



Staff recommends **ADOPT AS A SMALL-SCALE AMENDMENT WITH ACCEPTANCE OF PROFFERED DECLARATION OF RESTRICTIONS** the proposed small-scale amendment to the Comprehensive Development Master Plan (CDMP) Adopted 2015-2025 Land Use Plan (LUP) map to redesignate the ±3.3 gross-acre application site from “Office/Residential” to “Business and Office” for the following reasons:

**Principal Reasons for Recommendation:**

1. The application proposes the intensification of urban development that is consistent with the provisions of the CDMP. Land Use Element Objective LU-1 and Policy LU-1C requires the County to give priority to infill development on vacant sites in currently urbanized areas, and redevelopment of underdeveloped environmentally suitable urban areas contiguous to existing urban development where urban services and facilities have the capacity to accommodate additional demand. As discussed in Principal Reason No. 2 below, public facilities have adequate capacity to accommodate the impacts that would be generated by the application if approved.
2. CDMP Land Use Element Policy LU-8E requires 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.
  - i. **Need:** The application site is located in Minor Statistical Area (MSA) 3.2, which has 284.5 acres of vacant commercially zoned or designated land. At the rate of absorption of commercial land (11.69 acres per year), this MSA will deplete its supply of commercial land beyond the year 2030. Approval of the application would add approximately two months of supply to the commercial land within the MSA 3.2 and would therefore not significantly impact the commercial land supply in the MSA.
  - ii. **Public Facilities and Services:** The impacts that would be generated from developing the site with maximum 50,094 square feet of office development, if the application is approved with the applicant’s proffered covenant, would not cause a violation in the level of service standards for public services and facilities.
  - iii. **Compatibility:** The development of the site, if the requested “Business and Office” designation is approved, would be generally compatible with the adjacent or surrounding properties. The vacant properties north of the application site across West Flagler are currently designated “Business and Office”. Adjacent and west to the application site is developed with residential units (the Southwinds Condominiums) designated “Medium Density Residential” on the LUP map. Adjacent and south of the site is an existing six-story office complex owned by the Florida Power and Light Company. East of the application site across SW 92 Avenue is an electric power generator and substation on a property currently designated “Office/Residential”, The designations of the surrounding properties and their existing developments are generally compatible with the requested designation.
  - iv. **Environmental and Historic Resources:** The subject CDMP application, if approved, would not impact any environmental, historic or archaeological resources. However, the site contains some specimen-sized trees (trunk diameter of 18 inches or greater). Therefore, development of the site would be subject to Section 24.9.2(II) of the Code

# APPENDICES

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# **APPENDIX F**

## **Declaration of Restrictions**

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This Instrument was Prepared by:

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2013 AUG 22 P 12: 25

PLANNING & ZONING  
METROPOLITAN PLANNING SECT

(Space Reserved for Clerk of the Court)

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**DECLARATION OF RESTRICTIONS**

*WHEREAS, OROT Flagler, LLC*, a Florida limited liability company (the "Owner"), holds fee simple title to that certain parcel of land in Miami-Dade County, Florida, described in Exhibit "A", attached hereto, and hereinafter referred to as the "Property";

*WHEREAS*, the Owner has applied for an amendment to the Miami-Dade County Comprehensive Development Master Plan (the "CDMP") identified as Application No. 2 in the May 2013 Amendment Cycle (the "Application"); and

*WHEREAS*, the Application seeks to re-designate the Property from "Office/Residential" to "Business and Office" on the CDMP Land Use Plan Map.

*IN ORDER TO ASSURE* Miami-Dade County, Florida (the "County") that the representations made by the Owner during the consideration of the Application will be abided by, the Owner freely, voluntarily and without duress, makes the following Declaration of Restrictions covering and running with the Property:

1. **Permitted Uses; Prohibition on Residential Development.** Notwithstanding the re-designation of the Property to "Business and Office" on the CDMP Land Use Plan Map, no residential development shall be allowed on the Property.

2. **Miscellaneous.**

A. **County Inspection.** As further part of this Declaration of Restrictions, 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 the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

B. **Term.** This Declaration of Restrictions 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 of Restrictions 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 in the public records agreeing to change the Declaration of Restrictions in whole, or in part, provided that the Declaration of Restrictions has first been modified or released by Miami-Dade County.

C. **Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner(s) of all of the Property, provided that the same is also approved by the Board of County Commissioners. 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 which 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 comprehensive plans as set forth in Section 2-116.1 of the Code of Miami Dade County, or successor regulation governing amendments to the Miami Dade comprehensive plan. Notwithstanding anything in this paragraph, in the event that the Property is incorporated within a new municipality which amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Code of Miami-Dade County, 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.

**D. Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, the covenants. The prevailing party in any action or suit pertaining to or arising out of this Declaration of Restrictions 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.

**E. Authorization of Miami-Dade County (or successor municipal corporation) to Withhold Permits and Inspections.** In the event the terms of this Declaration of Restrictions are not being complied with, in addition to any other remedies available, the County (or any successor municipal corporation) is hereby authorized to

withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as his Declaration of Restrictions is complied with.

**F. 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.

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

**H. Covenant Running with the Land.** This Declaration of Restrictions shall constitute a covenant running with the land and shall be recorded, at the Owner's expense, in the public records of Miami-Dade County, Florida, and shall remain in full force and effect and be binding upon the undersigned Owner and its successors and assigns unless and until the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, the then owner(s) of the Property and for the public welfare.

**I. 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.

**J. Recordation and Effective Date.** This Declaration of Restrictions shall be filed of record in the public records of Miami-Dade County, Florida at the cost of Owner following the adoption of the Application. This Declaration of Restrictions 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 of Restrictions 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 of Restrictions is null and void and of no further effect.

**K. Acceptance of Declaration.** Acceptance of this Declaration of Restrictions 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 County retains its full power and authority to, with respect to the Property, deny each such application in whole or in part and to decline to accept any conveyance.

**L. Owner.** The term "Owner" shall include the Owner and its successors and assigns.



**EXHIBIT "A"**

**LEGAL DESCRIPTION**

The north 200' of Tract "A" of FP&L Center as recorded in Plat Book 102, Page 10, of the Public Records of Miami-Dade County, Florida.

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# Application No. 3

## Commission District 10 Community Council 10

### APPLICATION SUMMARY

Applicant/Representative: Fontainebleau Place, LLC/Juan J. Mayol, Esq., Richard A. Perez, Esq. and Tracy R. Slavens, Esq.  
Holland and Knight, LLP.  
701 Brickell Avenue, Suite 3000  
Miami, Florida 33131

Location: Northeast corner of the intersection West Flagler Street and NW 102 Avenue

Total Acreage: ±41.0 Gross Acres, ±39.04 Net Acres

Current Land Use Plan Map Designation: "Business and Office"

Requested Amendment to the CDMP: Modify existing Declaration of Restrictions in the Restrictions Table (Application No. 9 of the April 2008-09 Cycle) on Page I-74.1 of the CDMP Land Use Element. to replace the commitment to develop a minimum of 150 "elderly housing" dwelling units with a provision allowing the development of "minimum of 125 dwelling units and a maximum of 250 dwelling units" on the subject property.

Amendment Type: Standard

Existing Zoning/Site Condition: BU-2/Currently Vacant

### RECOMMENDATIONS

Staff: **TRANSMIT WITH CHANGE AND ADOPT** (September 13, 2013)

Westchester Community Council **DENY AND TRANSMIT** (September 25, 2013)

Planning Advisory Board (PAB)  
Acting as the Local Planning Agency: **TO BE DETERMINED** (October 21, 2013)

Board of County Commissioners: **TO BE DETERMINED** (November 20, 2013)

Final Action of Board of County Commissioners: **TO BE DETERMINED** (March 2014)

Staff recommends **TRANSMIT WITH CHANGE AND ADOPT** the proposed standard amendment to modify existing Comprehensive Development Master Plan (CDMP) Declaration of Restrictions in the Restrictions Table on Page I-74.7 of the CDMP pertaining to a ±41-acre property for the following reasons:

**Principal Reasons for Recommendations:**

1. The application proposes to modify a CDMP Declaration of Restrictions (covenant) that was accepted by the Miami-Dade Board of County Commissioners' (Board) upon approval of a CDMP amendment application. On May 6, 2009, the Board adopted Ordinance No. 09-28 that approved Application No. 9 of the April 2008 Cycle applications to amend the CDMP with acceptance of a proffered covenant. The CDMP amendment redesignated the ±41-acre subject property from "Low-Density Residential" to "Business and Office" on the Adopted 2015 and 2025 Land Use Plan (LUP) map and the accepted covenant was subsequently recorded in July 2009 (Official Records Book 26955, Pages 0723-0732). The recorded CDMP covenant restricts non-residential development on the property to 375,000 square feet of retail, commercial, personal services and requires a minimum of 150 elderly housing units to be developed on the property, among other things.

This current application seeks to modify the recorded covenant by replacing the provision that requires a minimum of 150 elderly dwelling units with a provision allowing for a minimum of 125 and a maximum of 250 dwelling units on the property (see proposed covenant change on page 3-7). This proposed modification would remove the restriction that any residential units built on the site be designated specifically for elderly housing. Expanding the range of residential uses that could be developed on the property is generally consistent with CDMP policy LU-1F.

The staff recommended change to the application is to maintain the requirement of a minimum 150 residential units be developed on the property instead of the proposed minimum of 125 units. This proposed change is consistent with the intent of the May 2009 Board approval that redesignated to the current "Business and Office" LUP map designation with a commitment from the applicant to include a minimum of 150 residential units on the property.

2. The covenant modification proposed in this application, if approved with change as discussed above, would allow for residential units other than elderly housing to be developed on the property. Consequently, approval of the application would not generate impacts to County services and facilities significantly higher or different than the impacts that would be generated by the development currently allowed on the property. County facilities and services have the capacity to adequately serve the application site and would continue to operate within their respective levels of service standards with the impacts that would be generated through the proposed covenant modification.

Furthermore, approval of the application would not impact any environmental, historic or archaeological resources.

<h1 style="margin: 0;">Application No. 7</h1> <h2 style="margin: 0;">Commission District 9    Community Council 15</h2>
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### APPLICATION SUMMARY

Applicant/Representative:	137 Holdings, LLC / Melissa Tapanes Llahues, Esq. and Graham Penn, Esq.
Location:	Southwest corner of the intersection SW 272 Street and SW 137 Avenue.
Total Acreage:	±12.0 gross acres (±10.70 net acres)
Current Land Use Plan Map Designations:	Low-Medium Density Residential (6 to 13 dwelling units per gross acre; ±1.22 gross acres) and Business and Office; ±10.78 gross acres
Requested Land Use Plan Map Designation and Other Changes:	<ol style="list-style-type: none"> <li>1. Medium Density Residential (13 to 25 dwelling units per gross acre) on Parcel B (±4.53 gross acres; ±3.57 net acres) and Parcel A (±7.47 gross acres; ±7.13 net acres) Business and Office;</li> <li>2. Release and delete the Declaration of Restrictions, which govern development of the Application site; and</li> <li>3. Revise the Restrictions Table on Page I-74.1 of the CDMP Land Use Element to include the Proffered Declaration of Restrictions if accepted by the Board</li> </ol>
Amendment Type:	Standard
Existing Zoning / Site Condition:	RU-3M (±1.22 gross acres) and BU-1A (±10.78 gross acres) / Property is vacant

### RECOMMENDATIONS

Staff:	<b>TRANSMIT WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS AND ADOPT</b> (September 13, 2013)
South Bay Community Council (15):	<b>NO QUORUM</b> (September 23, 2013)
Planning Advisory Board (PAB) Acting as the Local Planning Agency:	<b>TO BE DETERMINED</b> (October 21, 2013)
Board of County Commissioners:	<b>TO BE DETERMINED</b> (November 20, 2013)
Final Action of Board of County Commissioners:	<b>TO BE DETERMINED</b> (March 2014)

Staff recommends **TRANSMIT WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS AND ADOPT** the proposed standard amendment to the Miami-Dade County Comprehensive Development Master Plan (CDMP). The proposed amendment seeks to redesignate Parcel B on the CDMP Adopted 2015 and 2025 Land Use Plan (LUP) map from “Low-Medium Density Residential (6 to 13 dwelling units per gross acre)” and “Business and Office” to “Medium Density Residential (13 to 25 dwelling units per gross acre)”; release and delete the current Declarations of Restrictions governing the overall application site; and revise the Restrictions Table in the Land Use Element on page I-74.1 of the CDMP to include the new proffered Declaration of Restrictions, if accepted by the Board of County Commissioners. Staff’s recommendation is based on the following reasons:

### **Principal Reasons for Recommendation**

1. The application proposes residential development on the subject property consistent with the development trend in the area. The application site was the subject of October 2003 Cycle CDMP Amendment Application No. 7 adopted in May 2004 by the Board of County Commissioners (Board). Upon adoption of the application the Board accepted a CDMP Declaration of Restrictions (covenant), which restricted development on the subject property to a mixed use development that would include retail, open space, institutional and public facilities, and no less than 50 residential dwelling units at a maximum density of 25 units per gross acre. Subsequently in December 2004, the Board adopted Ordinance 04-217 that rezoned property immediately north of the site to the NCUCD (Naranja Community Urban Center District) zoning. The NCUCD implements the vision for the development of the Naranja community as expressed in an area planning study (the Naranja Charrette Report) that was accepted by the Board in 2003. The NCUCD permits residential development north of the application site and does not contemplate commercial uses in this location. The property abutting to the west of the site is developed with residences. The Applicant proposes to develop 272 multi-family units and provide 0.80 acres of park areas, which is generally consistent with the trend of development in the area.
2. CDMP Land Use Element Policy LU-8E requires 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.
  - i. *Need:* The combined vacant land for single-family and multi-family residential development in Minor Statistical Area (MSA) 7.4 in 2013 was estimated to have a capacity for about 14,007 dwelling units, with about 59 percent of these units intended as multi-family. The annual average residential demand in MSA 7.4 is 779 units per year in the 2013-2015 period and is projected to increase to 1,189 units in the 2025-2030 period. An analysis of the residential capacity by type of dwelling units shows the depletion of single-family units to occur in 2020 and for multi-family beyond 2030. The supply of residential land for both single-family and multi-family units is projected to deplete in 2026. Therefore, any increase in the supply of residential units would provide additional residential capacity in the subject MSA, would help accommodate projected population growth in the County, and be of benefit to the area.

# Application No. 6

## Commission District 11    Community Council 11

### APPLICATION SUMMARY

Applicant/Representative: Master Development, Inc./Jeffrey Bercow, Esq. and Monika Entin, Esq.

Location: Northwest corner of the intersection of SW 143 Street and SW 137 Avenue

Total Acreage: ±16.18 gross acres (±13.7 net acres)

Current Land Use Plan Map Designations: Industrial and Office

Requested Land Use Plan Map Designation and Other Changes: 1. Business and Office  
2. Revise the Restrictions Table on Page I-74.1 of the CDMP Land Use Element to include the Proffered Declaration of Restrictions if accepted by the Board

Amendment Type: Standard

Existing Zoning/Site Condition: IU-1 (±4.7 net acres) and BU-1A (±9.0 net acres)/Property is vacant

### RECOMMENDATIONS

Staff: **TRANSMIT WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS AND ADOPT** (September 13, 2013)

West Kendall Community Council (11): **NO RECOMMENDATION** (September 24, 2013)

Planning Advisory Board (PAB) Acting as the Local Planning Agency: **TO BE DETERMINED** (October 21, 2013)

Board of County Commissioners: **TO BE DETERMINED** (November 20, 2013)

Final Action of Board of County Commissioners: **TO BE DETERMINED** (March 2014)

Staff recommends to **TRANSMIT WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS AND ADOPT** the proposed standard amendment to the Comprehensive Development Master Plan (CDMP) Adopted 2015 and 2025 Land Use Plan (LUP) map to redesignate the ±16.18 gross acre property from “Industrial and Office” to “Business and Office” for the following reasons:

### **Principal Reasons for Recommendation**

1. The applicant proposes a change on the LUP map, for a ±16.18-gross acres site from “Industrial and Office” to “Business and Office.” The CDMP Land Use Element text on page I-40 provides that when “Industrial and Office” designated land in a Minor Statistical Area with less than a 15-year supply of industrial land is subject to a CDMP amendment application, in order to receive approval for a non-industrial use, it must be demonstrated that the proposed non-industrial use will not have a significant adverse impact on future industrial development. The application proposes non-industrial uses on property located within Minor Statistical Area (MSA) 6.2 that is estimated to have an 8-year supply of industrial land (see “Supply and Demand Analysis” on page 6-11 below). However, approval of the application would not adversely impact future industrial development within the subject MSA or countywide, as discussed below.

MSA 6.2 currently has ±189.6 acres of vacant industrially designated or zoned land, and the countywide supply of vacant industrial is projected to be depleted beyond year 2030. Furthermore, the northeastern ±4.7-net acre portion of the property is zoned IU-1 which allows light industrial type uses, while the remaining ±9-acre portion of the application site is zoned BU-1A (rezoned in October 2004) and thereby can be developed with commercial uses. Therefore, the requested redesignation of the site to “Business and Office” would remove ±4.7 acres or approximately 2 months’ worth of supply from the supply of industrial land in the area.

Moreover, the properties adjacent to the west and south of the application site are vacant, designated “Industrial and Office,” but are zoned RU-3M (approved in October 1999) which allows residential development. The requested redesignation could provide an area of transition between the residentially zoned property to the south of the site (northwest corner of SW 137 Avenue and SW 144 Street) and the industrially zoned and designated property to the north.

2. CDMP Land Use Element Policy LU-8E requires 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.
  - i. *Need:* MSA 6.2 contained 538.40 acres of in-use commercial land in 2013 and an additional 228.90 acres of vacant commercial land. The annual average absorption rate for commercial land in the 2013-2030 period is 13.23 acres per year. At the projected rate of absorption, reflecting the past absorption rates of commercial uses, MSA 6.2 will deplete its supply of commercially zoned land beyond 2030 (see “Projected Absorption of Land for Commercial Uses” table below). Additionally, the countywide commercial land supply is projected to be depleted beyond the year 2030.

# Application No. 5

Commission District 12

Community Council 5

## APPLICATION SUMMARY

Applicant/Representative: Tracy R. Slavens, Esq. and Brian Kenyon, Esq.  
Holland and Knight, LLP  
701 Brickell Avenue, Ste. 3000  
Miami, Florida 33131

Location: Approximately 825 feet north of the northwest corner of SW 8 Street and SW 137 Avenue

Total Acreage: 9.84 Gross Acres, 9.10 Net Acres

Current Land Use Plan Map Designation: Industrial and Office

Requested Land Use Plan Map Designation: Business and Office

Amendment Type: Small-Scale

Existing Zoning/Site Conditions IU-C (Conditional Industrial District) / Undeveloped

## RECOMMENDATIONS

Staff: **ADOPT AS A SMALL-SCALE AMENDMENT WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS**  
(September 13, 2013)

Country Club of Miami Community Council (5): **ADOPT AS A SMALL-SCALE AMENDMENT WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS**  
(September 26, 2013)

Planning Advisory Board (PAB) acting as Local Planning Agency: **TO BE DETERMINED** (October 21, 2013)

Board of County Commissioners: **TO BE DETERMINED** (November 20, 2013)

Final Action of Board of County Commissioners: **TO BE DETERMINED** (March 2014)

Staff recommends to **ADOPT AS A SMALL-SCALE AMENDMENT WITH ACCEPTANCE OF THE PROFFERED DECLARATION OF RESTRICTIONS** the proposed small-scale amendment to the Comprehensive Development Master Plan (CDMP) Adopted 2015-2025 Land Use Plan (LUP) map to redesignate the ±9.84 gross acre property from “Industrial and Office” to “Business and Office” for the following reasons:

### **Principal Reasons for Recommendation**

1. The applicant proposes a change on the LUP map, for a ±9.84-gross acre site from “Industrial and Office” to “Business and Office”, which would not have a significant adverse impact on Industrial Development in the County. The CDMP Land Use Element text on Page I-40 provides that when “Industrial and Office” designated land in a Minor Statistical Area with less than a 15-year supply of industrial land is subject to a CDMP amendment application, in order to receive approval for a non-industrial use, it must be demonstrated that the proposed non-industrial use will not have a significant adverse impact on future industrial development. The application proposes non-industrial uses on property located within Minor Statistical Area (MSA) 3.2 that is estimated to have a 14-year supply of industrial land (see “Supply and Demand Analysis” on Page 5-10). However, approval of the application would not adversely impact future industrial development within the subject MSA or countywide, as discussed below.

MSA 3.2 currently has ±1,333.2 acres of vacant industrially designated or zoned land, and the countywide supply of vacant industrial land is projected to be depleted beyond the year 2030. Therefore, the requested redesignation of the site to “Business and Office” would remove ±9.84 acres, or approximately 1-month, of industrial land supply from the area.

Furthermore, the Applicant proffered a Declaration of Restrictions (covenant) that prohibits residential development on the property. Thereby the uses that would be allowed under the property under the requested designation would be generally compatible with industrial uses in the area and on the abutting property to the north.

2. CDMP Land Use Element Policy LU-8E requires 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.
  - i. *Need:* The application site is located in Minor Statistical Area (MSA) 3.2, which has 284.5 acres of vacant commercially zoned or designated land. At the rate of absorption of commercial land (11.69 acres per year), this MSA will deplete its supply of commercial land beyond the year 2030. The requested redesignation to Business and Office would add ±9.8-gross acres or approximately 9 months of supply to the commercial land in MSA 3.2.

MSA 3.2 has 1,333.2 acres of vacant industrial zoned or designated land. At the rate of absorption of industrial land (98.39 acres per year) this MSA will deplete its supply of industrial land in 2027. Additionally, the countywide supply of Industrial land is projected to be depleted beyond the year 2030. The requested redesignation from

# Application No. 4

Commission District 12

Community Council 5

## APPLICATION SUMMARY

Applicant/Representative: Tracy R. Slavens, Esq. and Brian Kenyon, Esq.  
Holland and Knight, LLP  
701 Brickell Avenue, Ste. 3000  
Miami, Florida 33131

Location: Southwest corner of NW 6 Street and  
NW 137 Avenue

Total Acreage: ±11.49 Gross Acres, ±9.92 Net Acres

Current Land Use Plan Map Designation: Industrial and Office

Requested Land Use Plan Map Designation: Business and Office

Amendment Type: Standard

Existing Zoning/Site Conditions IU-1 (Light Industrial Manufacturing District) /  
Vacant with truck parking and vehicular storage

## RECOMMENDATIONS

Staff: **DENY AND TRANSMIT** (September 13, 2013)

Country Club of Miami Community Council (5): **TRANSMIT WITH ACCEPTANCE OF THE  
PROFFERED COVENANT AND ADOPT**  
(September 26, 2013)

Planning Advisory Board (PAB)  
acting as Local Planning Agency: **TO BE DETERMINED** (October 21, 2013)

Board of County Commissioners: **TO BE DETERMINED** (November 20, 2013)

Final Action of Board of  
County Commissioners: **TO BE DETERMINED** (March 2014)

Staff recommends to **DENY AND TRANSMIT** the proposed standard amendment to the Comprehensive Development Master Plan (CDMP) Adopted 2015-2025 Land Use Plan (LUP) map to redesignate the ±11.49 gross acre property from “Industrial and Office” to “Business and Office” for the following reasons:

### Principal Reasons for Recommendation

1. The CDMP Land Use Element Policy LU-2, Traffic Circulation Subelement Policy TC-1B, and Capital Improvements Element Objective CIE-3A require the decisions of location intensity and extent of future land use in the County to be based on the physical and financial feasibility of providing services at or above the adopted level of Service standards. The application, if approved, would cause NW/SW 137 Avenue between NW 6 Street and SW 8 Street to operate at level of service D, but not violate the adopted level of service standard D for this roadway segment.

However, Application No. 5 in the May 2013 Cycle CDMP amendment applications is also located along NW/SW 137 Avenue at the intersection of theoretical SW 2 Street. Staff is concerned that the traffic impacts that would be generated by both applications cumulatively would cause this segment of NW/SW 137 Avenue to operate in violation of the adopted level of service standard. There are no planned roadway improvement projects that would mitigate the cumulative impacts of the applications. Given this concern, staff evaluated the suitability of both application sites for commercial uses and determined that the site for Application No. 5 is more appropriately located for commercial development as discussed in Principal Reason No. 2 below, and thereby recommends denial of this application.

2. The CDMP Land Use Element Policy LU-1G provides that business developments should be placed in clusters or nodes in the vicinity of major roadway intersections, and not in continuous strips or as isolated spots, with the exception of small neighborhood nodes. The application proposes commercial development that is isolated and separated from the adjacent neighborhood that it would serve by wall and a canal along NW/SW 137 Avenue. There is no direct access from the adjacent residential community to the east of NW/SW 137 Avenue near the application site.

It should be noted that while similarly located along NW/SW 137 Avenue, the site of the May 2013 Cycle CDMP amendment Application No. 5 is adjacent to “Business and Office” designated properties that have received zoning approvals for commercial type uses and is therefore more appropriately located for commercial development.

3. CDMP Land Use Element Policy LU-8E requires 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.
  - i. *Need:* The application site is located in Minor Statistical Area (MSA) 3.2, which has 284.5 acres of vacant commercially zoned or designated land. At the rate of absorption of commercial land (11.69 acres per year), this MSA will deplete its supply of commercial land beyond the year 2030. The requested redesignation to