.2(II) of the Code, the Miami-Dade County Landscaping Ordinance (Chapter 18A of the Code) and Policy CON-8A of the CDMP.

A Miami-Dade County Tree Permit is required prior to the removal and/or relocation of any tree that is subject to the tree preservation and protection provisions of the Code. Site plan development must be consistent with the requirements to preserve specimen trees, except in cases where DERM has determined that a specimen tree cannot be preserved pursuant to Section 24-49.2(4)(II)(2) of the Code. The approval of this land use application shall not be construed as an approval to remove specimen trees due to a determination of unreasonable loss of usable space pursuant to Section 24-49.2(4)(II)(2)(b) of the Code.

In accordance with Section 24-49.9 of the Code and Policy CON-8I of the CDMP, all plants prohibited by Miami-Dade County shall be removed from all portions of the property prior to development or redevelopment and developed parcels shall be maintained to prevent the growth or accumulation of prohibited species.

Endangered Species

The subject property and adjacent properties are not located within a federally designated critical habitat area. DERM is not aware of any documented threatened or endangered species on this or adjacent properties.

Drainage and Flood Protection

Storm water drainage systems that provide both flood protection and storm water quality treatment are required for any new development within the subject property. Development involving 2 acres or more of impervious area requires a DERM Surface Water Management General Permit for the construction and operation of the required surface water management system. This permit must be obtained prior to any future development order approval.

Site grading and development must provide for the full retention of the 25-year/3-day storm event and must not cause flooding of adjacent properties. Requirements of Chapter 11C of the Code, as well as State and Federal flood protection criteria, must be met. The proposed development order, if approved, must not result in a reduction in the LOS standards for flood protection set forth in the CDMP, subject to compliance with the conditions required for this proposed development order.

Water Management

The proposed amendment may alter the amount of impervious surface and thus impact groundwater recharge. DERM will evaluate future development orders to ensure that the overall development will not create adverse impacts to the Stormwater Management Level of Service Standard contained in Policy 5A of the Conservation, Aquifer Recharge and Drainage Element.

Water and Sewer

Potable Water Supply

The subject property is located within the Miami-Dade Water and Sewer Department (WASD) service area. Based on the type of development that would be allowed under the requested land use, connection to the public water supply system would be required pursuant to Chapter 24 of the Code. The water supply for this application would be provided by the Alexander-Orr Water Treatment Plant. At the present time, there is adequate treatment and water supply capacity for this application consistent with Policy WS-2 A (1) of the CDMP.

The existing site is connected to WASD's water system. There is an existing 8-inch water main within the subject site which could serve as a connection point for extension of a new 8-inch water main within the property to provide water service. In addition, there is an existing 16-inch water main and an 8-inch water main along Old Cutler Road for any additional connections that may be required. If two or more fire hydrants are to be connected to a public water main extension, then the water system shall be looped with two (2) points of connection.

At this time, there are two planned projects in close proximity to the application site pursuant to WASD Agreement Nos. 30711 and 30968. Agreement No. 30711 is for the construction of 202 apartment units on vacant land and Agreement No. 30968 is for the construction of 198 apartment units on vacant land.

Water Demand/Sewer Flow Analysis

As noted in the "Estimated Water Demand/Sewer Flow for Proposed Development by Land Use Scenario" table below, the maximum water demand under the current CDMP Land Use designation of "Low-Medium Density Residential" is estimated to be 48,345 gallons per day (gpd), as shown under Scenario 1. The maximum water demand under the requested CDMP Land Use Designation of Medium High Density Residential would be 85,605 gpd, as shown under Scenario 2, which includes the water demand for both the existing townhomes and the proposed apartment units. This represents a potential increase of approximately 37,260 gpd for water and sewer service for the entirety of the subject site.

Estimated Water Demand/Sewer Flow
For Proposed Development by Land Use Scenario

Scenario	Use (Maximum Allowed)	Quantity (Units or Square Feet)	Water Demand Multiplier (Section 24-43.1 Miami-Dade Code)	Projected Water Demand (gpd)
Current CDMP Potential – "Low Medium Density Residential"				
1	SF Attached	293	165 gpd/unit	48,345 gpd
Requested CDMP Designation – "Medium Density Residential"				
2	SF Attached	293 existing units	165 gpd/unit	48,345 gpd
AND				
2	Multi Family	276 additional units	135 gpd/unit	37,260 gpd

Source: Miami-Dade Water and Sewer Department; Department of Regulatory and Economic Resources, Planning Division; December 2020

Sewer Treatment Plant Capacity

Based on the requested land use and development that would be allowed under this land use amendment, connection to the public sanitary sewer system would be required pursuant to Chapter 24 of the Code. The wastewater flows for this application would be transmitted to the South District Wastewater Treatment Plant for treatment and disposal. Currently, there is average wastewater treatment capacity for this application consistent with Policy WS-2A (2) of the CDMP.

Sewer System Connectivity

The existing site is connected to WASD's sewer system and served by a private pump station, which could serve as a connection point to the sewer system in order to provide service to the proposed development.

Fire and Rescue Service

The application area is currently served by Miami-Dade Fire Rescue (MDFR) Station No. 34 (Cutler Ridge) located at 10850 SW 211 Street. The station is equipped with a Rescue totaling seven (7) paramedics, 24 hours a day, seven days a week. The average travel time to incidents in the vicinity of the application site is estimated at approximately 7:00 minutes. Performance objectives of national industry standards require the assembly of 15-17 firefighters on-scene within 8 minutes at 90% of all incidents. Presently, travel time to incidents in the vicinity of the application site complies with the performance objective of national industry standards.

Level of Service Standard for Fire Flow and Application Impacts

CDMP Policy WS-2A establishes the County's minimum Level of Service standard for potable water. This CDMP policy requires the County to deliver water at a pressure no less than 20 pounds per square inch (psi) and no greater than 100 psi, unless otherwise approved by the Miami-Dade Fire Rescue Department. The required fire flow for the proposed "Medium-High Density Residential" CDMP designation shall be 1,500 gallons per minute (GPM). Fire hydrants shall be spaced a minimum of 300' from each other and shall deliver not less than 500 GPM. Presently, there are no fire flow deficiencies in the vicinity of the application.

The MDFR Department has determined that the current CDMP designation (Low-Medium Density Residential) would allow development that could generate 88 annual alarms. The proposed CDMP designation (Medium Density Residential) would allow development that could generate 169 annual alarms. The 169 annual alarms will result in a moderate impact to existing fire rescue service. Presently, fire and rescue services in the vicinity of the subject property is adequate. Based on the current call volume for Station No. 34 and existing stations within close proximity of the subject property, all stations combined are capable of mitigating the additional number of alarms. Additional stations include Station No. 52 (South Miami Heights) located at 12105 Quail Roost Drive and Station No. 5 (Goulds) located at 13150 SW 238 Street, MDFR has no objection to this application.

Solid Waste

The Miami-Dade County Department of Solid Waste Management (DSWM) oversees the proper collection and disposal of solid waste generated in the County through direct operations, contractual arrangements, and regulations. In addition, the Department directs the countywide effort to comply with State regulations concerning recycling, household chemical waste management and the closure and maintenance of solid waste sites no longer in use.

Level of Service Standard

CDMP Policy SW-2A establishes the adopted Level of Service (LOS) standard for the County's Solid Waste Management System. This CDMP policy requires the County to maintain sufficient

waste disposal capacity to accommodate waste flows committed to the System through long-term contracts or interlocal agreements with municipalities and private waste haulers, and anticipated uncommitted waste flows, for a period of five years. The DSWM assesses the solid waste capacity on a system-wide basis since it is not practical or necessary to make a determination concerning the adequacy of solid waste disposal capacity relative to individual applications. As of FY 2020-2021, the DSWM is in compliance with the Countywide Waste Management System's adopted LOS standard.

Application Impacts

The application requests redesignation of the site from "Low-Medium Density Residential" to "Medium Density Residential." Adoption of this amendment will likely result in the development of additional multi-family units as defined in Chapter 15 of the Code of Miami Dade County. The DSWM does not actively compete for multi-family waste collection service at this time. Waste collection and recycling services would, therefore, most likely be provided by a private hauler. Therefore, the DSWM has no objection to the proposed change.

Parks

The Miami-Dade County Parks, Recreation and Open Space (PROS) Department has three Park Benefit Districts (PBDs). The subject application site is located inside Park Benefit District 3 (PBD-3), which generally encompasses the area of the County south of SW 184 Street.

Level of Service Standard

CDMP Policy ROS-2A establishes the adopted minimum Level of Service (LOS) standard for the provision of recreation open space in the Miami-Dade County. This CDMP policy requires the County to provide a minimum of 2.75 acres of local recreation open space per 1,000 permanent residents in the unincorporated areas of the County and a County-provided, or an annexed or incorporated, local recreation open space of five acres or larger within a three-mile distance from residential development. The acreage/population measure of the LOS standard is calculated for each Park Benefit District. A Park Benefit District is considered below LOS standard if the projected deficiency of local recreation open space is greater than five acres. Currently, PBD-3 has a surplus capacity of 191.76 acres of parkland, when measured by the County's concurrency LOS standard of 2.75 acres of local recreation open space per 1,000 permanent residents.

The "County Local Parks" table below lists the parks within a 3-mile radius of the application site; nine (9) of the twenty-five (25) parks listed below are larger than the required minimum provision of five-acres of local recreational open space.

County Local Parks
Within a 3-Mile Radius of Application Site

Park Name	Acreage	Classification
Ben Shavis Park	0.86	Mini Park
Caribbean Park	5.17	Neighborhood Park
Charles Burr Park	3.80	Neighborhood Park
Cutler Ridge Skate Park	3.60	Single Purpose Park
Debbie Curtin Park	9.78	Neighborhood Park
Eureka Park	4.42	Community Park
Eureka Villas Park	5.30	Neighborhood Park
Goulds Park	31.10	Community Park

Park Name	Acreage	Classification
Goulds Wayside Park	2.68	Neighborhood Park
Lincoln City Park #1	0.50	Mini Park
Lincoln Estates Park	0.82	Mini Park
Losner Park	0.55	Mini Park
MedSouth Park	4.48	Neighborhood Park
Princetonian Park	6.54	Neighborhood Park
Quail Roost Park	2.47	Neighborhood Park
Sharman Park	6.71	Neighborhood Park
Silver Palms Park 1	1.05	Neighborhood Park
Silver Palms Park 2	1.30	Neighborhood Park
Silver Palms Park 3	0.81	Neighborhood Park
Silver Palms Park 4	1.09	Neighborhood Park
Silver Palms Park 5	0.83	Neighborhood Park
Silver Palms Park 6	1.93	Neighborhood Park
Silver Palms Park 7	6.20	Neighborhood Park
South Miami Heights Park	5.97	Neighborhood Park
William Randolph Community Park	10.57	Neighborhood Park

Source: Miami-Dade County Parks, Recreation and Open Space Department, December 2020.

Application Impacts

The existing “Low-Medium Density Residential” designation would generate a maximum of 293 single-family attached residential units and an anticipated population of 882. The concurrency analysis for this scenario results in an impact of 2.43 acres based on the minimum Level of Service standard for the provision of local recreational open space in the Recreational and Open Space Element.

The potential for residential development under the proposed “Medium Density Residential” designation would generate a maximum of 564 multi-family residential units and an anticipated population of 1,156. The concurrency analysis for this scenario results in an impact of 3.18 acres based on the minimum Level of Service standard for the provision of local recreational open space in the Recreational and Open Space Element.

PROS recommends that the proposed development provide neighborhood access, in the form of non-motorized, pedestrian connections to the adjacent Black Creek Trail in connection with Objective ROS-8. The proposed new connections should be incorporated in the draft covenant. Based on the findings, PROS has no objections to this application.

Public Schools

Level of Service Standard

The adopted Level of Service (LOS) standard for all public schools in Miami-Dade County is 100% utilization of Florida Inventory of School Houses (FISH) capacity with relocatable classrooms (CDMP Policy EDU-2A). This LOS standard, except for magnet schools, shall be applicable in each public school concurrency service area (CSA), defined as the public school attendance boundary established by Miami-Dade County Public Schools.

A planning level review, which is considered a preliminary school concurrency analysis, was conducted on this application based on the adopted LOS standard for public schools, the Interlocal Agreement (ILA) for Public Facility Planning between Miami-Dade County and Miami-Dade County Public Schools, and current available capacity and school attendance boundaries. If capacity is not available at the school of impact, the developments impact can be shifted to one or more contiguous CSA that have available capacity, located either in whole in part within the same Geographic Area, as defined in CDMP Policy EDU-2C.

Section 7.5 of the ILA provides for “Public Schools Planning Level Review” (Schools Planning Level Review), of CDMP amendments containing residential units. This type of review does not constitute a public school concurrency review and, therefore, no concurrency reservation is required. Section 7.5 further states that “...this section shall not be construed to obligate the County to deny or approve (or to preclude the County from approving or denying) an application.”

Application Impact

This application, if approved, may increase the student population of the schools serving the application site by an additional 117 students. This number includes a reduction of 30.55% to account for charter and magnet schools (schools of choice). Of the 117 students, 60 are expected to attend elementary schools, 25 are expected to attend middle schools and 32 are expected to attend senior high schools. The students will be assigned to those schools identified in the “Concurrency Service Area (CSA) Schools” table below. At this time, the schools have sufficient capacity available to serve the application.

Concurrency Service Area (CSA) Schools

Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
Goulds Elementary	246	60	60	Yes	Current CSA
Cutler Bay Middle	-265	25	0	NO	Current CSA
Cutler Bay Middle	0	25	0	NO	Current CSA Five Year Plan
Miami Southridge Senior	149	32	32	YES	Current CSA
Adjacent Service Area Schools					
Southwood Middle	506	25	25	YES	Adjacent CSA

Source: Miami-Dade County Public Schools, February 2021.

Miami-Dade County Department of Regulatory and Economic Resources, February 2021.

Note: CSA means Concurrency Service Area

Section 9 of the ILA discusses implementation of school concurrency, indicating the test for school concurrency is at the time of a final subdivision, site plan or functional equivalent, not at the time of CDMP amendment application for land use. Miami-Dade County Public Schools is required to maintain the adopted LOS standard throughout the five-year planning period. In the event that there is not sufficient capacity at the time of final subdivision, site plan or functional equivalent, the ILA and the Educational Element of the CDMP describe a proportionate share mitigation process.

Aviation

Miami-Dade County Aviation Department (MDAD) does not object to the proposed CDMP amendment provided that all uses comply with federal, state and local aviation regulations, including Chapter 33 of the Code of Miami-Dade County as it pertains to airport zoning. MDAD

advises that in accordance with the Code of Federal Regulation (CFR) Title 14 Part 77, any proposed temporary or permanent structure that reaches or exceeds 200' Above Ground Level (AGL) requires filing with the Federal Aviation Administration (FAA) using Form 7460-1 'Notice of Proposed Construction or Alteration' which is available on the FAA's website and can be e-filed at: <https://oceaa.faa.gov>. Alternatively, the form can also be mailed to: Federal Aviation Administration, Southwest Regional Office Obstruction Evaluation Group, 2601 Meacham Blvd., Ft. Worth, TX 76137-0520. The applicant is required to coordinate with MDAD's Aviation Planning Division if any proposed temporary or permanent structure on the application site reaches or exceeds 200' AGL. MDAD states that more airport resources are available on MDAD's Aviation Planning Division's webpage, accessible at: http://www.miami-airport.com/planning_forms_maps.asp

Police

A review of the application and related documents was conducted to predict its impact on the Miami-Dade Police Department's resources. Current data of police staffing, population, and crimes/calls for service was also examined to project any increase in calls for service. The current staffing at the respective police district would not accommodate the anticipated increase in the volume of calls for service to the area. To conservatively maintain current staffing levels, police officer staffing would need to be increased by two additional police officers, at an estimated cost of \$199,258. Should demand for police services increase beyond the increased levels, additional sworn personnel, support staff and equipment will be required.

Roadways

The application site is ±22.57-acre property located north of Old Cutler Road between Florida's Turnpike and Black Creek Canal in unincorporated Miami-Dade County. The site has one access from Old Cutler Road, which is designated by the State (Chapter 74-400) as an historic roadway from US-1 to Sunset Drive, this means that neither State or Federal funds can be used for any improvement of this roadway except for general maintenance and repair. Also, in order to maintain the rural character of Old Cutler Road, the County has prohibited the widening or expansion of this road per ordinance# 72-47. The subject application site is inside the Community Development Block Grant (CDBG) eligible block group area hence it is exempt from traffic concurrency. The major roadways surrounding this property that would cater to the mobility needs of this project are shown below:

1. SW 216 Street from SW 137 Avenue to SW 112 Avenue is a County maintained two-lane undivided roadway with posted speed limit of 35 mph.
2. SW 216 Street from SW 112 Avenue to SW 87 Avenue is a County maintained four-lane divided roadway with posted speed limit of 35 mph.
3. SW 224 Street from SW 129 Avenue to Florida's Turnpike is a County maintained two-lane undivided roadway.
4. SW 232 Street/Silver Palm Drive from SW 124 Court to SW 117 Avenue is a County maintained two-lane undivided roadway; from SW 117 Avenue to SW 113 Place, it is a four-lane divided roadway; and from SW 113 Place to Florida's Turnpike it is a two -lane undivided roadway with posted speed limit of 30 mph.
5. SW 127 Avenue from South Dixie Highway to SW 200 Street is a County maintained two-lane undivided roadway with posted speed limit of 40 mph.
6. SW 112 Avenue/Allapattah Road from South Dixie Highway to SW 256 Street is a State maintained four-lane divided roadway with posted speed limit of 40 mph. It has an interchange with Florida's Turnpike.
7. South Dixie Highway from SW 248 Street to SW 112 Avenue is a State maintained four-lane divided roadway and from SW 112 Avenue to Florida's Turnpike it is a six-lane divided roadway with posted speed limit of 45 mph.
8. Florida's Turnpike from SW 232 Street to Old Cutler Road is a State maintained four-lane expressway with posted speed limit of 60 mph.

The project site is located near South Dixie Highway and Florida's Turnpike which would provide connectivity to other regions within the County and outside the County.

Traffic conditions are evaluated by the level of service (LOS), which is represented by one of the letters "A" through "F", with A generally representing the most favorable driving conditions or free flow traffic condition and F representing the least favorable or forced flow traffic condition with excessive delays.

Existing Conditions

Existing traffic conditions on major roadways adjacent to and in the vicinity of the application site, which are currently monitored by the State (Year 2020) and the County (Year 2020), are all operating at acceptable levels of service except for Old Cutler Road southwest of Franjo Road which is operating at LOS 'F' but the adopted LOS is 'D'. See "Traffic Impact Analysis on Roadways Serving the Amendment Site" table below.

Trip Generation

The maximum development potential scenarios under each the existing and requested CDMP Land Use Plan designations were analyzed for traffic impacts. Under the current CDMP land use designation of "Low-Medium Density Residential (6 - 13 du/ac)" the application site is assumed to be developed with 293 single-family attached units. Under the requested CDMP land use designation of "Medium Density Residential (13 - 25 du/ac)" the application site can be developed with 564 multi-family units. The maximum potential of 293 single-family attached units allowed in the existing land use is expected to generate approximately 154 PM peak hour trips and the maximum potential of 564 multi-family units allowed in the requested land use is expected to generate approximately 275 PM peak hour trips or approximately 121 more PM peak hour trips than the current development potential allowed in CDMP. See "Estimated PM Peak Hour Trip Generation" table below.

Estimated PM Peak Hour Trip Generation
By Current and Requested CDMP Land Use Designations

Application No. 2	Current CDMP Designation and Assumed Use Estimated No. Of Trips	Requested CDMP Designation and Assumed Use Estimated No. Of Trips	Estimated Trip Difference Between Current and Requested CDMP Land Use Designation
Land Use	"Low-Medium Density Residential (6 - 13 du/ac)"	"Medium Density Residential (13 - 25 du/ac)"	
Maximum Development Potential	293 Single-Family attached Units ¹	564 Multi-Family Units ²	
Net Trips Generated	154	275	+121

Source: Institute of Transportation Engineers, Trip Generation, 10th Edition, 2017; Miami-Dade County Department of Regulatory and Economic Resources, January 2020.

Notes: ¹ – ITE Land Use Code used for Single-Family Attached Housing is 220.

² – ITE Land Use Code used for Multi-Family Housing is 220.

Short Term Traffic Evaluation (Concurrency)

An evaluation of peak-period traffic concurrency conditions was conducted as of January 2021, which considers reserved trips from approved development not yet constructed, programmed roadway capacity improvements listed in the first three years of the County's adopted 2020 *Transportation Improvement Program (TIP)*, and the PM peak hour trips estimated to be generated by the development scenarios assumed to be developed under the requested CDMP LUP map designation. This evaluation determined that two roadways monitored for concurrency adjacent to and in the vicinity of the application site is currently operating below the County's adopted Level of Service (LOS) standards. The "Traffic Impact Analysis of Roadways Serving the Amendment Site Under the Requested CDMP Designation" table below shows that two roadways are projected to operate below the County's adopted level of service standards.

1. Old Cutler Road southwest of Franjo Road is operating at LOS 'F' but the adopted LOS is 'D'.
2. SW 216 Street east of Florida's Turnpike is operating at LOS 'E' but the adopted LOS is 'D'.

The two roadways that are failing to meet the County's LOS standards are not significantly impacted by the project traffic, as the percentage traffic impact is less than five percent. Also, the subject application site is inside the Community Development Block Grant (CDBG) area hence it is exempt from traffic concurrency.

Traffic Impact Analysis of Roadways Serving the Amendment Site Under the Requested CDMP Designation Roadway Lanes, Existing and Concurrency PM Peak Period Operating Level of Service (LOS)														
Sta. Num.	Roadway	Location/Link	Num. Lanes	Adopted LOS Std.*	Peak Hour Cap.	Peak Hour Vol.	Existing LOS	Approved D.O's Trips	Total Trips With D.O's Trips	Conc. LOS w/o Amend.	Amendment Peak Hour Trips	% Impact	Total Trips With Amend.	Concurrency LOS with Amend.
Requested CDMP Designation: "Medium Density Residential (13-25 du/ac)". Trip generation 275 PM peak hour trips.														
F1095	SW 112 Avenue	North of SW 216 Street	4 DV	SUMA	3580	2551	C	325	2876	C	58	1.60%	2934	C
9904	SW 220 Street	East of US 1	2 DV	D	1197	338	C	77	415	C	47	3.90%	462	C
9594	Old Cutler Road	Southwest of Franjo Road	2 DV	D	1197	1668	F	93	1761	F	36	3.00%	1797	F
9896	SW 216 Street	East of HEFT/FLA TNPK	4 DV	D	2628	2447	D	181	2628	E	62	2.40%	2690	E
9736	SW 112 Avenue	North of SW 232 Street	4 DV	D	3580	2723	C	648	3371	C	72	2.01%	3443	D
F2256	FLA TNPK./ HEFT/SR 821	South of SW 186 Street	4 DV	D	6700	3779	B	0	3779	B	62	1.00%	3841	B
Source: Compiled by the Miami-Dade County Department of Regulatory (January 2020) and Economic Resources and Florida Department of Transportation, December 2018. Notes: DV= Divided Roadway; UD=Undivided Roadway. * County adopted roadway level of service standard applicable to the roadway segment: D (90% capacity); E (100% capacity); E+20% (120% capacity for roadways serviced with mass transit having 20 minutes or less headways in the Urban Infill Area (UIA)); E+50% (150% capacity for locations with extraordinary transit service)														

Application Impact

The maximum development potential scenarios under each the existing and requested CDMP Land Use Plan designations were analyzed for traffic impacts. Under the current CDMP land use designation of “Low-Medium Density Residential (6 to 13 dwelling units per gross acre)” the application site is assumed to be developed with 293 Single-Family attached dwelling units. Under the requested CDMP land use designation of “Medium Density Residential (13 to 25 dwelling units per gross acre)” the application site is assumed to be developed with 564 Multi-Family dwelling units. The potential development of 293 Single-Family attached dwelling units under the current CDMP land use designation is expected to generate approximately 154 PM peak hour trips and the potential development of 564 Multi-Family dwelling units under the requested CDMP land use designation is expected to generate approximately 275 PM peak hour trips or approximately 121 more PM peak hour trips than the current CDMP designation.

The concurrency analysis determined that two roadways are projected to operate below the County’s adopted level of service standards. The failing roadways are currently operating below the acceptable level of service even without the project trips and the impact from the project is not significant since it is less than 5% of adopted LOS of the roadways. Also, this project is within the Community Development Block Grant (CDBG) area hence it is exempt from traffic concurrency.

Applicant’s Traffic Study

The applicant’s transportation consultant, Traftech Engineering Inc., prepared the *CDMP Amendment Traffic Impact Study*, the final version is dated January 21, 2021. The Traffic Study analyzes the existing, short term and long term traffic impacts that the proposed project will have on the roadways adjacent to and in the vicinity of the application site. A copy of the Traffic Study’s Executive Summary is included in Appendix C. The complete Traffic Study is available online at the Department’s website at https://energov.miamidade.gov/EnerGov_Prod/SelfService#/plan/d763fc9a-a772-4827-a67e-563d19ad39c7?tab=attachments. The maximum development potential for the existing land use is 293 multi-family units. The maximum development potential for the requested land use is 564 multi-family units. The trip generation analysis for the existing and proposed land use is shown in Tables 1 & 2 of the traffic study. The PM Peak Hour trip generation for the existing development potential of 293 multi-family units would be 164 trips. The trip generation from the proposed development potential of 564 multi-family units would be 316 PM Peak Hour trips or approximately 152 more PM peak hour trips than the current CDMP designation. See applicant’s Tables 1 & 2 below for trip generation analysis.

TABLE 1 Trip Generation Summary (Existing Low-Medium Density Designation) 10407 Old Cutler Road								
Land Use	Size	Daily Trips	AM Peak Hour			PM Peak Hour		
			Total Trips	Inbound	Outbound	Total Trips	Inbound	Outbound
MF Condo/Apts.	293	2,145	135	31	104	164	103	61
External Trips		2,145	135	31	104	164	103	61

Source: ITE Trip Generation Manual (10th Edition)

TABLE 2 Trip Generation Summary (Proposed Medium Density Designation) 10407 Old Cutler Road								
Land Use	Size	Daily Trips	AM Peak Hour			PM Peak Hour		
			Total Trips	Inbound	Outbound	Total Trips	Inbound	Outbound
MF Condo/Apts.	564	4,128	259	60	199	316	199	117
External Trips		4,128	259	60	199	316	199	117

Source: ITE Trip Generation Manual (10th Edition)

Difference in Trips (Proposed CDMP - Current CDMP)	1,983	124	29	95	152	96	56
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The site is located on Traffic Analysis Zone (TAZ) 1375, the cardinal trip distribution for this TAZ was obtained from the MPO's 2045 Cost Feasible Plan. The Miami-Dade TPO publishes trip distribution data for the years 2015 and 2045 for each TAZ within Miami-Dade County, this data is interpolated to get the 2025 trip distribution for the concurrency analysis. Using the cardinal distribution, the project traffic was distributed on the surrounding roadway network. See applicant's Table 3 below for trip distribution analysis.

TABLE 3 Project Trip Distribution TAZ #1375 for 10407 Old Cutler Road								
Year	Movement							
	NNE	ENE	ESE	SSE	SSW	WSW	WNW	NNW
2015	36.50%	4.60%	4.30%	0.00%	5.20%	13.20%	10.90%	25.30%
2045	39.00%	2.50%	1.70%	0.00%	7.70%	14.40%	8.00%	26.70%
2025*	37.33%	3.90%	3.43%	0.00%	6.03%	13.60%	9.93%	25.77%
Note: * Interpolated Values								
Source: Miami-Dade County (2015 & 2045 SERPM)								

The applicant's traffic study reviewed the existing traffic conditions on the surrounding roadway network using the County's and FDOT's 2020 traffic count data. Eight surrounding roadway segments were analyzed for afternoon peak hour capacity conditions and it was determined that all roadways are functioning at an acceptable level of service except for Old Cutler Road southwest of Franjo Road which is operating at LOS 'E+38' but the adopted LOS is 'D'. See the applicant's Table 4 below for the existing roadway condition analysis.

TABLE 4 Existing Conditions (Year 2021) Analysis 10407 Old Cutler Road							
Sta. No.	Roadway	Location/Link	Num. Lanes	Adopted LOS Std.	Peak Hour Capacity (1)	2021 Peak Hour Period (1)	Existing LOS
Request CDMP - from "Low-Medium Density Residential" to "Median Density Residential"							
9594	Old Cutler Rd	SW/O Franjo Rd	2	D	1,197	1,668	E+38
9736	SW 112 Ave	N/O SW 232 St	4	D	3,580	2,723	C
9894	SW 211 St	E/O SW 112 Av	6	EE	3,283	1,386	D
9896	SW 216 St	E/O Heft	4	D	2,628	2,447	D
9898	SW216 St	W/O US 1	2	D	1,440	473	C
2256	Fla Turnpike	S/O SW 186 St	4	D	6,700	3,779	B
9904	Old Cutler Rd	E/O US 1	2	D	1,197	338	C
F1095	Allapattah Dr	N/O SW 216 St	4	SUMA	3,580	2,551	C

SOURCE: Miami-Dade County and FDOT (January 6, 2021)

(1) Miami-Dade County Concurrency (January 2021)

The applicant's traffic study included a 2023 short term concurrency analysis, which included reserved trips from approved development not yet constructed, programmed roadway capacity improvements listed in the first three years of the County's adopted 2020 *Transportation Improvement Program (TIP)*, and the PM peak hour trips estimated to be generated by the proposed development. The concurrency analysis determined that all roadways except two, impacted by the proposed development, will have sufficient capacity to handle the additional traffic impacts that would be generated by this project. The two roadways that are projected to operate below the County's adopted level of service standards are,

1. Old Cutler Road southwest of Franjo Road is operating at LOS 'F' but the adopted LOS is 'D'.
2. SW 216 Street east of Florida's Turnpike is operating at LOS 'E' but the adopted LOS is 'D'.

The two roadways that are failing to meet the County's LOS standards are not significantly impacted by the project traffic, as the percentage traffic impact is less than five percent. Also, the subject application site is inside the Community Development Block Grant (CDBG) eligible block group area hence it is exempt from traffic concurrency. See the applicant's Table 5 below for the short-term concurrency analysis.

The applicant's traffic study also included a 2045 Long Term analysis to determine the future long-term traffic impacts on the surrounding roadways. The 2045 traffic volumes were obtained from the Southeast Florida Regional Planning Model (SERPM8) and the project trips were added to the model volumes to determine the impact on the surrounding roadway segments. The long-term analysis determined that three roadway segments are projected to operate below the County's adopted level of service standards,

1. Old Cutler Road southwest of Franjo Road is operating at LOS 'F' but the adopted LOS is 'D'.
2. SW 216 Street east of Florida's Turnpike is operating at LOS 'F' but the adopted LOS is 'D'.
3. SW 216 Street west of US-1 is operating at LOS 'F' but the adopted LOS is 'D'.

However, all the three roadways are projected to fail in 2045 even without impacts from this project. Also, the traffic impact from this project is insignificant as the percentage impact is less than five percent. See the applicant's Table 6 below for the 2045 Long Term analysis.

The applicant's traffic study assessed the impacts of the proposed CDMP amendment on the roadway segments surrounding the application site. The traffic analysis was prepared for existing traffic conditions, short-term concurrency (year 2023) and long-term (year 2045) traffic impacts. The results indicate that two roadway segments are projected to operate below the County's adopted level of service standards in the short term and three road segments are projected to operate below the County's adopted level of service standards in the long term, but the project traffic impact would be insignificant on these roadways and it is failing even without the project traffic. Hence, staff find this project to be consistent with the traffic requirements of the CDMP and is in agreement with the conclusions of this traffic study.

TABLE 5 Short-Term (Year 2023) Concurrency Analysis 10407 Old Cutler Road																	
Sta. No.	Roadway	Location/Link	Num. Lanes	Adopted LOS Std.	Peak Hour Capacity (1)	2021 Peak Hour Period (1)	Existing LOS	Approved DO Trips (1)	Growth (2)	Year 2023 Peak Hour Trips	Total Trips w/DO Trips	Conc. LOS w/o Amend.	Amend. Peak Hr Trips =			Total Peak Hour Trips	Conc. LOS w/ Amendmt
													%	Trips	% Imptct.		
Request CDMP - from "Low-Medium Density Residential" to "Median Density Residential"																	
9594	Old Cutler Rd	SW/O Franjo Rd	2	D	1,197	1,668	E+38	93	1.20%	1,749	1,842	F	4%	13	1.09%	1,855	F
9736	SW 112 Ave	N/O SW 232 St	4	D	3,580	2,723	C	648	1.26%	2,862	3,510	D	20%	63	1.76%	3,573	D
9894	SW 211 St	E/O SW 112 Av	6	EE	3,283	1,386	D	11	2.90%	1,554	1,565	D	10%	32	0.97%	1,597	D
9896	SW 216 St	E/O Heft	4	D	2,628	2,447	D	172	1.45%	2,592	2,764	F	5%	16	0.61%	2,780	F
9898	SW 216 St	W/O US 1	2	D	1,440	473	C	233	3.86%	550	783	C	5%	16	1.11%	799	C
2256	Fla Turnpike	S/O SW 186 St	4	D	6,700	3,779	B	0	1.21%	3,965	3,965	B	15%	47	0.70%	4,012	B
9904	Old Cutler Rd	E/O US 1	2	D	1,197	338	C	76	2.58%	374	450	C	10%	32	2.67%	482	C
F1095	Allapattah Dr	N/O SW 216 St	4	SUMA	3,580	2,551	C	325	3.68%	2,948	3,273	D	15%	47	1.31%	3,320	D

SOURCE: Miami-Dade County and FDOT (January 6, 2021)

SOURCE: Miami-Dade County and FDOT (January 6, 2021)

[2] Growth Rates based on Miami-Dade County SERMP

Old Cutler Road South of Franjo Road (10.5 to 15.0 in 30 years)

SW 112th Avenue North of SW 232 St (18.5 to 26.9 in 30 years)

SW 211th Street East of SW 112 Ave (14.1 to 33.2 in 30 years)

SW 216 Street East of HEFT (25.3 to 39.0 in 30 years)

SW 216 Street West of US 1 (9.6 to 9.9 in 30 years)

HEFT South of SW 186th Street (44.8 to 64.2 in 30 years)

Old Cutler Road East of US 1 (2.7 to 5.8 in 30 years)

Allapattah Drive North of SW 216 St (6.8 to 20.1 in 30 years)

1.20%

1.26%

2.90%

1.45%

3.86%

1.21%

2.58%

3.68%

TABLE 6 Long-Term (Year 2045) Analysis 10407 Old Cutler Road																
Sta. No.	Roadway	Location/Link	Num. Lanes	Adopted LOS Std.	Peak Hour Capacity (1)	2045 SRPM Plot	K(2) Factor	Approved		Total Trips w/DO Trips	Conc. LOS w/o Amend.	Amend. Peak Hr Trips =			Total Peak Hour Trips	LOS w/ Amendmt
								DO Trips (1)	Trips			%	Trips	% Impact.		
Request CDMP - from "Low-Medium Density Residential" to "Medium Density Residential"																
9594	Old Cutler Rd	SW/O Franjo Rd	2	D	1,197	15,000	0.09	93	1,350	1,443	F	4%	6	0.50%	1,449	F
9736	SW 112 Ave	N/O SW 232 St	4	D	3,580	26,900	0.09	648	2,421	3,069	C	20%	30	0.84%	3,099	C
9894	SW 211 St	E/O SW 112 Av	6	EE	3,283	33,200	0.09	11	2,988	2,999	D	10%	15	0.46%	3,014	D
9896	SW 216 St	E/O Heft	4	D	2,628	39,000	0.09	272	3,510	3,782	F	5%	8	0.30%	3,790	F
9898	SW 216 St	W/O US 1	2	D	1,440	29,900	0.09	233	2,691	2,924	F	5%	8	0.56%	2,932	F
2256	Fla Turnpike	S/O SW 186 St	4	D	6,700	64,200	0.09	0	5,778	5,778	D	15%	23	0.34%	5,801	D
9904	Old Cutler Rd	E/O US 1	2	D	1,197	5,800	0.09	76	522	598	D	10%	15	1.25%	613	D
F1095	Allapattah Dr	N/O SW 216 St	4	SUMA	3,580	20,100	0.09	325	1,809	2,134	C	15%	23	0.64%	2,157	C

Source: Miami-Dade County and FDOT

SOURCE: Miami-Dade County and FDOT

(1) Miami-Dade County

Transit

Existing Service

The application site is served by Metrobus Route 52 at four stops within close proximity: first with a bus stop ± 73 feet east of the gated entrance on the north side of Old Cutler Road, and with a second bus stop ± 104 feet east of the gated entrance on the south side of Old Cutler Road. A third Metrobus Route 52 stop is located ± 0.11 miles away (a 2-minute walk) along Old Cutler Road and ± 364 feet west of the Black Creek Canal. The fourth stop is located at the Doris Ison South Dade Community Health Center on SW 216 Street, which is also served by Metrobus Route 287. The application site is also served by Metrobus Route 35 at an eastbound bus stop that is located northwest of the property approximately 0.35 miles away (a seven-minute walk) along SW 216th Street right before Florida's Turnpike Ramp. The service headways (in minutes) and service frequency of these routes are shown in the "Metrobus Route Service Summary" table below.

Metrobus Route Service Summary						
Route	Service Headways (in minutes)					Type of Service
	Peak (AM/PM)	Off-Peak (middays)	Evenings (after 8 pm)	Saturday	Sunday	
35 (Florida City via Homestead Hospital)	40	40	40	60	60	L/F
52	30	45	60	45	60	L/F
287 (Saga Bay MAX)	35	n/a	n/a	n/a	n/a	E/F

Source: 2020-2029 Transit Development Plan, Miami Dade Department of Transportation and Public Works, Dec. 2018 Line Up, January 2021.

Notes: E means Express or Limited Stop Metrobus service, F means Metrobus feeder service to Metrorail, and L means Metrobus local route service.

While the service above is in place, the operation of the system at the time of the review is scaled back to meet the current demands, due to COVID-19 pandemic.

Recent Service Adjustments

According to the FY 2020-2029 Transit Development Plan (TDP), there are no recent service changes planned for these routes.

Future Transportation/Transit Needs and Planned Improvements

The TDP lists a funded capital project for a Park-and-Ride station (200th Street Station) located on the Transitway at SW 200th Street that will be developed in two phases. For Phase 1, developers will build 116 surface parking spaces, and for Phase 2, will build 150-space parking garage. The application site is located 1.95 miles away from the 200th Street Station.

The TDP identifies one unfunded transit operations project as the Florida's Turnpike Express South Bus Express Rapid Transit (BERT) route from 344th Street Transitway Park-and-Ride facility to the Dolphin Station. The existing express bus service from the SW 344th Street Park-and-Ride/Transit Terminal Facility along the Turnpike to the Panther and Dolphin Stations will operate with 10 new articulated buses. The application site is located ± 1.57 miles away from the nearest stop along this route at SW 112 Avenue and SW 204 Street.

The TDP also identifies one unfunded capital project. The project will be located at the Southland Mall located at SW 205th Street and South Dixie Highway (SMART Terminal) and will have 100 leased parking spaces and a four-bay terminal constructed. The application site is located ± 1.25 miles away from the Southland Mall.

DTPW Comments/Recommendations

The Miami Dade Department of Transportation and Public Works, Transit Division (DTPW) encourages the developer to support and enhance pedestrian and bicyclist connections to the bus stops, as feasible. Due to the presence of existing and proposed workforce housing DTPW encourages the connectivity to the adjacent Black Creek Trail and the incorporation of pedestrian accessibility into residential neighborhood design to enable safe pedestrian access to neighboring properties, adjacent transit stops, and planned future rapid transit stations. Upon DTPW's review for mass transit concurrency, the application is found to meet the Level-of-Service concurrency with the adopted mass transit level-of-service standard contained in CDMP Policy MT-1A. Therefore, DTPW has no objections to this application, however, additional comments may be provided at the time that the application is formally submitted.

Consistency Review with CDMP Goals, Objectives, Policies, Concepts and Guidelines

The proposed application would further the following goals, objectives, policies, concepts and guidelines of the CDMP:

- LU-1. The location and configuration of Miami-Dade County's urban growth through the year 2030 shall emphasize concentration and intensification of development around centers of activity, development of well-designed communities containing a variety of uses, housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.
- LU-1C. Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.
- LU-8A. Miami-Dade County shall strive to accommodate residential development in suitable locations and densities which reflect such factors as recent trends in location and design of residential units; a variety of affordable housing options; projected availability of service and infrastructure capacity; proximity and accessibility to employment, commercial, cultural, community, and senior centers; character of existing adjacent or surrounding neighborhoods; avoidance of natural resource degradation; maintenance of quality of life and creation of amenities. Density patterns should reflect the Guidelines for Urban Form contained in this Element.
- LU-8E. Applications requesting amendments to the CDMP Land Use Plan map shall be evaluated for consistency with the Goals, Objectives and Policies of all Elements, other timely issues, and in particular the extent to which the proposal, if approved, would:
 - i) Satisfy a deficiency in the Plan map to accommodate projected population or economic growth of the County;
 - ii) Enhance or impede provision of services at or above adopted LOS Standards;
 - iii) Be compatible with abutting and nearby land uses and protect the character of established neighborhoods; and
 - iv) Enhance or degrade environmental or historical resources, features or systems of County significance; and

- v) If located in a planned Urban Center, or within 1/4 mile of an existing or planned transit station, exclusive busway stop, transit center, or standard or express bus stop served by peak period headways of 20 or fewer minutes, would be a use that promotes transit ridership and pedestrianism as indicated in the policies under Objective LU-7, herein.
- LU-10A. Miami-Dade County shall facilitate contiguous urban development, infill, redevelopment of substandard or underdeveloped urban areas, moderate to high intensity activity centers, mass transit supportive development, and mixed-use projects to promote energy conservation. To facilitate and promote such development Miami-Dade County shall orient its public facilities and infrastructure planning efforts to minimize and reduce deficiencies and establish the service capacities needed to support such development.
- LU-12E Miami-Dade County shall continue to investigate and seek opportunities to incentivize infill development, shall publicize available incentives, and make information regarding available incentives easily accessible to developers and property owners, particularly for infill development that is transit supportive and provides workforce housing. Such incentives may include, but not be limited to, joint development agreements at transit stations and transit centers, and flexibility of development standards, particularly for irregular shaped or otherwise substandard lots.
- MT-5D. The County shall promote increased affordable housing development opportunities within proximity to areas served by mass transit.
- HO-3F Develop a strategy and implement measures to promote and strengthen the inclusionary zoning program which involves private sector developments in the provision of workforce housing. Builders and developers who participate in this program will be entitled to exceed CDMP density ranges and certain other land use provisions according to provisions set forth in the Land Use Element.
- HO-6 Increase affordable housing opportunities for extremely low, very low, low, moderate-income households, including workforce housing options, within reasonable proximity to places of employment, mass transit and necessary public services in existing urbanized areas.
- HO-3I Encourage the development of residential housing units through infill and expansion of redevelopment opportunities in urbanized areas with existing infrastructure.
- CIE-3. CDMP land use decisions will be made in the context of available fiscal resources such that scheduling and providing capital facilities for new development will not degrade adopted service levels.
- CHD-2A. Miami-Dade County will encourage land development to incorporate community design principles that encourage physical activity through the promotion of strategies, when appropriate, but not limited to:
 - 1. Utilization of non-motorized transportation modes;
 - 2. Location of public facilities accessible by multiple transportation modes;
 - 3. Availability and maintenance of quality pedestrian paths or sidewalks;
 - 4. Provision of street furniture and lighting enhancements;
 - 5. Provision of civic and recreational facilities;

6. Establishment of interconnectivity between similar development projects through vehicular and/or pedestrian/bicycle cross access; and
7. Provision of pedestrian and bicycle linkages between existing residential and nonresidential land uses.

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APPENDICES

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* Excerpted pages are enclosed herein. The complete report is accessible on the Department of Regulatory and Economic Resources website at: <http://www.miamidade.gov/planning/cdmp-amendment-cycles.asp#oct2020>

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APPENDIX A

Amendment Application

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APPLICATION TO AMEND THE
LAND USE PLAN MAP OF THE
COMPREHENSIVE DEVELOPMENT MASTER PLAN



1. APPLICANT

OLD CUTLER VILLAGE APARTMENTS, LTD
9400 S. Dadeland Boulevard, Suite 100
Miami, Florida 33156
Tel: c/o Tony Recio: (305) 854-0800
Email: c/o Tony Recio: trecio@wsh-law.com

2. APPLICANT'S REPRESENTATIVES

Tony Recio, Esq.
Edward Martos, Esq.
Alejandro Uribe, Esq.
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2525 Ponce de Leon Boulevard, Suite 700
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trecio@wsh-law.com

By: 
Tony Recio, Esq.


Date

3. DESCRIPTION OF REQUESTED CHANGE

A. Change to the Miami-Dade County Comprehensive Development Master Plan ("CDMP") Adopted 2020-2030 Land Use Plan ("LUP") Map. Applicant requests a change to the LUP map designation on the subject property from "Low-Medium Density Residential (6 to 13 dwelling units per gross acre)" to "Medium Density Residential (13 to 25 dwelling units per gross acre)." Applicant further requests acceptance of the proffered covenant.

B. Description of the Subject Property (the "Property")

The Property is located 10407 Old Cutler Road, as more particularly described in the legal description attached to this application as Exhibit "B". Identified for tax purposes by Miami-Dade County folio number 30-6017-

021-0010, it is located at the northeast corner of the intersection of Old Cutler Road and the Homestead Extension of Florida's Turnpike, also known as State Road 821 (the "Turnpike"), and is bound on the west by the Turnpike, on the south by Old Cutler Road, and to the east and north by the Black Creek Canal. The Property is entirely south of SW 216th Street.

C. Gross and Net Acreage.

Application area: ±22.57 gross acres (±22.57 net acres)

Acreage Owned by Applicant: ±22.57 net acres

D. Requested Change.

Applicant requests that the Property be re-designated map from the present LUP designation of "Low-Medium Density Residential (6 to 13 dwelling units per gross acre)" to the "Medium Density Residential (13 to 25 dwelling units per gross acre)" designation.

4. REASONS FOR AMENDMENT

Comprised of a single ±22.57 acre tract, the Property is improved with 288 affordable housing units spread throughout 12 two-story apartment buildings constructed in 2003.¹ Consistent with its current LUP Map designation of Low-Medium Density Residential, it is zoned RU-3M. The triangular shaped parcel is bounded on Old Cutler, the Turnpike, and Black Creek Canal, and as such, does not abut any privately owned property.

The neighborhood surrounding the Property is characterized by a variety of housing types and densities as well as a mix of other land uses providing employment and services – far more variety than a cursory look at the CDMP Land Use Map would suggest. Lands east of the northern portion of the Property and to the north across 216th Street, are zoned RU-4L and provide densities in the range of 21-25 dwelling units per acre despite a CDMP designation of Low-Medium Density Residential. Northwest of the Property across the Turnpike extension, lands north of 216th Street are designated Medium Density Residential but built-out with industrial and office uses, as well as Coral Reef Montessori school. South of SW 216th Street and west of the Turnpike lies a 16-acre parcel recently re-designated to Medium Density Residential with One Density Increase (DI-1), subject to a Declaration of Restrictions limiting the parcel to 400 dwelling units for an effective density of 23.3 dwelling units per acre. See Ordinance No. 19-104. Lands designated Low Density Residential lie further west of that parcel and to the south of the Property. These areas are characterized by densities of 2.5-6 dwelling units per acre. Immediately to the east of the southern portion of the Property, density increases to approximately 11.3 units per acre, on lands designated

¹ The existing housing on the Property is slated to remain, with the proposed amendment geared toward infill development on open areas within the Property.

Low-Medium Density Residential. Just north of those lands and approximately 1,000 feet away from the Property is the Miami-Dade County/Community Health of South Florida, Inc. Doris Ison Health Center.

The Property has several man-made buffers from surrounding communities and uses in the form of the Turnpike, SW 216 Street, Old Cutler Road, and the Black Creek Canal. It is thus effectively an island surrounded by a variety of land uses and residential densities in close proximity to the Turnpike and Major Corridors. 216th Street in particular is designated a Major Corridor on the CDMP LUP map and offers convenient access to the Turnpike, as well as the Cutler Ridge Government Center, the Cutler Ridge Metropolitan Urban Center, US-1 and the South Miami-Dade County Busway. While not a Major Corridor, Old Cutler Road is nonetheless an important arterial thoroughfare that offers access to businesses and amenities within the nearby Town of Cutler Bay and the major recreational offerings of Black Point Park and Marina.

Under Policy LU-8E, applications seeking amendments to the CDMP must be evaluated for their consistency with the Goals, Objectives and Policies of all of the Elements of the CDMP, and in particular, the extent to which the proposed amendment would:

- i) Satisfy a deficiency in the Plan map to accommodate projected population or economic growth of the County;
- ii) Enhance or impede the provision of services at or above adopted LOS Standards;
- iii) Be compatible with abutting and nearby land uses and protect the character of established neighborhoods;
- iv) Enhance or degrade environmental or historical resources, features or systems of County significance; and
- v) If located in a planned Urban Center, or within ¼ mile of an existing or planned transit station, exclusive busway stop, transit center, or standard or express bus stop served by peak period headways of 20 or fewer minutes, would be a use that promotes transit ridership and pedestrianism as indicated in the policies under Objective LU-7, herein.

As discussed below, the proposed amendment would satisfy every applicable element of the LU-8E review criteria.

I. THE APPROVAL OF THE APPLICATION WOULD HELP ACCOMMODATE PROJECTED POPULATION.

The application proposes a change that will accommodate projected future population, specifically catering to demand for workforce housing. Within Miami-Dade County, the U.S. Department of Housing and Urban Development (“HUD”) projects² that the demand for

² See HUD Office of Policy Development and Research: *Comprehensive Housing Market Analysis Miami-Miami Beach-Kendall, Florida*, updated as of March 1, 2019, and examining Miami-Dade County rental housing demand and supply projections.

housing in Miami-Dade County from March 2019, to March 2022 (the “Study Period”), will exceed the amount of housing projected to be under construction for the same period. According to HUD, Miami-Dade County will see a demand for 13,550 new rental units during the Study Period, but only 9,500 are expected to be constructed during that time. This leaves a deficit of 4,050 new rental units that will be needed yet not constructed during the Study Period.

The fact that demand is outpacing supply is a function of significant county-wide population growth. According to American Community Survey data from 2018 and compiled by Clarion Ledger, Miami Dade County’s population is slated to increase 6.5% over the next five years. However, the Property’s Census Tract, 106.17, is projected to see an even higher rate of population growth over the same period. The census tract is projected to grow in population by more than 50% over the next five years.

Consistent with the trends in population, demand for residential units within Minor Statistical Area 7.1 (the “MSA”), where the Property is located, is expected to increase annually from approximately 458 units per year from 2018 to 2020, to 569 units for the period from 2025 through 2030.³ This high rate of growth of population and demand underscores the need for additional density in the area where the Property is located, especially where such additional density will no result in the displacement of existing affordable-housing residents and where ample nearby transit options exist.

In addition to the demand for more residential, new housing should particularly address the affordability constraints that Miami-Dade County and this are face. According to HUD, a household is cost-burdened if it pays more than 30% of its total income on housing costs. *See* FIU Metropolitan Center, Miami-Dade County Prosperity Initiatives Feasibility Study, (May 2016) at page 27. In 2014, 61% of renter households, and over 42% of owner households, in Miami-Dade County were cost burdened, making the county the third least affordable housing market in the United States. Not surprisingly, Miami-Dade County leads the state of Florida with 134,723 low-income, cost-burdened rental households, according to the Florida Housing Finance Corporation. This trend is on the upswing; the amount of “severely cost-burdened households” – meaning those paying more than 50% of income on housing – in the County has increased by 11.6% since 2009. *See* FIU Metropolitan Center, Miami-Dade County Prosperity Initiatives Feasibility Study at page 27.

When considering household transportation costs along with housing costs, Miami-Dade County is becoming one of the least affordable markets in the country. Pursuant to the Center for Neighborhood Technology Housing and Transportation Cost Index (the “H+T Index”), the average amount of household income spent on housing and transportation for all households in Miami-Dade County is 62% of annual income which far exceeds the standard threshold for affordability pursuant to the H+T Index of 45% of annual income. *See id.* This is a near-ubiquitous County-wide problem; over 85% of all households in Miami-Dade

³ See Final Staff Recommendation for Application CDMP20190004, January 2019 Cycle.

County spend more than 45% of their annual income on housing and transportation, one of the highest ratios in the U.S. *See id.* at page 28.

The affordability problems facing county residents has been well documented. *See e.g.* FIU Metropolitan Center, Miami-Dade County Prosperity Initiatives Feasibility Study. The County Commission has made the provision of workforce housing a priority and has provided incentives for the construction of workforce housing in the CDMP and Zoning Ordinance of Miami-Dade County. This application will address the demand for new housing in a sustainable way by pairing it with the provision of sorely needed workforce housing – all without displacing the 288 families that benefit from affordable housing rents on the Property.

II. THE APPROVAL OF THE APPLICATION WILL NOT IMPEDE THE PROVISION OF SERVICES AT OR ABOVE ADOPTED LEVEL OF SERVICE STANDARDS.

The requested amendment of the land use plan will not impede the provision of services at or above adopted levels of service (“LOS”). Impacts that are generated from the maximum residential development allowed on the Property under the proposed LUP designation would not cause a degradation in the LOS standards for public services and facilities. As shown by the attached Traffic Impact Study prepared by Traf Tech Engineering, Inc. dated August 27, 2020, and most recently updated in November, 2020 (the “Traffic Study”), the approval of the re-designation would maintain adopted LOS standards for existing roadway infrastructure. The Traffic Study reviewed eight affected traffic stations: Old Cutler Road south of Franjo Road; Old Cutler Road east of US 1; SW 112th Avenue north of SW 232nd Street; SW 211th Street east of SW 112th Avenue; SW 216 Street east of the Turnpike; SW 216th Street west of US1; the Turnpike south of SW 186th Street to SW 216th Street; and Allapattah Drive north of SW 216th Street. All but one station (Old Cutler Road south of Franjo Road) currently meet the LOS. All but two of the studied traffic stations are projected to continue to meet LOS through the year 2040, even with the approval of the re-designation and full development. The one traffic station currently functioning below minimum LOS at Old Cutler Road, south of Franjo Road, will only be marginally impacted by the development contemplated by this application, resulting in a *de minimis* 0.07% traffic impact to that station. The two traffic stations (SW 216th Street east of the Turnpike and West of US 1) are projected to not meet current LOS Standards in 2040 irrespective of the additional density proposed in the application. The proposed additional density is projected to result in a *de minimis* impact of less than 1.0%.

The Property’s location meets the Equity Access Criteria for parks, both for local and regional/areawide parks. The Miami-Dade County Comprehensive Plan’s Parks and Open Space elements indicate that access to local parks should be provided no further than ¼ to ½ mile distance from a residence. Areawide parks should be located between two to three miles away. There are two local Miami-Dade County parks within ½ mile, as well as a park within the Town of Cutler Bay. In addition, Black Point Marina and Goulds Park, which are large, regional/areawide parks, is located less than 2 miles away.

According to Miami-Dade County Public Schools, the schools in the feeder pattern of the Property are currently meeting adopted LOS. Those schools are:

- 1) Goulds Elementary, grades pre-K-5, (operating at 35.67% capacity)
- 2) Cutler Bay Middle School, grades 6-8, (operating at 98.34% capacity)
- 3) Miami Southridge Senior High School, grades 9-12, (operating at 80.05% capacity)

Other nearby public schools include:

- A. Gulfstream Elementary School, grades pre-K-5 (operating at 65.77% capacity)
- B. Arthur & Polly Mays Conservatory of the Arts, grades 6-12, (operating at 63.76% capacity)
- C. Caribbean K-8 Center, grades pre-K-8, (operating at 66.7% capacity)
- D. Cutler Bay Senior High School, grades 9-12, (operating at 33.33% capacity)

The feeder pattern elementary and high school have hundreds of student stations available. The middle school capacity will be addressed through concurrency review pursuant to Policy EDU-2C of the CDMP.

The existing development at the Property is already served by required utilities. Water and sewer capacity is available for the additional development under the proposed designation. According to Miami-Dade County online concurrency information, the privately-owned pump station serving the Property (No. 974A) has more than 80,000 gallons per day of available capacity. Should the maximum development permitted under the proposed designation, together with the maximum workforce housing bonus permitted under the CDMP, be constructed, it would increase flow rates at the pump station by only 56,295 gallons per day⁴. Additionally, any other required utilities are available to the Property or can be made available at the Applicant's expense.

III. THE APPROVAL OF THE APPLICATION AND THE PROPOSED RESIDENTIAL DEVELOPMENT OF THE PROPERTY WOULD BE COMPATIBLE WITH ABUTTING AND NEARBY USES AND WOULD NOT DEGRADE THE CHARACTER OF THE ESTABLISHED NEIGHBORHOOD.

The development of the Property under the "Medium Density" designation would be compatible with the existing and future development of the Property, and of its surrounding areas. The proposed designation is compatible and consistent with the multifamily development pattern to the north and east of the Property. Due to the built-out nature of the southern portion of the Property, the Property itself can serve as a transitional development that provides lowering densities and intensities moving north to south to better relate to the lower density neighborhoods to the south. Although the proposed density is in keeping with the development pattern of the

⁴ According to Miami-Dade County's Schedule of Daily Rated Gallonage, apartments require 135 gallons per day. Assuming a 25% density bonus for workforce housing, an additional 417 dwelling units can be constructed at the Property.

neighborhood, any potential impacts would be further buffered by the combination of the Turnpike, Black Creek Canal and Old Cutler Road.

IV. THE APPROVAL OF THE APPLICATION WILL NOT DEGRADE ANY ENVIRONMENTAL OR HISTORICAL RESOURCES, FEATURES, OR SYSTEMS OF COUNTY SIGNIFICANCE.

The requested LUP designation will not degrade environmental or historical resources, features or systems of County significance since none exist on the Property. The Property already contains a functioning affordable-multifamily development constructed in 2003. Based on the size of the Property, development on the north end and along the western boundary will not impact neighboring properties or impact environmental or historical resources. There are no significant tree resources that would conflict with the proposed development. The property is not a designated historic site, and the nearest designated historic site is more than five blocks to the west at Mays Middle School. The Property is not located within a Wellfield Protection Area. Black Creek Canal is a flood control canal that offers recreational opportunities for residents and visitors. The closest boat ramp access to the Black Creek Canal is just over 1 mile away from the vehicular entrance to the Property.

V. THE APPROVAL OF THE APPLICATION WOULD SUPPORT TRANSIT RIDERSHIP AND PEDESTRIANISM AS PROMOTED BY POLICY LU-7.

The Property is well served by public transportation as it is located in close proximity to multiple bus routes along SW 216 Street and Old Cutler Road, including service endpoints for multiple route types such as limited stop route 287 and north-south route 52. There are 12 different bus stops within 1/3 of a mile from the Property for bus routes along SW 216 Street, Old Cutler Road, and SW 102nd Avenue, with the closest stops for routes 287 and 52 less than 1,000 feet walking distance from potential pedestrian access points at the north and south of the Property. A third bus stop for an altogether different route (north-south route 35) is approximately ¼ mile from a potential pedestrian access point on the Property. Both routes 35 and 52 reach the Cutler Ridge Metropolitan Urban Center which contains the South Dade Government Center, and link up with both the South Dade Transit Way and the South Dade Bus Terminal, which are approximately one mile and ½ mile from the north end of the Property, respectively. Finally, for both commuter and recreational pedestrian and bicycle traffic, the Black Creek Trail abuts the Property along the east, providing a safe and convenient access to schools, daycare options, places of worship, Southland Mall, and Goulds Park, as well as reaching a wider range of bus transit options and connection to US-1, the South Miami-Dade Busway and the Cutler Ridge Metropolitan Urban Center.

Based on the foregoing, approval of the Application is a timely improvement to the LUP map and will help to expand the available housing supply in MSA 7.1. Residential demand is high and increasing county-wide, with MSA 7.1 in particular, outpacing the County average. The proposed amendment of the LUP will help create additional residential units that supply workforce housing where available data demonstrates it is needed. Furthermore, the approval of

the requested LUP amendment would further implementation of the following CDMP objectives and policies:

LAND USE OBJECTIVE LU-1

The location and configuration of Miami-Dade County's urban growth through the year 2030 shall emphasize concentration and intensification of development around centers of activity, development of well-designed communities containing a variety of uses housing types and public services, renewal and rehabilitation of blighted areas, and contiguous urban expansion when warranted, rather than sprawl.

POLICIES

LU-1C. Miami-Dade County shall give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development where all necessary urban services and facilities are projected to have capacity to accommodate additional demand.

The proposed amendment to the LUP will enable activation of underdeveloped portions of the Property. The property is environmentally suitable and contiguous to existing urban development. The Property's wider context includes the Cutler Ridge Metropolitan Urban Center, and Southland Mall. The roadway network, nearby schools, parks, and utilities are projected to have capacity to support development pursuant to the proposed new designation.

LU-1D. In conducting its planning, regulatory, capital improvements and intergovernmental coordination activities, Miami-Dade County shall seek to facilitate the planning of communities which include recreational, educational and other public facilities, houses of worship, places of employment, and safe and convenient circulation of automotive, pedestrian and bicycle traffic throughout the communities.

The proposed amendment to the LUP will facilitate the further development of the Old Cutler Village community, which features well-planned circulation, and onsite recreational facilities including playgrounds and a community pool. Additionally, the Property provides excellent pedestrian and bicycle connectivity to SW 216th Street, which features churches, schools, and the Doris Ison Health Center, through the path adjacent to the Property and the Black Creek Canal.

LU-1F. To promote housing diversity and to avoid creation of monotonous developments, Miami-Dade County shall vigorously promote the inclusion of a variety of housing types in all residential communities through its area planning, zoning, subdivision, site planning and housing finance activities, among others. In particular, Miami-Dade County shall review its zoning and subdivision practices and regulations and shall amend them, as practical, to promote this policy.

The Medium Density designation requested by this application, along with a consistent zoning designation, will allow the construction of taller midrise multi-family structures with more units at the Property. These new units will complement the existing low-rise garden style apartment and prevent monotony in form and housing type for the Property.

LAND USE OBJECTIVE LU-2

Decisions regarding the location, extent and intensity of future land use in Miami-Dade County, and urban expansion in particular, shall be based upon the physical and financial feasibility of providing, by the year 2020, all urbanized areas with services at levels of service (LOS) which meet or exceed the minimums standards adopted in the Capital Improvements Element, among other requirements set forth in this plan.

POLICY

LU-2A. All development orders authorizing new, or significant expansion of existing, urban land uses shall be contingent upon the provision of services at or above the Level of Service (LOS) standards specified in the Capital Improvement Element (CIE), except as otherwise provided in the “Concurrency Management Program” section of the CIE.

Services will be available at or above the LOS even where if maximum development under the proposed LUP amendment is developed. As mentioned above, the roadway network (except three stations projected to fail with or without the amendment), nearby schools, parks, and necessary utilities are available and are projected to have capacity (or enhanced to accommodate capacity) to support development pursuant to the proposed new “Medium Density” designation.

LAND USE OBJECTIVE LU-8

Miami-Dade County shall maintain a process for periodic amendment to the Land Use Plan map consistent with the adopted Goals, Objectives and Policies of this plan, which will provide that the Land Use Plan map accommodates projected countywide growth.

POLICY

LU-8A. Miami-Dade County shall strive to accommodate residential development in suitable locations and densities which reflect such factors as recent trends in location and design of residential units; a variety of affordable housing options; projected availability of service and infrastructure capacity; proximity and accessibility to employment, commercial, cultural, community, and senior centers; character of existing adjacent or surrounding neighborhoods; avoidance of natural resource degradation; maintenance of quality of life and creation of amenities. Density patterns should reflect the Guidelines for Urban Form contained in this Element.

Available data for MSA 7.1 previously cited by the Department of Planning and Zoning indicates that demand for residential units in this part of the county will continue to rise through at least the next ten years. The requested Medium Density designation (together with a consistent zoning designation) would allow new units that not only help meet the demand and trends in the area, but also provide more variety of housing options. On the Property itself, new midrise residential structures would coexist with the existing garden style low-rise apartments. In addition, the new units would provide new workforce housing options to complement the existing 288 affordable housing units, resulting in a mixed-income development. As previously

noted, Property is well suited to accommodate the new units as necessary services are readily available, and the Property provides excellent connectivity to the Cutler Ridge Metropolitan Urban Center, major arterial roadways, and public transit options.

HOUSING GOAL 1

Ensure the provision of housing that will be affordable to all current and future Miami-Dade County residents, regardless of household type or income.

POLICIES

HO-2C. Foster a diversity of affordable housing types defined by the County's Comprehensive Development Master Plan to include single-family detached housing, single-family attached and duplex housing, multi-family housing and manufactured homes.

The proposed change to Medium Density will foster additional workforce-level multi-family housing options at the Property to complement the existing affordable-level garden style apartments.

HO-3I. Encourage the development of residential housing units through infill and expansion of redevelopment opportunities in urbanized areas with existing infrastructure.

The Property is situated in an area that is well urbanized, close to activity centers including the Southland Mall and Cutler Ridge Metropolitan Urban Center. All necessary services are either available (as detailed above) or can be made available at the applicant's expense.

5. LOCATION MAP FOR APPLICATION

Attached as Exhibit "A"

6. ADDITIONAL MATERIALS SUBMITTED

Additional items in support of this application may be submitted at a later date.

7. LEGAL DESCRIPTION

Attached as Exhibit "B"

8. COMPLETE DISCLOSURE OF INTEREST FORM

Attached as Exhibit "C"

Attachments: Location Map for Application – Exhibit "A"
Legal Description for the Property – Exhibit "B"
Disclosure of Interest Form – Exhibit "C"
Aerial Photograph – Exhibit "D"
Survey – Exhibit "E"
Traffic Study – Exhibit "F"

EXHIBIT “A”

**LOCATION MAP FOR APPLICATION TO AMEND
THE COMPREHENSIVE DEVELOPMENT MASTER PLAN**

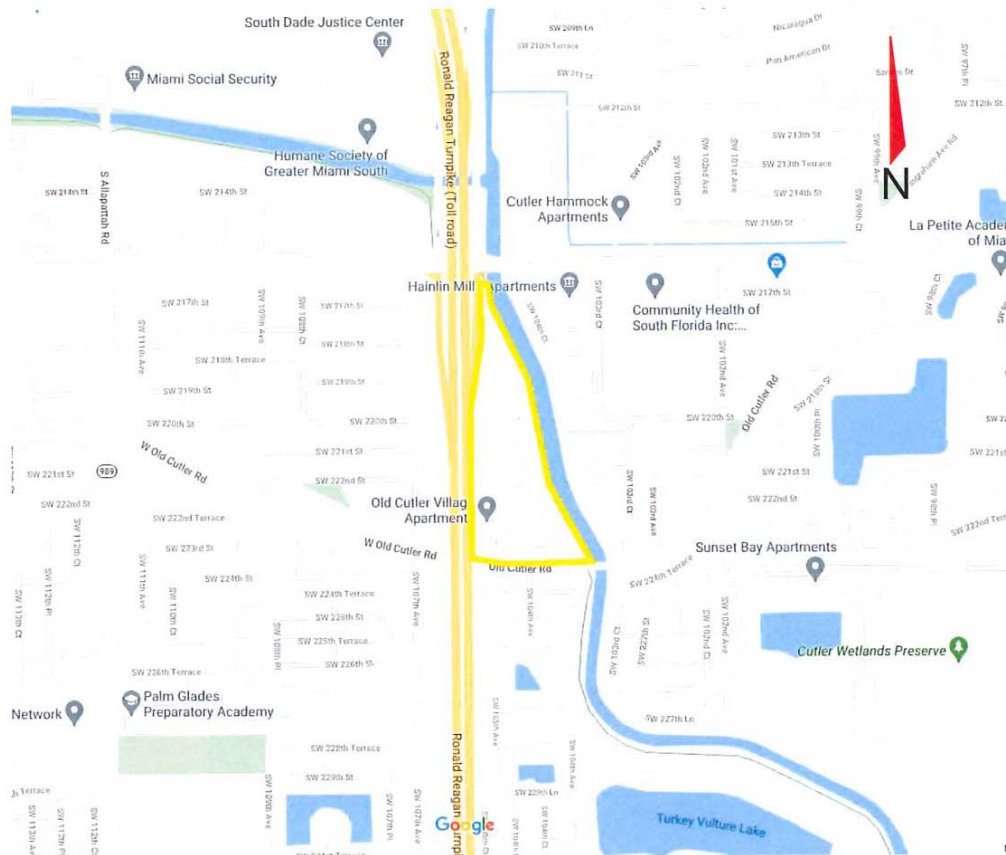
APPLICANT / REPRESENTATIVE

Tony Recio, Esq., Edward Martos, Esq., and Alejandro Uribe, Esq. on behalf of Old Cutler Village Apartments, Ltd.

DESCRIPTION OF SUBJECT AREA

The Property is located in Section 17, Township 56 South, Range 40 East, and contains approximately ±22.57 gross acres (±22.57 net acres) and is located northeast of the intersection of Old Cutler Road and the Homestead Extension of Florida’s Turnpike – State Road 821, more particularly described in the legal description attached to this application as Exhibit “B”.

LOCATION MAP



Application area delineated above owned by Applicant. — Denotes property boundary.

EXHIBIT "B"

Tract "A" of OLD CUTLER APARTMENTS, according to the plat thereof, as recorded at Plat Book 159, Page 1 of the public records of Miami-Dade County, Florida

EXHIBIT "C"
DISCLOSURE OF INTEREST

This form or a facsimile must be filed by all applicants having an ownership interest in any real property covered by an application to amend the Land Use Plan map. Submit this form with your application. Attach additional sheets where necessary.

1. APPLICANT (S) NAME AND ADDRESS:

APPLICANT:

Old Cutler Village Apartments, Ltd.
9400 South Dadeland Blvd., Suite 100
Miami, FL 33156

Use the above alphabetical designation for applicants in completing Sections 2 and 3, below.

2. PROPERTY DESCRIPTION: Provide the following information for all properties in the application area and indicate those properties in which the applicant has an interest. Complete information must be provided for each parcel.

APPLICANT	OWNER OF RECORD	FOLIO NUMBER	SIZE IN ACRES
<u>Old Cutler Village Apartments, Ltd. (Owner) – 30-6017-021-0010 – ±22.57 acres</u>			

3. For each applicant, check the appropriate column to indicate the nature of the applicant's interest in the property identified in Section 2 above.

APPLICANT	OWNER	CONTRACTOR FOR PURCHASE	LESSEE	OTHER (Attach Explanation)
Old Cutler Village Apartments, Ltd.	X			

4. DISCLOSURE OF APPLICANT'S INTEREST: Complete all appropriate sections and indicate N/A for each section that is not applicable.

- a. If the applicant is an individual (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.**

<u>INDIVIDUAL'S NAME AND ADDRESS</u>	<u>PERCENTAGE OF INTEREST</u>
N/A	%

- b. If the applicant is a CORPORATION, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders, consist of another corporation (s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]**

CORPORATION NAME: _____

<u>NAME, ADDRESS, AND OFFICE (if applicable)</u>	<u>PERCENTAGE OF STOCK</u>
_____	_____

- c. If the applicant is a TRUSTEE, list the trustee's name, the name and address of the beneficiaries of the trust, and the percentage of interest held by each. [Note: where the beneficiary/beneficiaries consist of corporation(s), partnership(s), or other similar entities, further disclosure shall be required which discloses the identity of the individual (s) (natural persons) having the ultimate ownership interest in the aforementioned entity].**

TRUSTEES NAME: _____

<u>BENEFICIARY'S NAME AND ADDRESS</u>	<u>PERCENTAGE OF INTEREST</u>
N/A	%

- d. If the applicant is a **PARTNERSHIP** or **LIMITED PARTNERSHIP**, list the name of the partnership, the name and address of the principals of the partnership, including general and limited partners and the percentage of interest held by each partner. Note: where the partner (s) consist of another partnership(s), corporation (s) trust (s) or other similar entities, further disclosure shall be required which discloses the identity of the individual (s) (natural persons) having the ultimate ownership interest in the aforementioned entity.

PARTNERSHIP NAME: Old Cutler Village Apartments, LTD

<u>NAME AND ADDRESS OF PARTNERS</u>	<u>PERCENTAGE OF INTEREST</u>
-------------------------------------	-------------------------------

PHG-Village, Inc. 9400 S. Dadeland Blvd., Suite 100 Miami, Florida 33156	100%
--	------

* Ownership breakdown included below.

- e. If the applicant is party to a **CONTRACT FOR PURCHASE**, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

<u>NAME AND ADDRESS</u>	<u>PERCENTAGE OF INTEREST</u>
N/A	%

Date of Contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers if a corporation, partnership, or trust.

5. DISCLOSURE OF OWNER'S INTEREST: Complete only if an entity other than the applicant is the owner of record as shown on 2.a., above.

- a. If the owner is an individual (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.**

<u>INDIVIDUAL'S NAME AND ADDRESS</u>	<u>PERCENTAGE OF INTEREST</u>
N/A	%

- b. If the owner is a CORPORATION, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders consist of another corporation(s), trustee(s) partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]**

CORPORATION NAME: _____

<u>NAME AND ADDRESS, AND OFFICE (if applicable)</u>	<u>PERCENTAGE OF INTEREST</u>
N/A	%

- c. If the owner is a TRUSTEE, and list the trustee's name, the name and address of the beneficiaries of the trust and the percentage of interest held by each. [Note: where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].**

TRUSTEE'S NAME: _____

<u>BENEFICIARY'S NAME AND ADDRESS</u>	<u>PERCENTAGE OF INTEREST</u>
N/A	%

- d. If the owner is a PARTNERSHIP or LIMITED PARTNERSHIP, list the name of the partnership, the name and address of the principals of the partnership, including general and limited partners, and the percentage of interest held by each. [Note: where the partner(s) consist of another partnership(s), corporation(s) trust(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

PARTNERSHIP NAME: _____

<u>NAME AND ADDRESS OF PARTNERS</u>	<u>PERCENTAGE OF OWNERSHIP</u>
N/A	%

- e. If the owner is party to a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

<u>NAME AND ADDRESS. AND OFFICE (if applicable)</u>	<u>PERCENTAGE OF INTEREST</u>
N/A	%

Date of Contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of the final public hearing, a supplemental disclosure of interest shall be filed.

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

OLD CUTLER VILLAGE APARTMENTS, LTD.

By: **PHG-Village, Inc.**, a Florida Corporation as
General Partner

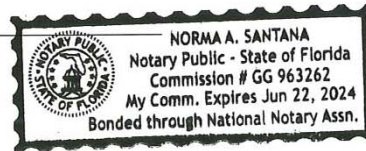
By: 

Mitchell Friedman
Title: Director

Sworn to and subscribed before me by means of ☒ physical presence, or ☐ online notarization this 28th day of October, 2020 by Mitchell Friedman, as Director of PHG-Village, Inc. a Florida corporation, which is the General Partner of Old Cutler Village Apartments, Ltd. He is ☒ personally known to me, or ☐ produced _____ as identification.

Notary Public, State of Florida at Large (SEAL)

My Commission Expires:



Disclosure shall not be required of any entity, the equity interest in which are regularly traded on an established securities market in the United States or other country; or pension funds or pension trusts of more than five thousand (5,000) ownership interests; 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 each level of ownership, and no one pension or entity holds more than a total of five (5) percent of the ownership interest in the partnership, corporation or trust; or of any entity, the ownership interest of which are held in a partnership, corporation or trust consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in 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.

SUPPLEMENTAL DISCLOSURE FORM

INTEREST IN OLD CUTLER VILLAGE APARTMENTS, LTD.

<u>Name</u>	<u>Percentage of Interest</u>
PHG-Village, Inc. 9400 S. Dadeland Blvd., Suite 100 Miami, Florida 33156	100%

INTERESTS IN PHG-VILLAGE, INC.

<u>Name</u>	<u>Percentage of Interest</u>
Louis Wolfson III 9400 S. Dadeland Blvd., Suite 100 Miami, Florida 33156	25%
Michael D. Wohl 9400 S. Dadeland Blvd., Suite 100 Miami, Florida 33156	25%
David O. Deutch 9400 S. Dadeland Blvd., Suite 100 Miami, Florida 33156	25%
Mitchell Friedman 9400 S. Dadeland Blvd., Suite 100 Miami, Florida 33156	25%

EXHIBIT "D"
AERIAL PHOTOGRAPH OF PROPERTY





TONY RECIO, PARTNER
trecio@wsh-law.com

October 30, 2020

VIA Energov

Mr. Jerry Bell
Assistant Director for Planning
Miami-Dade County
111 NW 1st Street, 11th Floor
Miami, Florida 33128
Jerry.Bell@miamidade.gov

**Re: Application for Amendment to Comprehensive Development Master Plan ("CDMP");
10407 Old Cutler Road (the "Property")**

Dear Mr. Bell:

We represent Old Cutler Village Apartments, Ltd., in connection with the captioned application. The application seeks a CDMP amendment from the current designation of "Low-Medium Density Residential (6 to 13 dwelling units per gross acre)" to the proposed designation of "Medium Density Residential (13 to 25 dwelling units per gross acre)," together with acceptance of the proffered covenant.

The Property is located at 10407 Old Cutler Road, on the northeast corner of the intersection of Old Cutler Road and the Homestead Extension of Florida's Turnpike, also known as State Road 821 (the "Turnpike"). Bound on the west by the Turnpike, on the south by Old Cutler Road, and on the east and north by the Black Creek Canal, the Property is essentially a land use island, completely buffered from all surrounding property. It is currently improved with 288 affordable housing units. The goal of the application is to develop vacant portions of the Property with additional housing units that provide both workforce and market rate units for a true mixed-income community.

As more fully described in the application, the proposed amendment meets the criteria of LUP Policy LU-8E and is consistent with the goals, objectives, and policies of the CDMP. It will address a housing need in the immediate area at rental rates that are responsive to the economic realities of the area and the County at large. With good pedestrian connectivity and proximate access to varying public transit routes, it is supportive of transit ridership. Further, its impact will

Mr. Jerry Bell
October 30, 2020
Page 2

not degrade most applicable levels of service beyond current levels and in the rare instance where concurrency must be addressed, there are mechanisms to do so.

The existing affordable housing component of the envisioned mixed-income community is already guaranteed through 2053 by recorded agreement with the Florida Housing Finance Corporation. The specifics of that agreement are described in a Whereas clause in the proffered covenant. Beyond providing that information for reference, the covenant requires the inclusion of workforce housing units among any new units constructed on the Property.

Based on the above and the contents of the application, we believe you have everything you need to thoroughly evaluate the application. We request your favorable review and are available to answer any questions you may have throughout the process. Thank you for your time and consideration.

Very truly yours,

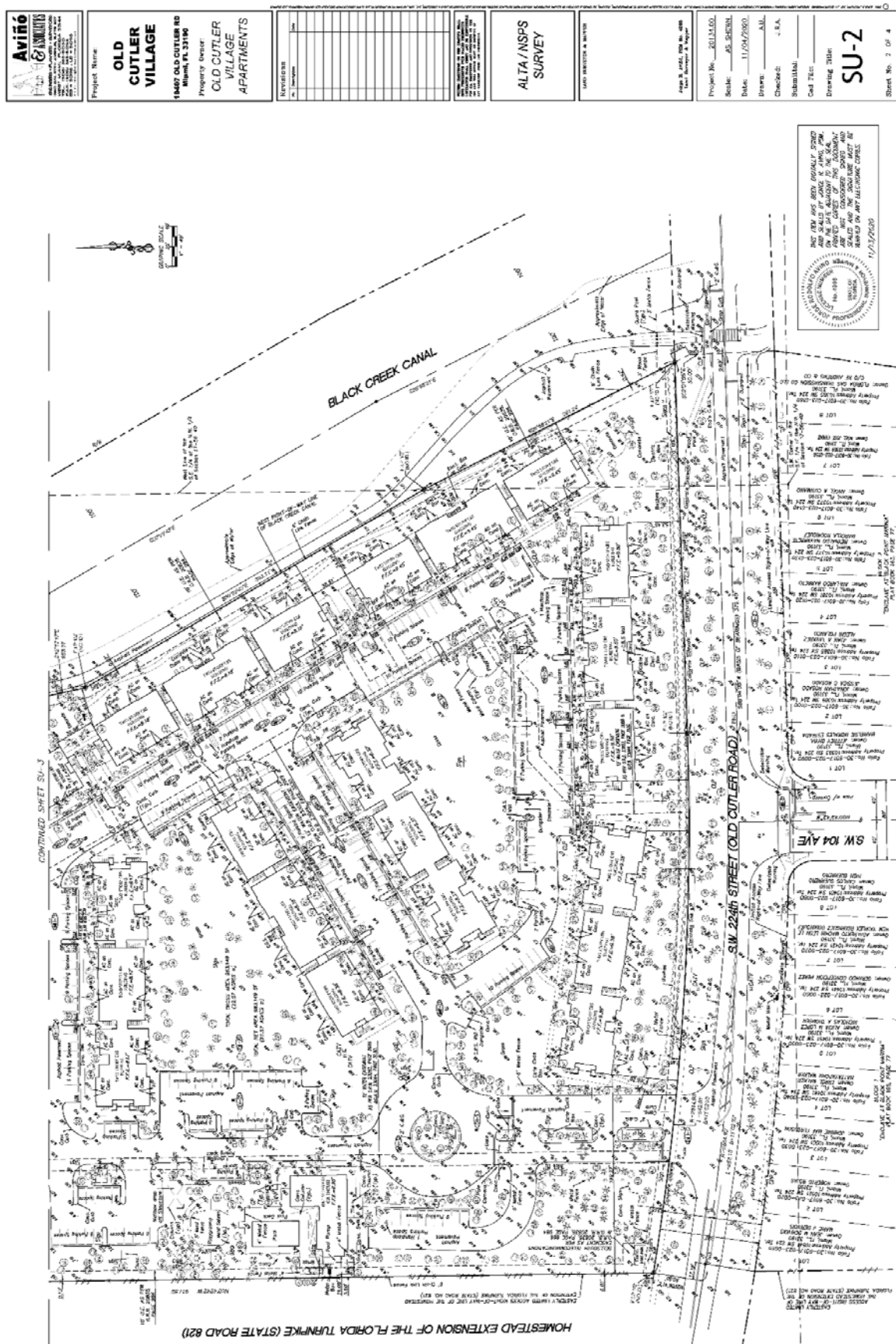


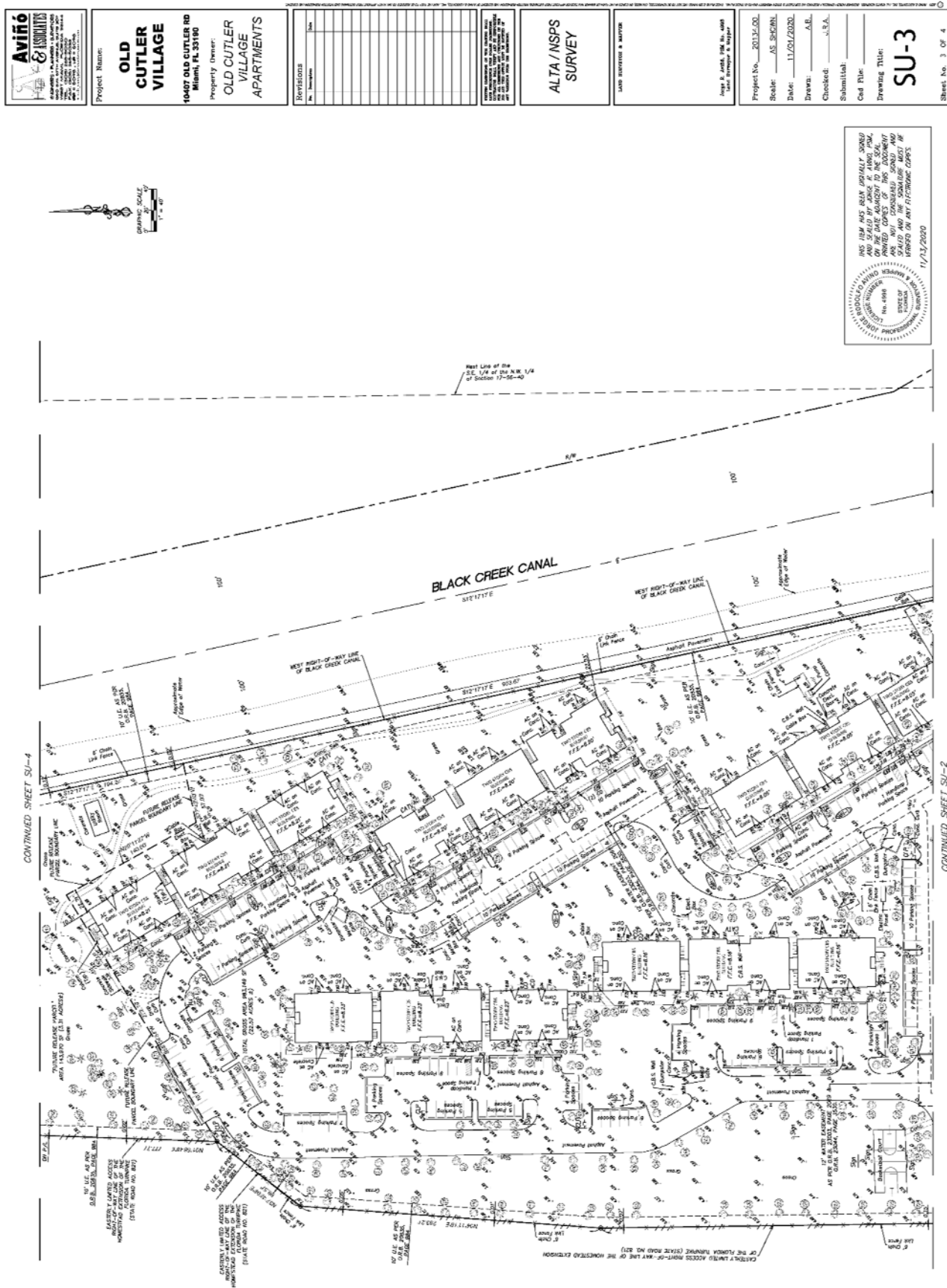
Tony Recio

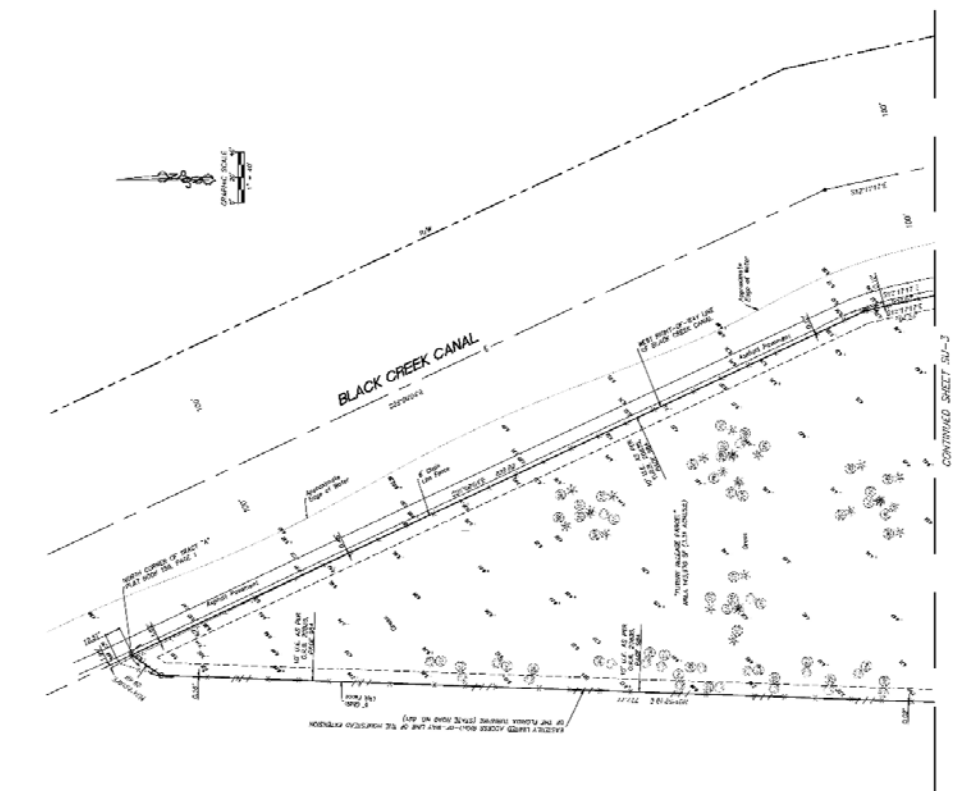
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cc: Mitch Friedman

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APPENDIX B

Applicant's Proffered Declaration of Restrictions, dated January 12, 2021

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This instrument was prepared by:

Name: Tony Recio, Esq.
Address: Weiss Serota Helfman
Cole & Bierman, PL
2525 Ponce de Leon Blvd., Suite 700
Coral Gables, Florida 33134



(space reserved for Clerk of the Court)

DECLARATION OF RESTRICTIONS

WHEREAS, Old Cutler Village Apartments, Ltd., a Florida limited partnership (the "Owner"), holds fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A", attached hereto, and hereinafter referred to as the "Property", which is supported by an Opinion of Title; and

WHEREAS, the Owner has applied for an amendment to the Miami-Dade County Comprehensive Development Master Plan (the "CDMP") in the October 2020, which amendment is identified as Application No. CDMP2020012 (the "Application"); and

WHEREAS, the Application seeks to re-designate the Property from "Low-Medium Density Residential (6-13 dwelling units per gross acre)" to "Medium Density Residential (13 to 25 dwelling units per gross acre)" on the Miami-Dade County CDMP Land Use Plan ("LUP") map; and

WHEREAS, the Property is improved with 288 affordable housing units and is bound by that certain Extended Low-Income Housing Agreement with Florida Housing Finance Corporation, recorded at Official Records Book 21408 at Page 183 of the Public Records of Miami-Dade County, to maintain those units as affordable housing through 2053; and

WHEREAS, the Owner wishes to use the additional density provided by the proposed LUP amendment to incorporate workforce and market-rate units into the existing complex to build a true mixed-income community.

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

- (1) **Workforce Housing.** Of the new additional dwelling units constructed on the Property over and above the existing 288 affordable housing units, no less than 10% of the additional dwelling units shall be reserved as workforce housing units serving household income thresholds of 60% to 140% of Area Median Income, consistent with the Workforce Housing Development Program described in the CDMP.
- (2) **Non-Motorized Connection to Black Creek Trail.** Prior to receiving a certificate of occupancy for new development at the Property, the Owner shall construct a pedestrian/bicycle path connection from the Property to the adjacent Black Creek Trail for the exclusive use of current and future Property residents, their guests and invitees.

MISCELLANEOUS

Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and shall 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 its heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. The Owner, and its 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 claim 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 the change in the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

Modification, Amendment, Release. This Declaration of Restrictions may be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the then owner(s) of the property, including joinders of all mortgagees, provided that the same is also approved by the Board of County Commissioners of Miami-Dade County, Florida. Any such modification, amendment or release shall be subject to the provisions governing amendments to Comprehensive Plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation that may, from time to time, govern amendments to Comprehensive Plans (hereinafter “Chapter 163”). Such modification, amendment or release shall also be subject to the provisions governing amendments to the CDMP as set forth in Section 2-116.1 of the Code of Miami-Dade County, or Successor regulations governing modifications to the CDMP. In the event that the Property is incorporated within a new municipality or annexed into an existing municipality, and the successor municipality amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Miami-Dade County Code, then modifications, amendments or releases of this Declaration shall be subject to Chapter 163 and by the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163 and by the provision for the adoption of zoning district boundary changes. It is provided, however, that in the event that the successor municipality approves a modification or deletion of this Declaration of Restrictions, such modification or deletion shall not be effective until approved by the Board of County Commissioners, in accordance with applicable procedures. Should this Declaration be so modified, amended, or released, the Director of the Department of Regulatory and Economic Resources or the executive officer of a successor department, or, in the absence of such Director or executive officer, by his or her assistant in charge of the office in his/her absence, shall execute a written instrument effectuating and acknowledging such modification, amendment or release.

Enforcement. Enforcement shall be by action against any parties or person violation, 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 or her attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity, or both.

County Inspections. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of entering and inspecting the use of the premises to determine whether or not the conditions herein agreed to are being complied with.

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

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

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

Recordation and Effective Date. The Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owner following the approval of the Application by the Board of County Commissioners. This Declaration shall become effective immediately upon recordation, which shall only occur if the Application is approved and adopted by the Board of County Commissioners. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the Application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Department of Regulatory and Economic Resources or the executive officer of the successor of said department, or in the absence of such director or executive officer 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. The Owner acknowledges that 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, zoning or otherwise, and the Board of County Commissioners retains its full power and authority to deny each such application in whole or in part and decline to accept any conveyance.

Owner. The term Owner shall include all heirs, assigns, and successors in interest.

[Signature Page Follow]

(Date)

Mitchell Friedman, Director

PHG-Village, Inc., a Florida corporation, as
General Partner of:

Old Cutler Village Apartments, Ltd., a Florida
limited partnership

State of Florida

County of Miami-Dade

The foregoing instrument was acknowledged before me by means of (*how the individual appeared check one*): ☐ physical presence ☐ online notarization this _____ day of _____, 20____ by Mitchell Friedman as Director of PHG-Village, Inc., a Florida corporation, as General Partner of Old Cutler Village Apartments, Ltd., a Florida limited partnership.

Individual identified by: ☐ personal knowledge ☐ satisfactory evidence _____.
(type)



(Signature of Notary Public)

(typed, printed, or stamped name of Notary Public)

DO NOT WRITE BELOW THIS LINE - GOVERNMENT USE ONLY

(Date)

[insert name of County employee]

[insert title of County employee]

(Witness Name)

(Witness Name)

EXHIBIT "A"

Tract "A" of OLD CUTLER APARTMENTS, according to the plat thereof, as recorded at Plat Book 159, Page 1 of the public records of Miami-Dade County, Florida.

DRAFT

APPENDIX C

Extended Low-Income Housing Agreement with Florida Housing Finance Corporation

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HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

FHFC # 2001-061C

EXTENDED LOW-INCOME HOUSING AGREEMENT

THIS EXTENDED LOW-INCOME HOUSING AGREEMENT (this "Agreement") is made and entered into by the FLORIDA HOUSING FINANCE CORPORATION (the "Corporation"), a public corporation, the successor in interest to the Florida Housing Finance Agency, and OLD CUTLER VILLAGE APARTMENTS, LTD., a Florida limited partnership (the "Owner").

PREAMBLE

WHEREAS, the Corporation has been created and organized pursuant to and in accordance with the provisions of the Florida Housing Finance Corporation Act, Sections 420.501-420.516, Florida Statutes, as amended (the "Act"), and pursuant to Section 420.5099 of said Act, the Corporation is the housing credit agency for the State of Florida (the "State") specifically authorized by statute to allocate low-income housing credit dollar amounts ("Tax Credits") under Section 42 of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, the Corporation has agreed, under certain conditions, to allocate Tax Credits to the Owner in connection with the construction of a multi-family residential rental housing development (the "Development"), known as Old Cutler Village Apartments, located within Miami-Dade, Florida (the "County"), the legal description for which is set forth in Exhibit "A" hereto, to be occupied partially (at least forty percent (40%) by individuals whose income is sixty percent (60%) or less of area median gross income), within the meaning of Section 42(g) of the Code; and

WHEREAS, The Owner has made a knowing, voluntary and intelligent election to waive for 35 additional years following the last day of the Compliance Period any prerogative it would have to collect rents on the Low-Income Units at rates determined by the rental market except as provided herein in accordance with the requirements pursuant to the Code in return for 2001 Tax Credits and as attested and sworn to in the Carryover Allocation Agreement dated December 20, 2001; and

1

THIS INSTRUMENT PREPARED BY:

Ebony R. Oliver
FLORIDA HOUSING FINANCE CORPORATION
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301-1329

RECORD & RETURN TO:

Wellington Meffert
FLORIDA HOUSING FINANCE CORPORATION
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301-1329

#96.00

WHEREAS, Section 42 of the Code provides that no Tax Credits shall be allowed with respect to any building unless an extended low-income housing commitment is in effect for such building at the end of such taxable year; and

WHEREAS, in order to assure Owner compliance with the provisions of, and to evidence the Owner's extended low-income housing commitment as required by, Section 42 of the Code, the Corporation and the Owner have determined to enter into this Agreement in which they set forth certain terms and conditions relating to the Owner's operation of the Development;

NOW, THEREFORE, in consideration of the mutual covenants and undertakings set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Corporation and the Owner do hereby contract and agree as follows:

AGREEMENT

Section 1. Definitions and Interpretation.

(a) Unless otherwise expressly provided herein or unless the context clearly requires otherwise, the following terms shall have the respective meanings set forth below for all purposes of this Agreement.

"Act" shall mean the Florida Housing Finance Corporation Act, Chapter 420, Part V, Florida Statutes (1997) as now and hereafter amended.

"Code" shall mean the Internal Revenue Code of 1986, as amended, and any successor statute as it applies to the Tax Credits described herein, together with all applicable final, temporary or proposed Treasury Regulations and Revenue Rulings thereunder. Reference in this Agreement to any specific provision of the Code shall be deemed to include any applicable successor provision of such provision of the Code that may apply to the Tax Credits described herein.

"Compliance Period" shall mean, with respect to any building that is included in the Development, a period of fifteen (15) years beginning on the first day of the first taxable year of the Credit Period with respect thereto.

"Corporation" shall mean the FLORIDA HOUSING FINANCE CORPORATION, a public corporation, the successor in interest to the Florida Housing Finance Agency, and any agency or other entity of the State of Florida that shall hereafter succeed to the powers, duties and functions of the Corporation.

"County" shall mean Miami-Dade County, Florida.

"Credit Period" shall mean, with respect to any building that is included in the Development, the period of ten (10) years beginning with (x) the taxable year in which the building is placed in service, or (y) at the election of the Owner, the succeeding taxable year.

"Extended Low-Income Housing Agreement" or "Agreement" shall mean this Extended Low-Income Housing Agreement, as amended or supplemented from time to time.

"Extended Use Period" shall mean, with respect to any building that is included in the Development, the period that begins on the first day of the Compliance Period in which such building is part of the Development and ends on the later of: (i) thirty (30) years after the issuance of the final tax credit allocation with respect to such building (which date is the date specified by the Corporation as provided in Section 42(h)(6)(D)(ii)(I) of the Code), or (ii) that number of years after the last day of the Compliance Period for which the Owner shall have set aside a specified number of units in the Development for Low-Income tenants. Notwithstanding anything to the contrary elsewhere in this Agreement, if the Owner has set aside one or more units in the Development for Low-Income Tenants in perpetuity, i.e., fifty (50) years, the Extended Use Period shall continue in perpetuity, i.e., fifty (50) years.

"Gross Rent" shall mean any amount paid by a tenant in connection with the occupancy of a Residential Rental Unit, plus the cost of any services that are required to be paid by a tenant as a condition for occupancy, plus the cost of any utilities, other than telephone, for such unit. If any utilities (other than telephone) are paid directly by the tenant, "gross rent," also includes a utility allowance determined as set forth in this paragraph. "Gross Rent" does not include any payment under Section 8 of the United States Housing Act of 1937 or any comparable rental assistance program with respect to such Residential Rental Unit or to the occupants thereof, or any fee for supportive service that is paid to the owner of the unit on the basis of the low income status of the tenant of such Residential Rental Unit by any governmental program of assistance or by any tax-exempt organization if such program or organization provides assistance for rent and the amount of assistance provided for rent is not separable from the amount of assistance provided for supportive services within the meaning of Section 42(g)(2)(B) of the Code. For purposes of the foregoing, the allowable utility allowance is: (i) the United States Department of Housing and Urban Development ("HUD") utility allowances (except as provided in clause (iv) hereof) in the case of a building whose rents and utility allowances are reviewed by HUD on an annual basis; (ii) the applicable Public Housing Authority ("PHA") utility allowances established for the Section 8 Existing Housing Program (except as provided in clause (iv) hereof) in the case of a building occupied by one or more tenants receiving HUD rental assistance payments ("HUD Tenant Assistance"); (iii) in the case of a building for which there is neither HUD Tenant Assistance, nor an applicable HUD or RD utility allowance, the applicable PHA utility allowance; however, utility allowances based on estimates from local utility providers certifying the estimated costs of all covered utilities for units of comparable size and construction in the county where the building is located, determined in accordance with Internal Revenue Service Notice 89-6, may be obtained, in which case those estimates shall apply to all units of similar size and construction in the building; or (iv) the applicable RD utility allowance in the case of any Rent-Restricted Unit in a building where either the building receives RD housing assistance (including a building that is HUD-regulated) or any tenant receives RD housing assistance (including any Low-Income Tenant receiving HUD Tenant Assistance who resides in a building where the building or any other tenant receives RD housing assistance).

"Low-Income Tenants" shall mean individuals whose income is sixty percent (60%) or less of area median gross income (adjusted for family size) within the meaning of Section 42(g)(1) of the Code, as the same may be amended from time to time (but only to the extent such

amendments apply to the Development). In no event, however, shall occupants of a unit be considered to be of low income if all the occupants are students (as defined in Section 151(c)(4) of the Code, but excluding from such definition the following: (x) single parents who are students with all children also being students and the household receives AFDC payments, (y) if the students are enrolled in certain federal, state or local job training programs and are considered lower income, or (z) for developments receiving credit allocations after June 30, 1992, a housing unit occupied exclusively by full-time students may qualify as lower income if the students are a single parent and his/her minor children and none of the tenants are a dependent of a third party.)

"Low-Income Unit" shall mean any unit in a building if: (i) the unit is a Rent-Restricted Unit satisfying the requirements of Section 2 hereof, and (ii) the individuals occupying the unit are Low-Income Tenants (or the unit is held available for rental to Low-Income Tenants if previously rented to and occupied by Low-Income Tenants) as set forth in Section 3(a) hereof.

"Monitoring Agent" shall mean any monitoring agent appointed by the Corporation.

"Owner" shall mean OLD CUTLER VILLAGE APARTMENTS, LTD., a Florida limited partnership and its successors and assigns as permitted under Section 4 of this Agreement.

"Related Person" to a person shall mean a relationship such that the "related person" bears a relationship to such person specified in Section 267(b) or Section 707(b)(1) of the Code, or the related person and such person are engaged in trades or businesses under common control within the meaning of Section 52(a)-(b) of the Code, except that for purposes hereof, the phrase "10 percent" shall be substituted for the phrase "50 percent" in applying Section 267(b) and Section 707(b)(1).

"Rent-Restricted Unit" shall mean a Residential Rental Unit where the Gross Rent with respect to such unit does not exceed thirty percent (30%) of the imputed income limitation applicable to such unit (or such higher limitation as provided by Section 42(g)(2)(E) of the Code). For purposes of the foregoing, the imputed income limitation applicable to a Residential Rental Unit is the income limitation set forth for Low-Income or Very Low-Income Tenants occupying the unit if the number of individuals occupying the unit are (x) one (1) individual, in the case of a unit that does not have a separate bedroom, and (y) one and one-half (1.5) individuals for each separate bedroom, in the case of a unit that has one or more separate bedrooms.

"Residential Rental Units" shall mean dwelling units made available for rental, and not ownership, by Low-Income Tenants and members of the general public, each of which units shall contain complete living facilities that are to be used other than on a transient basis together with facilities that are functionally related or subordinate to the living facilities. The units shall at all times be constructed and maintained in substantial accordance with the applicable building code standards of the County. For purposes of the foregoing, a unit that contains sleeping accommodations and kitchen and bathroom facilities and that is located in a building used exclusively to facilitate the transition of homeless individuals to independent living and in which a governmental entity or qualified nonprofit organization provides such individuals with temporary housing and supportive services designed to assist such individuals in locating and

retaining permanent housing shall not be deemed to be a unit occupied on a transient basis within the meaning hereof.

"Very Low-Income Tenants" shall mean, with respect to the Owner's satisfying its commitments set forth in its Low-Income Housing Tax Credit Application to the Corporation, individuals whose income is forty percent (40%) or less of area median gross income (adjusted for family size) as determined in a manner consistent with Section 42(g)(1) of the Code, as the same may be amended from time to time (but only to the extent such amendments apply to the Development). In no event, however, shall occupants of a unit be considered to be of low income if all the occupants are students (as defined in Section 151(c)(4) of the Code, but excluding from such definition the following: (x) single parents who are students with all children also being students and the household receives AFDC payments, (y) if the students are enrolled in certain federal, state or local job training programs and are considered lower income, or (z) for developments receiving credit allocations after June 30, 1992, a housing unit occupied exclusively by full-time students may qualify as lower income if the students are a single parent and his/her minor children and none of the tenants are a dependent of a third party.)

(b) All capitalized words and terms herein which are not otherwise defined herein shall have the same meanings ascribed to them in Section 42 of the Code or in Treasury Regulations thereunder.

(c) The terms and phrases used in the Recitals of this Agreement have been included for convenience of reference only, in the meaning, construction and interpretation of all such terms and phrases shall be determined by reference to this Section 1. The titles and headings in this Agreement have been inserted for convenience of reference only and shall be deemed to modify and restrict any other provisions of this Agreement.

(d) Unless the context clearly requires otherwise, words of masculine, feminine or neuter gender, as the case may be, shall be construed as including the other genders, and words of the singular number shall be construed to include the plural number, and vice versa. This Agreement and all of the terms and provisions hereof shall be construed to effectuate the purposes set forth in this Agreement and to sustain the validity hereof.

Section 2. Qualified Low-Income Housing Development. The Corporation and the Owner hereby declare their understanding and intent that, during the Extended Use Period, the Development is to be owned, managed, and operated as a qualified low-income housing development as such phrase is defined in Section 42(g) of the Code. To that end, the Owner hereby represents, covenants and agrees as follows:

(a) That the Development is being constructed for purposes of providing a qualified low-income housing development, and the Owner shall own, manage and operate the Development as a qualified low-income housing development all in accordance with Section 42 of the Code; and

(b) That all of the Residential Rental Units in the Development shall be similarly constructed and each such unit shall contain complete facilities for living, sleeping, eating, cooking and sanitation for at least a single individual or a family; *provided, however, that a unit*

that contains sleeping accommodations and kitchen and bathroom facilities and that is located in a building used exclusively to facilitate the transition of homeless individuals to independent living and in which a governmental entity or a qualified nonprofit organization provides such individuals with temporary housing and supportive services designed to assist such individuals in locating and retaining permanent housing shall not be deemed to be a unit occupied on a transient basis within the meaning of this Section 2(b); and

(c) That, during the Extended Use Period, none of the Residential Rental Units in the Development shall at any time be utilized on a transient basis; except as provided in this Section 2(c), none of the Residential Rental Units in the Development shall ever be leased or rented for an initial period of less than one hundred eighty (180) days; and neither the Development nor any portion thereof shall ever be used as a hotel, motel, dormitory, fraternity house, sorority house, rooming house, hospital, sanitarium, nursing home, rest home, trailer court or trailer park, or health club or recreational facility (other than recreational facilities that are available only to tenants and their guests without charge for their use and that are customarily found in multi-family rental housing developments); *provided, however*, that a single-room occupancy unit shall not be treated as used on a transient basis merely because it is rented on a month-to-month basis; and *provided, further*, that a unit that contains sleeping accommodations and kitchen and bathroom facilities and that is located in a building used exclusively to facilitate the transition of homeless individuals to independent living and in which a governmental entity or a qualified nonprofit organization provides such individuals with temporary housing and supportive services designed to assist such individuals in locating and retaining permanent housing shall not be deemed to be a unit occupied on a transient basis within the meaning of this Section 2(c); and

(d) That, during the Extended Use Period, the Residential Rental Units in the Development shall be leased and rented, or made available for rental on a continuous basis, to members of the general public; and the Owner shall not give preference in renting Residential Rental Units in the Development to any particular class or group of persons, other than Low-Income Tenants or Very Low-Income Tenants as provided in this Agreement; and

(e) That the Development shall consist of one (1) or more discrete edifices or other man-made construction, each consisting of an independent foundation, outer walls and roof, and containing four (4) or more Residential Rental Units and functionally-related facilities, all of which shall be: (x) owned by the same person for federal tax purposes; (y) located on a common tract of land or two (2) or more contiguous tracts of land; *provided, however*, that separate tracts of land that are separated only by a road, street, stream or similar property shall for purposes hereof be deemed to be contiguous; and (z) financed pursuant to a common plan of financing, and which shall consist entirely of:

- (1) Twelve (12) residential buildings; 288 units consisting of: thirty-two (32) one-bedroom, one-bath units comprising 577 square feet each, one hundred sixty (160) two-bedroom, two-bath units comprising 757 square feet each, sixty-four (64) three-bedroom, two-bath units comprising 993 square feet each, thirty-two (32) four-bedroom, two-bath units comprising 1,082 square feet each; and

- (2) Residential Rental Units which are similar in quality and type of construction and which will include the following amenities: air conditioning units with SEER rating of 11 or better, dishwashers, garbage disposals, cable TV hook-ups, two full bathrooms in all 3 bedroom or larger units, at least 1 and ½ bathrooms (1 full bath and one with at least a toilet and a sink) in all 2 bedroom units, laundry hook-ups and space for washer/dryer inside each unit, vertical blinds inside each unit, pantry in kitchen area (must be approximately 6'8"H x 24"W x 18"D; exact dimensions may vary but pantry cannot be just an under- or over-the-counter cabinet), wall insulation of R-13 (or better) for frame-built construction or R-7 (or better) for masonry/concrete block construction, ceiling fans in all bedrooms and living area, heat traps (check valve or inverted loop) on both hot and cold pipes of water heater, attic insulation of R-30 or better, single-pane window with shading coefficient of .67 or better; and
- (3) Facilities functionally related and subordinate in purpose and size to the property described in Section 2(e)(2) above, which will include: exercise room with appropriate equipment, community center or clubhouse, swimming pool, playground/tot lot (must be sized in proportion to the Development size and expected resident population with age-appropriate equipment), volleyball court, library consisting of a minimum of 100 books and 5 age-appropriate magazine subscriptions and other facilities that are reasonably required for the Development. None of which may be unavailable to any person because such person is a Low-or Very Low-Income Tenant.

(f) That, during the Extended Use Period, the Owner shall provide the following tenant programs: health care (Regularly scheduled visits by health care professionals such as nurses, doctors, or other licenses care providers. At a minimum, the following services must be provided at no cost to the resident: health screening, flu shots, vision and hearing tests. Regularly scheduled is defined as not less often than once each quarter. On-site space must be provided.); resident activities (Regularly scheduled, specified activities planned, arranged, managed, and paid for by the Applicant or its management agent as an integral part of the management plan. The Applicant must develop and execute a comprehensive plan of varied activities such as holiday or special occasion parties, community picnics or cookouts, newsletters, children's special functions, etc., to bring the residents together, foster a sense of community and encourage community pride.); computer lab with one computer per 50 units along with basic word processing, spreadsheets and assorted educational and entertainment software programs; welfare to work or self-sufficiency programs (The Applicant must actively seek residents who are participating in or who have successfully completed the training provided by these types of programs). Additionally, the Owner will offer financial incentives to qualified tenants wishing to move into home ownership as follows: the financial incentive must be applicable to the home selected by the tenant and may not be restricted to or enhanced by the purchase of homes in which the Owner, Developer, or other related party has an interest; the financial incentive must not be less than 5% of the rent for the tenant's unit during the tenant's entire occupancy; the

benefit must be in the form of a gift or grant and may not be a loan of any nature; the benefits of the incentive must accrue from the beginning of occupancy; the vesting period can be no longer than 2 years of continuous residency; and no fee, deposit or any other such charge can be levied against the tenant as a condition of participation in this incentive; and

(g) That, during the Extended Use Period, the Development shall not include a unit in a building where all Residential Rental Units in such building are not also included in the Development; and

(h) That, during the Compliance Period, the Owner shall not convert the Development to condominium ownership; and

(i) That, during the Compliance Period, no part of the Development shall at any time be owned or used by a cooperative housing corporation; and

(j) That, during the Extended Use Period, no unit in the Development shall be occupied by the Owner or a Related Person to the Owner at any time (x) unless such person resides in a unit in a building or structure which contains at least five (5) Residential Rental Units, or (y) except as provided in Section 42(i)(3)(E) of the Code; and

(k) That, during the Extended Use Period, Owner shall not refuse to lease a unit to a holder of a voucher or certificate of eligibility under Section 8 of the United States Housing Act of 1937 because of the status of the prospective tenant as such a holder.

(l) That the Owner shall not discriminate on the basis of age, race, creed, religion, color, sex, marital status, family status, handicap or national origin in the lease, use or occupancy of the Development or in connection with the employment or application for employment of persons for the operation and management of the Development; *provided, however*, that nothing herein shall be deemed to preclude the Owner from discrimination based on income in renting Residential Rental Units set aside for Low-Income Tenants or for Very Low-Income Tenants in compliance with the requirements of the Code; and

(m) That the Owner shall submit the certificate with respect to the first year of the Credit Period and such annual reports to the Secretary of the Treasury as required by Sections 42(l)(1) and (l)(2) of the Code and deliver a copy thereof to the Corporation and to the Monitoring Agent, and shall submit such information to the Corporation as the Corporation may request in order for the Corporation to comply with Section 42(l)(3) of the Code and for the Corporation to monitor the Owner's compliance with Section 42 of the Code, the Corporation's rules and regulations codified at Florida Administrative Code, Chapter 67-48, and the provisions of the Agreement; and

(n) That, during the Extended Use Period, the Owner shall comply with the following commitments that were the basis of the Corporation's competitive scoring and ranking of the Owner's application for Tax Credits in satisfaction of the Corporation's responsibilities under Section 42(m) of the Code, and as required by the Corporation's rules and regulations implementing such responsibilities, Florida Administrative Code, Rule 67-48:

- (i) Notwithstanding Section 3(a) below to the contrary, commencing with the issuance of the first certificate of occupancy for any building included in the Development, at least forty percent (40%) of the occupied and completed Residential Rental Units included in the Development shall be occupied by and rented to Low- and Very Low-Income Tenants or held available for rental to Low- and Very Low-Income Tenants.
- (ii) In addition to the requirements set forth in Section 2(n)(i) above and in Section 3(a) below, commencing with the issuance of the first certificate of occupancy for any building included in the Development, at least forty percent (40%) of the occupied and completed Residential Rental Units included in the Development shall be occupied by and rented to persons with incomes which do not exceed sixty percent (60%) of the area median income (adjusted for family size).
- (iii) For purposes of complying with the requirements set forth in Section 2(n)(i) and (ii) above, if the income of an individual or family resident in a Residential Rental Unit did not exceed the applicable income limit (adjusted for family size) at the commencement of such resident's occupancy, the income of such individual or family shall be treated as continuing to not exceed the applicable income limit as long as such Residential Rental Unit remains a Rent-Restricted Unit. The preceding sentence shall cease to apply to any individual or family whose income, as of the most recent determination, exceeds one-hundred-forty percent (140%) of the applicable income limit (adjusted for family size), if after such determination, but before the next income determination, any Residential Rental Unit of comparable or smaller size in the building is occupied by a new individual or family resident whose income exceeds the applicable income limit (adjusted for family size) for Low-Income Tenants or Very Low-Income Tenants, as the case may be.
- (iv) The Owner shall obtain from each Low-Income Tenant and Very Low-Income Tenant and maintain on file an Income Certification pursuant to the requirements and procedures found in the Low-Income Rental Housing Tax Credit Compliance Manual immediately prior to the initial occupancy of a Residential Rental Unit in the Development by such tenant. The Owner shall also obtain, at least annually thereafter, and maintain on file an Income Certification from each Low-Income Tenant and Very Low-Income Tenant (and from each tenant whose income is treated as continuing not to exceed the applicable income limit as provided in Section 2(n)(i) and (ii) above) to determine whether the then current income of such tenants (or such tenants whose income is treated as continuing not to exceed the applicable income limit as provided in Section 2(n)(i) and (ii) above) residing in the Development exceed the applicable income limits, adjusted for family size. In addition, the Owner shall require each Low-Income Tenant and Very Low-Income Tenant (or

tenant whose income is treated as continuing not to exceed the applicable income limit as provided in Section 2(n)(i) and (ii) above) to notify the Owner of any material change of information in his, her or their, as the case may be, most recent Income Certification. The Income Certification shall be in the form and contain such information as may be required by the policies of the Corporation, as the same may be, from time to time, amended by the Corporation on the advice of Counsel. For all developments receiving Tax Credit allocations since January 1, 1987, the Owner shall submit Program Reports, Recap of Tenant Income Certification Information and Annual Owner Compliance Certification annually throughout the Compliance Period. The initial reports shall be submitted to the Corporation not later than thirty (30) days after final allocation is made. Subsequent reports shall be submitted to the Corporation annually on a date assigned by the Corporation. In addition, the Owner shall submit the Program Report, Recap of Tenant Income Certification Information and copies of Tenant Income Certification for at least ten percent (10%) of the lower-income units in the development to the monitoring agency annually. Additional reports and information shall be submitted to the Corporation at such other times as the Corporation may, in its sole discretion, request.

- (v) The Owner shall maintain complete and accurate records pertaining to the Residential Rental Units occupied by and rented to (or held available for rental to) Low-Income Tenants and Very Low-Income Tenants for at least six (6) years following the indicated date of each such record and shall permit any duly authorized representative of the Corporation or the Monitoring Agent, to inspect the books and records of the Owner pertaining to the Income Certifications and income substantiation materials of Low-Income Tenants and Very Low-Income Tenants (and such tenants whose income is treated as continuing not to exceed the applicable income limit as provided in Section 2(n)(i) and (ii) above) residing in the Development upon reasonable notice and at reasonable times.
- (vi) The Owner shall immediately notify the Corporation and the Monitoring Agent if at any time the Residential Rental Units in the Development are not occupied or available for occupancy as provided in Section 2(n)(i) and (ii) above.

Section 3. Low- and Very Low-Income Tenants; Low- and Very Low-Income Units.

In order to satisfy the requirements of the Code, the Owner hereby represents, covenants and agrees that, during the Extended Use Period:

- (a) Not later than the close of the first (1st) year of the Credit Period for each building included in the Development, at least forty percent (40%) of the occupied and completed Residential Rental Units included in the Development shall be both Rent-Restricted Units and rented to and occupied by Low-Income Tenants, and after the initial rental occupancy of such

Residential Rental Units by Low-Income Tenants, at least forty percent (40%) of the completed Residential Rental Units in the Development at all times shall be both Rent-Restricted Units and rented to and occupied by (or held available for rental to, if previously rented to and occupied by a Low-Income Tenant) Low-Income Tenants as required by Section 42(g)(1) of the Code. At least forty percent (40%) of the dwelling units must be occupied and rented to Low- and Very Low-Income persons. Not less than fifteen point two seven seven seven percent (15.2777%) of the units in the development shall be leased, rented or made available on a continuous basis to persons or households whose incomes are thirty-three percent (33%) or less of the area median income (adjusted for family size), and not less are eighty-four point seven two two three percent (84.7223%) of the units in the development shall be leased, rented or made available on a continuous basis to persons or households whose incomes sixty percent (60%) or less of the area median income (adjusted for family size), as determined by HUD. The gross monthly rents for all units shall not exceed thirty percent (30%) of the imputed income limitation applicable to such unit as defined in Section 1(a).

For purposes of complying with the foregoing requirements, if (x) the income of an individual or family resident in a Rent-Restricted Unit did not exceed the applicable income limit (adjusted for family size) at the commencement of such resident's occupancy, and (y) such unit continues to be a Rent-Restricted Unit, the income of such individual or family shall be treated as continuing to not exceed the applicable income limit. The preceding sentence shall cease to apply to any individual or family whose income, as of the most recent determination, exceeds one hundred forty percent (140%) of the applicable income limit (adjusted for family size) if, after such determination, but before the next income determination, any Residential Rental Unit of comparable or smaller size in the building is occupied by a new individual or family resident whose income exceeds the applicable income limit (adjusted for family size).

(b) During each taxable year in the Extended Use Period, the applicable fraction (as such term is defined in Section 42(c)(B) and is used in Section 42(h)(6) of Code) shall not be less than the smaller of: (i) the unit fraction or (ii) the floor space fraction (as such terms are defined in Sections 42(c) of the Code).

(c) The Owner shall not evict or terminate the tenancy of any tenant (including any tenant whose income is treated as continuing not to exceed the applicable income limit as provided in Section 3(a) above) of any Low-Income Unit in the Development, other than for good cause, or increase the Gross Rent with respect to such Low-Income Units in excess of the amount allowable as Rent-Restricted Units.

(d) The Owner shall obtain from each Low-Income Tenant and Very Low-Income Tenant and maintain on file an Income Certification pursuant to the requirements and procedures found in the Low-Income Rental Housing Tax Credit Compliance Manual immediately prior to the initial occupancy of a dwelling unit in the Development by such Low-Income Tenant and Very Low-Income Tenant. The Owner shall also obtain, at least annually thereafter, and maintain on file an Income Certification from each Low-Income Tenant and Very Low-Income Tenant (and from each tenant whose income is treated as continuing not to exceed the applicable income limit as provided in Section 3(a) above) to determine whether the then current income of such Low-Income Tenants or Very Low-Income Tenants (or such tenants whose incomes are treated as continuing not to exceed the applicable income limit as provided in Section 3(a) above)

residing in the Development exceed the applicable income limits, adjusted for family size. In addition, the Owner shall require each Low-Income Tenant and Very Low-Income Tenant (or tenant whose income is treated as continuing not to exceed the applicable income limit as provided in Section 3(a) above) to notify the Owner of any material change of information in his, her or their, as the case may be, most recent Income Certification. The Income Certification shall be in the form and contain such information as may be required by the Code and the policies of the Corporation, as the same may be from time to time amended by the Corporation on the advice of Counsel, or in such other form and manner as may be required by applicable rules, rulings, procedures, official statements, regulations or policies now or hereafter promulgated or proposed by the Department of the Treasury or the Internal Revenue Service with respect to Tax Credits. For all developments receiving Tax Credit allocations since January 1, 1987, the Owner shall submit Program Reports, Recap of Tenant Income Certification Information and Annual Owner Compliance Certification annually throughout the Compliance Period. The initial reports shall be submitted to the Corporation not later than thirty (30) days after final allocation is made. Subsequent reports shall be submitted to the Corporation annually on a date assigned by the Corporation. In addition, the Owner shall submit the Program Report, Recap of Tenant Income Certification Information and copies of Tenant Income Certification for at least ten percent (10%) of the lower-income units in the development to the monitoring agency annually. Additional reports and information shall be submitted to the Corporation at such other times as the Corporation may, in its sole discretion, request.

(e) The Owner shall maintain complete and accurate records pertaining to the Low-Income Units and Very Low-Income Units for at least six (6) years following the indicated date of each such record and shall permit any duly authorized representative of the Corporation, the Monitoring Agent, the Department of the Treasury or the Internal Revenue Service to inspect the books and records of the Owner pertaining to the Income Certifications and income substantiation materials of Low-Income Tenants (and such tenants whose income is treated as continuing not to exceed the applicable income limit as provided in Section 3(a) above) residing in the Development upon reasonable notice and at reasonable times.

(f) The Owner shall immediately notify the Corporation and the Monitoring Agent if at any time the Residential Rental Units in the Development are not occupied or available for occupancy as provided in Section 3(a) above.

(g) Notwithstanding anything elsewhere in the Agreement, the Owner undertakes, agrees and covenants that the Extended Use Period shall continue for perpetuity, i.e., fifty (50) years, so that its obligation to set aside the one hundred percent (100%) of the Rent Restricted Units for Low-Income Tenants or Very Low-Income Tenants shall likewise continue for perpetuity, i.e., fifty (50) years.

Section 4. Sale, Lease or Transfer of the Development or any Building.

(a) The Owner shall not enter into a sale, lease, exchange, assignment, conveyance, transfer or other disposition (collectively, a "Disposition") of the Development or any building in the Development: (i) unless such Disposition is of all of a building in the Development, and (ii) without prior written notice to the Secretary of the Treasury and to the Corporation, and the compliance with all rules and regulations of the Department of the Treasury and the Corporation

applicable to such Disposition. The Owner shall notify the Corporation in writing of the name and address of the person to whom any Disposition has been made within fourteen (14) days after the date thereof. It is hereby expressly stipulated and agreed that any Disposition of the Development or of any building in the Development by the Owner in violation of this Section 4 shall be null, void and without effect, shall cause a reversion of title to the transferor Owner, and shall be ineffective to relieve the Owner of its obligations under this Agreement. The Owner shall include, verbatim or by incorporation by reference, all requirements and restrictions contained in this Agreement in any deed or other documents transferring any interest in the Development or in any building in the Development to any other person or entity to the end that such transferee has notice of and is bound by such restrictions, and shall obtain the express written assumption of this Agreement by any such transferee.

(b) The restrictions contained in Section 4(a) shall not be applicable to any of the following: (1) any transfer pursuant to or in lieu of a foreclosure or any exercise of remedies (including, without limitation, foreclosure) under any mortgage on the Development; *provided, however,* that neither the Owner nor any Related Person to the Owner shall acquire any interest in the Development during the remainder of the Extended Use Period; (2) any sale, transfer, assignment, encumbrance or addition of limited partnership interests in the Owner; (3) grants of utility-related easements and governmental easements, shown on the title policy approved by the Corporation and any other easement and use agreements which may be consented to by the Corporation and service-related leases or easements, such as laundry service leases or television cable easements, over portions of the Development; *provided, however,* the same are granted in the ordinary course of business in connection with the operation of the Development as contemplated by this Agreement; (4) leases of apartment units to tenants, including Very Low-Income Tenants, in accordance with this Agreement; (5) any sale or conveyance to a condemning governmental authority as a direct result of a condemnation or a governmental taking or a threat thereof; (6) the placing of a subordinate mortgage lien, assignment of leases and rents or security interests on or pertaining to the Development if made expressly subject and subordinate to this Agreement; or (7) any change in allocations or preferred return of capital, depreciation or losses or any final adjustment in capital accounts (all of which may be freely transferred or adjusted by Owner pursuant to Owner's partnership agreement).

Section 5. Development Within Corporation's Jurisdiction. The Owner hereby represents and warrants that each building in the Development shall be located entirely within the limits of the County.

Section 6. Term of this Agreement.

(a) This Agreement shall become effective upon the date the Corporation executes this Agreement, and shall remain in full force and effect until the expiration of the Extended Use Period or as otherwise provided in this Section 6. Upon the termination of this Agreement, upon request of any party hereto, the Corporation and the Owner or any successor party hereto shall execute a recordable document prepared by the Corporation or its Counsel further evidencing such termination.

(b) The restrictions contained in Section 2 and Section 3 of this Agreement regarding the use and operation of the Development and of each building in the Development shall

automatically terminate in the event of involuntary noncompliance caused by fire, seizure, requisition, foreclosure or transfer of title by deed in lieu of foreclosure to an entity other than the Owner or a Related Person of the Owner (except as may otherwise be determined by the Secretary of the Treasury), change in a federal law or an action of a federal authority after the date hereof which prevents compliance with the covenants expressed herein, or condemnation or similar event (as determined by the Corporation upon the advice of Counsel). In such event, upon the request and at the expense of the Owner, the parties hereto shall execute an appropriate document in recordable form prepared by the Corporation or its Counsel to evidence such automatic termination. This Section 6(b) shall not apply (and the restrictions contained in Sections 2 and 3 shall thereafter apply) to the Development in the event that, subsequent to any involuntary noncompliance as described in this Section 6(b) but prior to the expiration of the Extended Use Period, (x) a Related Person to the Owner obtains an ownership interest in the Development for tax purposes, or (y) the Secretary of the Treasury determines that such foreclosure or transfer of title by deed in lieu of foreclosure is part of an arrangement to terminate this Agreement.

(c) The restrictions contained in Section 2 and Section 3 of this Agreement regarding the use and operation of the Development and of each building in the Development shall remain in perpetuity, i.e., fifty (50) years.

(d) Notwithstanding the termination of the restrictions contained in Section 2 and Section 3 prior to the expiration of the Extended Use Period, the Owner (including any successor or assignee of the Owner) shall not, prior to the end of the three (3) year period following such termination: (i) evict or terminate the tenancy of any existing tenant (including any tenant whose income is treated as continuing not to exceed the applicable income limit as provided in Section 3(a) above) of any Low-Income Unit or Very Low-Income Unit, other than for good cause, or (ii) increase the Gross Rent with respect to such Low-Income Units or Very Low-Income Units in excess of the amounts allowable as Rent-Restricted Units.

(e) Notwithstanding any other provisions of this Agreement, this entire Agreement, or any of the provisions or sections hereof, may be terminated upon agreement by the Corporation and the Owner if there shall have been received an opinion of Counsel to the Corporation that such termination is permitted under Section 42 of the Code.

Section 7. Indemnification. The Owner hereby covenants and agrees to indemnify and hold the State, the Corporation and the Monitoring Agent, and their respective members, directors, officers, employees, attorneys, agents and representatives (any or all of the foregoing collectively referred to as the "Indemnified Persons") harmless from and against any and all losses, damages, judgments (including specifically punitive damage awards), arbitration awards, amounts paid in settlements, costs and expenses and liabilities of whatsoever nature or kind (including, but not limited to, reasonable attorneys' fees, whether or not suit is brought and whether incurred in connection with settlement negotiations, investigations of claims, at trial, on appeal, in bankruptcy or other creditors' proceedings or otherwise, expert witness fees and expenses and court costs) directly or indirectly resulting from, arising out of or in connection with any act or omission to act by the Owner or any of its partners, directors, officers, employees, attorneys or agents or other persons under direct contract to the Owner or acting on its behalf, resulting from, arising out of or relating to: (i) the granting of (or failure to grant) any

low-income housing tax credits, (ii) the interpretation or enforcement of any provision of this Agreement (including but not limited to any action by any tenant to enforce the provisions hereof), (iii) any written statements or representations made or given by the Owner or by any partner, director, officer, employee, attorney or agent of the Owner or by any person under direct contract to the Owner or acting on the Owner's behalf to any person to whom the Owner sells or offers to sell any interest in low-income housing tax credits, or (iv) the design, construction, installation, operation, use, occupancy, maintenance or ownership of the Development.

Each Indemnified Person will promptly, and after notice to such Indemnified Person (notice to the Indemnified Persons being serviced with respect to the filing of an illegal action, receipt of any claim in writing or similar form of actual notice) of any claim as to which he asserts a right to indemnification, notify the Owner of such claim. Each Indemnified Person will provide notice to the Owner promptly, but in no event later than seven (7) days following his receipt of a filing relating to a legal action or thirty (30) days following his receipt of any such other claim.

If any claim for indemnification by one or more Indemnified Persons arises out of a claim for monetary damages by a person other than the Indemnified Persons, the Owner shall undertake to conduct any proceedings or negotiations in connection therewith which are necessary to defend the Indemnified Persons and shall take all such steps or proceedings as the Owner in good faith deems necessary to settle or defeat any such claims, and to employ counsel to contest any such claims; *provided, however*, that the Owner shall reasonably consider the advice of the Indemnified Persons as to the defense of such claims, and the Indemnified Persons shall have the right to participate, at their own expense, in such defense, but control of such litigation and settlement shall remain with the Owner. The Indemnified Persons shall provide all reasonable cooperation in connection with any such defense by the Owner. Counsel (except as provided above) and auditor fees, filing fees and court fees of all proceedings, contests or lawsuits with respect to any such claim or asserted liability shall be borne by the Owner. If any such claim is made hereunder and the Owner does not undertake the defense thereof, the Indemnified Persons shall be entitled to control such litigation and settlement and shall be entitled to indemnity for all costs and expenses incurred in connection therewith pursuant to the terms of this Section 7. To the extent that the Owner undertakes the defense of such claim, the Indemnified Persons shall be entitled to indemnity hereunder only to the extent that such defense is unsuccessful as determined by a final judgment of a court of competent jurisdiction, or by written acknowledgment of the parties. The Owner reserves the right to appeal any judgment rendered.

Section 8. Reliance. The Corporation and the Owner hereby recognize and agree that the representations and covenants set forth herein may be relied upon by all persons interested in the legality and validity of the Owner's use of the Tax Credits. In performing their duties and obligations hereunder, the Corporation may rely upon statements and certificates of the Owner and Low-Income Tenants believed in good faith to be genuine and to have been executed by the proper person or persons, and upon audits of the books and records of the Owner pertaining to occupancy of the Development. No interlineation or manual alteration to the typed version of this Agreement shall be permitted unless initialed by all parties to the Agreement. In addition, the Corporation may consult with counsel, and the opinion of such counsel shall be full and complete authorization and protection with respect to any action taken or suffered by the Corporation hereunder in good faith and in conformity with the opinion of such counsel. The

Owner shall reimburse the Corporation for reasonable attorneys' fees and expenses incurred in obtaining the opinion of such counsel. In performing its duties and obligations hereunder, the Owner may rely upon certificates of Low-Income Tenants reasonably believed to be genuine and to have been executed by the proper person or persons. The Owner may rely on the rules, regulations, guidelines and policies of the Corporation, the Department of the Treasury, and upon reasonable interpretations of the same.

Section 9. Enforcement by the Corporation and by Tenants. If the Owner defaults in the performance of its obligations under this Agreement or breaches any covenant, agreement or warranty of the Owner set forth in this Agreement, and if such default or breach remains uncured for a period of sixty (60) days (or ninety (90) days for any default not caused by a violation of Section 2 or 3 hereof) after written notice thereof shall have been given by the Corporation to the Owner (or for an extended period approved in writing by Corporation Counsel (x) if such default or breach stated in such notice can be corrected, but not within such sixty (60) day (or ninety (90) day) period, and (y) if the Owner commences such correction within such sixty (60) day (or ninety (90) day) period and thereafter diligently pursues the same to completion within such extended period), then the Corporation shall give notice of such default or breach to the Internal Revenue Service and may terminate all rights of the Owner under this Agreement, and the Corporation may take whatever other action at law or in equity or otherwise, whether for specific performance of any covenant in this Agreement or such other remedy as may be deemed most effectual by the Corporation to enforce the obligations of the Owner under this Agreement.

Notwithstanding any of the foregoing, the Corporation shall have the right to seek specific performance of any of the covenants, agreements and requirements of this Agreement concerning the construction and operation of the Development and any person who satisfies the income limitations applicable to Low-Income Tenants hereunder (whether prospective, present or former occupants of any Residential Rental Unit in any building included in the Development, including any tenant whose income is treated as continuing not to exceed the applicable income limit as provided in Section 3(a) above) shall separately have the right to seek specific performance and otherwise enforce the requirements of Section 3(b) and Section 3(c) with respect to such building that is part of the Development.

The Owner must obtain the Corporation's approval of the management company selected to manage the Development. The Corporation must be advised of any change in the Owner's selection of a management company, and the company must be approved by the Corporation prior to the firm assuming responsibility for the Development.

The Corporation shall have the right to require the Owner to remove any Manager or Managing Agent who does not require compliance with this Agreement upon such Manager's or Managing Agent's being given thirty (30) days' written notice of a violation, and such right shall be expressly acknowledged in any contract between the Owner and any Manager or Managing Agent.

The Corporation shall have the right to enforce this Agreement and require curing of defaults in shorter periods than specified above if Corporation Counsel makes a reasonable determination that such shorter periods are necessary to comply with Section 42 of the Code.

Section 10. Recording and Filing; Covenants to Run with the Land.

(a) Upon execution and delivery by the parties hereto, the Owner shall cause this Agreement and all amendments and supplements hereto to be recorded and filed in the official public records of the County in such manner and in such other places as the Corporation may reasonably request and shall pay all fees and charges incurred in connection therewith.

(b) This Agreement and the covenants herein shall run with the land and shall bind, and the benefits shall inure to, respectively, the Owner and the Corporation and their respective successors and assigns during the term of this Agreement.

(c) Upon reasonable notice, if there has been no event of default under this Agreement, the Corporation shall furnish to the Owner a statement in writing certifying that the Agreement is not in default.

Section 11. Amendments Required by the Code. To the extent that Section 42 of the Code or any amendments thereto and any final or temporary Treasury Regulations or Revenue Rulings thereunder shall impose requirements upon the ownership or operation of the Development more or less restrictive than those imposed by this Agreement, the Owner and the Corporation agree that this Agreement shall be deemed to be automatically amended to impose such additional or more restrictive requirements or to impose less restrictive requirements, as appropriate; *provided, however*, this Section 11 shall not affect requirements of this Agreement imposed by State law or agreed to by the Owner that were the basis of the Corporation's competitively scoring and ranking the Owner's application (including any modifications or supplements thereto) for Tax Credits. The Owner and the Corporation shall execute, deliver and, if applicable, file of record any and all documents and instruments necessary in the reasonable opinion of Counsel to the Corporation to be in compliance with the provisions of Section 42 and all other provisions of the Code and Florida law relating to Tax Credits.

Section 12. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.

Section 13. Notice. Any notice required to be given hereunder shall be given by personal delivery, by registered or certified U.S. Mail or by expedited delivery service at the address as specified below or at such other addresses as may be specified by notice to the other parties hereto, and any such notice shall be deemed received on the date of delivery, if by personal delivery or expedited delivery service, or upon actual receipt if sent by registered or certified U.S. Mail:

Corporation: FLORIDA HOUSING FINANCE CORPORATION
227 North Bronough Street, Suite 5000
Tallahassee, Florida 32301-1329
Attn: Orlando Cabrera
Executive Director

Owner: OLD CUTLER VILLAGE APARTMENTS, LTD.
9400 S. Dadeland Boulevard, Suite 100
Miami, FL 33156
Attn: Mr. David Deutch

Section 14. Severability. If any provision of this Agreement shall be held by any court of competent jurisdiction to be invalid, illegal or unenforceable, such provision shall be deemed omitted from this Agreement and the validity, legality and enforceability of the remaining portions of this Agreement shall remain in full force and effect, but such holding shall not affect the validity, legality or enforceability of such provision under other, dissimilar facts or circumstances.

Section 15. Multiple Counterparts. This Agreement may be executed in multiple counterparts, all of which shall constitute one and the same instrument and each of which shall be deemed to be an original.

Section 16. Binding Effect. This Agreement shall be binding upon and inure to the benefit of each of the parties and their successors and assigns, but this provision shall not be construed to permit assignment by the Owner without the written consent of the Corporation.

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**SIGNATURE PAGE FOR OWNER
EXTENDED LOW-INCOME HOUSING AGREEMENT #2001-061C**

IN WITNESS WHEREOF, the Corporation and the Owner have executed this Agreement as of the date of execution by the Corporation.

WITNESSES:

Old Cutler Village Apartments, Ltd.

_____, a
Florida limited partnership.

By: **PHG-Village, Inc.**,
one of **one** general partners of

By: _____
Vice President
Title

By: _____
one of _____ general partners of

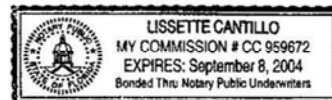
By: _____
Title

[Handwritten Signature]
[Handwritten Signature]

STATE OF **Florida**
COUNTY OF **Miami-Dade**

The foregoing instrument was acknowledged before me this **5th** day of **May**, 2003 by **David O. Deutch** individually as one of **one** general partners of **Old Cutler Village Apartments, Ltd.**, a **Florida** limited partnership, on behalf of said partnership. He She is personally known to me or has produced _____ as identification.

[Handwritten Signature]
Notary Public, State of Florida



SIGNATURE PAGE FOR FLORIDA HOUSING FINANCE CORPORATION
EXTENDED LOW-INCOME HOUSING AGREEMENT #2001-061C

IN WITNESS WHEREOF, the Corporation and the Owner have executed this Agreement
as of the date of execution by the Corporation.

WITNESSES:

FLORIDA HOUSING FINANCE CORPORATION,
a public corporation

Jean Salmonsén

Ebony Oliver

By:

Kerey Carpenter
Kerey Carpenter
Deputy Development Officer

(SEAL)

STATE OF FLORIDA

COUNTY OF LEON

The foregoing instrument was acknowledged before me this 28th day of
may, 2003 by Kerey Carpenter as Deputy Development Officer of the FLORIDA
HOUSING FINANCE CORPORATION, a public corporation, on behalf of said Corporation.
She is personally known to me.



Jean Salmonsén
MY COMMISSION # DD177690 EXPIRES
January 15, 2007
BONDED THRU TROY FAIN INSURANCE, INC.

Jean Salmonsén
Notary Public, State of Florida

OR BK 21408 PG 0203
LAST PAGE

EXHIBIT "A"

LEGAL DESCRIPTION

Tract A of OLD CUTLER APARTMENTS, according to the Plat thereof,
recorded in Plat Book 159, Page 1, of the Public Records of Miami-Dade
County, Florida.

2982-001-10439.01 (rev. 3-1-91)

21

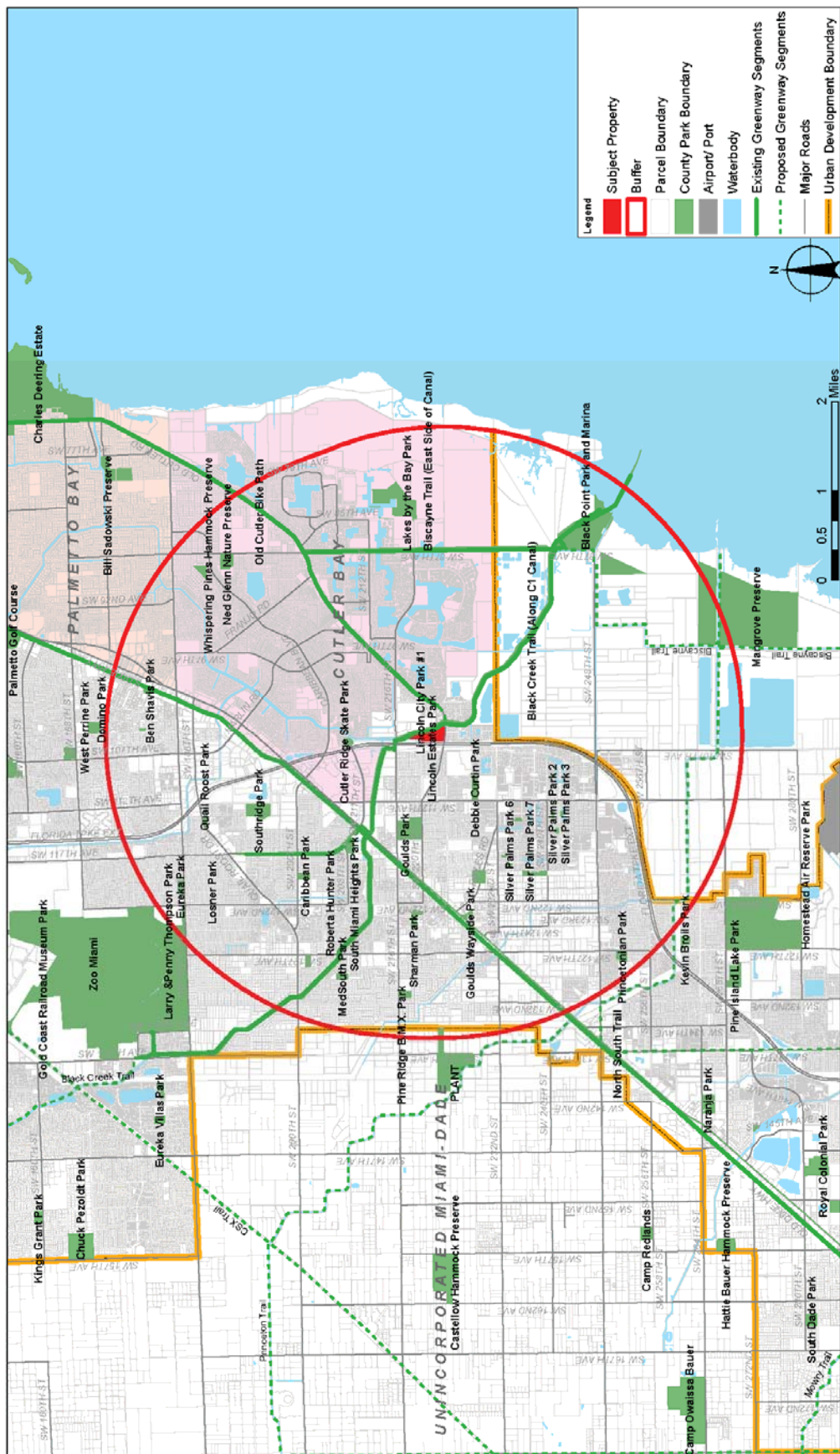
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APPENDIX D

Black Creek Trail Map

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**FIGURE 1: CDMP20200012 - OLD CUTLER VILLAGE APARTMENTS, LTD.
MIAMI-DADE COUNTY PARKS, RECREATION AND OPEN SPACES DEPARTMENT ANALYSIS**



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APPENDIX E

Miami-Dade County Public Schools Analysis

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Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools
Alberto M. Carvalho

Miami-Dade County School Board

Perla Tabares Hantman, Chair
Dr. Steve Gallon III, Vice Chair
Lucia Baez-Geller
Dr. Dorothy Bendross-Mindingall
Christi Fraga
Dr. Lubby Navarro
Dr. Marta Pérez
Mari Tere Rojas
Luisa Santos

January 26, 2021

VIA ELECTRONIC MAIL

Mr. Alex Uribe
WSH Law
2525 Ponce de Leon #700
Coral Gables, FL 33134
AUribe@wsh-law.com

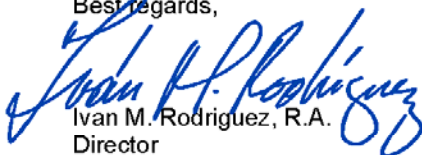
**RE: PUBLIC SCHOOL CONCURRENCY PRELIMINARY ANALYSIS
OLD CUTLER VILLAGE APARTMENTS-CDMP20200012
LOCATED AT 10407 OLD CUTLER ROAD
PH3020121800577 - FOLIO NO.: 3060170210010**

Pursuant to State Statutes and the Interlocal Agreements for Public School Facility Planning in Miami-Dade County, the above-referenced application was reviewed for compliance with Public School Concurrency. Accordingly, enclosed please find the School District's Preliminary Concurrency Analysis (Schools Planning Level Review).

As noted in the Preliminary Concurrency Analysis (Schools Planning Level Review), the proposed development would yield a maximum residential density of 564 multifamily units, which generates 117 students; 60 elementary, 25 middle and 32 senior high students. At this time, all levels have sufficient capacity available to serve the application. However, a final determination of Public School Concurrency and capacity reservation will only be made at the time of approval of final plat, site plan or functional equivalent, notwithstanding any additional information that may surface after further departmental research. As such, this analysis does not constitute a Public School Concurrency approval.

Should you have any questions, please feel free to contact me at 305-995-4501.

Best regards,



Ivan M. Rodriguez, R.A.
Director

Enclosure

L-152

cc: Mr. Victor Alonso, R.A.
Ms. Nathaly Simon
Miami-Dade County
School Concurrency Master File

Planning, Design & Sustainability
Mr. Victor Alonso, Eco-Sustainability Officer • 1450 N.E. 2nd Avenue • Suite 525 • Miami, FL 33132
305-995-7285 • 305-995-4760 (FAX) • valonso2@dadeschools.net



Concurrency Management System (CMS)

Miami-Dade County Public Schools

Miami-Dade County Public Schools

Concurrency Management System

Preliminary Concurrency Analysis

MDCPS Application Number: **PH3020121800577** Local Government (LG): **Miami-Dade**
 Date Application Received: **12/18/2020 1:47:51 PM** LG Application Number: **CDMP20200012**
 Type of Application: **Public Hearing** Sub Type: **Land Use**
 Applicant's Name: **Old Cutler Village Apartments**
 Address/Location: **10407 OLD CUTLER RD**
 Master Folio Number: **3060170210010**
 Additional Folio Number(s):

PROPOSED # OF UNITS **564**
 SINGLE-FAMILY DETACHED **0**
 UNITS:
 SINGLE-FAMILY ATTACHED **0**
 UNITS:
 MULTIFAMILY UNITS: **564**

CONCURRENCY SERVICE AREA SCHOOLS

CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
311	GOULDS ELEMENTARY	246	60	60	YES	Current CSA
6111	CUTLER BAY MIDDLE	-265	25	0	NO	Current CSA
6111	CUTLER BAY MIDDLE	0	25	0	NO	Current CSA Five Year Plan
7731	MIAMI SOUTHRIDGE SENIOR	149	32	32	YES	Current CSA

ADJACENT SERVICE AREA SCHOOLS

6861	SOUTHWOOD MIDDLE	506	25	25	YES	Adjacent CSA
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*An Impact reduction of **30.55%** included for charter and magnet schools (Schools of Choice).

MDCPS has conducted a preliminary public school concurrency review of this application; please see results above. A final determination of public school concurrency and capacity reservation will be made at the time of approval of plat, site plan or functional equivalent. **THIS ANALYSIS DOES NOT CONSTITUTE PUBLIC SCHOOL CONCURRENCY APPROVAL.**

1450 NE 2 Avenue, Room 525, Miami, Florida 33132 / 305-995-7285 / concurrency@dadeschools.net

APPENDIX F

Executive Summary of Traffic Impact Study

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January 25, 2021

Mr. Mitch Friedman
Old Cutler Village Apartments
c/o Tony Recio - Partner
Weiss Serota Helfman Cole Bierman
2525 Ponce de Leon Boulevard, Suite 700
Coral Gables, Florida 33134

Re: Traffic Engineering Study for 10407 Old Cutler Road CDMP LUPA

Dear Tony:

Traf Tech Engineering, Inc. is pleased to provide you with the results of the traffic evaluation to amend the Miami-Dade County Comprehensive Development Master Plan, Future Land Use Map designation for a property located at 10407 Old Cutler Road in Miami-Dade County, Florida. Below is a summary of the results of the traffic evaluation.

Project Description and Executive Summary

The subject property is located on the north side of Old Cutler Road just east of the Homestead Extension of Florida's Turnpike (HEFT) Miami-Dade County (in Section 17, Township 56, Range 40). The applicant is requesting a change to the Miami-Dade County Comprehensive Development Master Plan (CDMP) Land Use Element, Future Land Use Plan Map (FLUM) for the purpose of amending the land use designation for the subject property from "Low-Medium Density Residential" to "Medium Density Residential".

The traffic analysis was based on the following assumptions:

CURRENT CDMP LAND USE DESIGNATION

- Low-Medium Density Residential (293 residential units)

PROPOSED CDMP LAND USE DESIGNATION

- Medium Density Residential (564 residential units)



The proposed land-use designation to "Medium Density Residential" is projected to generate approximately 1,983 new daily trips, approximately 124 new AM peak hour trips, and approximately 152 new trips during the typical afternoon peak period, when compared against the potential development under the current "Low-Medium Density Residential".

A review of the current traffic conditions, traffic concurrency for the short-term planning horizon (year 2025) and projected traffic conditions for the long-range planning horizon (2040) was undertaken for the following impacted traffic stations:

- o Old Cutler Road south of Franjo Road
- o SW 112th Avenue north of SW 232nd Street
- o SW 211th Street east of NW 112th Avenue
- o SW 216th Street east of HEFT
- o SW 216th Street west of US 1
- o Florida's Turnpike (HEFT) south of SW 186th Street to SW 216th Street
- o Old Cutler Road east of South Dixie Highway (US 1)
- o Allapattah Drive north of SW 216th Street

The results of the traffic evaluation indicate that the above study area is currently operating at acceptable levels of services, meets traffic concurrency standards and is projected to meet the adopted level of service through the year 2040 even with the density increase proposed in the application, with three exceptions. The exceptions include Old Cutler Road, south of Franjo Road (currently operating deficiently and projected to operate deficiently through the year 2040), and SW 216th Street, both east of HEFT and west of US 1. However, the proposed land-use designation to "Medium Density Residential" has a traffic impact equal to less than 1.0% of the adopted level of service standard (de-minimus traffic impact).

It has been a pleasure working with you on this project.

Sincerely,

TRAFTech ENGINEERING, INC.

Joaquin E. Vargas, P.E.
Senior Transportation Engineer

A large, stylized handwritten signature in green ink, appearing to read "J. E. Vargas", is written over the printed name and title.



January 25, 2021

APPENDIX G

Fiscal Impact Analysis

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Fiscal Impacts On Infrastructure and Services

On October 23, 2001, the Board of County Commissioners adopted Ordinance No. 01-163 requiring the review procedures for amendments to the Comprehensive Development Master Plan (CDMP) to include a written evaluation of fiscal impacts for any proposed land use change. The following is a fiscal evaluation of Application CDMP20200012 of the October 2020 Cycle Applications to amend the CDMP from County departments and agencies responsible for supplying and maintaining infrastructure and services relevant to the CDMP. The evaluation estimates the incremental and cumulative costs of the required infrastructure and service, and the extent to which the costs will be borne by the property owner(s) or will require general taxpayer support and includes an estimate of that support.

The agencies use various methodologies for their calculations. The agencies rely on a variety of sources for revenue, such as, property taxes, impact fees, connection fees, user fees, gas taxes, taxing districts, general fund contribution, federal and state grants, federal funds, etc. Certain variables, such as property use, location, number of dwelling units, and type of units were considered by the service agencies in developing their cost estimates.

Solid Waste Services

The adopted level of service standard (LOS) for the County's Department of Solid Waste Management (DSWM) is as follows: to maintain sufficient waste disposal capacity to accommodate waste flows committed to the System through long term contracts or interlocal agreements with municipalities and private waste haulers, and anticipated uncommitted waste flows, for a period of five (5) years. As of FY 2020-21, DSWM is in compliance with this standard, meaning that there is adequate disposal capacity to meet projected growth in demand, inclusive of the application reviewed here, which is not anticipated to have a negative impact on disposal service.

Residential Collection and Disposal Service

Currently, the household waste collection fee is \$464 per residential unit, which also covers costs for waste disposal, bulky waste pick up, illegal dumping clean-up, trash and recycling center operations, curbside recycling, home chemical collection centers, and code enforcement. The current land use designation on the site is "Low-Medium Density Residential" which allows 6 to 13 dwelling units per acre, and the proposed land use change is to "Medium Density Residential" which would allow 13 to 25 dwelling units per acre. Adoption of this amendment would likely result in development of multifamily establishments as defined in Chapter 15 of the Code of Miami-Dade County. The DSWM does not actively compete for multifamily waste collection service at this time. Waste collection and recycling service would, therefore, most likely be provided by a private hauler. The requested amendment will have no impact or any associated costs relative to DSWM services and facilities.

Fiscal Impact – Waste Disposal Capacity and Service

The cost of providing disposal capacity for DSWM customers, municipalities and private haulers is paid for by System users. In FY 2020-21, the DSWM charges a contract disposal rate of \$63.57 per ton to DSWM Collections and those private haulers and municipalities with long-term disposal agreements. The short-term disposal rate is \$93.11 per ton in FY 2020-21.

These rates adjust annually with the Consumer Price Index, South Region. In addition, the DSWM charges a Disposal Facility Fee to private haulers equal to 15 percent of their annual gross receipts, which is used to ensure availability of disposal capacity in the System. Landfill closure, remediation and long-term care are funded by a portion of the Utility Service Fee charged to all customers of the County's Water and Sewer Department.

Water and Sewer

The Miami-Dade County Water and Sewer Department (WASD) provides for the majority of water and sewer service needs throughout the county. The cost estimates provided herein are preliminary and final project costs will vary from these estimates. The final costs for the project and resulting feasibility will depend on the actual labor and materials costs, competitive market conditions, final project scope implementation schedule, continuity of personnel and other variable factors. The water impact fee was calculated at a rate of \$1.39 per gallon per day (gpd), and the sewer connection charge was calculated at a rate of \$5.60 per gpd. The annual operations and maintenance cost was based on \$1.4899 per 1,000 gallons for water and \$2.2725 per 1,000 gallons for sewer.

The applicant requests the redesignation of the application site from "Low-Medium Density Residential (6-13 du/ac)" to "Medium Density Residential (13-25 du/ac)." The application site is already developed with 288 units and if the application is approved the site could be developed with an additional net 276 units. If the additional 276 units are constructed as proposed, the water connection charge is estimated at \$51,791, and the water service line and meter connection fees would cost \$1,300. The sewer connection charges are estimated at \$208,656, and the annual operating and maintenance costs would total \$54,009.

Drainage and Flood Protection

The Miami-Dade County Division of Environmental and Resources Management (DERM) is responsible for the enforcement of current stormwater management and disposal regulations. These regulations require that all new development provide full on-site retention of the stormwater runoff generated by the development. The drainage systems serving new developments are not allowed to impact existing or proposed public stormwater disposal systems, or to impact adjacent properties. The County is not responsible for providing flood protection to private properties, although it is the County's responsibility to ensure and verify that said protection has been incorporated in the plans for each proposed development. The above noted determinations are predicated upon the provisions of Chapter 46, Section 4611.1 of the South Florida Building Code; Section 24-58.3(G) of the Code of Miami-Dade County, Florida; Chapter 40E-40 Florida Administrative Code, Basis of Review South Florida Water Management District (SFWMD); and Section D4 Part 2 of the Public Works Manual of Miami-Dade County. All these legal provisions emphasize the requirement for full on-site retention of stormwater as a post development condition for all proposed commercial, industrial, and residential subdivisions.

Additionally, DERM staff notes that new development, within the urbanized area of the County, is assessed a stormwater utility fee. This fee commensurate with the percentage of impervious area of each parcel of land and is assessed pursuant to the requirements of Section 24-61, Article IV, of the Code of Miami-Dade County. Finally, according to the same Code Section, the proceedings may only be utilized for the maintenance and improvement of public storm drainage systems.

Based upon the above noted considerations, it is the opinion of DERM that Ordinance No. 01-163 will not change, reverse, or affect these factual requirements.

Public Schools

The proposed amendment, if approved and the site developed with residences, could result in 117 additional students. The average cost for K-12 grade students amounts to \$9,337 per student. Of the 117 students, 60 will attend elementary schools, 25 will attend middle schools students and 32 will attend senior high schools. The total annual operating cost for additional students residing in this development, if approved, would total \$1,092,429.

Fire Rescue

The current CDMP designation of Low-Medium Density Residential (6-13 du/ac) will allow a potential development which would generate eighty-eight (88) annual alarms. The proposed "Medium Density Residential (13-25 du/ac)" would generate approximately 169 annual alarms, which would result in a moderate impact to existing fire rescue service. The closest Fire Rescue Station No. 34 is located at 10850 SW 211 Street. Presently, Miami-Dade County Fire and Rescue (MDFR) indicates that fire and rescue service provided by Station No. 34 (Cutler Ridge) and existing stations within close proximity of the application site combined are capable of mitigating the additional number of alarms.

Police Service

The County's Police department determined that the current police officer staffing at the respective police district would not accommodate the anticipated increase in the volume of calls for service to the area. To maintain current police staffing levels, police officer staffing would need to increase by two additional police officers, at an estimated cost of \$199,258.00. Should demand for police services increase beyond the increased levels, additional sworn personnel, support staff, and equipment will be required.

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APPENDIX H

Photos of Site and Surroundings

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View looking north on Old Cutler Road of the gated entrance at the southwest corner of the application site.



View from west of the HEFT on Old Cutler Road, looking west and southwest.



View from the application site looking east on Old Cutler Road and southeast of the single-family residences of the Enclave at Black Point Marina.



View from Black Creek Trail looking north, with western edge of the application site on the left, Black Creek Canal in the middle, and the Black Creek Villas townhouses on the upper right.



View from Black Creek Trail looking towards the northern portion of the application site on the left, the HEFT and SW 216 Street in the background, and Black Creek Canal on the upper right.



View from Black Creek Trail at the northern portion of the application site, looking south at the existing 288 residential units of the application site and with the Cutler Creek Village condominiums and Black Creek Canal on the left.



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ADDITIONAL ITEMS
OCTOBER 2020 CYCLE APPLICATION NO. CDMP202000012
TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

(Consisting of materials received after the publication of the Initial Recommendations Report)

ITEMS	PAGE NO.
Minutes of the South Bay Community Council 15 public hearing on the application, held February 22, 2021;	A-1
Email from the Applicant's representative containing: 1) a sample notice of a meeting to inform the residents of the Cutler Village Community (the housing complex located on the application site) of the proposed amendment and 2) the sign-in sheet from said meeting, received February 24, 2021;	A-5
Chapter 74-400, Laws of Florida (1974) Designating Old Cutler Road a State Historic Highway;	A-9
Board of County Commissioners' Ordinance 72-47 adopted September 6, 1972 – prohibiting the expansion of Old Cutler Road;	A-13
Resolution of the Planning Advisory Board, dated March 1, 2021;	A-17
Minutes of the Planning Advisory Board public hearing held March 1, 2021.	A-25

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MINUTES

South Bay Community Council 15
Public Hearing on October 2020 CDMP Cycle Application No. CDMP20200012
To Amend the Comprehensive Development Master Plan
In Person/Virtual Hearing

February 22, 2021, 7:30 PM

Department of Regulatory and Economic Resources (RER) Staff PresentPlanning Division

Garett Rowe, Chief, Metropolitan Planning Section, Planning Division
John Lucas, Planning Section Supervisor, Planning Research Section, Planning Division
Rosa Davis, Planning Section Supervisor, Metropolitan Planning
Vinod Sandasamy, Transportation Section Supervisor, Metropolitan Planning
Noel Stillings, Principal Planner, Metropolitan Planning
Adrienne Burke, Principal Planner, Metropolitan Planning
Juan Pelaez, Senior Planner, Metropolitan Planning
Cindy Dwyer, Senior Planner, Metropolitan Planning

Strategic Initiatives

Larisa Aploks, Strategic Initiatives Manager, RER
Georgina Del Valle, Senior Systems Analyst Programmer, Information Technology Department, RER

Other County Staff Present

Richard Schevis, Assistant County Attorney, County Attorney's Office

I. CALL TO ORDER AND OPENING REMARKS

The South Bay Community Council 15 in person/virtual public hearing opened at 7:41 p.m. Chair Demps called the meeting to order and following the Pledge of Allegiance, welcomed the public to the meeting on the October 2020 standard application No. CDMP20200012.

Roll Call

Mr. Garrett Rowe, CDMP Administration Chief, conducted a roll call and determined there was quorum with the following four Community Council 15 Board members present as follows:

Christina M. Farias	Present	Marjorie Murillo	Present
Timothy D. Forbes	Absent	Ricardo Torres	Present
Paul J. Morrow	Absent		

Enid Washington Demps, Chair, Present

Mr. Rowe explained that the public hearing was held in-person, as required by state law, and also virtually via the Zoom™. Mr. Rowe noted that only those persons who registered via Zoom™ to speak by 1:00 p.m. on the day of the hearing would be allowed to speak, as per the advertisement for this meeting.

II. AGENDA ITEM

October 2020 Cycle Application No. CDMP20200012 (Old Cutler Village Apartments, Ltd)

Ms. Noel Stillings, Principal Planner, made a brief presentation on standard Application No. CDMP20200012. Ms. Stillings explained that the application was filed by Old Cutler Village Apartments, Ltd., and consisted of a triangular-shaped ± 22.57 -acre site, located on the north side of Old Cutler Road, between the Homestead Extension of Florida's Turnpike (HEFT) and Black Creek Canal. She noted that the applicant is requesting a future land use designation change on CDMP Adopted 2030 and 2040 Land Use Plan (LUP) map from "Low-Medium Density Residential (6 to 13 dwelling units per gross acre)" to "Medium Density Residential (13 to 25 dwelling units per gross acre)." Ms. Stillings explained that the application site contains an existing development of 288 units, and those units are subject to an existing affordable housing covenant between the applicant and the Florida Housing Finance Corporation. Ms. Stillings stated that if the applicant's requested redesignation is approved, they would be allowed to develop up to 564 multi-family units, or an additional 276 units to their existing development. Ms. Stillings reviewed the existing uses around the application site and outlined the northern open space area of the application site where the applicant indicated the new development would be located. Ms. Stillings explained that the applicant's proffered covenant requires 10% workforce housing for households earning 60%-140% of the County's Area Median Income. Ms. Stillings further explained the application's impact to roadways, the analysis shows that certain roadway segments on Old Cutler Road would be in excess of their adopted level of service standards, but the site is located within a Community Development Block Grant area, which is a concurrency exemption area. Ms. Stillings added the covenant commits to a pedestrian/bicycle path connection from the application site to the Black Creek Trail. Ms. Stillings reviewed the merits of the application and concluded that Staff recommends the transmittal and adoption of the application with the proffered covenant.

Mr. Tony Recio, the applicant's legal representative, highlighted the County's need for affordable and workforce housing and detailed how the existing 288 units were covered until the year 2053 by an affordable housing covenant. Mr. Recio explained the intent to use the underutilized northern portion of the application site for additional development, including a commitment for workforce housing. Mr. Recio characterized the application site as a land use island, explaining how the site had no connection to SW 216 Street in the north, and had no immediate neighbors as it was bound by the Turnpike to the west and the Black Creek Canal to the east. He discussed the surrounding uses and compatibility to approved densities in the area. Mr. Recio stressed that the existing 288 units on the application site will remain and that they have no intention of displacing those residents. He stressed that the application promotes transit usage and pedestrianism as there are four bus routes within a seven-minute walk and their proffered covenant included a connection to the adjacent Black Creek Trail.

Chair Demps opened the public hearing. One person spoke in favor of the application, and one person spoke in opposition with concerns about increased traffic and congestion in the area.

After Chair Demps closed the public hearing, Board members questioned Mr. Recio as to the size and location of the additional development on the property. Mr. Recio explained that the additional development would be concentrated in the northern ± 3 -acre undeveloped area of the site and a small portion along the western boundary. Mr. Recio explained that the application site only had one entrance/exit on Old Cutler Road, as the site was bound by the HEFT to the west and the canal to the east. Mr. Recio explained that the application site could not connect to SW 216 Street,

as the northern tip of the application site ended before SW 216 Street, and Board members added that the ramps to the HEFT were located there. Board members also commented that the applicant's presentation emphasized the importance of workforce housing, but that the applicant only is providing for 10% workforce housing in the proffered covenant. Mr. Recio noted that the intent is to provide more affordable housing (housing affordable to those below 80% of the AMI), which is where there is a greater need. In response to questions from Board members regarding the scale of the project, Mr. Recio indicated they will be seeking rezoning of the application site to allow for greater building heights. Board members commented that the site might be sold and opined that it is too far to walk to a bus stop. Mr. Recio responded that the applicant has owned the site for 20 years and has no plans of selling it, and that it was only a seven-minute walk to a bus stop. Board members emphasized that there was only one entrance/exit to the application site, and cited concerns about possible evacuation in the event of a hurricane and additional traffic on Old Cutler Road. Board members also questioned the current population of the existing development, and how many more people would be added with the additional density. Board members asked if there could be an additional entrance/exit for the development, and Mr. Recio responded that they could explore other points of connection to SW 216 Street and look at traffic light signalization.

Board member Torres made a motion to Deny and Do Not Transmit the application. Board member Farias seconded the motion. Upon being put to a vote the vote was tied 2-2 as follows:

Christina M. Farias	Yes	Marjorie Murillo	No
Timothy D. Forbes	Absent	Ricardo Torres	Yes
Paul J. Morrow	Absent		

Enid Washington Demps, Chair, No

In response to Board members inquiries, Mr. Rowe clarified that their vote on the application is a recommendation to the Planning Advisory Board (PAB) and the Board of County Commissioners (BCC).

Board member Murillo made a motion to Transmit and Adopt with acceptance of the proffered covenant, and with a recommendation for an additional entrance/exit for the property and to address traffic issues with a new traffic signal at the new entrance. The motion was seconded by Chair Demps, and resulted in a 2-2 tie as follows:

Christina M. Farias	No	Marjorie Murillo	Yes
Timothy D. Forbes	Absent	Ricardo Torres	No
Paul J. Morrow	Absent		

Enid Washington Demps, Chair, Yes

Board member Torres stated that there is significant congestion on Old Cutler Road, and that adding the resulting traffic from the application site as well as a new traffic signal would exacerbate those conditions. In response to Board members' inquiries about notification, Mr. Recio stated that they did meet with the current residents living on the property to notify them about the

application and reiterated that the applicant has been in the community for 20 years and is invested in the community.

In response to questions from Board members regarding what happens when the Board's motions result in tie votes, Mr. Rowe and Assistant County Attorney Richard Schevis reiterated that the Board's vote is a recommendation on the application to the PAB and BCC, the Board can entertain other motions and in the case of tie votes then the application would move forward in the process without a recommendaiton from the Board, per the County Code.

Adjournment

Board member Torres made a motion to adjourn, and Board member Farias seconded the motion. Upon being put to a vote the vote was as follows:

Christina M. Farias	Yes	Marjorie Murillo	Yes
Timothy D. Forbes	Absent	Ricardo Torres	Yes
Paul J. Morrow	Absent		
Enid Washington Demps, Chair, Yes			

The public meeting ended at 8:46 p.m.

Respectfully submitted,



Garrett Rowe, Secretary

From: [Tony Recio](#)
To: [Stillings, Noel \(RER\)](#)
Cc: [Alejandro Uribe](#)
Subject: Old Cutler Village Apartments CDMP 202000012
Date: Wednesday, February 24, 2021 11:28:03 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[OCV Phase II Community Meeting Signing Sheet 2-16-21.pdf](#)
[OCV-Phase II- Resident Notice Revised 2-5-21.pdf](#)

EMAIL RECEIVED FROM EXTERNAL
SOURCE

Noel, it was a pleasure speaking with you this morning. Attached please find the sign-in sheet and invitation for the February 16, 2021 residents meeting. Thanks for your attention to this application. We look forward to presenting at the Planning Advisory Board next Monday.

Have a great day.

ANTHONY L.

RECIO

PARTNER



2525 Ponce de Leon Blvd., Suite 700 | Coral Gables, FL 33134
P: (305) 854-0800 E: trecio@wsh-law.com Bio | wsh-law.com | [vCards](#)



THINK BEFORE YOU PRINT

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Pursuant to the Fair Debt Collection Practices Act, this communication is from a debt collector. Any information obtained will be used for the purpose of collecting a debt.



To: Residents at Old Cutler Village Apartments

From: Management

Re: Residents Meeting -Old Cutler Village Phase II

Dear Resident:

Please join us for a community meeting on **February 16, 2021 at 7:00 PM**, at the Clubhouse where we will share the exciting news about Phase 2 of the Old Cutler Village Community. At the meeting we'll walk you through what we are planning and where we are in the development approval process for Phase 2, and most importantly, how it will enhance the living experience here at Old Cutler Village.

We value our residents greatly and look forward to sharing our ideas with you. With new development come new opportunities for community amenities, and we want to hear from you regarding the things that could make Old Cutler Village an even better place to live.

Please mark your calendars. We hope to see you at the meeting.

Sincerely,

Property Manager

**Old Cutler Village Apartments
OCV Phase II – Community Meeting
Date: 2/16/21 at 7:00 PM**

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Old Cutler Road State Historic Highway
Chapter 74-400, Laws of Florida(1974)

Location

"(1) ... which extends from Sunset Drive in the City of Coral Gables to U.S. Highway 1 near the Town of Goulds, the portion which overlaps LeJeune Road in the City of Coral Gables, the portion now known as Ingraham Highway in the City of Coral Gables and Coconut Grove, the portion which overlaps Douglas Road in Coconut Grove and the portion now known as Main Highway in Coconut Grove as far north and east as Franklin Avenue.

Restrictions

Section 2. Old Cutler Road is hereby designated as a state historic highway. No state funds shall be expended by any public body or agency for any of the following purposes:

(1) To cut or remove any tree having a diameter at its thickest part in excess of six inches within thirty-five feet of either side of the paved surface of the road, or to engage in an activity which requires the removal without replacement of such a tree;

(2) To alter the physical dimensions or location of the road except for the addition of primary or secondary roads intersecting the limits of Old Cutler Road;

(3) To erect, demolish or significantly alter the appearance of any structure, including but not limited to, walls, fences, sidewalks and curbing, within one hundred feet of either side of the paved surface of the road, with the following exceptions:

(a) Bicycle paths and recreational facilities the construction of which does not require the removal of any structure deemed worthy of preservation by the division. The division shall be consulted and official approval obtained before any work is begun.

(b) Erections, demolitions, alterations and restorations undertaken for the purpose of preserving or enhancing the historic or scenic value of the road and its surroundings. The division shall be consulted and official obtained before any work is begun.

Nothing in this section shall be construed to prevent the ordinary maintenance and repair of the road or structures, provided the physical dimensions and location of the road and the appearance of any structure are preserved, nor to prevent any work that is necessary for the public health or safety as determined by the agency having jurisdiction over the portion of the road involved. However, the preservation of the road shall take priority over considerations of traffic management, and the public safety shall not be construed to require alterations in the road when alternative means of promoting safety, including more restrictive traffic regulations, are available.

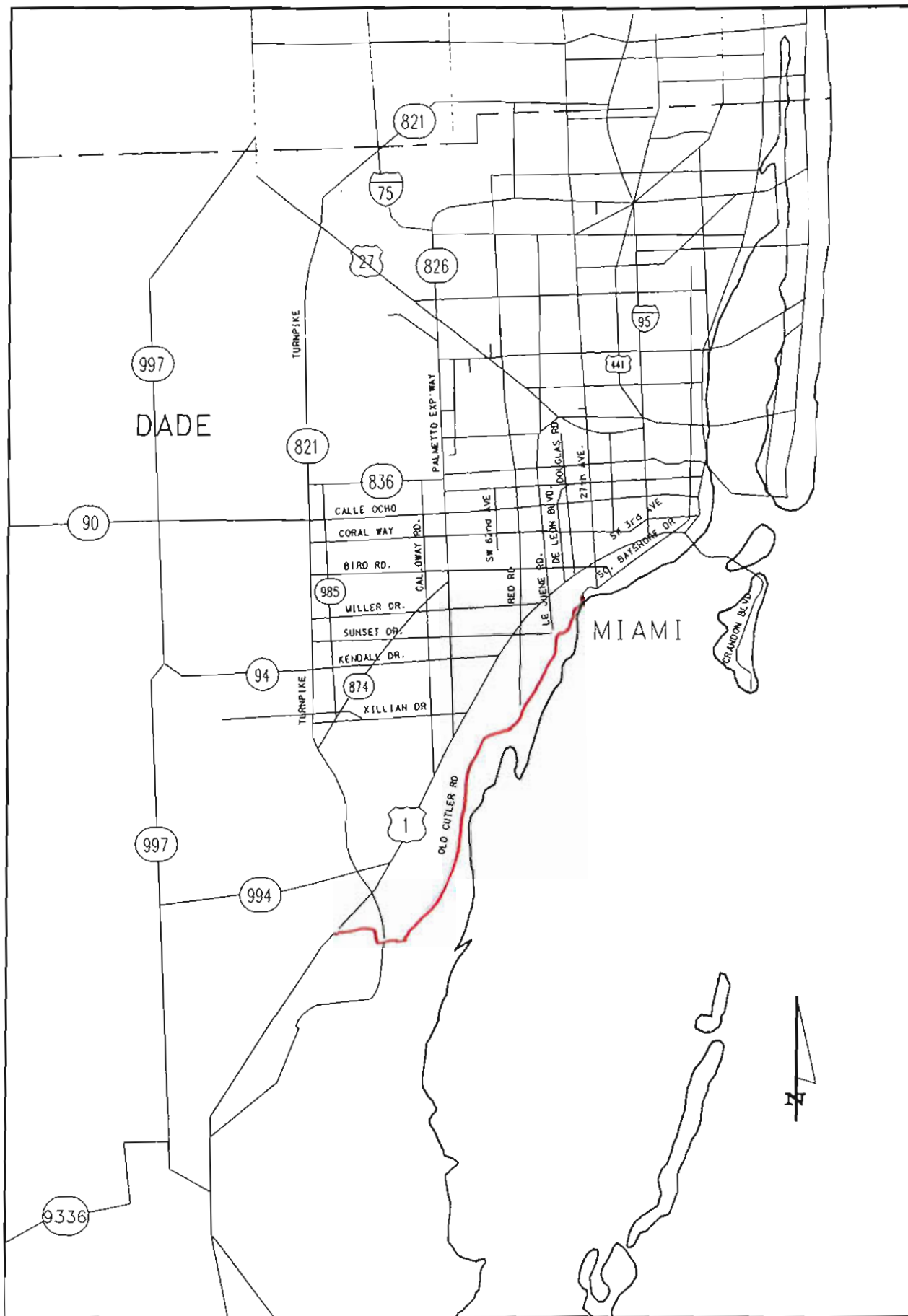
Section 3. No signs may be erected within three hundred feet of either side of the paved surface of the road, except the following:

- (1) Official road signs, including traffic control devices, erected by the department of transportation or by the city or county having jurisdiction over the portion of the road involved;
- (2) Signs not visible from the road;
- (3) Markers indicating points of historical interest erected or approved by the division;
- (4) Signs that do not exceed six square feet in area advertising the sale or lease of the property upon which they are located; or
- (5) Signs advertising only the name or nature of the business being conducted upon which or the products, facilities, goods or services being sold, supplied, or distributed upon or from the premises where the signs are located, if such signs do not exceed a total of thirty square feet in area for any one business.

The provisions of this section shall not supersede a more restrictive law, ordinance or regulation already in effect or taking effect after this act."

Section 4. The Division is authorized to obtain by purchase, gift, or devise historic easements in property situated along the road whenever and to such extent that the Division may determine appropriate for the preservation of the road or of any structure of historic significance along the road. To be considered worthy of protection by the division, property or the protected part thereof need not be of great historic, architectural, archeological, or cultural significance when considered by itself, provided that it makes a significant contribution to the area considered as a whole. Any restriction placed on the use of property situated along the road pursuant to this section shall be reported by the division to the tax assessor of Dade County and shall be taken into consideration when the property is assessed for tax purposes.

Section 5. The division shall provide for the erection of suitable markers on and along the road. ..."



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ORDINANCE NO.

72 17

ORDINANCE RELATING TO OLD CUTLER
ROAD AND PROHIBITING ITS EXPANSION;
PROVIDING FOR INCLUSION IN THE CODE;
PROVIDING ITS EFFECTIVE DATE

WHEREAS, it is the sentiment of the people of Dade County that Old Cutler Road retain its rural suburban character and not become a four or six lane highway serving as a main access road to the southern portion of Dade County,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA:

Section 1. The expansion of that particular road in Dade County known as Old Cutler Road, from its present character as a country road, is hereby prohibited, and no person, as defined by Section 1.01(3), Florida Statutes (1971), nor public body, as defined by Section 1.01(9), Florida Statutes (1971), shall undertake to widen or expand Old Cutler Road from its presently existing paved right-of-way; provided, for the purpose of assuring safe travel on Old Cutler Road, the Board of County Commissioners, after public hearing with reasonable notice by newspaper publication, may permit the limited expansion of intersections of said Old Cutler Road.

Section 2. No person, as defined by Section 1.01(3), Florida Statutes (1971), nor public body, as defined by Section 1.01(9), Florida Statutes (1971), shall construct any expressway, as defined by Section 33-121.10(a),

Dade County Code, in that area of Dade County east of U.S. Highway No. 1 (South Dixie Highway) and South of Flagler Street. The word "construct" as used herein includes, but is not limited to, the expansion of any existing road, street, highway, or other public right-of-way into an expressway.

Section 3. It is the intention of the County Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Metropolitan Dade County, Florida; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 4. The provisions of this ordinance shall become effective ten (10) days after the date of its enactment.

PASSED AND ADOPTED:

507 4/1/72

Approved by County Attorney as to
form and legal sufficiency.

TO

Honorable Mayor, and Members,
Board of County Commissioners

DATE

July 20, 1972

A-15

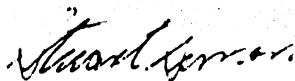
SUBJECT

Agenda Item No. 2 (c)

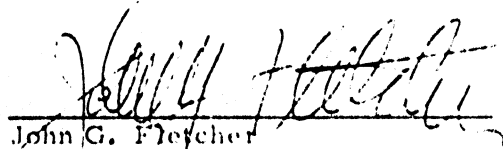
FROM

Stuart Simon
County Attorney

The attached ordinance was prepared and placed on the agenda at
the request of Commissioner Fogg III.


Stuart Simon
County Attorney

Prepared by:


John G. Fletcher
Assistant County Attorney

SS: JGF:sc
Attachment

STATE OF FLORIDA)
)
 COUNTY OF DADE)

I, RICHARD P. BRINKER, Clerk of the Circuit Court in and for Dade County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of following denoted ORDINANCE of Dade County, Florida, as appears of record.

ORDINANCE No. 72-47, adopted by the said Board of County Commissioners at its meeting held on SEP 6, 1972

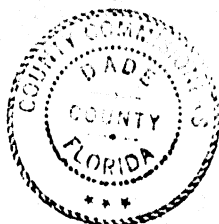
IN WITNESS WHEREOF, I have hereunto set my hand and official seal
 on MAY 15 1980 A.D. 1980

RICHARD P. BRINKER, Ex-Officio Clerk
 Board of County Commissioners
 Dade County, Florida

By /s/

Deputy Clerk

SEAL



BOARD OF COUNTY COMMISSIONERS
 DADE COUNTY, FLORIDA

RESOLUTION NO. 21-1

RESOLUTION OF THE MIAMI-DADE COUNTY PLANNING ADVISORY BOARD ACTING AS THE LOCAL PLANNING AGENCY ISSUING RECOMMENDATIONS TO THE BOARD OF COUNTY COMMISSIONERS REGARDING FINAL DISPOSITION OF SMALL-SCALE AMENDMENT APPLICATIONS AND TRANSMITTAL TO THE STATE LAND PLANNING AGENCY OF THE STANDARD OCTOBER 2020 CYCLE APPLICATIONS TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN, AND ADOPTING RECOMMENDATIONS AS TO SUBSEQUENT FINAL ACTION.

WHEREAS, pursuant to chapter 163, Part II, Florida Statutes (F.S.), the Comprehensive Development Master Plan (CDMP) for Miami-Dade County was adopted by the Miami-Dade Board of County Commissioners (Commission) in November 1988; and

WHEREAS, section 2-116.1 of the Code of Miami-Dade County, Florida, provides procedures for amending the CDMP, which comply with the requirements of the Florida Statutes referenced above; and

WHEREAS, four (4) applications, namely Application Nos. CDMP20200011, CDMP20200012, CDMP20200013 and CDMP20200014 to amend the CDMP Adopted 2030 and 2040 Land Use Plan (LUP) map were filed by private parties on or before November 2, 2020 in the October 2020 CDMP Amendment Cycle and are contained in the document titled “October 2020 Applications to Amend the Comprehensive Development Master Plan,” dated December 2020; and

WHEREAS, Miami-Dade County’s procedures provide for the processing of eligible small-scale amendments as defined in section 163.3187, F.S.; and

WHEREAS, of the four (4) CDMP amendment applications filed in the October 2020 CDMP Amendment Cycle, Application Nos. CDMP20200011 and CDMP20200014 requested adoption, if eligible, as small-scale CDMP amendments; and

WHEREAS, Miami-Dade County's procedures provide for the processing of CDMP amendment applications concurrently with zoning applications, pursuant to section 2-116.1 of the Code of Miami-Dade County, and

WHEREAS, of the four (4) CDMP amendment applications filed in the October 2020 CDMP Amendment Cycle, Application No. CDMP20200014 requested to be processed concurrently with Zoning Application No. Z2020000198, and

WHEREAS, the Department has published its initial recommendations addressing the October 2020 Cycle applications in the report titled "Initial Recommendations October 2020 Applications to Amend the Comprehensive Development Master Plan," dated February 2021; and

WHEREAS, affected Community Councils have conducted optional public hearings pursuant to section 2-116.1 (3)(e), Code of Miami-Dade County, Florida, to address the CDMP amendment applications that would directly impact their respective council areas and issued recommendations to the Planning Advisory Board and the Commission; and

WHEREAS, the Planning Advisory Board, acting as the Local Planning Agency, has acted in accord with the referenced State and County procedures, and has conducted a duly noticed public hearing to receive public comments and to address the referenced CDMP amendment applications, the initial recommendations of the Department, and to address the final action to be taken on the CDMP amendments by the Commission; and

NOW, THEREFORE, BE IT RESOLVED BY THE MIAMI-DADE COUNTY PLANNING ADVISORY BOARD ACTING AS THE LOCAL PLANNING AGENCY:

This Agency hereby makes the following recommendations to the Commission regarding the adoption of small-scale Land Use Plan map amendment Application Nos. CDMP20200011 and CDMP20200014, and transmittal to the reviewing agencies of standard Application Nos. CDMP20200012 and CDMP20200013; and recommendation regarding subsequent final action by the Commission.

Application Number	Applicant/Representative Location (Size) Requested Small-Scale Amendment to the CDMP	Recommended Action on Small-Scale Amendment
CDMP 20200011	Common Wealth Trust Services, LLC as Trustee of the NW 7 Street Land Trust / Juan Mayol, Esq., and Pedro Gassant, Esq. South and north of NW 7 Street on the west side of NW 71 Avenue / ±7.1 gross acres, ±6.7 net acres <u>Requested Amendment to the CDMP:</u> Redesignate the application site on the LUP map: From: “Industrial and Office” To: “Medium-High Density Residential (25 to 60 dwelling units per gross acre)”	Adopt
Small-Scale Amendment		

The motion to Adopt was moved by Board Member Vazquez. Board Member Ascencio-Savola seconded the motion. The motion passed unanimously 10 to 0 as follows:

Robert Alonso	Yes	J. Wil Morris	Absent
Carla Ascencio-Savola	Yes	William Riley	Yes
Carlos Diaz-Padron	Yes	Daniel Rogers	Yes
Eric Fresco	Yes	Robert Ruano	Yes
Horacio C. Huembes	Absent	Jesus Vazquez	Yes

Lynette Cardoch, Vice Chair, Yes
Wayne Rinehart, Chair, Yes

Application Number	Applicant/Representative Location (Size) Requested Standard Amendment to the CDMP	- Transmittal Recommendation - Recommendation as to Subsequent Action
CDMP 20200012	Old Cutler Village Apartments, Ltd. / Tony Recio, Esq and Alexandro Uribe, Esq. North side of Old Cutler Road, between the Homestead Extension of Florida's Turnpike (HEFT) and Black Creek Canal / ±22.57 gross/net acres <u>Requested Amendment to the CDMP:</u> - Redesignate the application site on the LUP map: From: "Low-Medium Density Residential (6 to 13 dwelling units per gross acre)" To: "Medium Density Residential (13 to 25 dwelling units per gross acre)" - Add the proffered Declaration of Restrictions in the Restrictions Table in Appendix A of the CDMP Land Use Element, if accepted by the Board.	Transmit and Adopt with Acceptance of the Proffered Declaration of Restrictions
<u>Standard Amendment</u>		

The motion to Transmit and Adopt with Acceptance of the Proffered Declaration of Restrictions was moved by Board Member Ascencio-Savola. Board Member Ruano seconded the motion. The motion passed 9 to 1 as follows:

Robert Alonso	Yes	J. Wil Morris	Absent
Carla Ascencio-Savola	Yes	William Riley	Yes
Carlos Diaz-Padron	Yes	Daniel Rogers	Yes
Eric Fresco	Yes	Robert Ruano	Yes
Horacio C. Huembes	Absent	Jesus Vazquez	Yes

Lynette Cardoch, Vice Chair, Yes
Wayne Rinehart, Chair, No

Application Number	Applicant/Representative Location (Size) Requested Standard Amendment to the CDMP	- Transmittal Recommendation - Recommendation as to Subsequent Action
CDMP 20200013	Lennar Homes, LLC. / Hugo P. Arza, Esq. and Amanda M. Naldjeff, Esq. South side of SW 288 Street, between SW 162 and SW 164 Avenues / ±35.8 Gross Acres, ±34.83 Net Acres <u>Requested Amendment to the CDMP:</u> Redesignate the application site on the LUP map: From: "Low Density Residential (2.5 to 6 dwelling units per gross acre)" To: "Low-Medium Density Residential" (6 to 13 dwelling units per gross acre)" Standard Amendment	Transmit with Change and with the recommendation that the applicant proffer a Declaration of Restrictions to address the parcel with environmental resources and meet with neighbors to address their concerns regarding traffic and other issues.

The motion to Transmit with Change, and with the recommendations that the applicant proffer a Declaration of Restrictions to address the parcel with environmental resources and meet with neighbors to address their concerns regarding traffic and other issues, was moved by Board Member Rogers. Board Member Vazquez seconded the motion. The motion passed 6 to 3 as follows:

Robert Alonso	Absent	J. Wil Morris	Absent
Carla Ascencio-Savola	Yes	William Riley	No
Carlos Diaz-Padron	Yes	Daniel Rogers	Yes
Eric Fresco	Yes	Robert Ruano	No
Horacio C. Huembes	Absent	Jesus Vazquez	Yes

Lynette Cardoch, Vice Chair, No
Wayne Rinehart, Chair, Yes

Application Number	Applicant/Representative Location (Size) Requested Small Scale Amendment to the CDMP	Recommended Action on Small-Scale Amendment
CDMP 20200014	Biscayne Shores, LLLP / Jeffrey Berrow, Esq., and Graham Penn, Esq. East Side of Biscayne Boulevard Between NE 112 and 114 Streets / ± 2.91 gross/net acres <u>Requested Amendment to the CDMP:</u> Redesignate the application site on the LUP map: From: “Business and Office” and “Medium Density Residential (13 to 25 dwelling units per gross acre)” To: “Business and Office” and “Medium-High Density Residential (25 to 60 dwelling units per gross acre)”	Adopt
Small-Scale Amendment		

The motion to Adopt was moved by Board Member Vazquez. Board Member Ruano seconded the motion. The motion passed unanimously 9 to 0 as follows:

Robert Alonso	Absent	J. Wil Morris	Absent
Carla Ascencio-Savola	Yes	William Riley	Yes
Carlos Diaz-Padron	Yes	Daniel Rogers	Yes
Eric Fresco	Yes	Robert Ruano	Yes
Horacio C. Huembes	Absent	Jesus Vazquez	Yes

Lynette Cardoch, Vice Chair, Yes
Wayne Rinehart, Chair, Yes

The motion to adopt the foregoing resolution was moved by Board Member Vazquez. Board Member Fresco seconded the motion. The motion passed unanimously 9 to 0 as follows:

Robert Alonso	Absent	J. Wil Morris	Absent
Carla Ascencio-Savola	Yes	William Riley	Yes
Carlos Diaz-Padron	Yes	Daniel Rogers	Yes
Eric Fresco	Yes	Robert Ruano	Yes
Horacio C. Huembes	Absent	Jesus Vazquez	Yes

Lynette Cardoch, Vice Chair, Yes
Wayne Rinehart, Chair, Yes

Local Planning Agency

March 1, 2021

Page 7

The above actions were taken by the Planning Advisory Board, acting as the Local Planning Agency, at its public hearing on March 1, 2021, and are certified correct by Jerry Bell on behalf of Lourdes Gomez, Executive Secretary to the Planning Advisory Board.



Lourdes Gomez, AICP, Director
Department of Regulatory and Economic
Resources

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MINUTES

Miami-Dade County Planning Advisory Board
 Acting As the Local Planning Agency
 Public Hearing on October 2020 CDMP Cycle Applications
 To Amend the Comprehensive Development Master Plan
 In Person/Virtual Hearing

March 1, 2021, 10:00 AM

Planning Advisory Board Members

Robert Alonso	Present*	J. Wil Morris	Absent
Carla Ascencio-Savola	Present	William Riley	Present
Carlos Diaz-Padron	Present	Daniel Rogers	Present*
Eric Fresco	Present	Robert Ruano	Present
Horacio C. Huembes	Absent	Jesus Vazquez	Present

Lynette Cardoch, Vice Chair, Present
 Wayne Rinehart, Chair, Present

Nathaly Simon, Miami-Dade Public Schools (non-voting), Present*
 Larry Ventura, Homestead Air Reserve Base (non-voting), Absent

* Present via Zoom™

Department of Regulatory and Economic Resources (RER) Staff PresentPlanning Division

Jerry Bell, Assistant Director, Planning Division
 Garrett Rowe, Chief, Metropolitan Planning Section, Planning Division
 Robert Hesler, Planning Section Supervisor, Planning Research Section, Planning Division
 Rosa Davis, Planning Section Supervisor, Metropolitan Planning
 Vinod Sandasamy, Transportation Section Supervisor, Metropolitan Planning
 Noel Stillings, Principal Planner, Metropolitan Planning
 Adrienne Burke, Principal Planner, Metropolitan Planning
 Juan Pelaez, Senior Planner, Metropolitan Planning
 Cindy Dwyer, Senior Planner, Metropolitan Planning
 Abby Diaz, Administrative Secretary, Metropolitan Planning

Other County Staff Present

Lauren Morse, Assistant County Attorney, County Attorney's Office
 Cristina Rabionet, Assistant County Attorney, County Attorney's Office
 Sgt. Keith Hedrick, Miami-Dade County Police
 Carlos Lopez, Park Planner II, Miami-Dade County Parks, Recreation and Open Spaces Department
 Deborah Silver, Business Architect, Department of Solid Waste Management

CALL TO ORDER AND OPENING STATEMENTS

The Planning Advisory Board (PAB) public hearing opened at 10:08 AM. PAB Chair Rinehart introduced himself and asked staff to conduct a roll call. Mr. Noel Stillings, Principal Planner, conducted a roll call and determined there was a quorum present.

PAB Chair's Introductory Remarks

Following the Pledge of Allegiance, PAB Chair Rinehart reviewed the procedures and purpose of the public hearing and welcomed the public to the hearing on the October 2020 Cycle applications to amend the Comprehensive Development Master Plan (CDMP).

Opening Statement by County Staff

Mr. Garrett Rowe, Chief of Metropolitan Planning, introduced himself and stated that the elections for PAB Chair and Vice Chair were also on the agenda. Mr. Rowe announced that Board member Ruano had submitted his resignation and thanked him for his time and service on the PAB.

OCTOBER 2020 CYCLE APPLICATIONS

Application No. CDMP20200011

Ms. Rosa Davis, Planning Section Supervisor, gave a brief overview of the application. She explained that Application No. CDMP20200011 was filed by Common Wealth Services, LLC and that the application site is located south and north of NW 7 Street, and east of NW 71 Avenue. Ms. Davis noted that the applicant is requesting to change the land use designation on the ±7.1-gross acre site from "Industrial and Office" to "Medium-High Density Residential" (25 to 60 dwelling units per gross acre). The current CDMP designation would allow 145,926 sq. ft. of industrial uses. If the application is approved with the "Medium-High Density Residential" designation, the site could be developed with a maximum of 426 multifamily units. The uses surrounding the application site include hotels, commercial facilities, and multi-family complexes with densities ranging from 29 to 53 dwelling units per acre, as well as the planned Ludlam Trail Blue Lagoon Development Area, located to the east of the site, which allows up to 125 dwelling units per acre. The site is also located within the Strategic Miami Area Transit (SMART) Plan East-West Corridor buffer area, an area that allows mixed-use development at densities that range from 18 to 60 dwelling units per acre. Ms. Davis explained that the proposed residential designation would be more compatible with the surrounding uses and more supportive of transit ridership and pedestrianism than the industrial type development allowed under the current "Industrial and Office" designation. Ms. Davis also indicated the residential development proposed through the application was not found to impact environmental or historic resources, or cause a violation in adopted levels of services for public facilities and services. Though three roadway segments are projected to operate in violation of the Level of Service (LOS) standards by 2045, these roadways fail the LOS standards even without the application. Furthermore, the site is within the County's Urban Infill Area (UIA), the County's designated Transportation Concurrency Exception Area, which is exempt from the transportation concurrency requirements. Ms. Davis concluded by stating that Staff's recommendation is to Adopt the application. She explained that Community Council 8 did not issue a recommendation on the disposition of the application due to lack of quorum.

Mr. Pedro Gassant, the legal representative of the applicant, provided additional details on the application. He explained that the proposed application would help to address the County's

housing needs by increasing the available housing stock. Mr. Gassant also explained the suitability of the site for residential use, siting the proximity to major employment centers, such as Miami International Airport, as well as proximity to the SMART Plan East-West Corridor and the Ludlam Trail Blue Lagoon Development Area. Mr. Gassant further noted that the application site is not within the Miami International Airport Land Use and Noise Compatibility Restriction Zone.

Chair Rinehart opened the public hearing, and there being no comments, the Chair closed the public hearing. Board members inquired about egress and ingress from the site, the proposed height of the project, and access to the Ludlam Trail and the Robert King High Park and Carlos Arbolea Campground, located to the east of the site. Mr. Gassant informed the Board that the proposed project would be 10 stories in height, and mentioned that the adjacent Ludlam Trail Blue Lagoon Development Area allows 12 stories. With respect to the questions related to access, Mr. Gassant responded that the applicant would work with the County to address these issues.

The motion to Adopt was moved by Board Member Vazquez. Board Member Ascencio-Savola seconded the motion. The motion passed unanimously 10 to 0 as follows:

Robert Alonso	Yes	J. Wil Morris	Absent
Carla Ascencio-Savola	Yes	William Riley	Yes
Carlos Diaz-Padron	Yes	Daniel Rogers	Yes
Eric Fresco	Yes	Robert Ruano	Yes
Horacio C. Huembes	Absent	Jesus Vazquez	Yes

Lynette Cardoch, Vice Chair, Yes

Wayne Rinehart, Chair, Yes

Application No. CDMP20200012

Ms. Noel Stillings, Principal Planner, made a brief presentation on standard Application No. CDMP20200012. Ms. Stillings explained that the application was filed by Old Cutler Village Apartments, Ltd., and consisted of a triangular-shaped ±22.57-acre site, located on the north side of Old Cutler Road, between the Homestead Extension of Florida's Turnpike (HEFT) and Black Creek Canal. She noted that the applicant is requesting a future land use designation change on CDMP Adopted 2030 and 2040 Land Use Plan (LUP) map from "Low-Medium Density Residential" (6 to 13 dwelling units per gross acre) to "Medium Density Residential" (13 to 25 dwelling units per gross acre). Ms. Stillings explained that the application site contains an existing development of 288 units, and those units are required to remain as affordable housing units through a covenant between the applicant and the Florida Housing Finance Corporation. Ms. Stillings stated that if the applicant's requested redesignation is approved, the site would be allowed to be developed with up to 564 multi-family units, or an additional 276 units to the existing development. Ms. Stillings reviewed the existing uses around the application site and outlined the northern open space area of the site where the applicant indicated the new development would primarily be located. Ms. Stillings explained that the applicant's proffered covenant requires 10% workforce housing for households earning 60% to 140% of the County's Area Median Income. Ms. Stillings further explained the application's impact to roadways, the analysis shows that certain roadway segments on Old Cutler Road would be in excess of their adopted level of service standards, but the site is located within a Community Development Block Grant area, which is a concurrency exemption area. Ms. Stillings added the covenant commits to a pedestrian/bicycle path connection from the application site to the Black Creek Trail. Ms. Stillings added that the South Bay Community Council 15 had two motions resulting in tie votes, which resulted in no recommendation. Ms. Stillings called attention to the PAB exhibits that included material relating

to Old Cutler Road and notification to current residents about the application. Ms. Stillings concluded that Staff recommends the transmittal and adoption of the application with the proffered covenant.

Mr. Tony Recio, the applicant's legal representative, highlighted the County's need for affordable and workforce housing and detailed how the existing 288 units were covered until the year 2053 by an affordable housing covenant. Mr. Recio explained the intent to use the underutilized northern portion of the application site for additional development, including a commitment for workforce housing. Mr. Recio characterized the application site as a land use island, explaining how the site had no connection to SW 216 Street in the north, and had no immediate neighbors as it was bound by the Turnpike to the west and the Black Creek Canal to the east. He discussed the surrounding uses and compatibility to approved densities in the area. Mr. Recio stressed that the existing 288 units on the application site will remain and that they have no intention of displacing those residents. He stressed that the application promotes transit usage and pedestrianism as there are four bus routes within a seven-minute walk and their proffered covenant included a connection to the adjacent Black Creek Trail.

Chair Rinehart opened the public hearing, and no members of the public spoke for or against the application and the Chair closed the public hearing. Board member Ascencio-Savola expressed concern for police services in the area. Mr. Rowe explained that police services do not have a specific level of service, but that their comments were included as part of the analysis and how police services are addressed is ultimately part of a larger discussion. In response to Board member Diaz Padron's inquiry, Mr. Recio stated that the only entrance/exit to the application site is located on Old Cutler Road, and they are looking into providing at least an exit to SW 216 Street and were working on a traffic queuing analysis requested by the County's Traffic Engineering Division. Mr. Rowe added that Old Cutler Road has certain limitations as a historic roadway and there were other examples of similarly sized housing complexes with one entrance/exit. Board members discussed the provision of open space and the workforce housing commitment in the proffered covenant.

The motion to Transmit and Adopt with Acceptance of the Proffered Declaration of Restrictions was moved by Board Member Ascencio-Savola. Board Member Ruano seconded the motion. The motion passed 9 to 1 as follows:

Robert Alonso	Yes	J. Wil Morris	Absent
Carla Ascencio-Savola	Yes	William Riley	Yes
Carlos Diaz-Padron	Yes	Daniel Rogers	Yes
Eric Fresco	Yes	Robert Ruano	Yes
Horacio C. Huembes	Absent	Jesus Vazquez	Yes

Lynette Cardoch, Vice Chair, Yes
Wayne Rinehart, Chair, No

Application No. CDMP20200013

Ms. Cindy Dwyer, Senior Planner, provided an overview of Application No. CDMP2020013, filed by Lennar Homes, LLC. The application site is located on the south side of SW 288 Street, between SW 162 Avenue and SW 164 Avenue. Ms. Dwyer explained that the applicant is requesting to change the CDMP land use designation on an approximately 36-acre parcel from "Low Density Residential" (2.5 to 6 dwelling units per gross acre) to "Low-Medium Density Residential" (6 to 13 dwelling units per gross acre). The current development potential for the

application site is 214 single family homes. If the application were to be approved, the development potential would increase to a maximum of 465 single family homes. Ms. Dwyer indicated that Staff is recommending inclusion of an additional ± 4.7 -acre parcel surrounded on three sides by the application site in order to avoid creation of an isolated parcel with a different land use than adjacent properties. With inclusion of the additional parcel recommended by Staff, the size of the application site would increase to approximately 40 acres and the development potential would increase to 527 single family homes. Ms. Dwyer further noted that the existing land use on the application site is agriculture, and approximately three acres of pine rockland are present on the site. Ms. Dwyer stated that the Staff recommendation is to Transmit with Change, in order to allow time to address the following three concerns: preservation of the pine rocklands, provision of a future access point to the Mowry Trail on the South Dade Greenway Network, and improvements to the nearest pedestrian access to the South Dade Transitway from the application site. Furthermore, additional traffic analysis has been requested by staff. Following Ms. Dwyer's presentation, the Board inquired about protections pertaining to the pine rocklands and expressed their concern to ensure such protection.

Hugo Arza, the applicant's representative, gave a presentation outlining the project and describing its consistency with the current land use trend to intensify development in close proximity to transit corridors such as the South Dade Transitway SMART Plan corridor. He outlined that the site could be developed with mixed-use development with residential densities between 36 and 60 units per acre under the CDMP allowances for properties adjacent to the SMART Plan corridor but that the applicant is seeking a modest increase in density for a residential development. Mr. Arza committed to proffer a covenant addressing all of Staff's concerns prior to the final BCC meeting currently scheduled for July.

Chair Rinehart then opened the public hearing. A representative of the property owner of the additional parcel recommended for inclusion by Staff stated that the owner has no objection to the proposed change in land use designation. With no other members of the public wishing to speak on this item, the Chair closed the public hearing.

The motion to Transmit with Change, and with the recommendations that the applicant proffer a Declaration of Restrictions to address the parcel with environmental resources and meet with neighbors to address their concerns regarding traffic and other issues, was moved by Board Member Rogers. Board Member Vazquez seconded the motion. The motion passed 6 to 3 as follows:

Robert Alonso	Absent	J. Wil Morris	Absent
Carla Ascencio-Savola	Yes	William Riley	No
Carlos Diaz-Padron	Yes	Daniel Rogers	Yes
Eric Fresco	Yes	Robert Ruano	No
Horacio C. Huembes	Absent	Jesus Vazquez	Yes

Lynette Cardoch, Vice Chair, No
Wayne Rinehart, Chair, Yes

Application No. CDMP20200014

Ms. Adrienne Burke provided an overview of Application No. CDMP2020014, noting that the site is a ± 2.91 -acre portion of a larger ± 7.57 - acre parcel. The site is currently vacant and was formerly home to the private Lear School. Ms. Burke noted this application is the first application being processed concurrently with a zoning application subject to new provisions in the County Code.

She noted that the applicant is requesting to redesignate the land use from “Business and Office” and “Medium Density Residential” (13 to 25 dwelling units per gross acre) to “Business and Office” and “Medium-High Density Residential” (25 to 60 dwelling units per gross acre). Under the current CDMP designation, the development potential of the application site is 29,795 square feet of retail and 44 multifamily units or 146 multifamily units. Under the proposed designation, the development potential is 29,795 square feet of retail and 72 multifamily units OR 285 multifamily units. Ms. Burke noted that due to a lack of quorum for Community Council 7, there was no meeting and therefore no recommendation. Ms. Burke stated that the staff recommendation is to adopt as a small-scale amendment and highlighted the reasons for recommendation as outlined in the Initial Recommendations Report.

Ms. Burke provided additional information on the concurrent zoning application, explaining that it proposes 380 total units in a multifamily tower and attached townhomes on the entire ±7.57-acre parcel. The total of 380 units can only be achieved in conjunction with the CDMP amendment, and the zoning application process will require a covenant to limit the total number of units to 401 in order to be consistent with the CDMP, if the application is approved. Ms. Burke further explained that the Board of County Commissioners hearing will be scheduled when the zoning application review is complete.

Ms. Burke was asked by the Board how many stories the multifamily residential tower would be. Ms. Burke responded that she would defer to the applicant regarding the exact number of stories, but that staff did evaluate consistency with the adjacent towers, and it is in keeping with the height of adjacent structures including the Cricket Club and Jockey Club condominiums.

Graham Penn, representing the applicant, gave a presentation outlining the project, and consistency with level of service standards. Mr. Penn included information on the concurrent zoning application. He answered the question regarding the height of the multifamily tower, indicating it would be 16 stories and oriented on the site in such a manner to not impact the other adjacent towers.

The Chair opened the public hearing, and member of the public spoke for or against the application, the Chair closed the public hearing. Chair Rinehart asked for any Board questions, and hearing none, requested a motion.

The motion to Adopt was moved by Board Member Vazquez. Board Member Ruano seconded the motion. The motion passed unanimously 9 to 0 as follows:

Robert Alonso	Absent	J. Wil Morris	Absent
Carla Ascencio-Savola	Yes	William Riley	Yes
Carlos Diaz-Padron	Yes	Daniel Rogers	Yes
Eric Fresco	Yes	Robert Ruano	Yes
Horacio C. Huembes	Absent	Jesus Vazquez	Yes

Lynette Cardoch, Vice Chair
Wayne Rinehart, Chair

OVERALL RESOLUTION

The motion to Adopt the foregoing motions into an overall resolution was moved by Board Member Vazquez. Board Member Fresco seconded the motion. The motion passed unanimously 9 to 0 as follows:

Robert Alonso	Absent	J. Wil Morris	Absent
Carla Ascencio-Savola	Yes	William Riley	Yes
Carlos Diaz-Padron	Yes	Daniel Rogers	Yes
Eric Fresco	Yes	Robert Ruano	Yes
Horacio C. Huembes	Absent	Jesus Vazquez	Yes

Lynette Cardoch, Vice Chair, Yes
Wayne Rinehart, Chair, Yes

PAB ELECTIONS FOR CHAIR AND VICE CHAIR

Chair Rinehart announced that the next agenda item was for elections for PAB Chair and Vice Chair. Board member Cardoch asked if they could revisit the elections issue. Chair Rinehart concurred and stated the elections issue would be placed on the next PAB agenda. Chair Rinehart opened the floor for nominations for PAB Chair. Board member Ascencio-Savola nominated Board member Fresco for Chair, and that motion was seconded by Board member Diaz-Padron. Hearing no other nominations for PAB Chair, the Board voted unanimously for Board member Fresco to serve as the new PAB Chair.

Chair Rinehart nominated Board member Rogers for PAB Vice Chair, and that motion was seconded by Board member Cardoch. Board member Rogers stated that he could accept the nomination for the time being, added that he needed to discuss his continued service on the PAB with the new Commissioner of his district. Hearing no other nominations for PAB Vice Chair, the Board voted unanimously for Board member Rogers to serve as the new PAB Vice Chair.

STAFF ANNOUNCEMENTS

Ms. Stillings announced that Staff would be sending out shortly the required financial disclosures for the PAB members to file. She stated that the Office of Management and Budget has an annexation request from Florida City, and after polling the PAB members for their availability determined there would be a quorum for their next scheduled April 5, 2021 public meeting.

ADJOURNMENT

Being no further business before the PAB, Chair Rinehart thanked Board member Ruano for his service on the PAB and adjourned the meeting at 12:17 PM.

Respectfully submitted,



Lourdes Gomez, AICP, Director
Department of Regulatory and
Economic Resources