

Memorandum



Date: June 18, 2026

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

From: Daniella Levine Cava *Daniella Levine Cava*
Mayor

Supplement
Agenda Item No. 4(A)

Subject: Supplemental Information on Out-of-Cycle Application
No. CDMP20250006 to Amend the Comprehensive Development Master Plan

The following supplemental information is provided to the Board of County Commissioners regarding Out-of-Cycle Application No. CDMP20250006 to amend the Comprehensive Development Master Plan (CDMP). The information includes: (Exhibit 1) the Initial Recommendation report; and (Exhibit 2) Additional Items addressing Application No. CDMP20250006 received by the Department of Regulatory and Economic Resources.

Roy Coley

Roy Coley
Deputy Mayor

Application No. CDMP20250006
Biscayne Shores Development Group, LLC
Commission District 3 Community Council 7

APPLICATION SUMMARY

Applicant/Representative:	Biscayne Shores Development Group, LLC / Jeffrey Bercow, Esq., Matthew Amster, Esq., and Roberto Alvarez, Esq. / Bercow Radell Fernandez Larkin & Tapanes, PLLC
Location:	Between Biscayne Boulevard and NE 14 th Avenue and between NE 114 th Terrace and NE 115 th Street, abutting on the south side of the Biscayne Shores and Gardens Park.
Total Acreage:	±4.1 net acres
Current Land Use Plan Map Designation:	“Business and Office” and “Medium Density Residential” (13 to 25 dwelling units per gross acre)
Requested CDMP Text and Map Changes:	<ol style="list-style-type: none"> 1. Amend the “High Density Residential” land use category text on page I-32 of the CDMP Land Use Element. 2. Redesignate the application site on the Adopted 2030 and 2040 Land Use Plan (LUP) map to “High Density Residential” (60 to 125 dwelling units or more per gross acre). 3. 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 Amendment (Processed Concurrently with Zoning Application No. Z2025000097)
Existing Zoning District/Site Condition:	RU-3B (Bungalow Court District), RU-2 (Two-Family Residential District and BU-2 (Business Districts, Special)/ Vacant

RECOMMENDATIONS

Staff: **TRANSMIT WITH CHANGE AND ADOPT WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS (May 2026)**

[Changes are to: eliminate the minimum lot size

requirement; delete provisions that preclude applicability to Urban Centers and single-family properties; increases nonresidential allowances from 10% to 50% of floor area; allows nonresidential square footage to be satisfied with units priced at up to 80% AMI.]

Biscayne Shores Community Council 7

Planning Advisory Board (PAB) Acting as the Local Planning Agency:

No Quorum (May 7, 2026)

TRANSMIT AND ADOPT WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS, PER THE APPLICANT'S REQUEST, and with the conditions that 1) the park requirement must be a local park or larger; 2) the applicant's proffered Declaration of Restrictions workforce housing provision be revised to up to 120% of Area Median Income (AMI) instead of 140%; and 3) language for non-residential uses to not exceed 10% of total floor area be retained. (June 1, 2026)

Transmittal Action of Board of County Commissioners: **TO BE DETERMINED** (June 18, 2026)

Final Action of Board of County Commissioners: **TO BE DETERMINED** (September 24, 2026)

Staff recommends to **TRANSMIT WITH CHANGE AND ADOPT WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS** the proposed standard amendment to the Comprehensive Development Master Plan (CDMP) to amend the “High Density Residential” land use category text and the Adopted 2030 and 2040 Land Use Plan (LUP) map to re-designate the ±4.1-acre) application site from “Business and Office” and “Medium Density Residential” (13 to 25 dwelling units per gross acre) to “High Density Residential” (60 to 125 or more dwelling units per gross acre), for the following reasons:

Principal Reasons for Recommendation:

1. The application seeks a text amendment and land use change to facilitate development on the vacant site with a mixed-use project at a floor area ratio and residential density higher than currently allowed, in keeping with the current trend of development in the area, generally consistent with the CDMP. The proposed text amendment is discussed in Principal Reason No. 2 below. CDMP Land Use Element Policy LU-1C, Policy LU-10A, Objective LU-7, and Objective LU-12 require the County to give priority to infill development and redevelopment of substandard or underdeveloped environmentally suitable urban areas contiguous to existing urban development such as the application site, where urban services and facilities have the capacities to accommodate additional demand. As discussed in Principal Reason No. 3(ii) below, existing public facilities and services have adequate capacities to accommodate the impacts that would be generated by development on the subject property if the application is approved.

The ±4.1-acre application site is currently designated “Business and Office” on ±3.63 acres and “Medium Density Residential” (13 to 25 dwelling units per gross acre) on the remaining ±0.47 acres, which would allow 305,791 square feet and 11 multifamily units. Under the proposed redesignation of the entire site to “High Density Residential”, at the requested density of 150 units per acre, the site could be developed with a maximum of 458,686 square feet of retail uses and 613 multifamily units, or as a mixed-use development. However, the applicant has proffered a Declaration of Restrictions (covenant) limiting development to a maximum of 20,000 square feet of commercial and 550 multifamily residential units, not to exceed a Floor Area Ratio (FAR) of 3.0 for the entire development (not including parking structures). The 3.0 FAR will only be applicable if the proposed text amendment is approved, otherwise the maximum FAR will be 2.0 as currently allowed in the CDMP Land Use Element.

This area of Biscayne Boulevard is undergoing transition from vacant lots, a former mobile home park site and non-residential uses to mixed-use and multi-family residential development. The former mobile home park and commercial property directly to the south was approved for a mixed-use development of 417 multi-family dwelling units and 55,000 square feet of retail, through Administrative Site Plan Review (ASPR). Directly to the south, a 336-unit development is currently under construction. Farther south at 11200 Biscayne Boulevard there is an existing 8-story 402-unit multi-family development on the site of a former Assisted Living Facility. The overall proposed development of the site is generally consistent with the density and intensity of surrounding uses and planned development in the area.

2. The proposed text amendment component of the application seeks to modify the “High Density Residential” (60 to 125 or more dwelling units per gross acre) land use category to provide scope and appropriate context sensitive criteria to be applicable to densities above 125 dwelling units per gross acre for when the land use category is applied in unincorporated Miami-Dade County (see Proposed CDMP Amendment on page 14 herein). The “High Density Residential” land use category is currently only applied to certain incorporated areas in the County and the density range of 60 to 125 or more dwelling units per gross acre is in acknowledgement that some areas in municipalities depicted as “High Density Residential”

are allowed residential densities greater than 125 dwelling units per acre. The “High Density Residential” land use category does not currently include a limit for density above 125 units per gross acre, nor does it include criteria of the circumstances under which densities greater than 125 dwelling units per gross acre would be appropriate and should be allowed. Accordingly, applying the “High Density Residential” designation to properties in unincorporated Miami-Dade County is most appropriately done with criteria to guide the maximum allowable density. The Applicant’s proposed text amendment provides that properties larger than 2 acres in the Urban Infill Area (UIA), that front on a Major Roadway, are within the unincorporated portions of the Strategic Miami Area Rapid Transit (SMART) corridors, and are within 500 feet of a County Park are eligible for up to 150 units per gross acre and a maximum Floor Area Ratio (FAR) of 3.0.

Staff’s recommended change is to revise proposed text amendment component of the application, as presented on page 16 herein, and includes providing an allowance for mixed-use developments to substitute the non-residential component of the development with housing units affordable to households earning up to 80 percent of the County’s Area Median Income (AMI) and to include the appropriate policy references for development in the SMART Plan corridors. Staff recommended changes also deletes the proposed 2-acre minimum site size criteria. Accordingly, staff recommends adoption of the application with the changes as discussed.

The CDMP Vision Statement contemplates “...directing growth into mixed-use urban centers that are walkable, connected by premium transit corridors and less vulnerable to the impacts of storms and sea level rise. Targeted development is accommodated in suburban areas to increase employment opportunities and reduce commute times. Growth boundaries that protect environmentally sensitive areas and agricultural land should remain strong.” The proposed text amendment would support and further the vision by appropriately narrowing the over 125 dwelling units per gross acre density allowance of the “High Density Residential” land use category to the County’s primary transit corridors when applied to the unincorporated areas.

3. Approval of the application would be generally consistent with the criteria for evaluating Land Use Plan map amendment applications pursuant to Policy LU-8E of the CDMP Land Use Element. Policy LU-8E requires Land Use Plan (LUP) map amendment applications to be evaluated according to factors such as (i) the ability of the proposed amendment to satisfy a deficiency in the LUP map to accommodate projected population or economic growth of the County, (ii) impacts to County facilities and services, (iii) compatibility with abutting and nearby land uses, (iv) impacts to environmental and historical resources, and (v) the extent to which the proposed land use would promote transit ridership and pedestrianism pursuant to Objective LU-7 and associated policies. Each factor is discussed below.
 - i. *Need to Accommodate Population or Economic Growth:* The application, if approved, would not significantly change the capacity of commercial or residential land within the analysis area (Minor Statistical Area 4.1) where the application site is located. MSA 4.1 was estimated to have capacity for approximately 21,939 dwelling units, with about 97.2 percent of these units intended as multi-family. The annual average residential demand in this MSA is projected to increase from 191 units per year in the 2025-2030 period to 210 in the 2035-2040 period. An analysis of the residential capacity by type of dwelling units shows the depletion of single-family type units occurring in the year 2030. For multi-family type units, the depletion will also occur beyond 2040, and for both single-family and multi-family units the depletion is also projected to be beyond the year 2040. If the proposed application is approved, it will increase the residential capacity by 111 multi-family units (The Applicant proffered covenant restricts the site to 550 multi-family dwelling units and

20,000 square feet of retail space). This would extend the depletion year for multi-family dwelling units, already beyond 2040, by approximately one additional year.

- ii. *Public Facilities and Services:* Approval of the application would be generally consistent with the CDMP Capital Improvements Element Objective CIE-3 that requires CDMP land use decisions not cause a violation in adopted level of standards for public facilities and services. The impacts that would be generated from the maximum development allowed on the application site, if the application is approved, would not cause a violation in the adopted level of service standards for public facilities and services, except for roadways as discussed below.

The Applicant's traffic impact analysis of roadways serving the application site indicates a net reduction of 664 PM peak hour vehicle trips for the proposed maximum development as compared to the current maximum allowed development. It is also important to note that the Applicant's traffic study indicates that in the short-term all nine roadway segments surrounding the application site have available capacity to handle the additional traffic impacts that would be generated by the application and are projected to operate at acceptable levels of service (LOS). The 2045 long-term analysis, however, shows that one roadway segment, Biscayne Boulevard between NE 88 Street and NE 108 Street, is projected to operate in violation of its adopted LOS level of service standard with the impacts from the proposed development. It must be noted the projected traffic impacts from the proposed development is below 5% of the maximum service volume capacity for this roadway segment (1.8% impact), hence the traffic impact from the proposed development is not significant and thereby not required to be mitigated. Furthermore, the application site is within the County's Urban Infill Area (UIA), the County's designated Transportation Concurrency Exception Area (TCEA) and is exempt from Transportation Concurrency.

- iii. *Compatibility:* The proposed development of the site, if the requested "High Density Residential" is approved, would be generally compatible with the existing uses and land use designations of the abutting and adjacent properties. To the north, the properties are designated "Business and Office" and "Low-Medium Residential", including the Biscayne Shores and Gardens Park, and to the south the properties are designated "Business and Office" and "Medium Density Residential". To the east (across Biscayne Boulevard) the properties are designated "Business and Office" while to the west (beyond NE 14 Avenue) the properties are designated "Low Density Residential". The property immediately to the south, which was the site of a former Biscayne Breeze mobile home park, was approved for 430 multi-family dwelling units and 55,000 square feet of retail. Farther south there is an existing 402-unit multi-family building. To the southeast across Biscayne Boulevard is an existing 380-unit apartment complex. Therefore, the proposed mixed-use project would be generally compatible with development in the vicinity of the application site that is characterized primarily by multifamily residential and commercial establishments fronting Biscayne Boulevard.
- iv. *Environmental and Historic Resources:* The subject application, if approved, would not impact historic resources on the site. With respect to environmental resources, the site contains tree resources, including specimen trees (trees with a trunk diameter at breast height of 18 inches or greater). Specimen trees are protected by section 24-49.2(II) of the Code. A tree permit will be required to remove and/or relocate tree resources that are subject to the tree preservation and protection provisions of the Code.

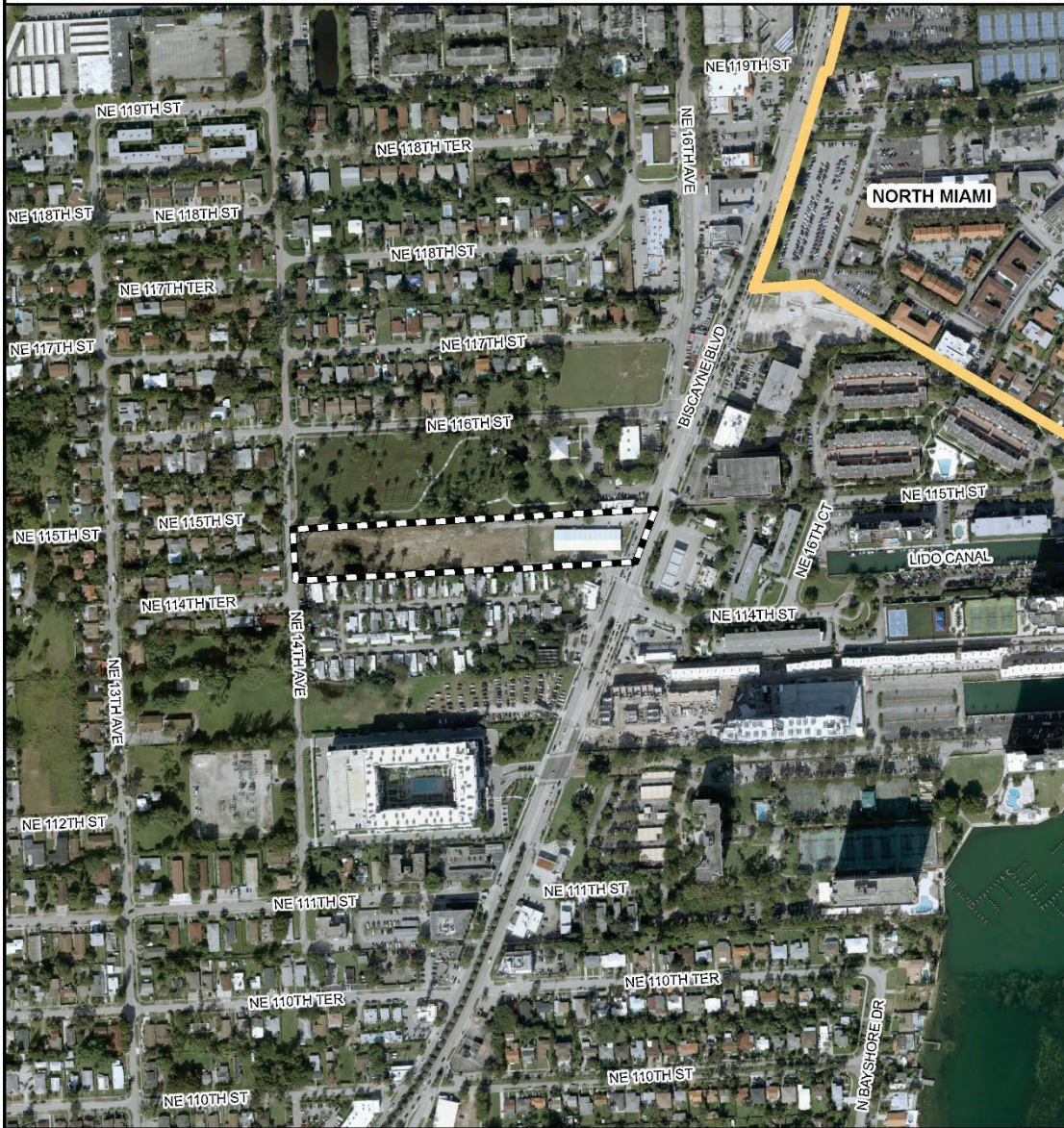
In addition, the site contains documented records of contamination tracked under Biscayne Shores (HWR-1534). All development must comply with an August 14, 2025,



Soil Management Plan approved by the Miami-Dade County Department of Environmental Resources Management/ Department of Regulatory and Economic Resources (DERM/RER). Furthermore, a separate Declaration of Restrictions (covenant) from the CDMP covenant will be required once site rehabilitation requirements under Chapter 24 of the Miami-Dade County Code are met.

- v. *Enhance or Degrade County Systems*: The application if approved, and the site developed as proposed in the proffered covenant with a maximum of 20,000 square feet of retail and 550 multifamily residential units, with the exception of roadways as discussed in 3(ii) above, would not degrade any countywide system. All other countywide systems have sufficient capacity to absorb the impacts that would be generated by development of the site with the proposed mixed-use project.
- vi. *Transit Ridership and Pedestrianism*: The application, if approved and the site developed as proposed, would support transit ridership and pedestrianism. The property is served by Metrobus Route 3 with the nearest bus stop adjacent to the property on Biscayne Boulevard and approximately NE 115 Street. The property is also served by Metrobus Route 203 at a bus stop located on Biscayne Boulevard at Sans Souci Boulevard, approximately 0.34 miles away (a 7-minute walk) using the existing sidewalk network. AM/PM Headways for the routes are 15 minutes for Metrobus Route 3 and 30 minutes for Route 203.

Furthermore, the site is located within ½-mile of the Northeast Corridor, one of six (6) corridors within the Strategic Miami Area Rapid Transit Plan ('SMART Plan') endorsed by the Miami-Dade Board of County Commissioners (Board) by Resolution No. R-523-16.

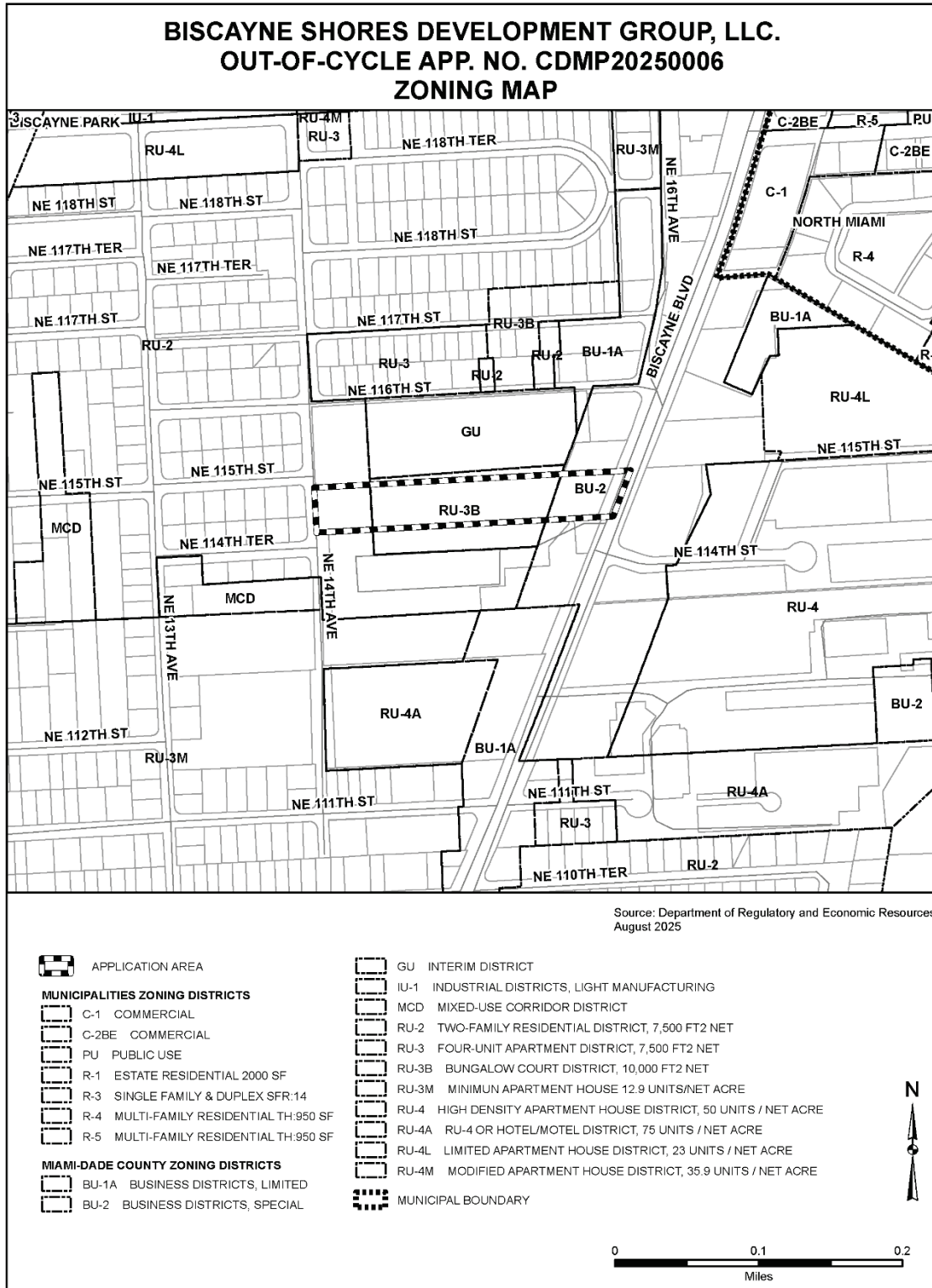
**BISCAYNE SHORES DEVELOPMENT GROUP, LLC.
OUT-OF-CYCLE APP. NO. CDMP20250006
AERIAL PHOTO**

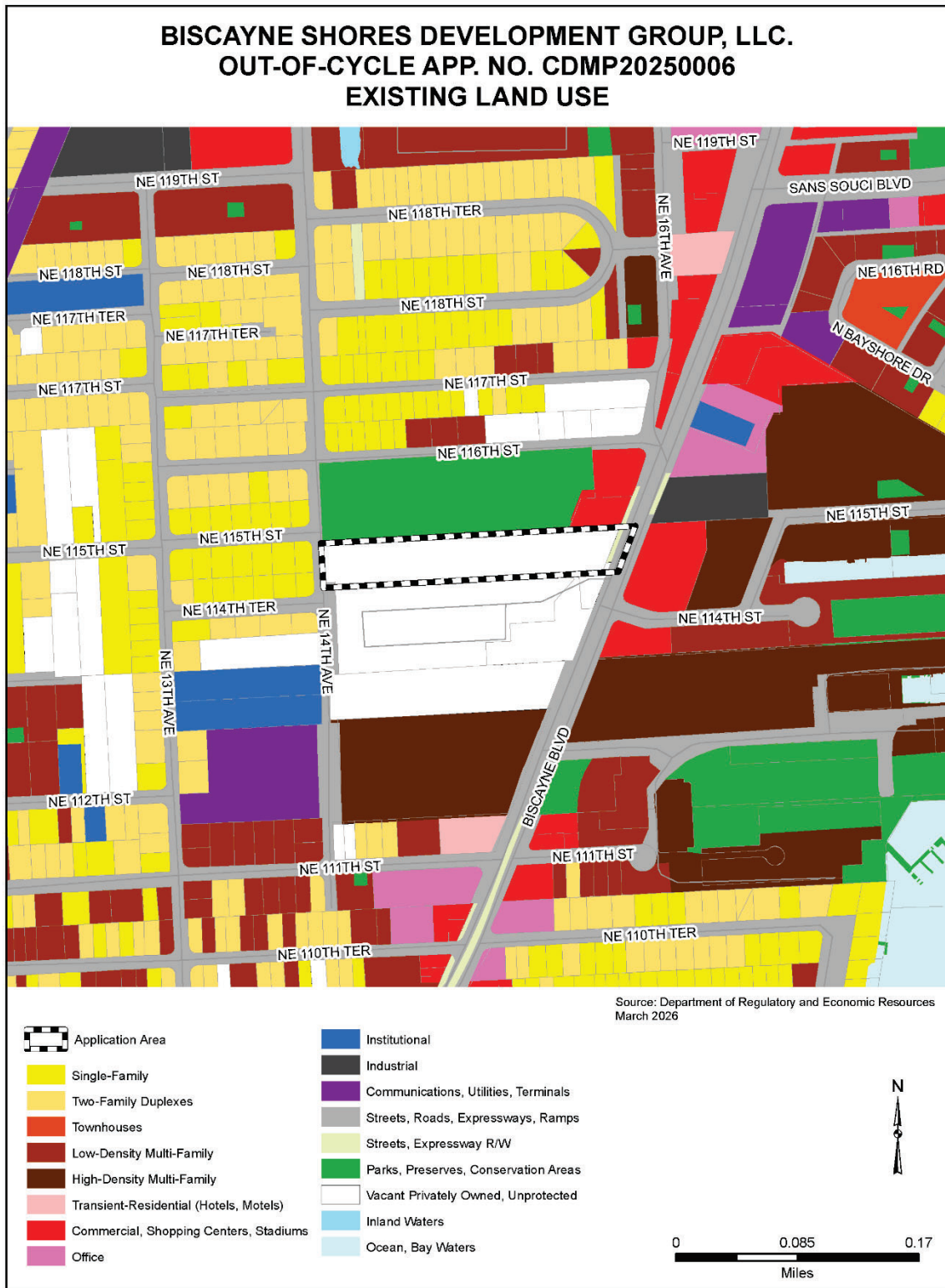


-  APPLICATION AREA
-  MUNICIPAL BOUNDARY

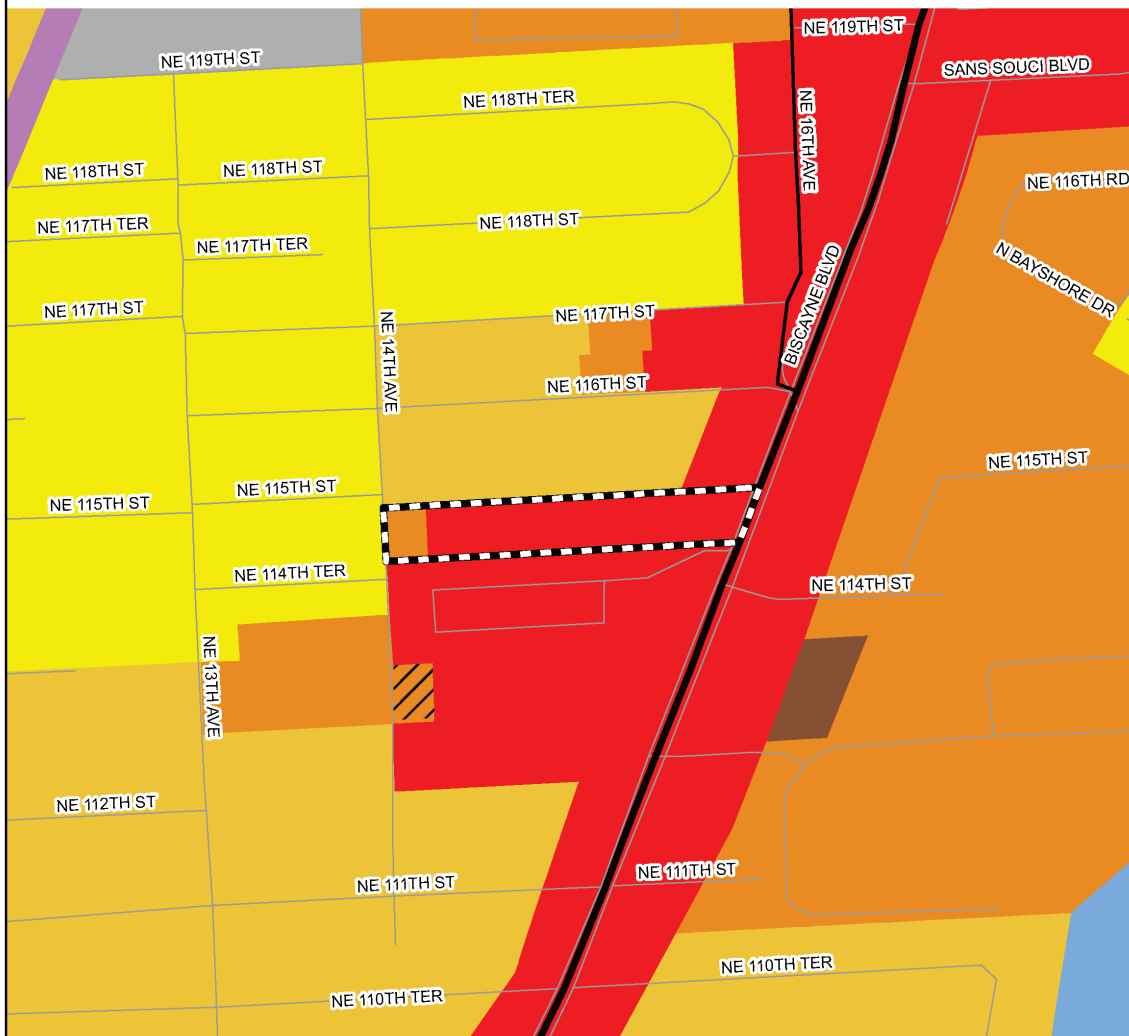
Source: Department of Regulatory and Economic Resources
July 2025

















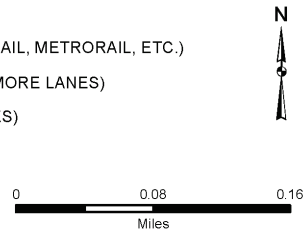


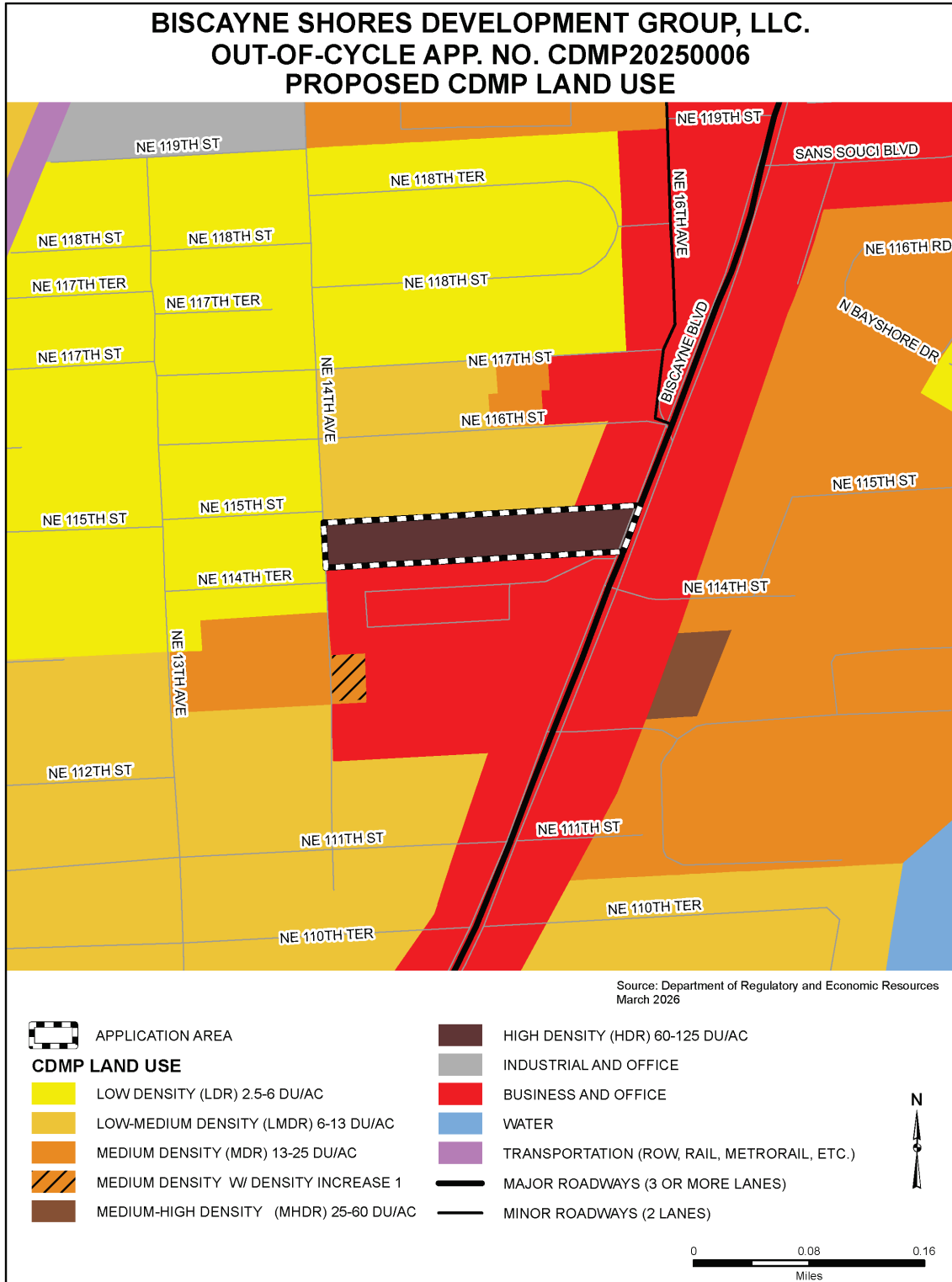
**BISCAYNE SHORES DEVELOPMENT GROUP, LLC.
OUT-OF-CYCLE APP. NO. CDMP20250006
CDMP LAND USE**



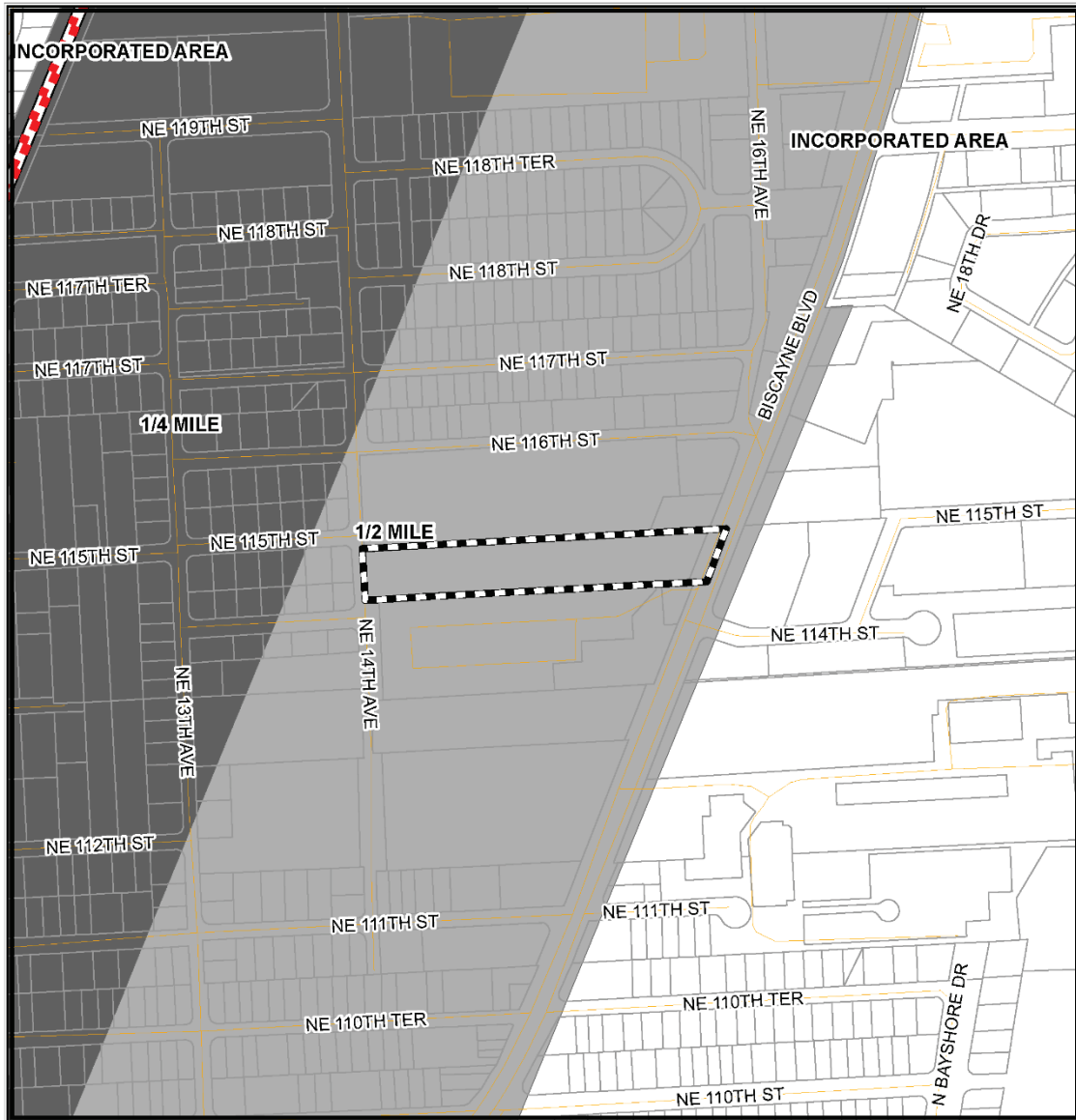
Source: Department of Regulatory and Economic Resources
March 2026

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|---|--|---|---|
|  | APPLICATION AREA |  | INDUSTRIAL AND OFFICE |
| CDMP LAND USE | |  | BUSINESS AND OFFICE |
|  | LOW DENSITY (LDR) 2.5-6 DU/AC |  | WATER |
|  | LOW-MEDIUM DENSITY (LMDR) 6-13 DU/AC |  | TRANSPORTATION (ROW, RAIL, METRORAIL, ETC.) |
|  | MEDIUM DENSITY (MDR) 13-25 DU/AC |  | MAJOR ROADWAYS (3 OR MORE LANES) |
|  | MEDIUM DENSITY W/ DENSITY INCREASE 1 |  | MINOR ROADWAYS (2 LANES) |
|  | MEDIUM-HIGH DENSITY (MHDR) 25-60 DU/AC | | |







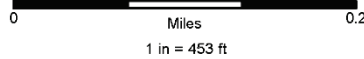


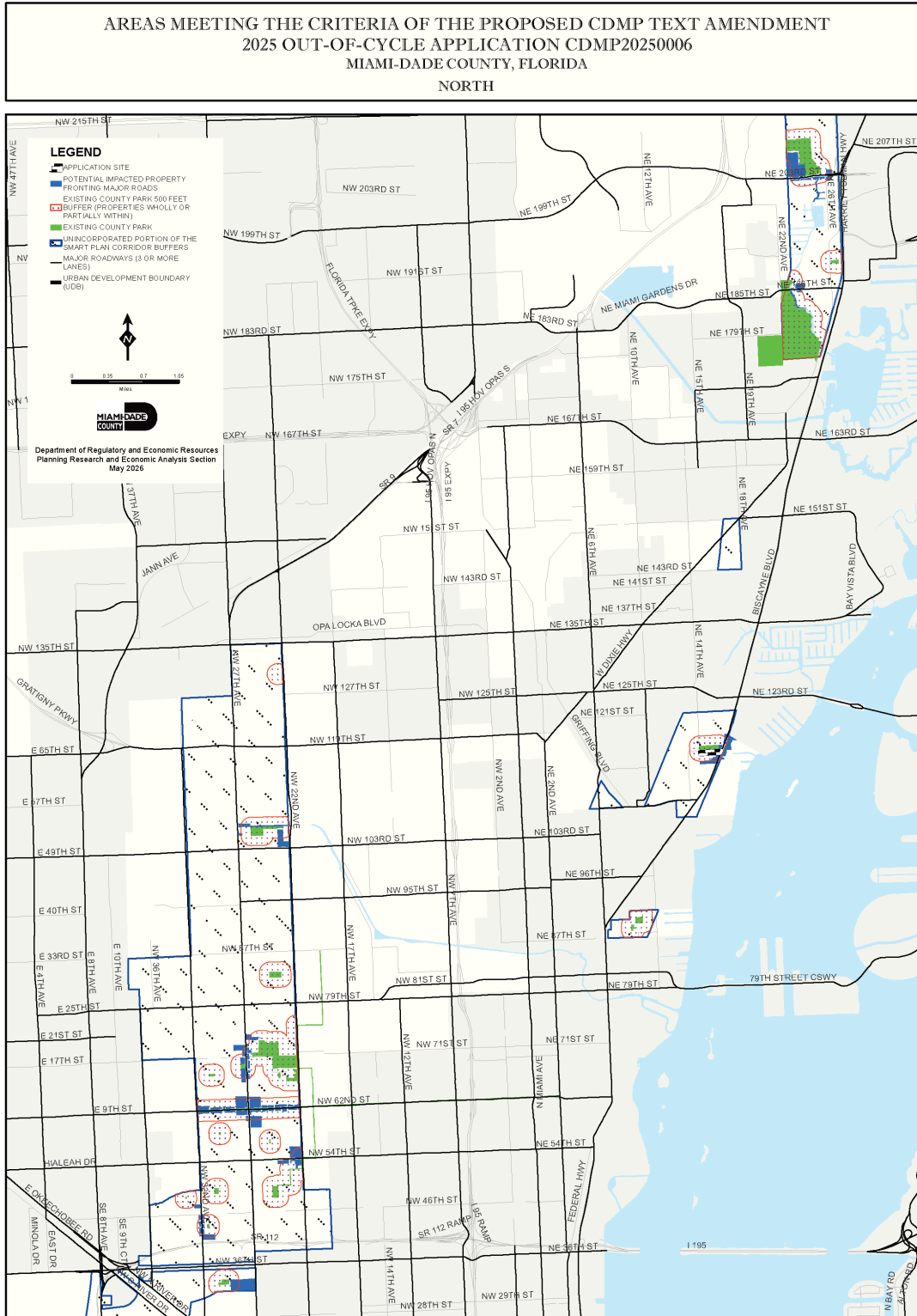
BISCAYNE SHORES DEVELOPMENT GROUP, LLC. OUT-OF-CYCLE APP. NO. CDMP20250006 SMART PLAN CORRIDOR



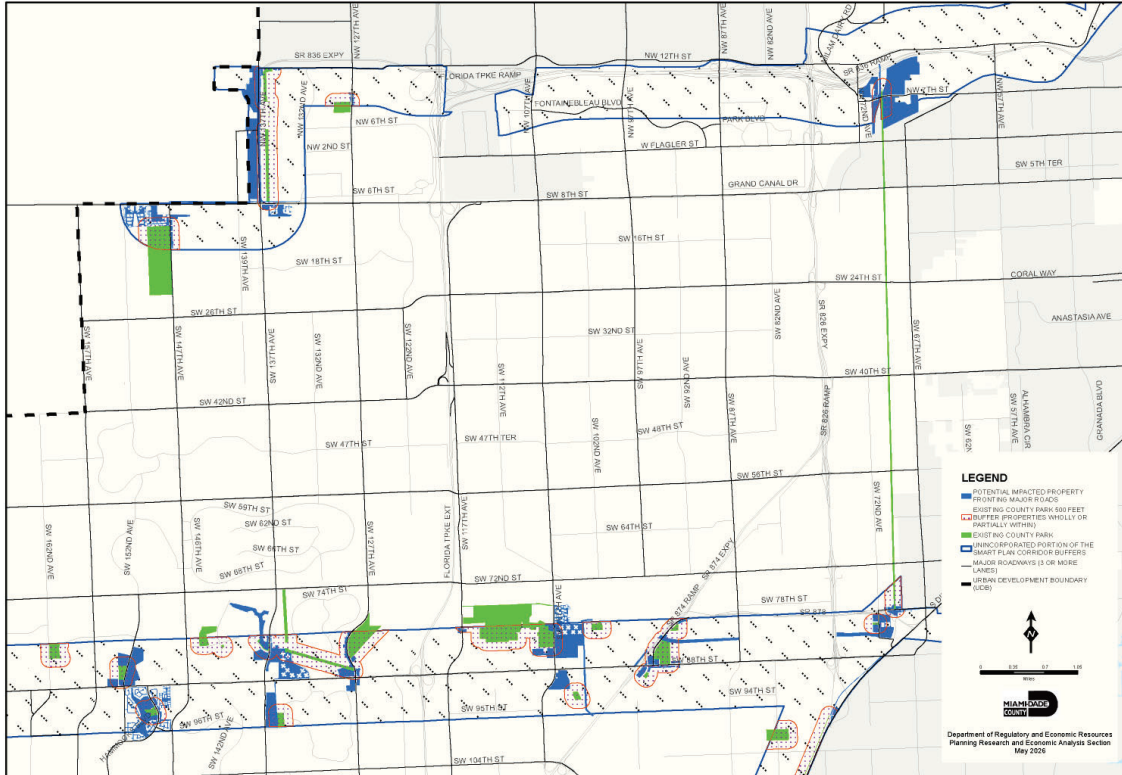
Source: Department of Regulatory and Economic Resources
August 2025

-  APPLICATION AREA
-  NORTHEAST SMART PLAN CORRIDOR
- SMART PLAN CORRIDOR BUFFER**
 -  1/2 MILE
 -  1/4 MILE

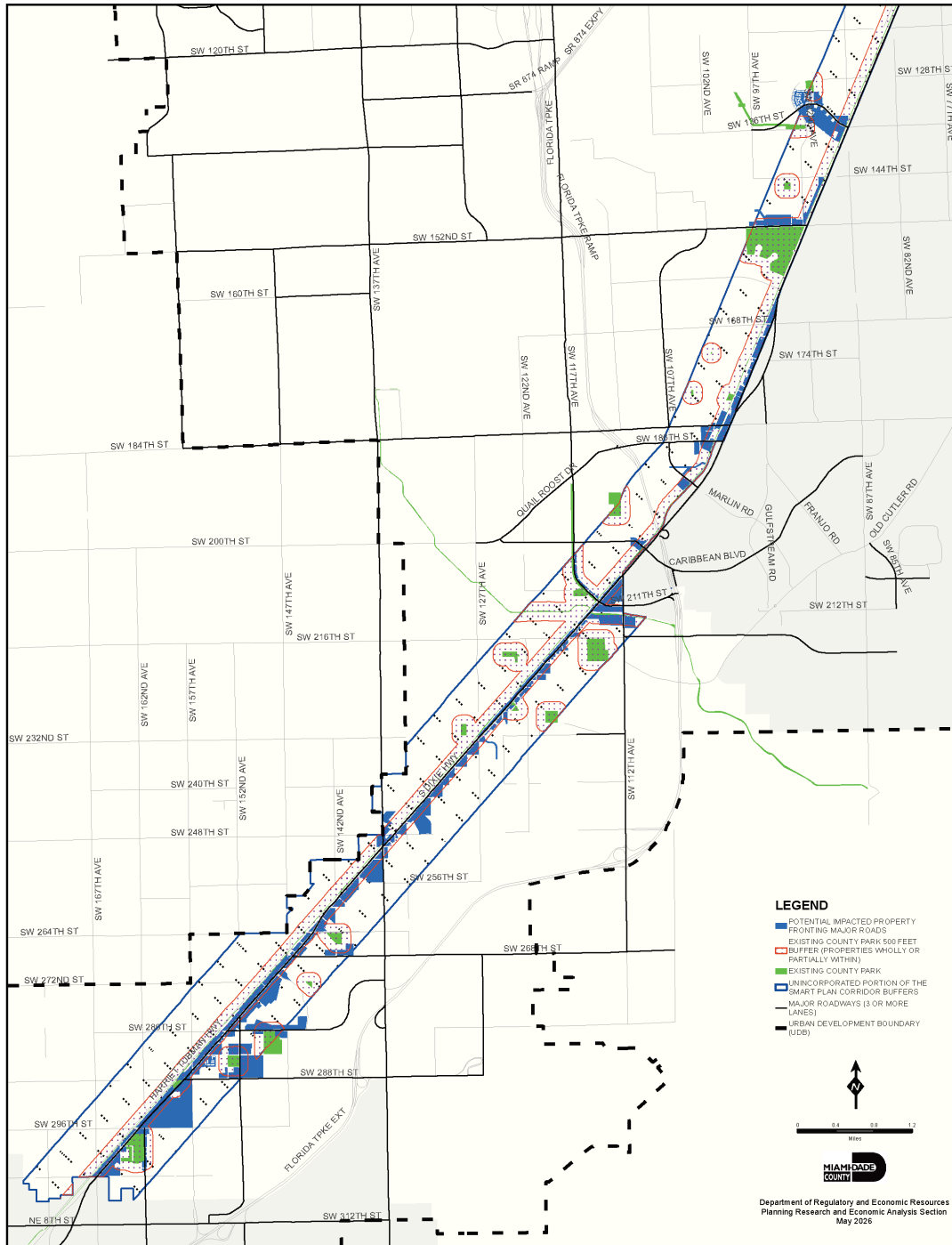




AREAS MEETING THE CRITERIA OF THE PROPOSED CDMP TEXT AMENDMENT
2025 OUT-OF-CYCLE APPLICATION CDMP20250006
MIAMI-DADE COUNTY, FLORIDA
CENTRAL



AREAS MEETING THE CRITERIA OF THE PROPOSED CDMP TEXT AMENDMENT
2025 OUT-OF-CYCLE APPLICATION CDMP20250006
MIAMI-DADE COUNTY, FLORIDA
SOUTH



PROPOSED CDMP AMENDMENT

The following represents both the Applicant's proposed text changes to the CDMP Land Use Element as initially filed on May 5, 2025, and Staff recommended text change. Single underlined and single stricken through words present the Applicants' proposed text amendments as initially filed in May 2025. Double underlined and double stricken through words represent changes recommended by Staff. All other words are adopted text and remain unchanged.

1. Amend the "High Density Residential" text of the Land Use Element on page I-32, as follows:

Applicant's Proposed Text Amendment

High Density. This category permits from 60 to 125 dwelling units or more per gross acre. Density up to 150 dwelling units per gross acre is found only in a few areas and may be located only on parcels of two (2) acres or larger, within unincorporated portions of the SMART Plan Corridor Buffer Area that also immediately front on a Major Roadway, are within the UIA and within 500 feet of an existing County Park, and excluding Urban Centers and existing single family or duplex homes. If the density exceeds 125 dwelling units per gross acre, mixing of residential and commercial is permitted vertically or horizontally so long as the residential floor area exceeds that of the commercial floor area and commercial does not exceed 10% of total floor area of the project and, notwithstanding the Mixed-Use Development section on p. 1-46 of this Element, the entire development must fit within a 3.0 floor area ratio (not counting parking structures). Height of buildings at the edge of such High Density areas adjoining stable residential neighborhoods should taper to a height no more than three (3) stories higher than the adjacent residences. However, where the adjacent area is undergoing transition, heights may be based on adopted comprehensive plans and zoning of the surrounding area. The County's Rapid Transit Zone SMART Corridor Subzone regulations, or the regulations permitting mixed-use development in the Rapid Transit Activity Corridors, will govern any proposed development that exceeds 125 dwelling units per gross acre. This density is found only in a few areas that are located within certain municipalities where land costs are very high and where services will be able to meet the demands.

Staff's Additional Recommended Changes to the Applicant's Proposed Text Amendment Following the Planning Advisory Board Meeting of June 1, 2026.

High Density. This category permits from 60 to 125 dwelling units or more per gross acre. Within unincorporated Miami-Dade County, Density up densities shall be limited to a maximum of 125 dwelling units per gross acre, except that up to 150 dwelling units per gross acre is allowed in developments that are within one-half mile of a Rapid Transit Activity Corridor where such development fronts on is found only in a few areas and may be located only on parcels of two (2) acres or larger, within unincorporated portions of the SMART Plan Corridor Buffer Area that also immediately front on a Major Roadway, are within the UIA and is within 500 feet of an existing County Park, and excluding Urban Centers and existing single family or duplex homes. If the density exceeds 125 dwelling units per gross acre, mixing of residential and commercial is permitted vertically or horizontally so long as the residential floor area exceeds that of the commercial floor area and commercial does not exceed 10% of total floor area of the project and, notwithstanding the The mixing of residential and non-residential uses is permitted in High Density areas Mixed-Use Development section on p. 1-46 of this Element, the entire development must fit within a at a maximum 3.0 FAR floor area ratio (not counting parking structures), provided that non-residential uses do not exceed 50% of the total floor area. Mixed use developments may substitute, based on equivalent square footage.

non-residential uses with affordable housing units where such units are provided to households whose incomes are at or below 80% of the Area Median Income (AMI). Heights of buildings at the edge of such High Density areas adjoining adjacent to stable existing single family residential neighborhoods ~~should~~ shall taper to a height no more than three (3) stories higher than the adjacent residences, except where adequate liberal buffering and other site design standards are implemented to adequately address compatibility with adjacent residences. However, where the adjacent residential area is undergoing transition, heights of buildings may be based on adopted comprehensive plans and zoning of the surrounding area. Developments in this category that exceed 125 dwelling units per gross acre may be implemented through ~~The~~ the County's Rapid Transit Zone SMART Corridor Subzone regulations, or ~~the~~ other regulations permitting mixed-use development in the Rapid Transit Activity Corridors, ~~will govern any proposed development that exceeds 125 dwelling units per gross acre.~~ This density is found only in a few areas that are located within certain municipalities where land costs are very high and where services will be able to meet the demands.

This land use category is depicted on the Land Use Plan map for certain areas that are within municipalities, and in some instances these areas may be allowed greater densities ~~greater than 150 units per gross acre~~ pursuant to the relevant municipal comprehensive plan.

STAFF ANALYSIS

Background

This ±4.1-gross-acre application site was a portion of a ±15.52 gross-acre assemblage that was the subject of a land use change amendment effected through standard Application No. 3 filed in the April 2005 Cycle of applications to amend the Comprehensive Development Master Plan (CDMP). That amendment was adopted by the Board of County Commissioners (BCC) on April 19, 2006, and redesignated the site to “Medium Density Residential” (13 to 25 DU/Ac) and “Business & Office”. The 2006 amendment included the BCC’s acceptance of a Declaration of Restrictions (2006 Covenant) recorded in Official Records Book 24467 at Pages 3303-3317 in the Public Records of Miami-Dade County and re-recorded in Official Records Book 28857 Page 4654-4670. The overall development then proposed for the ±15.52 gross-acre assemblage never materialized, and the ownership has since splintered into three individual owners each of separate parcels. Subsequently, on September 22, 2022, the Board of County Commissioners (Board) adopted Application CDMP20220007, releasing the 2006 Covenant and replacing it with the three separate Declarations of Restrictions. Each replacement Declaration of Restrictions included each owner’s share of the responsibilities outlined in the 2006 Covenant. For the ±4.1-gross-acre application site subject of this application, the Declaration of Restrictions was recorded in Official Records Book 33572 at Pages 1719-1729 in the Public Records of Miami-Dade County.

The application includes two CDMP amendment requests: 1) to amend the text of the “High Density Residential” land use category as presented on page 16 above, and 2) to redesignate the subject ±4.1-gross-acre site from “Business and Office” and “Medium Density Residential” to “High Density Residential”.

Application Site

Location

The ±4.1-gross-acre application site is located between Biscayne Boulevard and NE 14th Avenue and between NE 114th Terrace and NE 115th Street, abutting on the south side of the Biscayne Shores and Gardens Park (see “Aerial Photo” on page 7).

Existing Land Use

The application site is vacant but has over the years been used for Christmas Tree sales. (see “Existing Land Use” map on page 9).

Land Use Plan Map Designation

Approximately ±3.63 acres of the application site are designated “Business and Office” on the Comprehensive Development Master Plan (CDMP) Adopted 2030 and 2040 Land Use Plan (LUP) map, with a ±0.47-acre portion designated “Medium Density Residential” along the west side of the site fronting NE 14th Avenue (see “CDMP Land Use” map on page 10). Uses allowed in the “Medium Density Residential” land use category include residential densities from 13 to 25 dwelling units per gross acre. The type of housing structures typically permitted in this category includes townhouses and low-rise and medium-rise apartments. Uses allowed in areas designated “Business and Office” include the full range of sales and service activities such as retail, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, entertainment, cultural facilities, and residential uses. The “Business and Office” text of the CDMP Land Use Element provides that residential development within “Business and Office” areas may be approved up to one density category higher than the density allowed in the adjoining or adjacent residentially designated area on the same side of the abutting principal

roadway or up to the density of existing adjoining or adjacent residential development, or zoning if the adjacent or adjoining land is undeveloped, whichever is higher.

Under the current designation of “Business and Office” and “Medium Density Residential” the site could be developed with a maximum of 305,791 square feet of retail uses and 11 multi-family units or 449 multi-family units if the site is entirely developed as residential. The applicant requests a CDMP land use designation change for the entire application site to “High Density Residential” (60 to 125 dwelling units or more per acre) and an associated text amendment to allow up to 150 multifamily residential units per acre and an FAR of 3.0. The proposed text amendment seeks to also clarify and add criteria for development between 125 and 150 dwelling units per gross acre. Under the proposed CDMP land use designations, the site could be developed as a mixed-use project with a maximum 458,686 square feet of retail and 613 multi-family residential units. As proposed and restricted by the Applicant’s proffered Declaration of Restrictions (covenant), development of the site would be limited to 20,000 square feet of retail and 550 multi-family units.

Declarations of Restrictions

The Applicant has proffered a Declaration of Restrictions (covenant) which limits the development program on the site to a maximum of 20,000 sq. ft. of nonresidential use and a maximum of 550 residential dwelling units and provides that 35% of the units constructed shall consist of Workforce Housing Units (see Appendix B: Declarations of Restrictions).

As discussed in the Background section, it should be noted that the site is subject to an existing CDMP covenant previously accepted by the BCC upon its September 2022 approval of Application CDMP20220007 (Ordinance No. 22-118) as recorded in Official Records Book 33572 and Page 1719-1729 of Miami-Dade County (herein the September 2022 Covenant), which will remain in full force and effect in conjunction with the proffered covenant, if this application is approved. The September 2022 Covenant requires the implementation of certain design guidelines, educational facilities mitigation and impact fee payment, accommodation of transit facilities, meeting certain concurrency requirements, contribution to parks improvements, providing a minimum fourteen (14) Workforce Housing Units (“WHUs”) or a monetary contribution to the County’s Affordable Housing Trust Fund, and utilizing water saving measures. The September 2022 Covenant is included herein in Appendix B).

Zoning

The application site is zoned RU-2 (Two-Family Residential District), RU-3B (Bungalow Court District) and BU-2 (Special Business District) (see Zoning Map). This CDMP Application is being processed concurrently with zoning application Z2025000097 that requests a district boundary change from RU-2, RU-3B and BU-2 to MCD (Mixed-Use Corridor District), site plan approval, among other requests.

Zoning History

Miami-Dade County zoning districts and zoning code regulations were first created in 1938. There are no records showing any zoning changes on the site.

Adjacent Land Use and Zoning

Existing Land Uses

The application site is bordered by a vacant lot to the south that is the site of the former Biscayne Breeze Mobile Home Park. The Biscayne Shores and Gardens Park, a restaurant and scooter and motorcycle sales and repair store are to the north. To the east of the site, along Biscayne Boulevard are a gas station, public storage and multifamily residential. To the west of the site, along NE 14th Avenue, are single family and duplex homes (see Existing Land Use map on page 9).

Land Use Plan Map Designations

Land surrounding the application site is designated for commercial and residential uses on the CDMP Adopted 2030 and 2040 LUP map. To the north the properties are designated “Business and Office” and “Low-Medium Residential” (including Biscayne Shores and Gardens Park) and to the south, the properties are designated “Business and Office” and “Medium Density Residential.” To the east, the properties are designated “Business and Office”, while to the west the properties are designated “Low Density Residential” (see CDMP Land Use map on page 10).

Zoning

Properties abutting to the north of the site are zoned BU-2, GU and RU-2, properties to the south are zoned BU-2, RU-3B and RU-2, to the east the properties are zoned BU-2, and to the properties to the west are zoned RU-2 (see Zoning Map on page 8).

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 CDMP amendment application, land capacity is analyzed at the localized or Minor Statistical Area (MSA) level.

Residential

The combined vacant land for single-family and multi-family residential development in the Analysis Area (Minor Statistical Area 4.1) in 2025 was estimated to have capacity for about 21,939 dwelling units, with 97.2 percent of these units intended as multi-family. The annual average residential demand in this Analysis Area is projected to go from 191 units per year in the 2025-2030 period to 210 in the 2035-2040 period. An analysis of the residential capacity by type of dwelling units shows the depletion of single-family type units occurring in the year 2030. For multi-family type units, the depletion will also occur beyond 2040, and for both single-family and multi-family units the depletion is also projected to be beyond the year 2040 (see Residential Land Supply/Demand Analysis table below).

Residential Land Supply/Demand Analysis
2025 to 2040: **Application CDMP20250006 (MSA 4.1)**

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 2025	622	21,317	21,939
DEMAND 2025-2030	118	73	191
CAPACITY IN 2030	32	20,952	20,984
DEMAND 2030-2035	129	80	209
CAPACITY IN 2035	0	20,552	19,939
DEMAND 2035-2040	119	80	210
CAPACITY IN 2040	0	20,152	18,889
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 2025.

The applicant is requesting a change from “Business and Office” and “Medium Density Residential” to “High Density Residential” for a total of approximately 4.1 gross acres. If the proposed application is approved, it will create 111 net additional multi-family units (the

Applicant’s proffered covenant restricts the site to 550 multi-family dwelling units and 20,000 square feet of retail space). This will extend the depletion year for multi-family dwelling units, already beyond 2040, by approximately one additional year. At the same time, it will have a negligible impact on the supply and depletion of single-family residential dwelling units in the MSA.

Commercial

The analysis area for this Application CDMP20250006 (MSA 4.1) contained 342.40 acres of in-use commercial uses in 2025 and an additional 25.44 acres of vacant land zoned or designated for business uses. The annual average absorption rate for the 2025-2040 period is 0.01 acres per year. At the projected rate of absorption, the study area will deplete its supply of commercially zoned land beyond the year 2040 (see Projected Absorption of Land for Commercial Uses table below). If this application is approved, given the current absorption rate, it will reduce the vacant commercial land in MSA 4.1 by ±3.6 acres, but the MSA is still projected to have a depletion year for commercial land beyond 2040.

Projected Absorption of Land for Commercial Uses
Indicated Year of Depletion and Related Data
CDMP20250006 Analysis Area

Analysis Area	Vacant Commercial Land 2025 (Acres)	Commercial Acres in Use 2025	Annual Absorption Rate 2025-2040 (Acres)	Projected Year of Depletion	Total Commercial Acres per Thousand Persons	
					2030	2040
MSA 4.1	25.44	342.40	0.01	2040+	4.1	3.9

Source: Miami-Dade County, Regulatory and Economic Resources Department, Planning Division, Planning Research and Economic Analysis Section, December 2025.

Housing Affordability Assessment:

The following market analysis evaluates the extent to which the current application supports or furthers Goal 1 of the Housing Element of the Comprehensive Development Master Plan, which requires the County to:

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

The application is located on the west side of Biscayne Boulevard and east of NE 14 Avenue, north of the theoretical extension of NE 114 Terrace and south of Biscayne Shores and Gardens Park. This places the proposed site in MSA 4.1, however it lies immediately south of the boundary with MSA 2.1. Therefore, these two MSAs will constitute the housing market area in the analysis that follows. The proposal is for a maximum of 550 multifamily housing units based on the Applicant’s proffered covenant. The application offers 35 percent of the units as workforce (affordable for households earning less than 120 percent of AMI). The analysis below evaluates the market characteristics around the application site and the needs of the area.

Key Findings:

- *A majority of renter households in the market area (57 percent) are very-low-income households, earning less than 60 percent of AMI, and nearly three-quarters (72 percent) are low-income renter households earning less than 80 percent of AMI.*

- *Almost nine-tenths of all renter households in the market area (87 percent) earn less than the AMI limit of 120 percent of AMI.*
- *In conclusion, nine out of ten renter households currently in the market area of this application may not be able to afford the 35 percent of units proffered in the covenant to be priced at 120 percent of AMI, without being cost burdened.*

Analysis: The Department of Housing and Urban Development (HUD) estimates HUD Area Median Family Income (AMI) for all counties. The 2025 AMI for Miami-Dade County is \$87,200. Based on this data, the “2025 Market Area Renter Households by Workforce Housing & AMI Income Limits” table below shows the breakdown of all households in the market area that fall within the income-limit categories and the corresponding housing-cost burden. Because the proposed project is a multifamily-rental project, income limits for a family of 3 have been used and the family data is from the most recently published data from the American Community Survey 5-year Estimates (ACS) and HUD Comprehensive Housing Affordability Strategy (CHAS) data.

The results below demonstrate a mismatch between the incomes of the area families and the costs of area rental housing. The result is very high rates of housing cost burden, for low- and very-low-income families, which decreases dramatically as incomes rise into the moderate- and upper-income levels.

A majority, 56.8 percent of all renter families, earn less than 60 percent of AMI (\$66,900). An additional 14.9 percent earn between 60 and 80 percent of AMI (\$66,900 - \$89,200). Combined, 31.1 percent of these very low and low-income families are cost burdened, and an additional 50.3 percent are severely-cost burdened. These account for 81.4 percent of all low- or very-low-income renter families in the market area. A family is considered cost burdened if they pay between 30 and 50 percent of their income for housing costs and severely cost burdened if they spend 50 percent or more of their income on housing costs.

In comparison, for moderate-income owner and renter families (\$89,200 - \$133,800) which account for just 15 percent of renter families in the area, 25.8 percent were cost burdened, and 4.3 percent were severely cost burdened. For families earning more than 120 percent of AMI (greater than \$133,800), 4.3 percent were cost burdened, and 0.8 percent were severely cost burdened. The data for the market area of the application demonstrates that there is an affordability crisis that primarily impacts low-income households and to a lesser extent, moderate income households.

2025 Market Area Renter Households by Workforce Housing & AMI Income Limits

Income Range; Upper Limit (Family of 3)	MSAs 4.1, and 2.1			Total: Cost Burdened & Severly Cost Burdened
	Households	% of Total	Percent Cost Burdened (Renter Households)	
Low/Very Low (Less than 60%; \$66,900)	25,809	56.8%	Less than 80% of AMI: Cost Burden Severely Cost Burdened	81.4%
Low (60% to 80%; \$89,200)	6,769	14.9%		
Moderate (80% to 120%; \$133,800)	6,801	15.0%	80% to 120% of AMI: Cost Burden Severely Cost Burdened	30.0%
Greater than 140% (\$133,800)	6,086	13.4%	Greater than 120% of AMI: Cost Burden Severely Cost Burdened	5.1%
	45,465	100%		

Data Source: 2023 American Community Survey 5-year Estimates, 2018-2022 HUD CHAS Data, Florida Housing Finance Corp. Income Limits.

The table below shows all renter families by income ranges in the market area and the corresponding official rent limits published by the Florida Housing Finance Corporation. It also

includes 2025 data from Costar Analytics that indicates that market rents for this market area for a 2-bedroom unit were \$2,250 per month. For a 3-bedroom unit, the rate was \$2,609 per month. The Applicant has proffered in the covenant that no fewer than 35 percent of the proposed units (192 units) would be affordable to families at 120 percent of AMI. As shown below, these rates would be \$3,345 for 2-bedroom units, and \$3,867 for 3-bedroom units. These amounts are 49 percent and 48 percent higher than the Costar identified market rates, respectively. The remaining 65 percent of units can be priced even higher. Considering the income profiles of the renter families in the market area, this application does not further Goal 1 of the Housing Element to provide housing that will be affordable to all current and future Miami-Dade County residents regardless of household type or income. Furthermore, the very wide gap between the rent limits and existing market rates makes it very unlikely that significant filtering of households will take place.

2025 Renter-Household Incomes & Affordable Rents by AMI Income Limits (Family of 3)

Income Limit Category as a Share of AMI (87,200)	2025 Upper-Limit Income Thresholds	Application Market Area MSAs 4.1, and 2.1				
		Households	% of Households	Rent Limit (2-bedrooms)	Rent Limit (3-bedrooms)	Market Rent
Less than 60% of AMI	\$66,900	25,809	56.8%	\$1,672	\$1,933	2-Bedrooms:
60% to 80% of AMI	\$89,200	6,769	14.9%	\$2,230	\$2,578	\$2,250
80% to 120% of AMI	\$133,800	6,801	15.0%	\$3,345	\$3,867	3-Bedrooms:
Greater than 120% of AMI	> \$133,800	6,086	13.4%	N/A	N/A	\$2,609
		45,465	100%			

Data Sources: 2025 HUD Income Limits: Households by income range: 2023 American Community Survey 5-year estimates (Households by tenure and income is not available beyond 120% of AMI); Rent Limits: Florida Housing Finance Corporation; Market Rent: Costar Property Analytics, Accessed April 8, 2025. (Criteria: Multifamily Apartments, Market Rate Asking Rent, Garden, Low-rise, Mid-rise and Hi-rise Apartments, Exclude Condos and Coops.)

Conclusion: The data above indicates that while housing-costs can be a challenge for families at most reported income levels, a crisis exists for lower-income families. Rising rents affect all families, but for moderate and workforce families and above, the vast majority are not cost burdened and appear not to be in crisis. The same cannot be said for very-low and low-income families where four-fifths pay more than 30 percent of their incomes on housing costs, and over half of all renter households pay more than half of their incomes. While the supply of available land for single-family housing is indeed dwindling, there is adequate capacity for multifamily housing development in this market area and countywide well beyond the year 2040. The application includes the 35% of total units commitment to workforce housing in the proffered covenant, but does not provide other specific pricing data the units, and as the above data demonstrates, the proposed project will not directly address the greatest housing need in the area, which is housing that is affordable to most families in the two MSAs. Therefore, while the application does provide housing which partly supports and furthers Goal 1 of the Housing Element, it does not address the greatest housing need which is for housing affordable to the very-low and low-income families/households in the analysis area.

Occupations and Incomes in Miami-Dade County

The following data provides important context to workers in the county that make up the very low and low-income families with housing cost burden. The “Selected Occupations, Average Annual Incomes, and Rent Affordability” table below provides some examples of occupations and annual wages in the Miami-Fort Lauderdale-West Palm Metropolitan Statistical Area for 2023, the most recent data available, to help understand the needs of current residents. These occupations account for approximately half-a-million workers in the MSA. Even when doubling the incomes to represent a two-earner household of similar wage earners, they still are very low-income households (less than 60 percent of AMI) according to the HUD limits from the tables above. For example, the average annual wage for maids and housekeepers, essential for the hotel industry,

is \$31,210. For retail salespersons, the annual wage is \$31,200. Earnings of waiters and waitresses average \$30,160. Childcare workers average \$31,280, and agricultural workers average \$31,620. All these occupations average less than the 30 percent of the AMI threshold discussed above and even with a second similar earner in the household, would not afford market-rate housing in this application market area, much less at 120 percent of AMI, without additional income. The complete Occupation Employment Statistics dataset from the Bureau of Labor Statistics shows that 50 percent of all workers in the Metropolitan Statistical Area, even assuming the homes include two similar earners, earn less than 80 percent of AMI for a family of three. Based on these annual earnings, for a one-income household, 87 percent of households would earn less than 80 percent of AMI.

Selected Occupations, Average Annual Incomes, and Rent Affordability

Occupation	Employment	Average Annual Income	Income x 2 (2-Income Family)	30% Monthly For Rent (2-Income Family)
Adhesive Bonding Machine Operators and Tenders	60	\$26,140	52,280	1,307
Packers and Packagers, Hand	10,640	\$26,200	52,400	1,310
Cooks, Fast Food	7,790	\$26,530	53,060	1,327
Designers, All Other	60	\$27,420	54,840	1,371
Sewers, Hand	130	\$27,940	55,880	1,397
Farmworkers and Laborers, Crop, Nursery, and Greenhouse	4,790	\$28,010	56,020	1,401
Amusement and Recreation Attendants	7,520	\$28,220	56,440	1,411
Cashiers	56,110	\$28,320	56,640	1,416
Fast Food and Counter Workers	52,550	\$28,330	56,660	1,417
Laundry and Dry-Cleaning Workers	4,620	\$28,440	56,880	1,422
Dishwashers	11,610	\$28,660	57,320	1,433
Parking Attendants	7,010	\$28,830	57,660	1,442
Gambling and Sports Book Writers and Runners	70	\$28,850	57,700	1,443
Graders and Sorters, Agricultural Products	430	\$28,920	57,840	1,446
Bridge and Lock Tenders	360	\$28,990	57,980	1,450
Hosts and Hostesses, Restaurant, Lounge, and Coffee Shop	12,540	\$29,180	58,360	1,459
Janitors and Cleaners, Except Maids and Housekeeping Cleaners	38,840	\$29,400	58,800	1,470
Ushers, Lobby Attendants, and Ticket Takers	1,920	\$29,460	58,920	1,473
Dining Room and Cafeteria Attendants and Bartender Helpers	12,790	\$29,530	59,060	1,477
Food Preparation and Serving Related Workers, All Other	750	\$29,580	59,160	1,479
Teaching Assistants, Except Postsecondary	11,220	\$29,780	59,560	1,489
Sewing Machine Operators	2,570	\$29,880	59,760	1,494
Bartenders	14,410	\$29,980	59,960	1,499
Waiters and Waitresses	54,080	\$30,160	60,320	1,508
Pressers, Textile, Garment, and Related Materials	570	\$30,340	60,680	1,517
Motor Vehicle Operators, All Other	800	\$30,460	60,920	1,523
Animal Caretakers	4,460	\$30,550	61,100	1,528
Gambling Change Persons and Booth Cashiers	390	\$30,710	61,420	1,536
Cleaners of Vehicles and Equipment	6,280	\$30,800	61,600	1,540
Textile, Apparel, and Furnishings Workers, All Other	260	\$30,880	61,760	1,544
Eligibility Interviewers, Government Programs	1,440	\$31,050	62,100	1,553
Food Batchmakers	1,520	\$31,180	62,360	1,559
Shuttle Drivers and Chauffeurs	4,530	\$31,190	62,380	1,560
Retail Salespersons	90,760	\$31,200	62,400	1,560
Maids and Housekeeping Cleaners	18,100	\$31,210	62,420	1,561
Bakers	4,290	\$31,220	62,440	1,561
Childcare Workers	9,120	\$31,280	62,560	1,564
Food Servers, Nonrestaurant	3,690	\$31,290	62,580	1,565
Home Health and Personal Care Aides	22,560	\$31,370	62,740	1,569
Agricultural Workers, All Other	80	\$31,620	63,240	1,581

Data Sources: US Bureau of Labor Statistics May 2024 Occupation and

Economic and Fiscal Impact

The application indicates the development would create 550 rental apartments and 20,000 square feet of commercial space. The applicant's economic impact study estimates 75 people will be employed on-site either by the tenants occupying the proposed commercial space or by the project itself to perform leasing and property operation and maintenance duties.

The applicant also includes in the economic impact study a list of taxes and fees that would be paid by the developer to various jurisdictions. It should be noted however, that these revenues will be offset by expenditures related to public services and facilities and, therefore, the net fiscal impact has not been provided.

Environmental Conditions

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

Flood Protection

Federal Flood Zone	X & AE-8
Stormwater Management Permit	RER
County Flood Criteria (NAVD)	7 feet

Biological Conditions

Wetlands Permit Required	No
Native Wetland Communities	No
Specimen Trees	Yes
Endangered Species Habitat	Applicant did not submit information
Natural Forest Community	No

Other Considerations

Within Wellfield Protection Area	No
Contaminated Site	Yes

Pump Station Downstream	Pump Station Owner	Pump Station Number	Moratorium Code	Projected NAPOT	Proposed Hrs (Δt)	Proposed Projected Hrs
Receiving PS	30	0347	OK	0.75	0.28	1.03
↓	30	ND	--	--	--	--

OR

550 apartments and 20,000 sq. ft. Retail

Pump Station Downstream	Pump Station Owner	Pump Station Number	Moratorium Code	Projected NAPOT	Proposed Hrs (Δt)	Proposed Projected Hrs
Receiving PS	30	0347	OK	0.75	0.16	0.91
↓	30	ND	--	--	--	--

At this time, the North District Wastewater Treatment Plant has sufficient capacity to treat the current discharge.

Relevant Chapter 24 Provisions regarding connection to public water and sanitary sewer

RER-Environmental Plan Review shall review and approve any proposed public or private sanitary sewer system. Each parcel within the proposed development that is required to be served by public sanitary sewers shall connect directly to the public sanitary sewer system, without traversing other parcels. Private sanitary sewer collection and transmission systems are limited to one building per parcel connecting directly to a public sanitary sewer system and cannot traverse other parcels to connect to the public sanitary sewer system. If multiple buildings are proposed within a parcel, each building shall connect individually to a public sanitary sewer system without traversing other parcels.

If a private sanitary sewer pump station is required, the station shall be designed pursuant to Section 24-42.2 of the Code and Chapter 62-604, Florida Administrative Code.

The future construction within the development area shall comply with the requirements mandated by the Federal Consent Decree Case: N0. 1:12-cv-24400-FAM, effective Dec 6, 2013, with the goal of eliminating all Sanitary Sewer Overflows (SSOs) and prohibited bypasses.

All public wastewater collection and transmission systems shall be protected from flood waters and inflow by having all mechanical and electrical equipment and all system openings placed above the Base Flood Elevation plus applicable freeboard and sea level rise. Freeboard and sea level rise are independent and cumulative (e.g., for a BFE of 8-feet with 24-inch freeboard and 24-inch Sea Level Rise requirements, all openings shall be above 12-feet). Openings include, but are not limited to, all manholes, pump station wet wells, and system vents. When the required minimum elevations (BFE + Freeboard + Sea Level Rise) cannot be attained for system openings (e.g., manholes, wet wells), openings shall be elevated to be protected from a 10-yr storm and include water-tight and bolted covers/hatches. The entire assembly, structure, ring, frame, etc., shall be Water-Tight to sustain as a minimum, a water column pressure equivalent to the difference between opening elevation and minimum required elevation (BFE + Freeboard + Sea Level Rise). Freeboard shall be no less than 12-inches for substantial systems and 24-inches for essential systems. Sea Level Rise shall be, at a minimum, IPCC Median at 50 years. For example, for a BFE of 8-feet, an essential system manhole opening shall be set at or above 8-feet + 24-inches + 21-inches or 11-feet 9-inches, or include a water-tight bolted cover. Essential systems are those that serve essential facilities (e.g., hospitals) or are required to include an emergency generator. All other systems are characterized as substantial.

Natural Resources

The area associated with the proposed amendment contains tree resources, including specimen trees (trees with a trunk diameter at breast height of 18 inches or greater). Specimen trees are protected by section 24-49.2(II) of the Code.

Any approval of this CDMP application is not an authorization to remove and/or relocate tree resources that are subject to the tree preservation and protection provisions of the Code without a Miami-Dade County Tree Permit.

Relevant Chapter 24 Provisions Regarding Natural Resources

Future site plan development of the application area must be consistent with the requirements to preserve specimen trees except in cases where RER has determined that a specimen tree cannot be preserved pursuant to section 24-49.2(4)(II)(2) of the Code. Approval of the subject plan amendment 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.

All prohibited species listed in section 24-49.9 that exist within the area's application site shall be removed prior to development or redevelopment and any developed parcels shall be maintained to prevent the growth or accumulation of prohibited species in accordance with section 24-49.9 of the Code.

Endangered Species

The proposed development associated with the subject application is not reasonably anticipated to result in adverse or cumulative adverse environmental impacts to habitat that is critical to Federal or State designated endangered or threatened species.

Drainage and Flood Protection

All future submittals, including, but not limited to, the final plat, soil improvement permit, building permit, Surface Water Management General Permit, and paving and drainage plans submitted to RER/DERM must demonstrate that the proposed development will not alter historical flow patterns, adversely impact adjacent properties, encroach upon the floodplain, or result in a loss of historical basin storage without adequate mitigation.

Any future proposed development shall not negatively impact adjacent properties. The stormwater management system must demonstrate that the retention requirements and other standards in the Federal, State, County, and Local regulations are met. Any grading and drainage improvements, development, significant redevelopment, or substantial improvements, within any parcels, will require a review and approval, demonstrating with signed and sealed engineering calculations by the developer, owner, and/or applicant, that the required retention of stormwater on site is being achieved with a properly engineered stormwater management system including water quality requirements and that the proposed development, grading and drainage improvement shall not negatively impact adjacent properties.

At a minimum, the County Flood Criteria adopted in Miami-Dade County in October 2022, or subsequent standards in effect at the time of review and approval shall be complied with. Most current and stringent groundwater level data available at the time of the review and approval, from the county or other agencies, shall be used.

For compliance with Miami-Dade County stormwater disposal requirements, stormwater shall be retained on-site utilizing a properly designed seepage or infiltration drainage system. Any grading and drainage improvements within the parcels will require review and approval by RER. Any public road drainage systems shall provide service that complies with the minimum requirements outlined in the Miami-Dade County Public Works Manual.

Site grading and development plans shall comply with the requirements of Chapter 11C of the Code, as well as with all state and federal criteria, and shall not cause flooding of adjacent properties. Any proposed development shall comply with county and federal flood criteria requirements.

Relevant Chapter 24 Provisions Regarding Stormwater Management

Any new development or redevelopment involving 2 acres or more of impervious area or 10 acres of total area shall require a RER Surface Water Management General Permit (SWMGP) for the construction and operation of the required surface water management system.

According to section 24-48.1(1)(b) of the Code, a Class II permit is required for the construction, installation, and/or alteration of any outfall or overflow system discharging into any water body of Miami-Dade County.

The site is adjacent to a parcel with known records of contamination. Pursuant to section 24-48.1(1)(f) of the Code, If it is determined the site has contamination, Class VI permits are required for the installation of a drainage system for any project that has known soil or groundwater contamination, or that uses, generates, handles, disposes of, discharges, or stores hazardous materials.

Pursuant to section 24-48.1(1)(e) of the Code, any construction activities that require dewatering will require a Class V permit. Class V permits are required for any dewatering of groundwater, surface water, or water that has entered an underground facility, excavation, or trench.

Environmental Monitoring and Restoration

The RER-Pollution Remediation Section (PRS), RER-Environmental Monitoring and Evaluation Section (EMES), and/or DERM-Environmental Monitoring and Restoration Division (EMRD) has records of current contamination on the subject site tracked under Biscayne Shores (HWR-1534). All development at the site is also subject to the August 14, 2025, DERM/RER approved Soil Management Plan. Furthermore, based on the elected closure remedy of No Further Action with Conditions (NFAC) to address the contamination, a Declaration of Restrictive Covenant (separate from the DRC proffered with this CDMP) shall be required upon achieving the site rehabilitation requirements as per Chapter 24, Code of Miami-Dade County. All construction plans (inclusive of drainage) and dewatering plans require the review and approval from the PRS, EMES, and/or EMRD as it relates to environmental contamination issues. Be advised that the PRS, EMES and/or EMRD review of this application does not constitute an approval of any site plans, drainage plans, or development plans that may be included as part of this application.

Any contaminated portion of the site that is proposed to be sold, transferred or dedicated (including, but not limited to, for public right-of-way) to any public entity shall be identified on the tentative and final plans for this development. All contaminated soil, groundwater, surface water, solid waste, and/or methane, as applicable, within the property to be conveyed must be disclosed at the earliest stage possible and the receiving public entity must be made aware of and accept the contaminated property and any associated restrictions. If soil, groundwater, surface water, solid waste, and/or methane contamination, as applicable, will remain following the conveyance, documentation of acceptance shall be provided to the Department prior to Final Plat.

Water and Sewer

Water Demand/Sewer Flow Analysis

As noted in the “Estimated Water Demand/Sewer Flow for the proposed development by Land Use Scenario” table below, the maximum water demand under the current CDMP land use designations of “Business and Office” and “Medium Density Residential” is estimated to be 47,353 gallons per day (gpd), as shown under Scenario 1. The maximum water demand under the requested CDMP land use designation of “High Density Residential”, with acceptance of the proffered covenant, would be 76,250 gpd, as shown under Scenario 2, which represents a potential increase of approximately 28,897 gpd for water and sewer service.

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

Scenario	Use (Maximum Allowed)	Quantity (Units or Square Feet)	Water Demand Multiplier*	Projected Water Demand (gpd)
Current CDMP Potential – “Business and Office” and “Medium Density Residential”				
1	Multi Family and Retail	11 residential units 458,686 sq. ft.	135 gpd/unit 10 gpd/unit/100 sq. ft.	47,353 gpd
Requested CDMP Designation – “Medium Density Residential with One Density Increase”				
2	Multi Family and Retail	550 residential units 20,000 sq. ft.	135 gpd/unit 10 gpd/unit/100 sq. ft.	76,250 gpd

Source: Miami-Dade Water and Sewer Department; Department of Regulatory and Economic Resources, Planning Division; March 2026

*Water Demand Multipliers can be found at Section 24-43.1 Miami-Dade Code

Water:

The proposed development is located within the City of North Miami’s water service area, but the water is supplied by Miami-Dade Water and Sewer Department (WASD). The City of North Miami is a water wholesale customer of WASD and the City’s Utility Department is to be consulted for any infrastructure that is in its service area. Also, a Water Supply Certification (WSC) will be required for the proposed development as the subject project is located within City’s service area supplied by WASD. Said Certification will be issued at the time of development when a WASD Ordinance letter is issued.

Sewer:

The proposed development is located within the City of North Miami’s sewer service area and its Utility Department should be consulted for any sewer infrastructure that is in its service area.

The City of North Miami is a Volume Sewer Customer of WASD. At the time of development, an Ordinance letter will be required from WASD. WASD will be the Utility providing sewer services for treatment and disposal of the wastewater at the North District Wastewater Treatment Plant (NDWWTP). The NDWWTP is operating under a permit from the Florida Department of Environmental Protection. Currently, there is adequate sewer treatment and disposal capacity at the NDWWTP, consistent with Policy WS-2 A (2) of the CDMP.

Historic Preservation

The Miami-Dade County Office of Historic Preservation (OHP) has reviewed the subject application and has identified no historic or archaeological concerns with the application.

Fire and Rescue Service

The application site is served by Station No. 20 (North Miami East) located at 13000 NE 16 Avenue, Miami, FL 33161. The station is equipped with one (1) Engine, one (1) Rescue and one (1) Battalion Chief response with eleven (11) firefighters/paramedics, 24 hours a day, seven (7) days a week. Average travel time to incidents in the vicinity of the site is approximately 6:59 minutes. Performance objectives of national industry standards require the assembly of 15-17 firefighters on-scene within 8 minutes at 90% of all incidents. Travel time to the vicinity of the subject’s application site complies with the performance objective of national industry. There are no planned services in the vicinity of the property at this time.

For the purpose of this analysis, Miami-Dade Fire Rescue Department (MDFR) is utilizing the Development Impact Table to calculate impact to existing MDFR services. MDFR will evaluate both the impact to the current CDMP designation, as well as the impact the proposed designation will have on existing MDFR service.

The current CDMP designations of “Business and Office” and “Medium Density Residential” allows for potential development of a total of 305,791 square feet (sq. ft.) retail and 11 multifamily units or 449 multifamily units that generate 124 annual alarms. The proposed CDMP designation of “High Density Residential” will allow a potential development of 613 multi-family units and 458,686 sq. ft. of retail or 550 multifamily units and 20,000 sq. ft. of retail. The proposed development will generate approximately 269 annual alarms. The 269 annual alarms will result in a high impact to existing fire-rescue services.

While the proposed development will result in a high impact to MDFR services, presently, fire and rescue service in the vicinity of the Property is adequate. Based on the current call volume for Station No. 20 and existing stations within proximity of the subject property, all stations combined can mitigate the additional number of alarms. Additional stations include Station No. 22 (Interama), located at 15655 Biscayne Boulevard, North Miami, FL 33160, and Station No. 30 (Miami Shores/El portal), located at 9500 NE 2 Avenue, Miami Shores, FL 33138.

The Level of Service Standard for Fire Flow shall comply with the following regulations:

Water supply for fire service emergencies shall be provided to all occupancy types and occupancy uses as determined by the Authority Having Jurisdiction, in accordance with the Miami-Dade County Ordinances, the current adopted edition of the Florida Fire Preventions Code, and the current adopted edition of the Miami-Dade Water & Serwer's D8 Water Manual. Fire department access and set up site shall be provided as determined by the Authority Having Jurisdiction, in accordance with the Miami-Dade County Ordinances and the current adopted edition of the Florida Fire Preventions Code.

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), unless otherwise approved by the Miami-Dade Fire Rescue Department. The minimum fire flow, measured in gallons per minutes (GPM) for fire hydrants depending on the zoning classification is the following: Residential 500 GPM, Duplex 750 GPM, Multifamily 1,500 GPM, Offices/Hospitals/Schools 2,000 GPM and Business and Industrial 3,000 GPM.

Parks

The Parks Recreation and Open Space Department (PROS) offers the following analysis regarding the existing park service characteristics, future service conditions, and required mitigation to maintain CDMP Level of Service (LOS) for local recreation open space.

Current Park Benefit District Area Conditions

County-owned Local parks that are within three miles of the subject application are described in the table below which lists the park name, address, park classification, type of recreation facility, and acreage for each park.

Table A - County Parks (Local) Within a 3 Mile Radius of Application Area.

NAME	ADDRESS	CLASSIFICATION	ACRES	TYPE
MILITARY TRAIL PARK	883 NE 89TH ST	NEIGHBORHOOD PARK	2.91	LOCAL

SOAR MEMORIAL PARK	120 NW 83RD St	COMMUNITY PARK	3.16	LOCAL
OAK GROVE PARK	15560 NE 7TH AVE	COMMUNITY PARK	22.27	LOCAL
GRATIGNY PLATEAU PARK	899 NW 117TH ST	MINI PARK	1.21	LOCAL
LARCHMONT PARK	406 NW 85TH ST	NEIGHBORHOOD PARK	4.62	LOCAL
NORTH SHORECREST PARK	801 NE 88TH ST	NEIGHBORHOOD PARK	1.18	LOCAL
OAK PARK	620 NW 117 ST	MINI PARK	0.47	LOCAL
BISCAYNE SHORES AND GARDENS PARK	1400 NE 116TH ST	COMMUNITY PARK	6.77	LOCAL

Existing CDMP Land Use

The existing “Business and Office” and “Medium Density Residential” CDMP Land Use Designations would allow as many as 449 multi-family residential units and an anticipated population of 808. The concurrency analyses result in an impact of 2.22 acres, based on the minimum LOS Standard for the provision of local recreation open space in the Recreation and Open Space Element of the CDMP.

Proposed CDMP Amendment

The proposed “High Density Residential” CDMP land use designation together with the proffered covenant would limit development to 550 multi-family residential units and an anticipated population of 990. The concurrency analyses result in an impact of 2.72 acres based on the minimum LOS standard of the CDMP.

The proposed “High Density Residential” CDMP land use designation without the proffered covenant would allow for as many as 613 multi-family residential units and an anticipated population of 1,103. The concurrency analyses result in an impact of 3.03 acres, based on the minimum LOS standard of the CDMP.

Impact Analysis

Recreation and Open Space Element Policy ROS-2a (i); (ii); (iii); (iv); and (v) provide for the establishment of Miami-Dade County’s minimum Level of Service standard for the provision of local recreation open space. As shown in the table above, there are two Miami-Dade County-provided local recreation open spaces of 5 acres or larger within the 3-mile distance from the application area. The applicant site is in Park Benefit District 1 (PBD 1), which currently meets park concurrency requirements.

Recommendations

PROS acknowledges that the below language pertaining to a Public Park Contribution approved by the Board of County Commissioners on September 22, 2022, through adoption of application CDMP20220007, applies to the subject application:

Public Park Contribution

The owner shall voluntarily agree to offer a contribution to the Miami-Dade County Parks, Recreation, and Open Spaces Department for improvements to Biscayne Shores and Gardens Park located at 1400 NE 116 Street, Miami, FL 33181 (Folio # 30-2232-000-0050). Such contribution may either be in the form of a monetary contribution or actual improvements for the benefit of the Biscayne Shores and Gardens Park and subject to the Parks, Recreation, and Open Spaces Department approval. The contribution shall occur only upon a determination by Miami-Dade County that the value of the contribution will be accepted by the County as a contribution in lieu of payment of all or a portion of the requirement Park Impact Fees pursuant to Section 33H-7 of the Miami-Dade County Code of Ordinances.

PROS requests inclusion of the following language in the proffered covenant as it relates to Public Park Contribution:

Public Park Contribution

If residential use is developed on the Property, the Owner shall offer a contribution-in-lieu-of-fee to the Miami-Dade County Parks, Recreation, and Open Spaces Department for improvements to Biscayne Shores and Gardens Park located at 1400 NE 116th Street, Miami, FL 33161 (Folio# 30-2232-000-0020) in an amount not to exceed the value of the required Park Improvement Impact Fees due pursuant to Chapter 33H of the Miami-Dade County Code. Such contribution-in-lieu-of-fee may either be in the form of a monetary contribution or actual improvements for the benefit of the Biscayne Shores and Gardens Park and subject to review and approval of the Parks, Recreation, and Open Spaces Department, and consistent with Chapter 33H of the Miami-Dade County Code and other applicable County regulations.

The above request is based on the following policies and objectives in the CDMP:

Objective ROS-1 Provide a comprehensive system of public and private sites for recreation, including but limited to public spaces, natural preserve and cultural areas, greenways, trails, playgrounds, parkways, beaches and public access to beaches, open space, waterways, and other recreational facilities and programs serving the entire County; and local parks and recreation programs adequately meeting the needs of Miami-Dade County's unincorporated population.

Policy ROS-3B The County shall improve and promote non-motorized access to existing park and recreation open spaces by implementing the North Miami-Dade Greenways Master Plan and South Miami-Dade Greenway Network Master Plan, as well as improved sidewalks and trails, to improve connectivity between parks and residences, schools, activity centers, and transportation nodes.

Objective ROS-8 The Miami-Dade County Parks and Open Space System Master Plan (OSMP), through a 50-year planning horizon, shall guide the creation of an interconnected framework of parks, public spaces, natural and cultural areas, greenways, trails, and streets that promote sustainable communities, the health and wellness of County residents, and that serve the diverse local, national, and international communities.

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

The adopted level of service standard (LOS) for the County Waste Management System 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 2025-2026, the DSWM is in compliance with this standard, meaning that there is adequate disposal capacity to meet projected growth, including the growth proposed by the subject application, and which is not anticipated to have a negative impact on disposal service.

Application Impacts

The amendment is being proposed by Biscayne Shore Development to modify the future land use map from Business Office and Medium Density to High Density to allow an increase of density up to 150 units per acre based on the property meeting specific criteria and requirements to qualify for the increase.

Adoption of this amendment under the proposed future land-use designation will likely result in a potential maximum development of 612 multifamily dwelling units (high-rises) and 20,000 square feet of retail uses, with the applicant's proffered covenant limiting residential development to 550 units. The proposed amendment is expected to have no significant impact or associated costs relative to Department of Solid Waste Management (DSWM) collection services, disposal services, or solid waste facilities.

Police Service

The Miami-Dade Sheriff's Office (MDSO) has reviewed the proposed development for the subject application and supporting documents was conducted to assess potential impacts on MDSO resources.

An analysis of current police staffing levels, population growth, and calls-for-service data was completed concluding that existing staffing is expected to handle any minor increase in service demands. Should the need for police services rise beyond projected levels, additional sworn personnel, support staff, and equipment may be necessary. MDSO reserves the right to reassess its determination upon the production of additional information.

Code Compliance

An evaluation was conducted to determine whether there are relevant open code enforcement cases on the application site, which said evaluation concluded there are no open cases nor outstanding liens or fines on the property.

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 or 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 with acceptance of the applicant’s covenant for 550 multi-family units, may increase the student population of the schools serving the application site by an additional 71 students. This number includes a reduction of 33.68% to account for charter and magnet schools (schools of choice). Of the 71 students, 37 are expected to attend elementary schools, 16 are expected to attend middle schools, and 18 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, all school levels have sufficient capacity to serve the application. A final determination of public school concurrency and capacity reservation will be made at the time of approval of final plat, site plan or functional equivalent.

Concurrency Service Area (CSA) Schools

Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
David Lawrence Jr. K-8 Center (Elem Comp)	-22	37	0	NO	Current CSA
David Lawrence Jr. K-8 Center (Elem Comp)	0	37	0	NO	Current CSA Five Year Plan
David Lawrence Jr. K-8 Center (Mid Comp)	79	16	16	YES	Current CSA
Alonzo and Tracy Mourning Senior High Biscayne Bay	-248	18	0	NO	Current CSA
Alonzo and Tracy Mourning Senior High Biscayne Bay	36	18	18	YES	Current CSA Five Year Plan
Adjacent Service Area Schools					
Natural Bridge Elementary	152	37	37	YES	Adjacent CSA

Source: Miami-Dade County Public Schools, June 2025.
 Miami-Dade County Department of Regulatory and Economic Resources, February 2026.
 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. 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.

Roadways

The application site is a ±4.1-acre property located between Biscayne Boulevard and NE 14 Avenue, approximately 130 feet north of NE 114 Street in unincorporated Miami-Dade County. The property has two points of access, from NE 14 Avenue on the west and Biscayne Boulevard on the east side. The application site is inside the County's Urban Infill Area (UIA), the County's designated Transportation Concurrency Exception Area (TCEA). The Concurrency Management Program in the Capital Improvement Element (CIE) of the CDMP states that "A proposed development located within the Urban Infill Area will not be denied a concurrency approval for transportation facilities provided that the development is otherwise consistent with the adopted Comprehensive Development Master Plan..." (CIE page IX-17).

The primary roadways that would cater to the mobility needs in the vicinity of this project are shown below:

1. Biscayne Boulevard/US-1 Highway from NE 96 Street to NE 123 Street is a state maintained four-lane divided roadway with posted speed limit of 35 mph.
2. NE 14 Avenue from NE 111 Street to NE 123 Street is a county maintained two-lane undivided roadway with posted speed limit of 30 mph.
3. NE 125 Street from west of Broad Causeway to NE 6 Avenue is a state maintained four-lane undivided roadway with posted speed limit of 35 mph.

I-95 and US-1 would provide connectivity for this location to other regions in 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 2024) and the County (Year 2024), are operating at acceptable levels of service (LOS). See "Traffic Impact Analysis on Roadways Serving the Amendment Site" table below.

Trip Generation

The maximum development potential scenarios under each of the existing and requested CDMP Land Use Plan designations were analyzed for traffic impacts. Under the current CDMP land use designations of "Business and Office" and "Medium Density Residential" (13 to 25 dwelling units per gross acre [du/ac]), the application site is assumed to be developed with 305,791 square feet (sq. ft.) of retail uses and 11 multi-family dwelling units. Under the requested CDMP land use designation of "High Density Residential (60 to 125 du/ac or more)" the covenant restricted application site can be developed with 20,000 sq. ft. of retail uses and 550 multi-family dwelling units. The maximum potential of 305,791 sq. ft. of retail uses and 11 multi-family dwelling units allowed in the existing land use is expected to generate approximately 828 PM peak hour trips and the maximum potential of 20,000 sq. ft. of retail uses and 550 multi-family dwelling units allowed in the requested land use is expected to generate approximately 164 PM peak hour trips or approximately 664 less PM peak hour trips than the current development potential allowed by the 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# CDMP20250006	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	“Business and Office” and “Medium Density Residential (13–25 DU/Acre)”	“High Density Residential (60–125 DU/Acre or more)”	
Maximum Development Potential	305,791 sq. ft. retail uses ¹ and 11 multi-family units ³	20,000 sq. ft. retail uses ² and 550 multi-family units ⁴	
Retail Trips	1262	127	
Residential Trips	25	166	
Gross Trips Generated	1287	293	
Internal Capture Trips ⁵	22	30	
Pass-By Trips ⁶	437	99	
Net Trips Generated	828	164	-664

Source: Institute of Transportation Engineers (ITE), Trip Generation, 11th Edition, 2021; Miami-Dade County Department of Regulatory and Economic Resources.

Notes:

- ¹ – ITE Land Use Code used for Retail Uses is 820(Shopping Center >150k).
- ² – ITE Land Use Code used for Retail Uses is 822(Strip Retail Plaza < 40k).
- ³ – ITE Land Use Code used for Multi-Family Residential is 220 (Multi-Family Housing -Low Rise).
- ⁴ – ITE Land Use Code used for Multi-Family Residential 222 (Multi-Family Housing -High Rise).
- ⁵ – Percentage of Internal Trip Capture is 2% for existing uses and 10% for proposed uses per ITE Trip Generation Handbook.
- ⁶ – Percentage of Pass-By Trips for Retail is 34% for existing & proposed uses per ITE Trip Generation Handbook.

Short Term Traffic Evaluation (Concurrency)

An evaluation of peak-period traffic concurrency conditions as of January 2026, 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 2025 *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, determined that all roadways—adjacent to and in the vicinity of the application site—that were analyzed have sufficient capacity to handle the additional traffic impacts that would be generated by the application. Also, the subject application site is inside the County’s Urban Infill Area (UIA), the County’s designated Transportation Concurrency Exception Area (TCEA), hence

it is exempt from traffic concurrency. The “Traffic Impact Analysis of Roadways Serving the Amendment Site Under the Requested CDMP Designation” table below shows that all roadways analyzed are projected to operate at acceptable levels of service.

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: 20,000 sq. ft. retail uses and 550 multi-family dwelling units generating 164 PM peak hour trips.														
F-0524	SR 5/ US-1	south of NE 123 Street	4 DV	E+50	4,560	2,538	D	135	2,673	D	43	0.94%	2,716	D
F-2523	SR 5/ US-1	north of NE 123 Street	6DV	E+50	6,885	3,459	D	0	3,459	D	43	0.62%	3,502	D
F-2556	SR 5/ US-1	north of NE 104 St.	4 DV	E+50	4,560	3,768	E+24	93	3,861	E+27	80	1.75%	3,941	E+30
F-0126	SR 922/ NE 125 Street	east of NE 6 Avenue	4 DV	E+20	3,648	1,827	D	112	1,939	D	21	0.58%	1,960	D
F-1023	SR 922/ NE 123 Street	west of N Bay Shore Drive	4 DV	E	3,040	2,049	D	0	2,049	D	12	0.39%	2,061	D
9294	NE 16 Avenue	south of NE 123 Street	2 DV	E+20	1,522	1,396	E+10	22	1,418	E+12	53	3.48%	1,471	E+16
<p>Source: Compiled by the Miami-Dade County Department of Regulatory and Economic Resources and Florida Department of Transportation.</p> <p>Notes: DV= Divided Roadway; UD=Undivided Roadway.</p> <p>* 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)</p>														

Application Traffic Impact

The maximum potential of 305,791 sq. ft. of retail uses and 11 multi-family dwelling units allowed in the existing land use is expected to generate approximately 828 PM peak hour trips and the maximum potential of 20,000 sq. ft. of retail uses and 550 multi-family dwelling units allowed in the requested land use is expected to generate approximately 164 PM peak hour trips or approximately 664 less PM peak hour trips than the current development potential allowed in CDMP.

The existing traffic condition and short-term analysis determined that all roadways adjacent to and in the vicinity of the application site analyzed have available capacity to handle the additional traffic impacts that would be generated by the application and are projected to operate at acceptable levels of service. Also, this project is within the County’s Urban Infill Area (UIA), the County’s designated Transportation Concurrency Exception Area (TCEA), hence it is exempt from Transportation Concurrency.

Applicant’s Traffic Study

The applicant’s transportation consultant, Langan Engineering & Environmental Services, Inc., prepared the *CDMP Amendment Traffic Impact Study* dated August 2024 which was later updated in November 2025. A copy of the Traffic Study’s Executive Summary is included in Appendix. The complete Traffic Study is available online at the Department’s website at <https://energov.miamidade.gov/>. 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.

The trip generation analysis for the existing and proposed land use is shown in Table 2 of the traffic study. The existing development potential is 305,791 sq. ft. of retail uses and 11 multi-family dwelling units, but the study assumes a less intense development program of 63,254 sq. ft. of retail uses and 11 multi-family dwelling units. The PM Peak Hour trip generation for the existing development potential of 63,254 sq. ft. of retail uses and 11 multi-family dwelling units assumed by the applicant would be 204 trips. The trip generation from the proposed development potential of 20,000 sq. ft. of retail uses and 550 multi-family dwelling units would be 205 PM Peak Hour trips or approximately 1 more PM peak hour trip than the current CDMP designation. See applicant’s Table 2 below for trip generation analysis.

Table 2 - Trip Generation Estimates¹

Use	Size	Daily	Weekday Morning Peak Hour			Weekday Afternoon Peak Hour		
			In	Out	Total	In	Out	Total
Maximum Potential Development under Actual Proposed Land Use Designation (Covenant Restricted)								
Multifamily Housing (High-Rise)	550 DU	2,369	38	109	147	98	63	161
Shopping Center (<40k)	20,000 SF	681	16	11	27	26	18	44
Net New Trips for 2027 Analysis		3,050	54	120	174	124	81	205
Maximum Potential Development under Current Land Use Designation								
Shopping Plaza (40-150k)	63,254 SF	4,219	68	41	109	94	96	190
Multifamily Housing (Low-Rise)	11 DU	94	6	20	26	9	5	14
Total		4,313	74	61	135	103	101	204
Net New Trips for 2045 Analysis²		-1,263	-20	59	39	21	-20	1

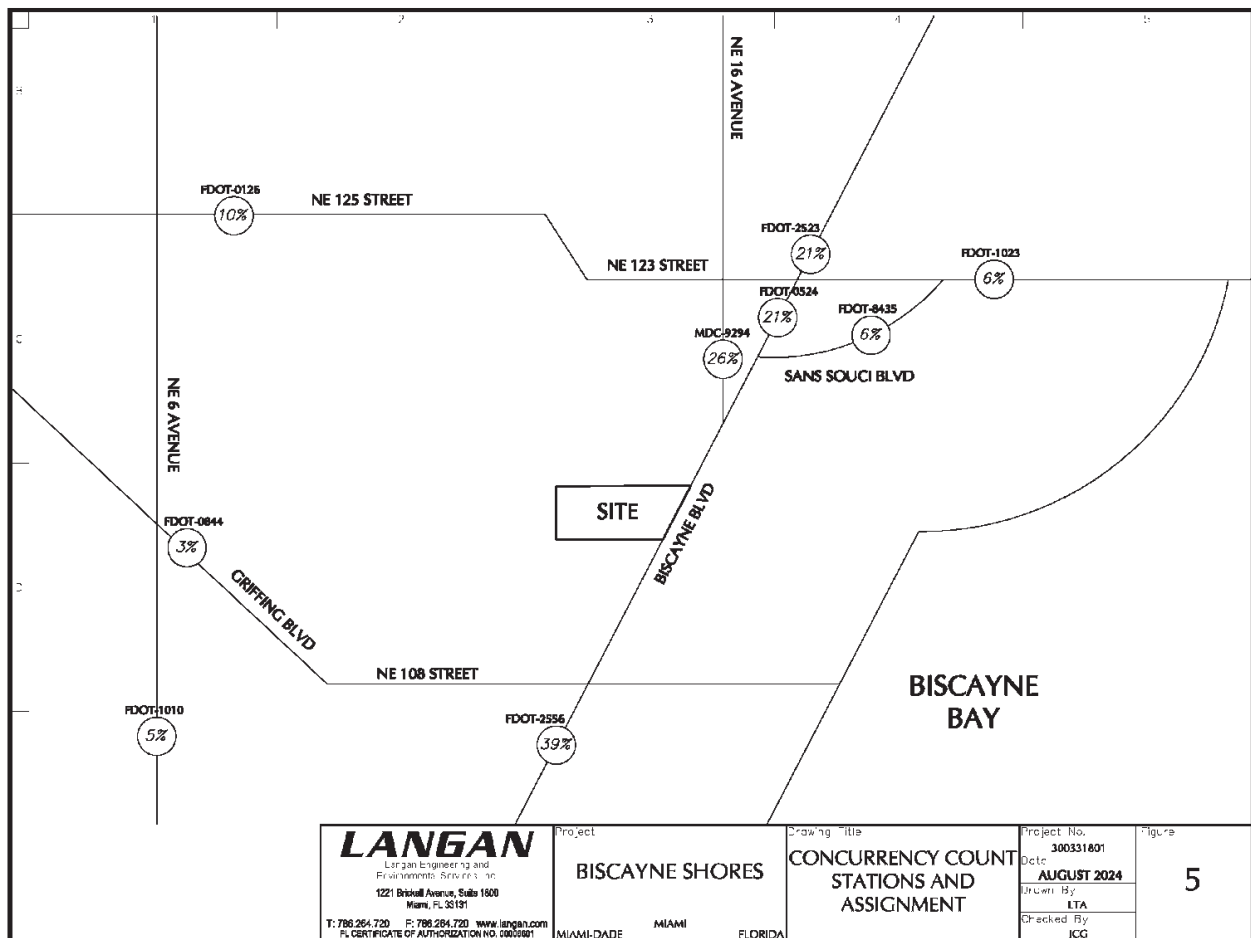
Notes:

1. Based on ITE Trip Generation Manual 11th Edition
2. Proposed Land Use Designation less Current Land Use Designation

The site is located in TAZ 198, the cardinal trip distribution for this TAZ was obtained from Miami-Dade County Transportation Planning Organization’s travel demand model called Southeast Florida Regional Planning Model (SERPM). The TPO publishes cardinal trip distribution for the years 2015 and 2045. The cardinal distribution for the year 2027 was generated by interpolating the distribution percentages of the years 2015 and 2045. Table 3 below shows the cardinal distribution for TAZ 198. The cardinal distribution shown in Table 3 below was utilized to assign the trips generated by this project on the surrounding roadways. Figure 5 below shows the trip assignments to the surrounding roadway network.

Table 3 - Cardinal Distribution

Year	NNE	ENE	ESE	SSE	SSW	WSW	WNW	NNW
2015	22.60%	5.30%	0.80%	3.60%	19.10%	18.30%	12.60%	17.70%
2045	19.20%	3.30%	1.30%	4.20%	23.40%	19.70%	14.30%	14.60%
2027	21.24%	4.50%	1.00%	3.84%	20.82%	18.86%	13.28%	16.46%



The applicant’s traffic study reviewed the existing traffic conditions on the surrounding roadway network using the County’s and FDOT’s 2024 traffic count data. Seven 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. See the applicant’s Table 1 below for the existing roadway condition analysis.

Table 1 - Existing Afternoon Peak-Hour Roadway Capacity Analysis Summary

Roadway	From	To	Number of Lanes	Adopted LOS ¹	LOS Capacity ₁	Existing Volume	Existing LOS	Meets Capacity
SR 922/NE 125 Street	SR 915/NE 6 Avenue	US-1/Biscayne Blvd	4 L	E+20%	3,648	1,865	D	YES
Griffing Blvd	SR 916/NE 135 Street	US-1/Biscayne Blvd	2 L	D	1,197	315 ⁽²⁾	C	YES
NE 6 Avenue	SR 932/NE 103 Street	SR 922/NE 125 Street	4 L	E + 20%	3,504	1,789	D	YES
NE 16 Avenue	SR 922/NE 123 Street	US-1/Biscayne Blvd	2 L	E + 20%	1,522	1,396	E+10%	YES
US-1/Biscayne Blvd	NE 156 Street	NE 123 Street	6 L	E + 50%	6,885	3,209	D	YES
	NE 123 Street	NE 108 Street	4 L	E + 50%	4,560	2,387	D	YES
	NE 108 Street	NE 88 Street	4 L	E + 50%	4,560	3,637	E+20%	YES
Sans Souci Blvd	US-1/Biscayne Blvd	NE 123 Street	4 L	D	2,628	1,008 ⁽²⁾	C	YES
SR 922/NE 123 Street	US-1/Biscayne Blvd	N Bayshore Drive	4 L	E	3,040	1,845	D	YES

Notes:

- 1.- Adopted LOS and Capacity from FDOT 2020 Quality / LOS Handbook & County Traffic Concurrency Database
- 2.- Existing volume determined based on 2023 FDOT Historical AADT Data (0.09 K-Factor)

The applicant's traffic study included a 2027 short term roadway impact analysis, which included reserved trips from approved development not yet constructed, a 0.4% annual growth-rate factor based on FDOT historical traffic volumes to account for future background volumes, programmed roadway capacity improvements listed in the first three years of the County's adopted 2025 Transportation Improvement Program (TIP), and the PM peak hour trips estimated to be generated by the proposed development. Nine surrounding roadway segments were analyzed for short term traffic impacts, and it was determined that all roadways impacted by the proposed development, will have sufficient capacity to handle the additional traffic impacts that would be generated by this project. Also, this project is within the County's Urban Infill Area (UIA), the County's designated Transportation Concurrency Exception Area (TCEA), hence it is exempt from Transportation Concurrency. See the applicant's Table 4 below for the short-term roadway impact 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) to determine the long-term impact on the surrounding roadway segments. Table 6 below shows the long-term (2045) analysis of the traffic impacts this project will have on the surrounding roadways. The long-term analysis shows that one surrounding roadway segment would not meet the County's adopted level of service standards,

- Biscayne Boulevard between NE 88 Street and NE 108 Street, the adopted LOS is 'E+50%', but the roadway is operating at LOS 'F'.

The one roadway operating below adopted LOS standards for projected 2045 traffic conditions is not significantly impacted by this project since the impact is less than 5% of the roadway's adopted LOS capacity. Also, the proposed project traffic impact from the development potential allowed in the requested land use is less intensive than the traffic that would have been generated from the development potential allowed on existing land use.

To summarize, the existing and short-term roadway impact analysis indicate that all roadways surrounding the project site would function at acceptable LOS while the long-term 2045 analysis indicates that one roadway segment impacted by the project would not meet the County's adopted LOS standards, but the traffic impact is not significant. The project traffic is less intensive than the traffic that would have been generated from existing land use. Additionally, this project is within the County's Urban Infill Area (UIA), the County's designated Transportation Concurrency Exception Area (TCEA), hence it is exempt from Transportation Concurrency. Hence, staff agree with the conclusions of this traffic study.

Table 4 - Short Term 2027 (Concurrency) Afternoon Peak-Hour Roadway Capacity Analysis Summary

Count Station	Location	Facility Type	Adopted LOS ¹	LOS Capacity ¹	PHP Volume	2027 Volume	Development Order Trips	Committed Development Trips	2027 Volume + D.O.'s + GD	Available Trips	LOS without Project	Proposed Development		Total Volume with Project	Trips Remaining	LOS with Project	Meets Concurrency
												Project Assignment	Project Trips				
FDOT-0126	NE 125 Street s/o NE 6 Avenue	4 L	E+20%	3,048	1,865	1,903	81	101	2,085	1,503	D	10%	21	2,106	1,542	D	YES
FDOT-8444	Griffing Blvd w/o NE 115 Street	2 L	D	1,197	315	321	0	0	321	876	C	3%	6	327	870	C	YES
FDOT-1010	NE 6 Avenue s/o NE 111 Street	4 L	E + 20%	3,504	1,789	1,825	4	0	1,829	1,675	D	5%	10	1,839	1,665	D	YES
MDC-9291	NE 16 Avenue s/o NE 123 Street	2 L	E + 20%	1,522	1,396	1,424	0	35	1,459	63	E + 15%	26%	53	1,512	10	E + 19%	YES
FDOT-2523	Biscayne Blvd into NE 123 Street	6 L	E + 50%	6,865	3,209	3,274	0	73	3,347	3,568	D	21%	43	3,390	3,495	D	YES
FDOT-0524	Biscayne Blvd s/o NE 123 Street	4 L	E + 50%	4,560	2,367	2,435	189	157	2,761	1,799	D	21%	43	2,804	1,756	D	YES
FDOT-2556	Biscayne Blvd into NE 104 Street	4 L	E + 50%	4,500	3,037	3,710	124	157	3,991	509	E + 31%	39%	80	4,071	489	E + 34%	YES
FDOT-8435	Sans Souci Blvd into NE 118 Road	4 L	D	2,028	1,008	1,028	0	0	1,028	1,600	C	6%	12	1,040	1,988	C	YES
FDOT-1023	NE 123 Street w/o N Baysshore Drive	4 L	E	3,040	1,845	1,882	0	18	1,900	1,140	D	6%	12	1,912	1,128	D	YES

¹ Adopted LOS and Capacity from FDOT 2028 Quality of Service Handbook for Miami-Dade County Traffic Circuits, Delivered

Notes:

Table 6 - Long Term 2045 Afternoon Peak-Hour Roadway Capacity Analysis Summary

Roadway	From	To	Facility Type ¹	LOS Capacity ¹	2045 Volumes ²	LOS without Project	Proposed Designation		Project Significance	Total Volume with Project	LOS with Project	Operates within Adopted LOS
							Project Assignment	Project Trips				
SR 922/NE 125 Street	SR 915/NE 6 Avenue	US-1/Biscayne Blvd	4 L	3,048	3,393	E + 12%	10%	21	0.58%	3,414	E + 12%	YES
Griffing Blvd	SR 916/NE 135 Street	US-1/Biscayne Blvd	2 L	1,197	954	D	3%	6	0.50%	960	D	YES
NE 6 Avenue	SR 932/NE 103 Street	SR 922/NE 125 Street	4 L	3,504	2,358	D	5%	10	0.29%	2,368	D	YES
NE 16 Avenue	SR 922/NE 123 Street	US-1/Biscayne Blvd	2 L	1,522	855	D	26%	53	3.55%	909	D	YES
US-1/Biscayne Blvd	NE 156 Street	NE 123 Street	6 L	6,885	4,059	D	21%	43	0.64%	4,102	D	YES
	NE 123 Street	NE 108 Street	4 L	4,560	3,699	E + 22%	21%	43	0.96%	3,742	E + 23%	YES
	NE 108 Street	NE 88 Street	4 L	4,560	4,554	E + 50%	39%	80	1.80%	4,634	F	NO
Sans Souci Blvd	US-1/Biscayne Blvd	NE 123 Street	4 L	2,628	1,125	C	6%	12	0.49%	1,137	C	YES
SR 922/NE 123 Street	US-1/Biscayne Blvd	N Bayshore Drive	4 L	3,040	2,673	D	6%	12	0.43%	2,685	D	YES

Notes:

- 1. Adopted LOS and Capacity from MPO 2045 Cost Feasible Network
- 2. 2045 Volumes based on Daily SERPM Model Volumes (0.09 K-Factor)

Transit

Existing Service

The property is served by Metrobus Route 3 at the nearest bus stop adjacent to the property on Biscayne Boulevard and approximately NE 115 Street. The property is also served by Metrobus Route 203 at a bus stop located on Biscayne Boulevard at Sans Souci Boulevard, approximately 0.34 miles away to the north (a 7-minute walk) using the existing sidewalk network. Metrobus Routes 3 and 203 provide service at 15 and 30 headways as listed in the table below.

Route	Service Headways (in minutes)						Type of Service
	Weekday						
	Peak (AM/PM)	Off-Peak (midday)	Evenings (after 8pm)	Overnight	Saturday	Sunday	
3	15	15	15	30	15	15	L/F
203	30	30	n/a	n/a	n/a	n/a	L/F

Notes: L means Metrobus local route service
 F means Metrobus feeder service to Metrorail or Tri-Rail

DTPW Comments/Recommendations

The Department of Transportation and Public Works (DTPW) conducted its review for mass transit concurrency for this application that includes analysis of CDMP Policy MT-1A that requires areas within the Urban Development Boundary (UDB) with a combined resident and work force population of more than 10,000 persons per square mile to be provided with public transit service having 30-minute headways and an average route spacing of one mile. The existing total combined resident and work force population within the application area is above 10,000 persons per square mile. Upon DTPW’s review for mass transit concurrency, the application CDMP20250006 is found to meet the Level-of-Service concurrency with the adopted mass transit level-of-service standard as stated in CDMP Policy MT-1A. DTPW encourages the developer to support and enhance pedestrian and bicyclist connections to the bus stops, as feasible.

DTPW recommends:

1. The applicant work closely with DTPW’s staff to ensure the proposed development harmonizes with and is aligned to the County’s vision for the Northeast Corridor of the Strategic Miami Area Rapid Transit (SMART) Plan/program.
2. The applicant consider complete street design principles when designing the NE 14th Ave. and Biscayne Blvd. sections as it provides a direct connection to the Northeast Corridor.

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-4A. When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale of architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.
- LU-7. Miami-Dade County shall require all new development and redevelopment in existing and planned transit corridors and urban centers to be planned and designed to promote transit-oriented development (TOD), and transit use, which mixes residential, retail, office, open space and public uses in a safe, pedestrian and bicycle friendly environment that promotes mobility for people of all ages and abilities through the use of rapid transit services.
- 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.
 - iv) Enhance or degrade environmental or historical resources.
 - v) Enhance or degrade systems important to the County as a whole including regional drainage, emergency management, transit service, roadways, facilities of countywide significance, and water quality.
 - vi) 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-13. Miami-Dade County shall implement strategies to reduce the impacts of climate change on the built environment and address the impacts of the built environment on the natural systems that provide protections against the impacts of climate change.

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.

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:

https://energov.miamidade.gov/EnerGov_Prod/SelfService#/plan/58381d29-a44c-4378-83ab-a4a921caa93f

APPENDIX A
Amendment Application

**OUT-OF-CYCLE, STANDARD AMENDMENT
LAND USE ELEMENT & LAND USE PLAN MAP
MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN
CONCURRENT ZONING HEARING APPLICATION**

RECEIVED 5/7/25
REVISED 11/5/25
Planning Division

1. OWNER/APPLICANT

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Biscayne Shores Dev Group
CDMP20250006


2. APPLICANT’S REPRESENTATIVES

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By: 


Jeffrey Bercow, Esq.

Date: November 5, 2025

By: 

Matthew Amster, Esq.

Date: November 5, 2025

By: 

Roberto Alvarez, Esq.

Date: November 5, 2025

3. DESCRIPTION OF REQUESTED CHANGES

A. The Applicant respectfully requests the following changes:

- 1. Standard Amendment of the CDMP Land Use Element text (High Density on page I-32).
- 2. Standard Amendment to the Comprehensive Development Master Plan (“CDMP”) Future Land Use Map (“FLUM”) designation (item A.1 in the fee schedule).

Current Land Use Designation: Business and Office and Medium Density Residential

Proposed Land Use Designation: High Density Residential

B. Description of the Subject Property

The Application Area is approximately 4.08 gross acres located on the west side of Biscayne Boulevard and east of NE 14 Avenue, north of the theoretical extension of NE 114 Terrace and south of Biscayne Shores and Gardens Park, in Section 32, Township 52, Range 42. The Application Area is more particularly described in Exhibit A, attached to this Application.

C. Gross and Net Acreage

Application Area: 4.089 Acres (3.96 Net Acres)

Acreage Owned by Applicant: Applicant is the owner of the approximately 4.08 gross acres (3.96 Net Acres).

D. Requested Changes

1. Applicant requests that the text description of "High Density" on page I-32 be amended to as follows (underlined text are the proposed additions, strikethrough is what would be deleted, and plain text is what exists currently), and see also Exhibit C showing the few areas to which the text Amendment would apply:

High Density. This category permits from 60 to 125 dwelling units or more per gross acre. Density up to 150 dwelling units per gross acre is found only in a few areas and may be located only on parcels of two (2) acres or larger, within unincorporated portions of the SMART Plan Corridor Buffer Area that also immediately front on a Major Roadway, are within the UIA and within 500 feet of an existing County Park, and excluding Urban Centers and existing single family or duplex homes. If the density exceeds 125 dwelling units per gross acre, mixing of residential and commercial is permitted vertically or horizontally so long as the residential floor area exceeds that of the commercial floor area and commercial does not exceed 10% of total floor area of the project and, notwithstanding the Mixed-Use Development section on p. 1-46 of this Element, the entire development must fit within a 3.0 floor area ratio (not counting parking structures). Height of buildings at the edge of such High Density areas adjoining stable residential neighborhoods should taper to a height no more than three (3) stories higher than the adjacent residences. However, where the adjacent area is undergoing transition, heights

may be based on adopted comprehensive plans and zoning of the surrounding area. The County's Rapid Transit Zone SMART Corridor Subzone regulations, or the regulations permitting mixed-use development in the Rapid Transit Activity Corridors, will govern any proposed development that exceeds 125 dwelling units per gross acre. This density is found only in a few areas that are located within certain municipalities where land costs are very high and where services will be able to meet the demands.

2. Applicant requests that the Application Area be re-designated on the FLUM from "Business and Office" and "Medium Density Residential" to "High Density Residential."
3. Applicant requests that this Application be processed as an Out-of-Cycle Standard Amendment.
4. Applicant requests that this Application be processed concurrently with a Zoning Public Hearing, application number Z2025000097.
5. Applicant requests acceptance of the proffered covenant to provide a maximum residential density, commercial intensity, and Workforce Housing commitment and to include the covenant in Appendix A of the CDMP Land Use Element.

4. REASONS FOR AMENDMENT

The Application Area, entirely owned the Applicant, is vacant land located at 11400 Biscayne Boulevard (the "Property"), in unincorporated Miami-Dade County (the "County"). Approximately 3.6 acres of the Property, along Biscayne Boulevard, is designated "Business and Office" and the westernmost 0.326 acres of the Property is designated "Medium Density Residential District." The Property consists of approximately 4.089 gross acres (3.96 net acres), and is located within the Urban Development Boundary and the Urban Infill Area. The Property is also located within the 1/2 Mile SMART Plan Buffer Area for the Northeast Corridor.

Prior to the 2008 recession, the Property and surrounding area was targeted for revitalization. In 2005, the Board of County Commissioners ("BCC") accepted a Finding of Necessity Study (the "Study") for the Biscayne Corridor in Resolution R-609-05 on June 7, 2005.¹ The Study determined that the area was blighted. Now, twenty years later, on the cusp of major housing crisis, development has progressed in this unincorporated enclave and new projects are moving forward. The Application Area has remained idle,

¹ The Finding of Necessity Study was performed to support a possible future Community Redevelopment Agency ("CRA"). However, based on an existing voluntary advisory board established for this community and anticipated future projects, the Board of County Commissioners deferred the creation of the advisory board and CRA to no date certain, with instruction to the County Manager and County Attorney to continue working with the voluntary advisory group to determine whether a CRA was advisable and to bring back a plan to the Commission. As of now, the creation of CRA has not been revived.

vacant land throughout the changing conditions of the neighborhood. However, it is now ripe to contribute to the community with additional housing and employment opportunities.

Land Use Element Amendment. The proposed text Amendment capitalizes on the closeness of the SMART Plan Corridors, major roadways with mass transit and County Parks, all that will work in concert with the introduction of mixed-use and high density residential development. The Amendment is narrowly tailored to apply to sites that can accommodate the additional density and have public resources in close proximity for current and future residents. Currently, the new text would apply to the Application Area, and there are five (5) other sites in the County that could apply for this designation.

- Two of the sites are owned and operated by School Board of Miami-Dade County, 2351 NE 203 Street and 6745 NW 23 Avenue. There is no expectation that these sites will ever cease to be operated for educational facilities and be redeveloped with multi-family housing.
- Two of the sites are owned by Miami-Dade County Housing Agency, 7200 NW 22 Avenue and the vacant lot identified by Folio No. 30-3115-054-0530. These sites are underdeveloped and would benefit from the additional density for public housing opportunities. However, they are immediately adjacent to established single-family neighborhoods. The proposed text amendment also protects stable residential neighbors by limiting the height of buildings adjoining such neighborhood to no more than three (3) stories higher than the adjacent residences.
- The fifth site is immediately abutting the Application Area to the south. It currently includes a mobile home park, plant nursery, and adult establishment. The abutting site is subject to the same redevelopment constraints, along this major corridor, as the Application Area.

The Traffic Impact Study, attached hereto as Exhibit E, finds that if all the sites that potentially could apply to redesignate to the proposed High Density designation were redeveloped to the maximum permitted density, it would add 753 morning peak hour trips and 1,341 afternoon trips to the County's network. However, only one of the sites is in close proximity to the Property. Much of the new density and trips would be dispersed throughout the County.

It is notable that the proposed maximum density of 150 dwelling units per acre is less than the permitted density in other transit-oriented locations within the nearby unincorporated and incorporated portions of Miami-Dade County. For example, in the Metropolitan Urban Center and the Regional Urban Center the maximum density is 250 and 500 dwelling units per acre, respectfully. Additionally, in the City of Miami Residential Density Increase Areas, the maximum density ranges from 200 to 1,000 dwelling units per acre. In the City of North Miami Beach Mixed-Use District, a number of projects have been approved with significantly more than 150 dwelling units per acre based on the basket of rights within the City's Comprehensive Plan.

Proposed Development. In conjunction with the Amendment, the re-designation of the Property to “High Density Residential” would allow the Applicant to develop the long-vacant Property with a signature, new mixed-use project on a major roadway. The new architecture will improve the urban design along Biscayne Boulevard, improve transit ridership, and will begin to reverse urban sprawl in this area which has historically been developed in a suburban style. The Applicant proposes 550 multifamily units, 206 of which will be marketed to persons at 120% of the area median income of Miami-Dade County, and approximately 20,000 square feet of ground floor retail space. The Applicant’s commitment to provide workforce housing units exceeds the minimum required of projects with the Rapid Transit Zone (“RTZ”) Zone SMART Corridor Subzone. The Property is ideally suited to provide additional housing supply inside of the County’s Urban Development Boundary (“UDB”) and the Urban Infill Area (“UIA”). The proposed amendments are the minimum necessary for a viable infill residential development. The Comprehensive Plan amendment process, specifically Policy LU-8E of the CDMP, and the County’s Rapid Transit Zone SMART Corridor Subzone regulations, will assure that the proposed development is compatible with the surrounding area.

North of the Property is Biscayne Shores and Gardens Park and further south are multiple existing and approved multi-family developments, ranging in height from two (2) to twelve (12) stories. West of the Property are single-family and duplex homes and across Biscayne Boulevard are numerous large-scale, gated, high-rise multi-family condominiums ranging from fourteen (14) to twenty-two (22) stories. Fronting Biscayne Boulevard to the north and south are a variety of small-scale commercial uses, such as retail, restaurants, vehicle service, and public storage. The proposed amendments will contribute to the variety of housing supply and generate economic growth that will inject renewed vitality into the area for the surrounding businesses.

The proposed development will be designed to create a synergy with the Park, the RTZ SMART Corridor, Biscayne Boulevard and mass-transit. All of these factors will foster an idyllic urban environment. Proximity to a public park mitigates the potential for urban heat islands. New residents will have direct access to the Park, improving their quality of life and the additional park-goers will create a safer neighborhood. Additionally, the RTZ SMART Corridors and major roadways, such as Biscayne Boulevard have access to mass-transit. Nearby residents and Park visitors will have the ability to take advantage of the commercial uses at the development easily, with great views of, and access to, the Park.

The RTZ SMART Corridors are rapid transit corridors designated to expand and enhance the County’s public transit infrastructure. The RTZ SMART Corridors are implementing a system of multiple transportation options that will be integrated with the County’s existing systems. Proximity to one of the RTZ SMART ensures that the Project will have easy access and ridership. This allows residents alternative modes to travel to and from work and off-site patrons to frequent the Park and commercial uses on site and nearby. The mix of residential and commercial uses on Biscayne Boulevard also provides

the opportunity for employees of the businesses to live on-site, further maximizing the County's vision for transient oriented development.

As described in the Economic Impact Analysis, attached hereto as Exhibit F, during construction period of the Project, it will generate approximately 1,549 full and part time jobs, 935 of which will be on-site opportunities for employment and the remainder will be businesses that support the on-site construction activity or businesses where those employed spend their earnings. Once the Project is complete, it will maintain approximately seventy-five (75) onsite jobs through the retail use and leasing and maintenance of the Property. Development of the Application Area will also provide direct fiscal benefits to the County, including permit fees and impact fees, that will exceed \$5.6 million. Additionally, it is estimated that the County will collect approximately \$1.06 million in ad valorem taxes the first year the development is placed on the tax rolls, which is over 15 times greater than the current taxes.

FLUM Amendment. Policy LU-8E of the CDMP states that applications requesting amendments to the CDMP FLUM must be evaluated to consider 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 Level of Service ("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) Enhance or degrade systems important to the County as a whole including regional drainage, emergency management, transit service, roadways, facilities of countywide significance, and water quality; and
- vi) 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.

As discussed below, the proposed amendment to the FLUM would fully satisfy each applicable evaluation factor provided in the Policy LU-8E as follows:

Plan Map Deficiency. The Application proposes to amend the FLUM in order to redevelop vacant land within the UDB and UIA with a cohesive mixed-use project. Miami-Dade County faces an affordability crisis. Idle, vacant land within the UDB and UIA presents an opportunity to begin to address the crisis. An additional 550 dwelling units, 206 of which are Workforce Housing, will directly contribute to supplying the demand for additional attainable housing. South and east of the Property are two recently approved

projects with high-intensity, multi-family units. Development of the Property would maximize the use of the currently underutilized land and, in turn, serve the growing population with additional units and also much needed commercial uses for the nearby residents.

Infrastructure. Approval of this application will not result in a deficiency in the LOS standards. The Property is located within the UIA and the Transportation Concurrency Exception Area (“TCEA”). The Traffic Impact Study, included with the application materials, provides that none of the roadway segments will be significantly impacted by the proposed CDMP FLUM amendment. The roadway-capacity analyses for the short-term and long-term conditions found that all roadway segments are expected to operate within their adopted LOS, except one roadway segment, along US-1, which is expected to operate beyond capacity. Therefore, this infill development will promote efficient use of existing infrastructure along a major roadway, including existing transit. Further, the Applicant will work with other Departments and agencies to address any potential concerns.

There will be no adverse impact on regional drainage, emergency management, facilities of countywide significance, and water quality. Development of the Property will follow the most current building regulations to ensure all stormwater drainage is appropriately retained on site. The Property’s location is not in close proximity to the County’s wellfield protection areas, and it does not abut Biscayne Bay. Therefore, development of the property will have no adverse impact on County water quality.

Compatibility. The development of the Property under the “High Density Residential” category would be compatible with the abutting and nearby mix of land uses. The Property is located on a major roadway, within the RTZ SMART Corridor Subzone, and accessible by established public transportation. Re-designation of the Property will help transition the existing land uses and contribute to the supply of needed Workforce Housing Units and localized commercial uses. Additionally, the proposed density is less than or consistent with the transit-oriented areas in unincorporated and incorporated Miami-Dade County.

Historical and Environmental Resources. The Property is idle, vacant land. There are no historically or archeologically significant resources located on the Property. Further, the Applicant will work with other Departments and agencies to address any potential concerns.

Transit Ridership. The proposed commercial use will support ridership of nearby transit services. The Property is within the 1/2 Mile SMART Plan Buffer Area for the Northeast Corridor. Additionally, immediately north and south the Property are standard bus stops, Biscayne Boulevard and NE 114 Street, and Biscayne Boulevard and approximately NE 112 Street. These bus stops are served by Bus Route 3 Local, which has peak period headways of twenty (20) minutes or less and connection to forty-five (45) bus routes, thirty-four (34) of which stop at a Metrorail Station. Additionally, within one-

mile of the Property is a planned park-and-ride transit terminal that will have surface parking servicing the North Corridor of the SMART Plan.

Based on the foregoing, the approval of this Application is necessary in order to introduce a mixed-use project that has a scaled approach to urban density abutting a County Park with appropriate buffering for the existing, lower-scale uses to the west. The proposed development will be served by existing infrastructure and public-private investments, such as transit, retail amenities and employment opportunities.

Consistency with CDMP Objectives and Policies. The Application will further several goals, objectives, policies, concepts and guidelines of the CDMP. Approval of this application promotes or is consistent with the following Objectives and Policies of the CDMP Land Use Element:

- 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.*

The surrounding area has seen a recent injection of large-scale residential developments, and new businesses. The Property is located along a major roadway that connects the surrounding community’s variety of uses and housing types including: business, schools, recreation, multi-family residential, and single-family residential. The re-designation would allow for an appropriate transition between the “Business and Office” designated land, and the surrounding residential developments, as well as maximize use of the Park for recreation.

- Policy LU-4D. *Uses which are supportive but potentially incompatible shall be permitted on sites within functional neighborhoods, communities or districts only where proper design solutions can and will be used to integrate the compatible and complementary elements and buffer any potentially incompatible elements.*

As noted, the Property is located in the UDB and UIA, and specifically in a previously deemed blighted area in need of renewal. The proposed intensification and additional housing, commercial uses and connection to the Park will serve the existing and new residents in the area, thus providing a well-designed urban community. Development of the site has the potential to create better circulation from Biscayne Boulevard and NE 14 Avenue, which does not occur today until NE 116 Street on the north and NE 111 Street on the south. Approving this Application and allowing better utilization of the site will further improve the surrounding conditions with more compatible uses and pedestrian oriented design.

- Policy LU-7B. *It is the policy of Miami-Dade County that both the County and its municipalities shall accommodate new development and redevelopment around rapid*

transit stations that is well designed, conducive to pedestrian, bicycle and transit use, and architecturally attractive. In recognition that many transit riders begin and end their trips as pedestrians or bicyclists, pedestrian and bicycle accommodations shall include, as appropriate, continuous sidewalks to the transit station, cross walks and pedestrian signals, bicycle lanes/paths, bicycle parking facilities, small blocks and closely intersecting streets, buildings oriented to the street or other pedestrian/bicycle paths, parking lots predominantly to the rear and sides of buildings, primary building entrances as close to the street or transit stop as to the parking lot, shade trees, awnings, and other weather protection for pedestrians and bicyclists.

In accordance with CDMP Policy LU-7B, accommodations shall be made for the proposed Amendment in order to redevelop the land within the UDB and UIA for an architecturally attractive, neighborhood serving development. Biscayne Boulevard is within the SMART Plan 1/2 Mile Buffer Area. Biscayne Boulevard is a fully illuminated major roadway with wide and interconnected sidewalks for pedestrians. Additionally, there are multiple sheltered bus stops immediately north and south of the Property, and a signalized three-way intersection immediately in front of the Property. This proximity to access public transportation will promote greater mobility for people of all ages.

The Property will also be architecturally attractive with new landscaping and retail options along Biscayne Boulevard which will therefore enhance the pedestrian experience utilizing mass transit options. Future development of the Application Area will include ample bicycle parking for residents and guests. It also includes an east-west pedestrian paseo and an internal east-west drive that will significantly enhance connectivity in the area.

Increased diversity of uses along a major roadway, such as Biscayne Boulevard, will maximize connectivity and promote a more comfortable and attractive environment for pedestrians in accordance with Objective LU-7.

Approval of this application promotes or is consistent with the following Policies of the CDMP Transportation Element:

- Policy TE-1A. *As provided in this section and the Mass Transit Subelement, the County shall promote mass transit alternatives to the personal automobile, such as rapid transit (i.e. heavy rail, light rail, and bus rapid transit, premium transit (enhanced and/or express bus)), local route bus and paratransit service.*

Approval of this Application would promote ridership of the County's mass transit alternatives because it abuts a major roadway and is within the SMART Plan 1/2 Mile Buffer Area. As described in the Traffic Impact Analysis, attached hereto as Exhibit D, Miami-Dade County provides two bus service routes (Route 3 and 93 Biscayne MAX) in the vicinity of the site. Within one-mile of the Property is a planned park-and-ride transit terminal with surface parking servicing the North Corridor of the SMART Plan.

- Policy TC-1I. *The County will continue to investigate, develop and implement parking management strategies to promote the land use and transportation objectives of the CDMP to reduce the use of Single Occupant Vehicles (SOVs) and highway congestion and encourage the use of transit and ridesharing. Additionally, parking requirements in the County's zoning regulations will be reviewed to encourage shared and possible on-street parking in planned Urban Centers, and to moderate parking requirements where transit service exists, and where developments contain complementary use mixes.*

The proximity to public transportation services will promote less SOV use and encourage ridership of the existing public transit system. Additionally, pursuant to the Traffic Impact Study, included as Exhibit E, the Application will result in 2,290 less daily trips and 44 less afternoon peak hour trips than would be permitted under the existing CDMP FLUM designations. Therefore, the Application proposes less vehicular trips, in a more pedestrian friendly environment, with new east-west connectivity.

Approval of this application promotes or is consistent with the following Objective of the CDMP Water, Sewer, and Solid Waste Element:

- Objective WS-1. *In order to serve those areas where growth is encouraged and to discourage urban sprawl, the County shall plan and provide for potable water supply, and sanitary sewage disposal on the countywide basis in concert and in conformance with the future land use element of the comprehensive plan.*

The Property is located within one of the oldest developed portions of the County. The proposed amendment therefore does not encourage urban sprawl and encourages more efficient use of existing infrastructure.

Approval of this application promotes or is consistent with the following Policies of the CDMP Housing Element:

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

The Applicant is proposing to contribute 550 rental apartments units to the inventory of the northwest portion of the County, where infrastructure exists and public transit is planned. The Applicant is proffering to provide thirty-five percent (35%) of the units as workforce housing for a period of at least thirty (30) years. This exceeds the amount of workforce housing required for development with the Rapid Transit Zones. Adoption of this Application is the catalyst to provide this mixed-income housing product.

- Policy HO-6C. *Priority should be given to assisting affordable workforce housing projects which are proximate to employment concentrations, mass transit, or have easy access to a range of public services.*

The Application Area is located within RTZ SMART Corridor and the Applicant is committing to provide thirty-five percent (35%) of the units as affordable to households within the workforce housing standard of the County. These future residents will have access to existing and future transit to access a range of public services and employment opportunities.

Conclusion. The Applicant's request to amend the "High Density Residential" text will ensure the development of mixed-use properties at the intersection of transit options and County Parks that further many of the policies and goals of the CDMP. For the Property, this Amendment will contribute a variety of housing, including a significant amount of Workforce Housing, on a major corridor as a transition between the duplex family homes to the west and the high-density residential developments to the east, and strengthen the adjacent Park. The re-designation of the Property from the existing land use designations would permit the Applicant to develop in a cohesive and comprehensive manner with attractive new urban design. Overall, this Application will appropriately revitalize idle, vacant land in the UIA, as the once blighted area continues to progress.

5. LOCATION MAP FOR APPLICATION

See attached Exhibit B, Location Map

6. ADDITIONAL MATERIALS SUBMITTED

- 1) See attached Exhibit C, Text Amendment Applicable Sites
- 2) See attached Exhibit D, ALTA Survey
- 3) See attached Exhibit E, Traffic Impact Study
- 4) See attached Exhibit F, Economic Impact Study
- 5) See attached Exhibit G, Draft Declaration of Restrictions

7. LEGAL DESCRIPTION

See attached Exhibit A, Legal Description

8. COMPLETE DISCLOSURE FORMS

See attached Exhibit H, Disclosures of Interest

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 A: Biscayne Shores Development Group - 104 W 40 Street, 9 Floor
New York, NY 10018

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>See Exhibit A - (Folio No. 30-2232-000-0050)</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	LESSEE	CONTRACTOR FOR PURCHASE	OTHER (Attach Explanation)
	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: Biscayne Shores Development Group LLC

<u>NAME, ADDRESS, AND OFFICE (if applicable)</u>	<u>PERCENTAGE OF STOCK</u>
See attached disclosures.	

Biscayne Shores Development Group LLC		
Name	Address	% Ownership
Timothy J. Keegan	2335 South Ocean Boulevard, Palm Beach, Florida 33480	12%
BJGH Biscayne Shores LLC	c/o Ben-Josef Group Holdings LLC, 104 W40th Street, New York, NY 10018	88%
BJGH Biscayne Shores LLC		
Name	Address	% Ownership
Ben-Josef Group Holdings LLC	104 W40th Street, New York, NY 10018	100%
Ben-Josef Group Holdings LLC		
Name	Address	% Ownership
Ronit Neuman	c/o Ben-Josef Group Holdings LLC, 104 W40th Street, New York, NY 10018	25%
Ron Ben-Josef	c/o Ben-Josef Group Holdings LLC, 104 W40th Street, New York, NY 10018	25%
Ravit Kraus	c/o Ben-Josef Group Holdings LLC, 104 W40th Street, New York, NY 10018	25%
Ronen Ben-Josef	c/o Ben-Josef Group Holdings LLC, 104 W40th Street, New York, NY 10018	25%

- 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: N/A

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

- 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: N/A

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

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

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

- 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: N/A

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

- 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: N/A

<u>NAME AND ADDRESS OF PARTNERS</u>	<u>PERCENTAGE OF OWNERSHIP</u>

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

Date of Contract: _____

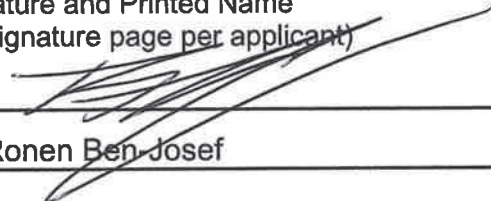
If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

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.

Applicant's Signature and Printed Name
(Complete one signature page per applicant)

Signature X



Printed Name Ronen Ben-Josef

(K) State of ~~Florida~~ New York
(K) County of ~~Miami-Dade~~ New York

Sworn to (or affirmed) and subscribed before me by means of (how the individual appeared check one): (how the individual appeared check one):

physical presence online notarization this 28th day of OCTOBER 2025.
(date) (month)(year)

by RONEN BEN-JOSEF
(name of individual swearing or affirming)

as MANAGER for BISCAYNE HERES DEV GROUP LLC
(type of authority, e.g., Officer, Attorney-in-Fact) (Name of party on behalf of whom executed)

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

<p>KAREN SMALL NOTARY PUBLIC-STATE OF NEW YORK No. 01SM6373837 Qualified in Bronx County Certificate Filed in New York County My Commission Expires 04-09-2026</p> <p>(affix Florida Notary Seal above)</p>	<p><u>Karen Small</u> (Signature of Notary Public)</p> <p><u>KAREN SMALL</u> (typed, printed, or stamped name of Notary Public)</p>
--	---

My Commission Expires: 04/09/2026

LEGAL DESCRIPTION (OVERALL)

THAT PART OF THE NORTH 2.5 CHAINS OF THE SOUTH 1/2 OF THE NE 1/4 OF SECTION 32, TOWNSHIP 52 SOUTH, RANGE 42 EAST, LYING WEST OF ROAD KNOWN AS FEDERAL HIGHWAY ALSO DESCRIBED AS ALL THAT PART OF THE NORTH 165 FEET OF THE SOUTH 1/2 OF THE NE 1/4 LYING WEST OF FEDERAL HIGHWAY IN SECTION 32, TOWNSHIP 52 SOUTH, RANGE 42 EAST, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

SAID PARCEL OF LAND CONTAINING 178,100 SQUARE FEET (4.089 ACRES), MORE OR LESS.

LYING AND BEING IN SECTION 32, TOWNSHIP 52 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY, FLORIDA

APPENDIX B

Applicant's Proffered Declaration of Restrictions

Applicant's Proffered Declaration of Restrictions-----A-23

Existing September 2022 Declaration of Restrictions (Official Records
Book 33572 and Page 1719-1729 of Miami-Dade County)-----A-29

RECEIVED 5-19-26
Planning Division

Biscayne Shores
CDMP20250006

This instrument was prepared by:

Name: Matthew Amster, Esq.
Bercow Radell Fernandez Larkin & Tapanes, PLLC
200 S. Biscayne Blvd., Suite 300
Miami, FL 33131

Folio No.: 30-2232-000-0050

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

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

WHEREAS, on February 7, 2023, in connection with the Approval of CDMP20220007, Owner recorded a Declaration of Restrictions (the "2023 Declaration") running with the Property in Official Records Book 33572 at Page 1719, in the Public Records of Miami-Dade County; and

WHEREAS, the 2023 Declaration requires, among other things, that development of the Property accommodate transit components, utilize water saving measures, meet concurrency requirements, comply with certain design guidelines, contribute to parks improvements, and provide fourteen (14) Workforce Housing Units ("WHUs") or monetary contribution to the Affordable Housing Trust Fund; and

WHEREAS, the Owner has applied for an Out-of-Cycle Amendment to the Miami-Dade County Comprehensive Development Master Plan (the "CDMP"), and said amendment is identified as Application No. CDMP20250006 (the "Application"); and

WHEREAS, the Owner has concurrently filed a County zoning hearing application under Zoning Hearing Application No. Z2025000097, pursuant to section 2-116.1 of the Code of Miami-Dade County; and

WHEREAS, the Application, which includes this Declaration of Restrictions that has been voluntarily proffered by the Owner, and the above-mentioned concurrent zoning hearing application were filed concurrently; and

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

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

1. The Property shall be limited to a maximum of 550 multifamily dwelling units.
2. Thirty-Five percent (35%) of the dwelling units shall be set aside as workforce housing units (WHU's) to households whose annual income is sixty (60%) to one-hundred forty percent (140%) of the Area Median Income of Miami-Dade County pursuant to the Workforce Housing Development Program, Chapter 33, Article XIIA and Chapter 17 of the Miami-Dade County Code of Ordinances. The provisions of Section 33-193.7.1 shall not apply to the workforce housing units referenced in this paragraph. Notwithstanding, the Owner may transfer any applicable density in excess of the above density limitation to another property permitted to receive such additional density to the extent permitted by the Code of Miami-Dade County, as may be amended.
3. The Property shall be limited to a maximum of 20,000 square feet of commercial area.
4. All restrictions in the Declaration of Restrictions recorded in Official Records Book 33572 at Pages 1719–1729, in the Public Records of Miami-Dade County, shall remain in full force and effect.

MISCELLENEOUS

Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. The Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

Term. This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

Modification, Amendment, Release. This Declaration of Restrictions may be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the then owner(s) of the property, including joinders of all mortgagees, provided that the same is also approved by the Board of County Commissioners of Miami-Dade County, Florida. Any such modification, amendment or release shall be subject to the provisions governing amendments to

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

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

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

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

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

Presumption of Compliance. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County (or successor municipality), and inspections made and approval of occupancy given by the County (or successor municipality),

then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

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

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

[Execution Pages Follow]

IN WITNESS WHEREOF, the undersigned has executed this Declaration of Restrictions as of this ____ day of _____, 2026.

WITNESSES:

BISCAYNE SHORES DEVELOPMENT GROUP LLC, a Florida Limited Liability Company

Signature

By: _____
Name: Ron Ben-Josef

Printed Name and Address

Title: Manager

Signature

Printed Name and Address

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of physical presence [] or online notarization [] by _____, as _____ of BISCAYNE SHORES DEVELOPMENT GROUP LLC, on behalf of said company. He is personally known to me or has produced _____, as identification.

Witness my signature and official seal this ____ day of _____, 2026, in the County and State aforesaid.

Signature

Notary Public-State of _____

Print Name

My Commission Expires:

**Exhibit “A”
Legal Description**

THAT PART OF THE NORTH 2.5 CHAINS OF THE SOUTH 1/2 OF THE NE 1/4 OF SECTION 32, TOWNSHIP 52 SOUTH, RANGE 42 EAST, LYING WEST OF ROAD KNOWN AS FEDERAL HIGHWAY ALSO DESCRIBED AS ALL THAT PART OF THE NORTH 165 FEET OF THE SOUTH 1/2 OF THE NE 1/4 LYING WEST OF FEDERAL HIGHWAY IN SECTION 32, TOWNSHIP 52 SOUTH, RANGE 42 EAST, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

SAID PARCEL OF LAND CONTAINING 178,100 SQUARE FEET (4.089 ACRES), MORE OR LESS.

LYING AND BEING IN SECTION 32, TOWNSHIP 52 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY, FLORIDA

This instrument was prepared by:

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

Folio: 30-2232-000-0050

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

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

WHEREAS, the Property was a portion of a proposed assemblage of land collectively owned by three different owners and subject to approved Application No. 3 of the Miami-Dade County Comprehensive Development Master Plan (the "CDMP") April 2005 Amendment Cycle (the "Original Approval"), which changed the designation of the Property from "Low-Medium Density Residential" to "Medium-Density Residential" and "Business and Office" with an associated Declaration of Restrictions as recorded in Official Records Book 24467 at Page 3301 in the Public Records of Miami-Dade County that binds the three owners to a single redevelopment (the "Original Declaration"), and re-recorded in Official Records Book 28857 Page 4652 in the Public Records of Miami-Dade County; and

WHEREAS, there has been no single development of the land subject to the Original Approval, and one or more of the owners desires to redevelopment its portion of land subject to its share of responsibilities of the Original Declaration; and

WHEREAS, the Owner, along with the other two owners of the land subject to the Original Approval and Original Declaration, has jointly applied for a Small-Scale, Out-of-Cycle amendment to the CDMP and said amendment is identified as Application No. CDMP20220007 (the "Application"); and

WHEREAS, the Application seeks to release the Original Declaration and replace it with three separate declarations of restrictions, one for each of the three owners (the "Replacement Declarations"), where the Replacement Declarations include each owner's share of the responsibilities of the Original Declaration to ensure that collectively the Replacement Declarations include the requirements of the Original Declaration and allow the Owner to develop the Property on its own.

NOW, THEREFORE, in order to assure Miami-Dade County that the representations made by the Owner during the consideration of the Application will be abided by, the Owner freely,

(Public Hearing)

Declaration of Restrictions
Page 2

(Space reserved for Clerk)

voluntarily, and without duress makes the following Declaration of Restrictions covering and running with the Property:

Release of Original Declaration. Miami-Dade County and the Owner hereby release the Original Declaration and replace it with the three Replacement Declarations, which includes this Declaration.

Project Design. Future redevelopment of the Property, the Owner agrees to a development program in accordance with the design guidelines described in Exhibit "B" attached hereto. The Owner is not required to file any rezoning and/or site plan approval application for the Property within a particular period of time.

Educational Facilities. If residential development is proposed, the Owner shall comply with the Miami-Dade County Public Schools Concurrency requirements and mitigate the impact of its development in accordance therewith at the time of development, prior to approval of a final plat, site plan or functional equivalent for the Property. Owner shall also comply with all applicable Educational Impact Fee requirements as required by Chapter 33K, Miami-Dade County Code, the Educational Facilities Impact Fee Ordinance, and Section 163.31801, Fla. Stat. Any modification, amendment or release of the Replacement Covenant impacting this provision shall require approval by the School Board.

Transit Improvements. In an effort to promote public transportation in the area, prior to the approval of a final plat for the Property, the Owner shall work with Miami-Dade Transit in good faith to accommodate future transit facilities within the Property, including bus shelters, pull-out bays, and other facilities, by allowing transit-related encroachments onto the Property in a location that will not interfere with the Owner's intended development of the Property and/or with the use of the Property by Owner's tenants. This paragraph shall not require any modifications to a recorded final plat for the Property.

Public Park Contribution. If residential development is proposed for the Property, the Owner shall voluntarily agree to offer a contribution to the Miami-Dade County Parks, Recreation, and Open Space Department for improvements to Biscayne Shores and Gardens Park located at 1400 NE 116 Street, Miami, FL 33181 (Folio # 30-2232-000-0020). Such contribution may either be in the form of a monetary contribution or actual improvements for the benefit of the Biscayne Shores and Gardens Park and subject to the Parks, Recreation, and Open Space Department approval. The contribution shall occur only upon a determination by Miami-Dade County that the value of the contribution will be accepted by the County as a contribution in lieu of payment of all or a portion of the requirement Park Impact Fees pursuant to Section 33H-7 of the Miami-Dade County Code of Ordinances.

Workforce Housing. If residential development is proposed, the Owner shall voluntarily develop its pro-rata per acre share (28.4%) of the workforce housing units on the Property as specified in the Original Declaration, which for this Owner is approximately fourteen (14) residential units. Workforce housing shall be deemed to be the sale or rental of property for persons

Declaration of Restrictions
Page 3

(Space reserved for Clerk)

within the income range of 65% to 140% of the median family income for Miami-Dade County as published annually by the U.S. Department of Housing and Urban Development. The Owner may satisfy the requirements of its share by providing a monetary contribution to the Affordable Housing Trust Fund, established in Chapter 17, Article VIII of the Miami-Dade County Code of Ordinances, in lieu of construction of the required on-site workforce housing units. The amount of such required monetary contribution shall be as established in Section 33-193.9 of the Miami-Dade County Code of Ordinances.

The Owner reserves the right to develop workforce housing units in a number in excess of its pro-rata per acre share and that required by any workforce housing ordinance. Notwithstanding anything to the contrary in this Declaration of Restrictions or the Property's CDMP Land Use Plan map designation(s), the Owner may utilize any residential density bonuses granted by Miami-Dade County, or successor municipality, for the development of workforce housing on the Property, including any bonuses recognized by the CDMP. The maximum density of residential development on the Property shall be limited by the CDMP or successor comprehensive plan.

The Owner shall, prior to obtaining the initial building permit for a residential structure on the Property, identify those units within such structure, if any, that satisfy this workforce housing requirement. A declaration of restrictive covenants, in form acceptable to the County, shall be recorded in the public records of Miami-Dade County, Florida stating that the unit is a workforce housing unit and shall remain as such for a period of 30 years or any other period required by an ordinance passed by Miami-Dade County or a successor municipality, if applicable, from the time of the unit's first occupancy.

Water Saving Measures. All future development will comply with water use efficiency techniques for indoor water use and with landscape standards in accordance with Sections 8-31, 32-84, 18-A and 18-B of the Miami-Dade County Code. In addition, all permit applications for new multifamily residential developments will include a sub-meter for each individual dwelling unit, per Section 8A-381 (c) of Miami-Dade County Code.

Additionally, all future development will minimize irrigation requirements and urban heat gain by utilizing and maintaining drought resistant Florida Friendly plants with maximum shade potential as described in the "Energy Conservation" chapter of the Miami-Dade County Landscape Manual.

Subdivision of Property. To the extent that the Property is currently under separate ownership or in the event the Property is subdivided into multiple ownerships, responsibility for the obligations contained in this Declaration that are related to monetary donations to the Miami-Dade Park and Recreation Department and the provision of workforce housing units in the absence of a duly enacted ordinance shall be allocated on a pro-rata per acre basis.

Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon

Declaration of Restrictions

Page 4

(Space reserved for Clerk)

the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. The Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

Term. This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

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

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

Declaration of Restrictions
Page 5

(Space reserved for Clerk)

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

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

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

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

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

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

Declaration of Restrictions
Page 6

(Space reserved for Clerk)

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.

[Execution Pages Follow]

Declaration of Restrictions
Page 7

(Space reserved for Clerk)

IN WITNESS WHEREOF, the undersigned has executed this Declaration of Restrictions as of this 16th day of SEPTEMBER, 2022.

WITNESSES:

BISCAYNE SHORES DEVELOPMENT
GROUP LLC, a Florida Limited Liability
Company

[Signature]
Signature

Avin Luciano
Printed Name

By: _____
Name: Ron Ben-Josef
Title: Manager

[Signature]
Signature

Howard Berner
Printed Name

STATE OF New York
COUNTY OF New York

The foregoing instrument was acknowledged before me by means of physical presence or online notarization by RON BEN-JOSEF as BISCAYNE SHORES DEVELOPMENT GROUP LLC, on behalf of said company. He is personally known to me or has produced _____, as identification.

Witness my signature and official seal this 16th day of SEPTEMBER 2022, in the County and State aforesaid.

[Signature]
Signature

Notary Public-State of New York

KAREN SMALL
Print Name

My Commission Expires: 04/09/2026

KAREN SMALL
NOTARY PUBLIC-STATE OF NEW YORK
No. 01SM6373537
Qualified in Bronx County
My Commission Expires 04-09-2026



STONER
SURVEYORS • MAPPERS
 Licensed Business No. 6633

4341 S.W. 62nd Avenue
 Davie, Florida 33314

TEL (954) 585-0997
 www.stonersurveyors.com

EXHIBIT "A"

**LEGAL DESCRIPTION OF
 NORTH PARCEL**

**A PORTION OF THE N. 165' OF THE S. 1/2 OF THE N.E. 1/4,
 OF SECTION 32, TOWNSHIP 52 S., RANGE, 42 E.
 MIAMI-DADE COUNTY, FLORIDA**

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF THE NORTH 165 FEET OF THE SOUTH ONE-HALF (S. 1/2) OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF SECTION 32, TOWNSHIP 52 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF THE SAID SOUTH ONE-HALF (S. 1/2) OF THE NORTHEAST ONE-QUARTER (N.E. 1/4),

THENCE S.02°35'25"E., ALONG THE WEST LINE OF THE SAID SOUTH ONE-HALF (S. 1/2) OF THE NORTHEAST ONE-QUARTER (N.E. 1/4), A DISTANCE OF 165.00 FEET, TO A POINT ON A LINE 165.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SAID SOUTH ONE-HALF (S. 1/2) OF THE NORTHEAST ONE-QUARTER (N.E. 1/4);

THENCE N.87°01'30"E., ALONG SAID SOUTH LINE, A DISTANCE OF 1042.72 FEET, TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF BISCAYNE BOULEVARD (STATE ROAD 5/U.S. HIGHWAY No. 1), AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, STATE PROJECT No. 87303-2597, MIAMI-DADE COUNTY, STATE ROAD 5, U.S. HIGHWAY NO. 1;

THENCE N.21°14'35"E., ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 180.92 FEET, TO A POINT ON THE SAID NORTH LINE OF THE SOUTH ONE-HALF (S. 1/2) OF THE NORTHEAST ONE-QUARTER (N.E. 1/4);

THENCE S.87°01'30"W., ALONG SAID NORTH LINE, A DISTANCE OF 1115.83 FEET, TO THE POINT OF BEGINNING.

SAID LAND SITUATE WITHIN MIAMI-DADE COUNTY, FLORIDA AND CONTAINING 4.088 ACRES (178,080 SQ. FT.), MORE OR LESS.

NOTES:

1. THE PROPERTY SHOWN HEREON WAS NOT ABSTRACTED FOR OWNERSHIP, RIGHTS-OF-WAY, EASEMENTS OR OTHER MATTERS OF RECORD.
2. THIS SKETCH AND DESCRIPTION IS "NOT VALID" WITHOUT THE SIGNATURE AND ORIGINAL SEAL OF FLORIDA LICENSED SURVEYOR AN MAPPER.
3. THIS LEGAL DESCRIPTION AND SKETCH DOES NOT REPRESENT A FIELD SURVEY. (THIS IS NOT A SURVEY).
4. THE BEARINGS SHOWN HEREON ARE BASED ON A GRID BEARING OF S.02°35'25"E., ALONG THE WEST LINE OF S. 1/2 OF THE N.W. 1/4 OF SECTION 32, TOWNSHIP 52 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY, FLORIDA.
5. ALL RECORDING INFORMATION SHOWN HEREON IS OF RECORDED IN THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, UNLESS OTHERWISE NOTED.

DATE: Nov 05, 2021 -- 12:45pm EST

FILE: F:\Draw\Argate Properties\21-9264 Publix Plaza 11390 Biscayne Blvd\01-Drawing\Sketch Legal\21-9264 North Parcel.dwg

CERTIFICATE:

THIS IS TO CERTIFY THAT THE SKETCH AND LEGAL DESCRIPTION SHOWN HEREON IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SKETCH AND LEGAL DESCRIPTION WAS PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR SURVEYING ESTABLISHED BY THE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODES, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

DATE OF SIGNATURE: 11.5.2021

JAMES D. STONER

PROFESSIONAL SURVEYOR AND MAPPER NO. 4039 - STATE OF FLORIDA

REVISIONS	DATE	BY

THE MATERIAL SHOWN HEREON IS THE PROPERTY OF STONER & ASSOCIATES, INC. AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT PERMISSION OF STONER & ASSOCIATES, INC. COPYRIGHT © 2021

DATE OF SKETCH:	DRAWN BY	CHECKED BY	FIELD BOOK
10.28.2021	JDS	LAS	N/A

SEAL

SHEET 1 OF 3

SKETCH NO. 21-9264
 NORTH PARCEL



STONER
SURVEYORS • MAPPERS
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4341 S.W. 62nd Avenue
 Davie, Florida 33314

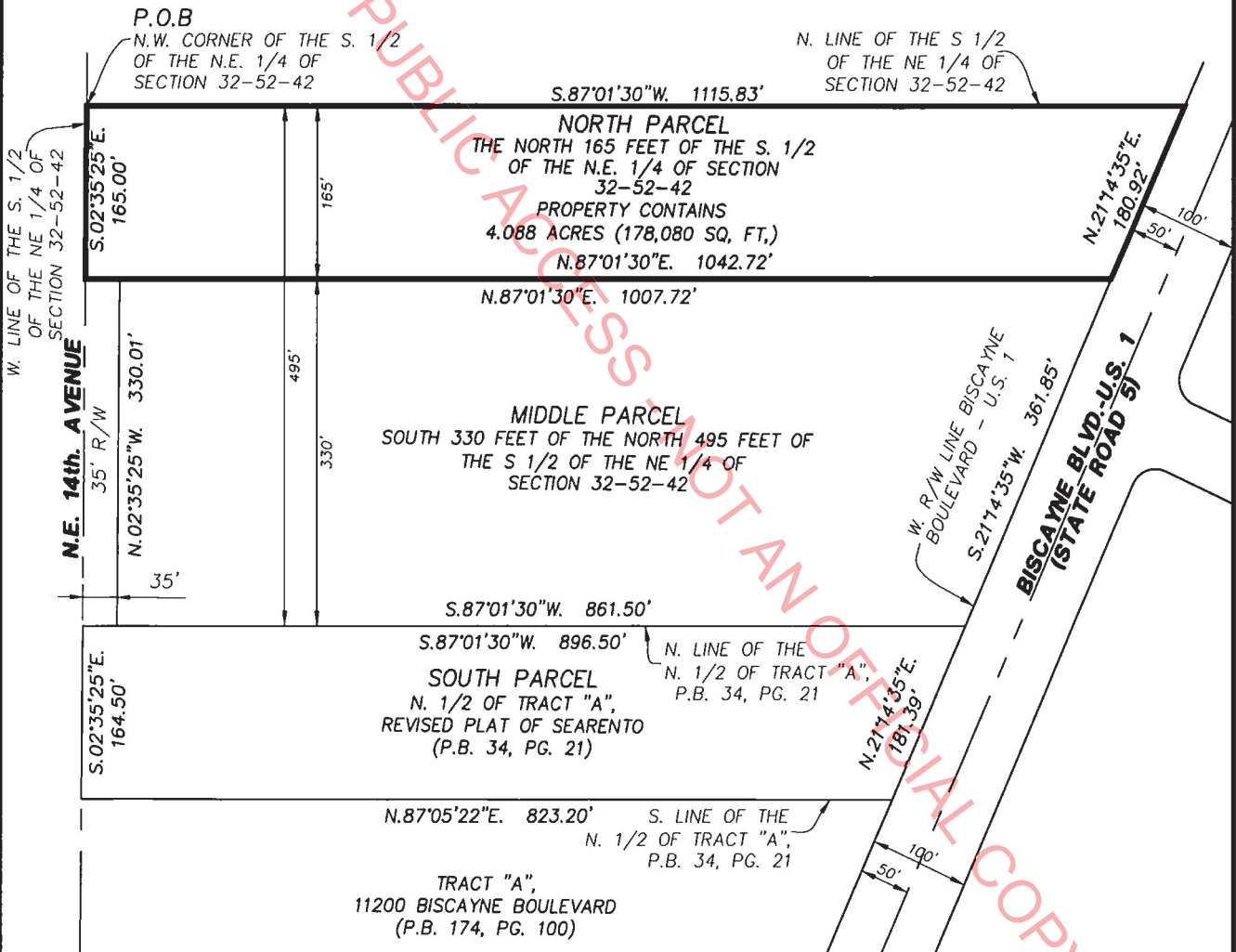
TEL (954) 585-0997
 www.stonersurveyors.com

**SKETCH OF DESCRIPTION
 NORTH PARCEL**

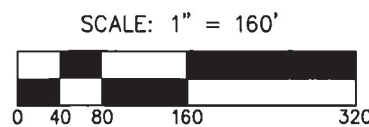
**A PORTION OF THE N. 165' OF THE S. 1/2 OF THE N.E. 1/4
 OF SECTION 32, TOWNSHIP 52 S., RANGE, 42 E.
 MIAMI-DADE COUNTY, FLORIDA**



SCALE: 1" = 160'



- LEGEND:**
- ⊕ CENTERLINE
 - LB LICENSED BUSINESS
 - M.D.C.R. MIAMI-DADE COUNTY RECORDS
 - P.B. PLAT BOOK
 - P.O.B. POINT OF BEGINNING
 - P.O.C. POINT OF COMMENCEMENT
 - PG. PAGE
 - R/W RIGHT OF WAY



NOTE:
 SEE SHEET 1 OF 2 FOR
 THE LEGAL DESCRIPTION OF
 THE SKETCH GRAPHICALLY
 SHOWN HEREON.

SKETCH NO. 21-9264
 NORTH PARCEL

(Space reserved for Clerk)

EXHIBIT "B"
***Recommended Design Guidelines for
Residential Development, Vertical Mixed-use Development¹, and/or Mixed-Use Projects²***

1. The Property shall be planned and designed to set a precedent for good urban design and contribute to the urban context of the surrounding area. Any proposed development shall be designed to reflect the significant urban design principles described in Volume 1 of the Miami-Dade County Urban Design Manual, such as well-defined open spaces, defined block edges, human scale, focal points, a variety of building types, compatibility, walkability, and sustainability.
2. The architectural design shall be enhanced to reflect the significant sustainable green building practices outlined in Volume 1 of the Miami-Dade County Urban Design Manual, such as energy and water use, passive design, and strategic placement of trees and shrubbery to encourage the natural cooling of buildings and reduce direct heat gain.
3. Parking areas at grade between the street and buildings shall be minimized. Subterranean parking between the street and main building entrances is, however, permitted. To the maximum extent possible, visibility of parking areas from the street shall be reduced and the view of parking areas shall be blocked by buildings located within the development.
4. The proposed development shall contain open spaces that may include squares, courtyards, and/or greens, as well as pedestrian promenades. Any existing open spaces, such as parks, shall be defined by the block and street network and buildings.
5. The buildings and associated landscapes within the proposed development shall be built close to the sidewalk edge in a manner that frames the adjacent street to create a public space in the street corridor that is comfortable and interesting, as well as safe for pedestrians. Buildings, not fences or walls, shall be the primary element used to define the adjoining block and street network.
6. The architectural elements of the buildings shall have abundant windows and doors, design variations at short intervals and elements such as, but not limited to balconies, shutters or weather protection features (eyebrows) and art.
7. Opaque or blank walls shall be avoided where feasible, and, when provided, shall utilize landscaping and other forms of visual screening.

¹ "Vertical mixed-use development" as defined in the Mixed Use Development Section of the Land Use Element of the Miami-Dade County Comprehensive Development Master Plan.

² "Mixed-Use Projects" are buildings 3 or more stories or taller that include Residential and Retail/Restaurant uses.

APPENDIX C

Miami-Dade County Public Schools Analysis



Concurrency Management System (CMS)
Miami-Dade County Public Schools

Miami-Dade County Public Schools

**Concurrency Management System
Preliminary Concurrency Analysis**

MDCPS Application Number:
Date Application Received:
Type of Application:

PH3025061300400
6/13/2025 10:15:31 AM
Public Hearing

Local Government (LG):
LG Application Number:
Sub Type:

Miami-Dade
Z2025000097
Zoning

Applicant's Name:
Address/Location:
Master Folio Number:
Additional Folio Number(s):

Biscayne Shores Development Group, LLC
NONE
3022320000050

PROPOSED # OF UNITS
SINGLE-FAMILY DETACHED UNITS:
SINGLE-FAMILY ATTACHED UNITS:
MULTIFAMILY UNITS:

550
0
0
550

CONCURRENCY SERVICE AREA SCHOOLS						
CSA Id	Facility Name	Net Available Capacity	Seats Required	Seats Taken	LOS Met	Source Type
5005	DAVID LAWRENCE JR K-8 CENTER (ELEM COMP)	-22	37	0	NO	Current CSA
5005	DAVID LAWRENCE JR K-8 CENTER (ELEM COMP)	0	37	0	NO	Current CSA Five Year Plan
5006	DAVID LAWRENCE JR K-8 CENTER (MID COMP)	79	16	16	YES	Current CSA
7048	ALONZO AND TRACY MOURNING SENIOR HIGH BISCAYNE BAY	-248	18	0	NO	Current CSA
7048	ALONZO AND TRACY MOURNING SENIOR HIGH BISCAYNE BAY	36	18	18	YES	Current CSA Five Year Plan
ADJACENT SERVICE AREA SCHOOLS						
3661	NATURAL BRIDGE ELEMENTARY	152	37	37	YES	Adjacent CSA
*An Impact reduction of 33.68% 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 D
Executive Summary of Traffic Impact Study

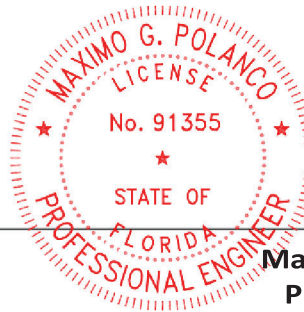
CDMP AMENDMENT TRAFFIC IMPACT STUDY

For

**Biscayne Shores CDMP
Miami-Dade County, Florida**

Prepared For:
**Biscayne Shores Development Group
104 W. 40 Street, 9th Floor
New York, NY**

Prepared By:
**Langan Engineering & Environmental Services, LLC
1221 Brickell Avenue, Suite 1800
Miami, FL 33131
FL Certificate of Authorization No: 6601**



This item has been digitally signed and sealed by Maximo Polanco, PE on the date adjacent to the seal.
Signature must be verified on any electronic copies.

**Maximo G. Polanco, P.E.
P.E. License No. 91355**

**Eric Schwarz, P.E., LEED AP
Principal/Vice President**



August 2024;
Revised: November 2025

300331801

EXECUTIVE SUMMARY

Biscayne Shores Development Group retained Langan Engineering and Environmental Services, LLC to prepare a traffic-impact analysis for a proposed change to the Miami-Dade County Comprehensive Development Master Plan (CDMP) Future Land Use Map (FLUM) for one land parcel within the Urban Development Boundary and Urban Infill Area of Miami-Dade County. The subject property comprises 4.09 gross-acres located at 11400 Biscayne Boulevard in unincorporated Miami-Dade County. The property owner requests a change in the CDMP future land-use designation from “Business and Office” and “Medium Density” to “High-Density”. In addition, the applicant is requesting a text amendment to the “High Density” land use category to allow an increase of density up to 150 units per acre based on the property meeting specific criteria and requirements to qualify for the increase.

The traffic analysis shows that none of the roadway segments will be significantly impacted by the proposed CDMP future land-use designation change, but we analyzed nine roadway segments that included the following roadways: NE 125th Street, NE 123rd Street, NE 6th Avenue, NE 16th Avenue, Biscayne Boulevard/US-1, Griffing Boulevard, and Sans Souci Boulevard. We prepared roadway-capacity analyses for the 2027 (short-term) conditions and found that all roadways will operate within their adopted Level of Service (LOS) with the proposed land-use designation’s impacts. We prepared 2045 (long-term) roadway capacity analysis and found that all roadway segments are expected to operate within their adopted LOS with the impacts of the proposed land-use designation change in 2045 except for one roadway segment along US-1 which is expected to operate beyond capacity.

The maximum development potential under the current future land-use designation is 63,254 square-feet of retail uses and 11 multifamily housing (low-rise) dwelling units. The maximum development potential under the proposed future land-use designation is 612 multifamily dwelling units (high-rise). However, the applicant is proffering a restrictive covenant to limit the site’s maximum development potential to 550 multifamily dwelling units and 20,000 square feet of retail uses. As such, the traffic analysis was based on the actual development program being proposed for the site via restrictive covenant. The proposed land use designation is expected to generate 39 more morning peak hour trips, one (1) more afternoon peak hour trip, and 1,263 less daily trips compared to the current land use designations. Nevertheless, to provide a conservative analysis, we performed the traffic analysis using the total expected traffic from the proposed land use designation, which is expected to generate 205 afternoon peak hour trips.

APPENDIX E
Fiscal Impact Analysis

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 No. CDMP20250006 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 Waste Management System 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 2025-26, the Department of Solid Waste Management (DSWM) is in compliance with this standard, meaning that there is adequate disposal capacity to meet projected growth in demand, inclusive of the applications reviewed here, which are not anticipated to have a negative impact on disposal service.

The application proposes to change the land use designation from “Business and Office” and “Medium Density Residential” to “High Density Residential”. Adoption of this amendment could result in development of approximately 20,000 square feet of retail use or with 550 multi-family residential units. The DSWM does not actively compete for commercial waste collection service at this time. Waste collection and recycling services would, therefore, most likely be provided by a private hauler. For multi-family residential development in the County’s Waste Collection Service Area, service would be provided by the department per Chapter 15 of the Code of Miami Dade County.

Fiscal Impact for Provision of Solid Waste Services - Concurrency

Since the DSWM assesses capacity on a system-wide basis, it is not practical or necessary to make determinations concerning the adequacy of solid waste disposal capacity on a case-by-case basis. Instead, the DSWM issues a periodic assessment of the County’s status in terms of ‘concurrency,’ the ability to maintain the adopted LOS system-wide.

Fiscal Impact – Waste Disposal Capacity and Service

The cost of providing disposal capacity for WCSA customers, municipalities and private haulers is paid for by System users. In FY 2025-26, the DSWM charges a contract disposal rate of \$76.12 per ton while the non-contract disposal rate is \$115.80 per ton.

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 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 connection charge 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 (O&M) cost was based on \$2.1289 per 1,000 gallons for water and \$3.1903 per 1,000 gallons for sewer.

The applicant requests to redesignate the $\pm 4.08/\pm 3.96$ gross/net acre application site from "Business and Office" and "Medium Density Residential" to "High Density Residential" and limit the development by Declaration of Restrictions to 550 multi-family units and 20,000 square feet of retail use. If the site is developed, the water connection charge is estimated at \$105,988; the sewer connection charges are estimated at \$427,000; the connection fee for one service line and one meter is \$1,300; and the annual operating and maintenance costs would total \$148,040.

If the site is developed at a maximum residential and retail development (613 multi-family dwelling units and 458,666 square feet of retail), the water connection charge is estimated at \$178,787; the sewer connection charges are estimated at \$782,292; the connection fee for one service line and one meter is \$1,300; and the annual operating and maintenance costs would total \$249,724.

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 Planning Level review for the requested CDMP land use designation of “High Density Residential” would result in a residential scenario (utilizing the student generation multipliers) with an impact of 71 students. Applicable schools have available capacity at this time; however, final determination of capacity will be made at the time of the final plat, site plan or functional equivalent. In accordance with Miami-Dade County’s Interlocal Agreement for Public Schools Facilities (ILA), the application complies with level of service standards at this time.

The average cost for K-12 grade students amounts to \$9,337 per student. Of the 71 students, 37 are expected to attend elementary schools, 16 are expected to attend middle schools and 18 are expected to attend senior high schools. The total annual operating cost for additional students residing in this development, if approved, would total \$37,348.

Fire Rescue

The Miami-Dade Fire Rescue Department (MDFR) has determined that the current CDMP land use designation of “Business and Office” and “Medium Density Residential” will allow a potential development which will generate 124 annual alarms. The proposed CDMP land use designation of “High Density Residential” will allow a proposed potential development which is anticipated to generate 269 annual alarms. The 269 annual alarms will result in a high impact to existing fire rescue service, but all stations combined are capable of mitigating the additional number of alarms. Therefore, fire and rescue service in the vicinity of the subject application is adequate.

APPENDIX F

Photos of the Application Site and Surroundings

CDMP20250006 – Biscayne Shores Development Group, LLC



Photo Location: Biscayne Boulevard looking west toward NE 14th Avenue



Photo Location: Biscayne Boulevard looking west along north property line



Photo Location: Biscayne Boulevard looking northwest toward restaurant and Biscayne Shores and Gardens Park



Photo Location: Biscayne Shores and Gardens Park looking south at center of property



Photo Location: NE 14th Avenue looking east toward Biscayne Boulevard

BCC ADDITIONAL ITEMS*
2025 OUT OF CYCLE APPLICATION NO. CDMP20250006
TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN
 (Consisting of all materials not included in the Initial Recommendations Report)

ITEMS	PAGE NO.
Applicant's Correspondence and Submittals	
Letter Requesting Extension	
Extension Request for Board of County Commissioners (BCC) meeting, approved May 22, 2026	A-1
Declaration of Restrictions	
Applicant's Proffered Declaration of Restrictions, received June 2, 2026	A-3
Planning Advisory (PAB) Hearing Documents	
PAB Resolution from hearing held on June 1, 2026	A-9
PAB Minutes from hearing held on June 1, 2026	A-14

* Documents related to the application, including third party correspondence, are available online at the link below.

https://energov.miamidade.gov/EnerGov_Prod/SelfService#/plan/58381d29-a44c-4378-83ab-a4a921caa93f

APPROVED

By Jerry Bell at 10:24 am, May 22, 2026



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

www.brzoninglaw.com

305.377.6220 office

305.377.6222 fax

jbercow@brzoninglaw.com

VIA ELECTRONIC SUBMITTAL

April 8, 2026

Lourdes Gomez, AICP
Director, Department of Regulatory and Economic Resources
Miami-Dade County
111 Northwest 1st Street, 11th Floor
Miami, Florida 33128

RE: Waiver of County Deadlines for CDMP Amendment Application No. CDMP20250006 and Zoning Public Hearing Application No. Z2025000097

Dear Ms. Gomez:

We represent Biscayne Shores Development Group, LLC (the "Applicant"), the owner of the property identified by Folio No. 30-2232-000-0050 (the "Property") in unincorporated Miami-Dade County (the "County"). The Applicant has submitted CDMP Amendment Application No. CDMP20250006 and Zoning Public Hearing Application No. Z2025000097 (collectively the "Applications"). Please consider this letter the Applicant's formal waiver of the requirement to hold one (1) public hearing 180-days following the end of the relevant filing period, pursuant to Section 2-116.1 (3)(h) of the County Code of Ordinances. Further, we would respectfully request an extension of time to September 30, 2026, through which time we anticipate the Applications to be heard and approved.

On November 25, 2025, Planning Section Supervisor Rosa Davis provided confirmation that the CDMP Amendment Application was deemed complete pending the submittal of hard copy documents, which were submitted on December 5, 2025. The Applicant has agreed to waive the relevant hearing deadline because it recognizes that many of these deadlines are unrealistic given high volume of CDMP amendment applications for your Department to review and process, as well as the complexity of the concurrent application process.

We understand that the deadlines established under the County Code are designed to benefit applicants by ensuring the rapid resolution of a CDMP amendment and zoning hearing. We further understand, however, that the short time frames provided under the County Code in some cases are not sufficient to provide adequate time to review both applications.

The Applicant will continue to work with your Department and other agencies to complete the processing and review of the applications in a timely fashion. Should you have any questions or concerns, please do not hesitate to phone my direct line at (305) 377-6220.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Bercow', with a stylized flourish at the end.

Jeffrey Bercow

CC: Rosa Davis, Planning Section Supervisor
Matthew Amster, Esq.
Roberto A. Alvarez, Esq.

This instrument was prepared by:

Name: Matthew Amster, Esq.
Bercow Radell Fernandez Larkin & Tapanes, PLLC
200 S. Biscayne Blvd., Suite 300
Miami, FL 33131

Folio No.: 30-2232-000-0050

**RECEIVED 6-2-26
Planning Division**

**Biscayne Shores
CDMP20250006**

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

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

WHEREAS, on February 7, 2023, in connection with the Approval of CDMP20220007, Owner recorded a Declaration of Restrictions (the "2023 Declaration") running with the Property in Official Records Book 33572 at Page 1719, in the Public Records of Miami-Dade County; and

WHEREAS, the 2023 Declaration requires, among other things, that development of the Property accommodate transit components, utilize water saving measures, meet concurrency requirements, comply with certain design guidelines, contribute to parks improvements, and provide fourteen (14) Workforce Housing Units ("WHUs") or monetary contribution to the Affordable Housing Trust Fund; and

WHEREAS, the Owner has applied for an Out-of-Cycle Amendment to the Miami-Dade County Comprehensive Development Master Plan (the "CDMP"), and said amendment is identified as Application No. CDMP20250006 (the "Application"); and

WHEREAS, the Owner has concurrently filed a County zoning hearing application under Zoning Hearing Application No. Z2025000097, pursuant to section 2-116.1 of the Code of Miami-Dade County; and

WHEREAS, the Application, which includes this Declaration of Restrictions that has been voluntarily proffered by the Owner, and the above-mentioned concurrent zoning hearing application were filed concurrently; and

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

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

1. The Property shall be limited to a maximum of 550 multifamily dwelling units.
2. Thirty-Five percent (35%) of the dwelling units shall be set aside as workforce housing units (WHU's) to households whose annual income is sixty (60%) to one-hundred twenty percent (120%) of the Area Median Income of Miami-Dade County pursuant to the Workforce Housing Development Program, Chapter 33, Article XIIA and Chapter 17 of the Miami-Dade County Code of Ordinances (the "Code"). The Owner is not utilizing the density bonus provisions set forth in Section 33-193.7.1 of the Code, and, as such, any restrictions related therein shall not apply to the workforce housing units referenced in this paragraph. Notwithstanding, the Owner may transfer any applicable density in excess of the above density limitation to another property legally permitted to receive such additional density to the extent permitted by the Code, as may be amended.
3. The Property shall be limited to a maximum of 20,000 square feet of commercial area.
4. All restrictions in the Declaration of Restrictions recorded in Official Records Book 33572 at Pages 1719–1729, in the Public Records of Miami-Dade County, shall remain in full force and effect.

MISCELLANEOUS

Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and their heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the benefit of Miami-Dade County and the public welfare. The Owner, and their heirs, successors and assigns, acknowledge that acceptance of this Declaration does not in any way obligate or provide a limitation on the County.

Term. This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.

Modification, Amendment, Release. This Declaration of Restrictions may be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the then owner(s) of the property, including joinders of all mortgagees, provided that the same is also approved by the Board of County Commissioners of Miami-Dade County, Florida. Any such

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

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

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

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

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

Presumption of Compliance. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County (or successor municipality), and

inspections made and approval of occupancy given by the County (or successor municipality), then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

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

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

[Execution Pages Follow]

IN WITNESS WHEREOF, the undersigned has executed this Declaration of Restrictions as of this ____ day of _____, 2026.

WITNESSES:

BISCAYNE SHORES DEVELOPMENT GROUP LLC, a Florida Limited Liability Company

Signature

By: _____
Name: Ron Ben-Josef

Printed Name and Address

Title: Manager

Signature

Printed Name and Address

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of physical presence [] or online notarization [] by _____, as _____ of BISCAYNE SHORES DEVELOPMENT GROUP LLC, on behalf of said company. He is personally known to me or has produced _____, as identification.

Witness my signature and official seal this ____ day of _____, 2026, in the County and State aforesaid.

Signature

Notary Public-State of _____

Print Name

My Commission Expires:

Exhibit "A"
Legal Description

THAT PART OF THE NORTH 2.5 CHAINS OF THE SOUTH 1/2 OF THE NE 1/4 OF SECTION 32, TOWNSHIP 52 SOUTH, RANGE 42 EAST, LYING WEST OF ROAD KNOWN AS FEDERAL HIGHWAY ALSO DESCRIBED AS ALL THAT PART OF THE NORTH 165 FEET OF THE SOUTH 1/2 OF THE NE 1/4 LYING WEST OF FEDERAL HIGHWAY IN SECTION 32, TOWNSHIP 52 SOUTH, RANGE 42 EAST, LYING AND BEING IN MIAMI-DADE COUNTY, FLORIDA.

SAID PARCEL OF LAND CONTAINING 178,100 SQUARE FEET (4.089 ACRES), MORE OR LESS.

LYING AND BEING IN SECTION 32, TOWNSHIP 52 SOUTH, RANGE 42 EAST, MIAMI-DADE COUNTY, FLORIDA

RESOLUTION NO. 26-3

RESOLUTION OF THE MIAMI-DADE COUNTY PLANNING ADVISORY BOARD ACTING AS THE LOCAL PLANNING AGENCY ISSUING RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS REGARDING TRANSMITTAL TO THE STATE LAND PLANNING AGENCY OF 2025 OUT-OF-CYCLE STANDARD APPLICATION NO. CDMP20250006 TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

WHEREAS, pursuant to chapter 163, Part II, Florida Statutes, the Miami-Dade Board of County Commissioners (“Commission”) adopted the Miami-Dade County Comprehensive Development Master Plan (“CDMP”) in 1988; and

WHEREAS, the Commission has provided procedures, codified as section 2-116.1 of the Code of Miami-Dade County, Florida, to amend, modify, add to, or change the CDMP; and

WHEREAS, Miami-Dade County's procedures reflect and comply with the procedures for adopting or amending local comprehensive plans as set forth in chapter 163, Part II, Florida Statutes, including the process for adoption of small-scale comprehensive plan amendments (“small-scale amendments”) set forth in section 163.3187, Florida Statutes; and

WHEREAS, applications to amend the CDMP may be filed with the Planning Division of the Department of Regulatory and Economic Resources (“Department”) by private parties or by the County; and

WHEREAS, Miami-Dade County's procedures classify applications as either standard or small-scale amendment applications, set forth the processes for adoption of small-scale and standard amendments, and require any application seeking adoption as a small-scale amendment to clearly state such request in the application; and

WHEREAS, Miami-Dade County's procedures provide that applications may be filed for processing in the January, May, or October CDMP amendment cycles or filed at any time for out-of-cycle processing; and

WHEREAS, standard Application No. CDMP20250006 was filed by a private party in the 2025 Out-of-Cycle Applications to amend the CDMP and is contained in the document titled "2025 Out-of-Cycle Applications to Amend the Comprehensive Development Master Plan," dated November 2025, and kept on file with and available upon request from the Department; and

WHEREAS, as required by section 2-116.1, Code of Miami-Dade County, the Department has published its initial recommendation in a report titled "Initial Recommendation to Amend the Comprehensive Development Master Plan" for Application No. CDMP20250006 dated May 2026, which is kept on file and available upon request from the Department; 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, Application No. CDMP20250006 requested to be processed concurrently with Zoning Application No. Z202500097; and

WHEREAS, in accordance with the applicable County procedures, the affected Community Council was scheduled to conduct its optional public hearing on the referenced application but did not achieve a quorum to conduct the public hearing and therefore did not issue recommendation on the referenced application; and

WHEREAS, section 2-116.1(3)(h), requires the Board of County Commissioners to hold a public hearing within 180 calendar days after the Application filing period unless a greater time is deemed necessary by the Board of County Commissioners, or the Department Director extends

the time at the applicant's request prior to the earliest deadline for the publication of required public hearing notices; and

WHEREAS, the applicant for Application No. CDMP20250006 requested extensions of time, which was approved by the Director and is included in supplement report to the Application entitled "Additional Items"; 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 application, the initial recommendation of the Department, and to address the final action to be taken on the CDMP amendment 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 recommendation to the Commission regarding transmittal to the reviewing agencies of standard Application No. CDMP20250006 and recommendation regarding subsequent final action by the Commission.

Application Number	Applicant/Representative Location (Size) Requested Small-Scale Amendment to the CDMP	<ul style="list-style-type: none"> • Transmittal Recommendation • Recommendation as to Subsequent Action
CDMP20250006	<p>Biscayne Shores Development Group, LLC 1 / Jeffrey Bercow, Esq. and Matthew Amster, Esq., Bercow Radell Fernandez Larkins & Tapanes, PLLC / Between Biscayne Boulevard and NE 14 Avenue and between NE 114 Terrace and NE 115 Street; abutting on the south side of the Biscayne Shores and Gardens Park/ ±4.1 gross/ ±3.96 net acres</p> <p><u>Requested Amendment to the CDMP</u></p> <ol style="list-style-type: none"> 1. Amend the “High Density Residential” land use category text on page I-32 of the CDMP Land Use Element. 2. Redesignate the application site on the Adopted 2030 and 2040 Land Use Plan (LUP) map to “High Density Residential” (60 to 150 units per gross acre). 3. 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. <p>Standard Amendment</p>	<p>Transmit with Change and Adopt with acceptance of the Proffered Declaration of Restrictions as requested by the Applicant, and with the conditions that 1) the park requirement must be a local park or larger; 2) the applicant’s proffered Declaration of Restrictions workforce housing provision be revised to up to 120% of Area Median Income (AMI) instead of 140%; and 3) language for non-residential uses to not exceed 10% of total floor area be retained</p>

The motion to “Transmit with Change and Adopt with acceptance of the Proffered Declaration of Restrictions as requested by the Applicant, and with the conditions that 1) the park requirement must be a local park or larger; 2) the applicant’s proffered Declaration of Restrictions workforce housing provision be revised to up to 120% of Area Median Income (AMI) instead of 140%; and 3) language for non-residential uses to not exceed 10% of total floor area be retained” was moved by Board Member Gongora. Board Member Thomas seconded the motion. The motion passed 8 to 3 as follows:

Alisa Cepeda	No	Horacio C. Huembes	No
Carlos Diaz-Padron	Yes	Frank Lago	Absent
Ivo Fernandez, Jr.	Yes	Max Losner	Yes
Eric Fresco	No	Michael Montiel	Yes
Solomon Genet	Yes	J. Wil Morris	Absent
Michael Gongora	Yes	Daniel Rogers	Absent

Ernie Thomas, Vice Chair, Yes
 William McRea, Chair, Yes

The above action was taken by the Planning Advisory Board, acting as the Local Planning Agency, at its public hearing on June 1, 2026, and are certified correct by Lourdes Gomez, Executive Secretary to the Planning Advisory Board.

Jerry Bell

for

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

PLANNING ADVISORY BOARD MINUTES

County Planning Advisory Board
Acting As the Local Planning Agency
Public Hearing on the 2025 Out-of-Cycle Application No. CDMP20250006 and
October 2025 Cycle Application No. CDMP20250022
To Amend the Comprehensive Development Master Plan

June 1, 2026, 2:00 PM

Planning Advisory Board Members

Alisa Cepeda	Present	Horacio C. Huembes	Present
Carlos Diaz-Padron	Present	Frank Lago	Absent
Ivo Fernandez, Jr.	Present	Max Losner	Present
Eric Fresco	Present	Michael Montiel	Present
Solomon Genet	Present	J. Wil Morris	Absent
Michael Gongora	Present	Daniel Rogers	Absent

Ernie Thomas, Vice Chair, Present
William McRea, Chair, Present

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

Department of Regulatory and Economic Resources (RER) Staff Present

Planning Division

Jerry Bell, Assistant Director, Planning Division
Garett Rowe, Chief, Metropolitan Planning
Manny Armada, Chief, Planning Research
Alex Dambach, Planning Development Manager, Metropolitan Planning
Rosa Davis, Planning Section Supervisor, Metropolitan Planning
Robert Hesler, Planning Section Supervisor, Planning Research
James McCall, Strategic Metro Planner, Long Range and Neighborhood Planning
Alex David, Planning Development Manager, Metropolitan Planning
Noel Stillings, Principal Planner, Metropolitan Planning
George da Guia, Principal Planner, Metropolitan Planning
Rommel Vargas, Senior Planner, Metropolitan Planning
Ivo Rondinoni, Senior Planner, Metropolitan Planning

Other County Staff Present

Veronica Sanchez, Assistant County Attorney, County Attorney's Office
Lauren Alvarez, Assistant County Attorney, County Attorney's Office
Brandon Fennell, Senior Planner, Miami-Dade Transit Division, Department of
Transportation and Public Works

CALL TO ORDER AND OPENING STATEMENTS

The Planning Advisory Board (PAB) public hearing was called to order at 2:03 p.m. by PAB Chair McRea. Chair McRea introduced himself and, after leading the Pledge of Allegiance, requested that staff conduct a roll call. Ms. Noel Stillings conducted the roll call and confirmed that quorum was met, with eleven members present.

PAB Chair’s Introductory Remarks, Chair’s Report and PAB Agenda Items

PAB Chair McRea reviewed the procedures and objectives of the public hearing and formally welcomed the public. Chair McRea stated he had no Chair’s Report and called upon Mr. Jerry Bell to introduce the first application.

Opening Statement by County Staff

Mr. Jerry Bell, Assistant Director, Planning Division, introduced himself and noted the presence of other County Staff including County Attorney Ms. Veronica Sanchez, and requested Mr. Alex David to present Application No. CDMP20250006.

2025 OUT-OF-CYCLE APPLICATION

Application No. CDMP20250006 (Biscayne Shores Development Group)

Mr. Alex David, Planning Development Manager, introduced himself and in his overview of the application explained that it was filed by Biscayne Shores Development Group, LLC. He outlined that the Applicant is requesting redesignation of the ±4.08 gross acre parcel located on Biscayne Boulevard between NE 114th Terrace and NE 115th Street from “Business and Office” and “Medium Density Residential” to “High Density Residential” and changes to the “High Density Residential” land use category text to add criteria permitting up to 150 dwelling units per gross acre under certain circumstances. Mr. David stated that to utilize the 150 dwelling unit per acre maximum density, a parcel must be within a Rapid Transit Activity Corridor, front on a Major roadway and be within 500 feet of an existing county park. Mr. David also explained the reason for Staff’s recommendation and changes to the proposed text to delete the minimum 2-acre parcel size criterion and to change the maximum percentage of non-residential uses permitted within allowed mixed-use developments from 10% to 50% of the total floor area. Mr. David concluded by informing the Board that Staff’s recommendation is to “Transmit with Change and Adopt with Acceptance of the Proffered Declaration of Restrictions”.

Some Board members questioned and expressed concerns about Staff’s recommended changes to the Applicant’s proposed language. The Board’s concerns include the recommended deletion of the minimum parcel size criterion, the increase in the mixed-use allowance for commercial uses from the Applicant proposed 10% up to 50% of total floor area, the affordable housing allowance and utilizing proximity to the SMART Plan Corridors as a criterion to attain densities between 125 and 150 units per acre. The Board further discussed bifurcating the land use redesignation and text change requests and the need to tie the land use change to the criteria applicable to densities over 125 up to 150 units per acre. Staff responded that bifurcating the requests could not be done without impacting the Applicant’s development given it relies on an increase in the floor area ratio from 2.0 to 3.0 in the proposed text.

After Mr. David's presentation, the applicant's legal representative, Mr. Matthew Amster, Esq., Bercow Radell Fernandez Larkin & Tapanes began his presentation outlining the intent of the application, Applicant's proposed changes to the "High Density Residential" text, the proposed project. He discussed the buffers and building heights within the project and that the Applicant is committing 35% of the units to be workforce housing units affordable to households with incomes up to 120% of Area Median Income (AMI) and acknowledged that the Applicant's proffered covenant (Condition 3) must be revised to reflect the 120% AMI (140% AMI is currently included).

Mr. Rowe explained that there are few "High Density Residential" parcels within Miami-Dade County and any other parcels in the unincorporated area would first have to seek an amendment to the CDMP to be designated as such. He also highlighted that deleting the 2-acre minimum parcel size criterion provided for greater applicability of the "High Density Residential" designation than as proposed by the Applicant.

Board Member Gongora made a motion to recommend approval of the Applicant's proposed language. However, there was no second. Another motion to adopt as presented by Staff was made by Board Member Losner and seconded by Board Member Diaz-Padron. Board member Diaz-Padron then withdrew his second. A similar motion was made by Board Member Losner and seconded by Board Member Huembes with the additional condition to limit AMI to 120% but the motion maker withdrew the motion prior to the vote.

Other discussion centered on the process and supporting the project but that the text amendment should be separate.

Chair McRea opened the public hearing and seeing no one wishing to make public comments, closed the public hearing.

The motion to "Transmit with Change and Adopt with acceptance of the Proffered Declaration of Restrictions as requested by the Applicant, and with the conditions that 1) the park requirement must be a local park or larger; 2) the applicant's proffered Declaration of Restrictions workforce housing provision be revised to up to 120% of Area Median Income (AMI) instead of 140%; and 3) language for non-residential uses to not exceed 10% of total floor area be retained" was moved by Board Member Gongora. Board Member Thomas seconded the motion. The motion passed as follows: 8-3.

OCTOBER 2025 CYCLE

Application No. CDMP20250022 (Midwest REO V, LLC)

Mr. Alex David introduced himself and explained that Application No. CDMP20250022 was filed by Midwest REO V, LLC requesting changes to the "Business and Office" land use category to permit an 'Industrial Support Center' that allows the mixing of light industrial uses into commercial areas under certain circumstances. Mr. David stated that to utilize the 'Industrial Support Center' allowance a parcel must contain a minimum of five acres, have direct access to a Major Roadway, be within one mile of a Terminal as designated on the CDMP Land Use Plan map and not be located within 660 feet of a residentially designated parcel. Mr. David also noted Staff's recommendation is to "Transmit with Change and Adopt".

Mr. James Williams, Jr., Esq., the applicant's legal representative, provided some details about the Applicant's project that the requested "Business and Office" text change would facilitate, and the benefit of more compact development which mixes industrial, commercial and retail uses. He

also outlined there are no example of vertically integrated mix of light industrial and commercial development type in the U.S. as the Applicant intends to develop that the proposed text change would facilitate.

Some Board members questioned if there is a companion zoning item to the CDMP application and where is it located and what industrial uses are allowed under Light Industrial zoning, and expressed some concern about the range of uses considered light industrial. Board members commented that the mixing of light industrial with commercial uses could provide a balance to losing industrial areas to residential development.

Chair McRea opened the public hearing and seeing no one wishing to make public comments, closed the public hearing.

The motion to “Transmit with Change and Adopt as per Staff Recommendation” was moved by Board Member Huembes. Board Member Diaz-Padron seconded the motion. The motion passed as follows: 11-0.

STAFF ANNOUNCEMENTS

Mr. Rowe announced that the July PAB meeting may not have agenda items in which case that meeting would be cancelled, but that staff will communicate with the Board accordingly, and the next PAB meeting would be September 14, 2026.

ADJOURNMENT

Having no further business before the PAB, Chair McRea adjourned the meeting at 4:23 p.m.

Respectfully submitted,

 for

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