

Application No. 12

Commission District 8 Community Council 14

APPLICATION SUMMARY

Applicant/Representative: Caval Commercial Development, L.L.C./Jerry B. Proctor, Esq. and Alexandra Deas, Esq.

Location: Northwest corner of SW 200 Street (Quail Roost Drive) and SW 127 Avenue (Burr Road)

Total Acreage: ± 4.0 Gross Acres (± 3.25 Net Acres)

Current Land Use Plan Map Designation: Estate Density Residential (1 to 2.5 dwelling units per gross acre)

Requested Land Use Plan Map Designation: Business and Office

Amendment Type: Small-Scale

Existing Zoning/Site Condition: EU-1/Vacant

RECOMMENDATIONS

Staff: **ADOPT** (August 25, 2006)

Redland Community Council **ADOPT** (September 29, 2006)

Planning Advisory Board (PAB) acting as Local Planning Agency: **ADOPT** with acceptance of proffered covenant (October 16, 2006)

Final Action of Board of County Commissioners: **ADOPTED AS SMALL-SCALE AMENDMENT** with acceptance of proffered covenant (November 20, 2006)

Staff recommends: **ADOPTION** of the proposed small-scale Land Use Plan Map amendment based on the Staff Conclusions located at the end of this report and summarized:

- The application site conforms with Guideline No. 4 of the CDMP Urban Guidelines and Urban Form because the site' is located at the major intersection of two section line roadways (SW 127 Avenue and SW 200 Street).
- To ensure compatibility of the proposed designation with the adjacent areas designated as "Estate Density Residential", a good urban design approach should be used to provide a meaningful and effective buffer between the uses on site.

STAFF ANALYSIS

Location and Land Use

The application site encompasses approximately 4.0 gross acres located at the northwest corner of SW 200 Street (Quail Roost Drive) and SW 127 Avenue (Burr Road). The site is currently vacant and zoned EU-1, which allows one estate single-family home per gross acre. The request is to change the Land Use Plan (LUP) map designation of the site from Estate Density Residential (1 to 2.5 dwelling units per gross acre) to Business and Office, which allows a range of sale, office and service activities as well as residential development. Under the current land use designation, the site could be developed with a maximum of 10 single-family dwelling units (du). The proposed Business and Office designation could potentially be developed with a maximum of 24 single-family du under residential scenario or 56,628 square feet (sf) of retail commercial under commercial scenario resulting in 142 employees or 87,120 sf of office with 295 employees under office scenario.

Adjacent Land Use and Zoning

Surrounding areas to the north, south east and west contain single-family homes on large lots are zoned EU-1 or EU-M (northwest to the site), which allows estate-modified homes on 15, 000 square foot lots. An existing Assembly of God church is located northeast of the property beyond the single family home. Southeast of the site is a Publix shopping center with a parking lot facing both Quail Roost Drive and Burr Road. This area is zoned BU-1A, which allows a number of limited businesses and designated Business and Office on the Land Use Plan (LUP) map of the CDMP. The adjacent property east of the application site is vacant and is also designated Business and Office. Adjacent to the south of the subject property is designated Low Density Residential on the LUP map while the north and west are currently designated Estate Density Residential.

Land Use and Zoning History

The application site received a zoning "special exception to permit a church with limited number of parking spaces" in April of 1994 by Resolution No. 5-ZAB-166-94. However, no church has been constructed on the site. Although the adjacent vacant parcel to the east of the application site is currently zoned EU-1, it is anticipated that the property would be rezoned BU-1A following the redesignation of that property (Application No. 12 of the April 2004-05 amendment cycle) by the Board of County Commissioners from Low Density Residential to Business and Office (Ordinance No. 04-93 on November 17, 2004).

The southeast area adjacent to the application site was also redesignated from Low Density Residential to Business and Office (Ordinance No. 02-198 on October 10, 2002) in the April 2001 Amendment cycle Application No. 9. Prior to these two CDMP amendments, there was a staff Application No. 17 in the October 1982-83 Amendment

cycle, in which a long north-south strip of area west near the application site was redesignated from Agriculture to Estate Density (1 to 2.5 du/ac), Low Density Residential (2.5 to 6 du/ac), and Industrial and Office (Ordinance No. 88-110 and 119 dated November 29, 1988 and December 6, 1988, respectively. Associated with these October 1982 cycle changes was an expansion of the Urban Development Boundary (UDB), which is now a mile plus westward from the application site. These changes occurred west and south of the nearby C-1 canal.

Supply and Demand

Residential Land Analysis

Vacant Residential land in the Analysis Area for this application (Minor Statistical Area 7.2) in 2006 is estimated to have a capacity for about 3,098 dwelling units, of which about 93 percent is for single-family type units. The annual average demand is projected to increase from 255 units per year in the 2006-2010 period to 768 units per year in the 2020-2025 period. An analysis of the residential capacity without differentiating by type of units shows absorption occurring in the year 2015 (See Table below). About 77 percent of the projected demand is for single-family type units, and this land is projected to be absorbed by the year 2016. The supply of multi-family land is projected to accommodate demand to 2009.

Residential Land Supply/Demand Analysis
2006 to 2025

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 2006	2,888	210
DEMAND 2006-2010	195	60	255
CAPACITY IN 2010	2,108	0	2,078
DEMAND 2010-2015	217	67	284
CAPACITY IN 2015	1,023	0	658
DEMAND 2015-2020	529	162	691
CAPACITY IN 2020	0	0	0
DEMAND 2020-2025	588	180	768
CAPACITY IN 2025	0	0	0
DEPLETION YEAR	2016	2009	2015

Residential capacity is expressed in terms of housing units.

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

Source: Miami-Dade Department of Planning and Zoning, Planning Research Section, 2006.

If this small-scale development is approved, it would not have any significant effect on the depletion dates for both single and multi-family type capacities.

Commercial Land Analysis

The Analysis Area for application 12 contained 51.9 acres of vacant land zoned or designated for commercial uses in the year 2006. The average annual absorption rate projected for the 2003-2025 period is 5.57 acres per year. At the projected rate of absorption, the analysis area will deplete its supply of commercial zoned or designated land by 2015. In addition, its commercial acres per thousand persons ratio is below the County average for both 2015 and 2025 (See Table below).

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

Analysis Area	Vacant Commercial Land 2006 (Acres)	Commercial Acres in Use 2006	Annual Absorption Rate 2003-2025 (Acres)	Projected Year of Depletion	Total Commercial Acres per Thousand Persons	
					2015	2025
MSA 7.2						
Total	51.9	201.1	5.57	2015	4.9	3.4

Source: Miami-Dade Department of Planning & Zoning, Planning Research Section, July 2006.

The Trade Area analysis is based on the location of the application, which is considered as the focal point of the Trade Area. Analysis of the Trade Area, 3.5 miles around the proposed project, for this application shows that there are 777.2 acres in existing commercial uses and 212.5 acres of vacant commercially zoned or designated land. Most of the vacant parcels, as well as the existing commercial land, are located along US 1 (See Appendix A: Trade Area Analysis Map).

Environmental Conditions

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

Flood Protection

County Flood Criteria (NGVD)	+7.17 feet
Stormwater Management	5-year storm
Drainage Basin	C-1
Federal Flood Zone	X
Hurricane Evacuation Zone	NO

Biological Conditions

Wetlands Permits Required	NO
Native Wetland Communities	NO
Specimen Trees	NO
Natural Forest Communities	NO
Endangered Species Habitat	NO

Other Considerations

Within Wellfield Protection Area	NO
Archaeological/Historical Resources	Information Pending

Water and Sewer

Potable water service to the site is to be provided by an existing 16-inch tapping flanged outlet at the 48-inch water main located at SW 200 Street and SW 127 Avenue. The source of water is the Miami-Dade Water and Sewer Department's (MDWASD) Alexander Orr Treatment Plant, which has a remaining available rated treatment plant capacity of 14.5 million gallons per day. The estimated water demand from this application is 8,400 gallons per day (gpd). Therefore, the water treatment plant has sufficient capacity to serve this application.

The estimated water flow figures generated above are used solely for the purpose of evaluating the impact of the proposed potential development on the level of service (LOS) of that water treatment facility serving the site and are not used for water supply planning purposes. If this application is approved, the change in land use will not result in an increased demand for water supply above that projected by the County's Water and Sewer Department through the year 2025 utilizing population projections approved by the County and the South Florida Water Management District. MDWASD is currently assembling alternative water supply projects that will be used to meet the future water supply demand of Miami-Dade County. It is anticipated that these projects will be identified and adopted in the CDMP 10-Year Water Supply Plan by March 2008.

Sanitary sewer service to the site is to be provided by an existing 8-inch sanitary sewer line located approximately 330 feet north of the subject property along SW 127 Avenue. Additionally all impacted pump stations are operating within their mandated criteria. Sewage treatment is provided at the South District Wastewater Treatment Plant, which has a remaining available capacity of approximately 311 million gpd. The estimated potential sewage flow demand of this application is 8,400 gpd. Therefore, the wastewater treatment plant has sufficient capacity to serve this application.

Solid Waste

This application site lies within the Department of Sewer and Water Management's (DSWM) waste service area for garbage and trash collections. The closest DSWM facility serving Application No. 11 is the West Perrine Trash and Recycling Center (16651 SW 107 Avenue), which is approximately 4 miles away. The impact on collection services is minimal.

Parks

The nearest park site to Application No. 12 is Rock Pit #77 Park, a Neighborhood Park of 4 acres, which is located at 20200 SW 127 Street, less than one mile west of the application site. Application No. 12 is located with Park Benefit District 3 (PBD 3), which has a surplus capacity of 169.18 acres when measured by the County concurrency level-of-service standard. The impact of this application will increase the potential

Public Schools

Students generated by this application will attend those schools identified in the following table. This table also identifies the school's enrollment as of October 2005, the school's Florida Inventory of School Houses (FISH) Design Capacity, which includes permanent and relocatable student stations, and the school's FISH utilization percentage. Pursuant to the state-mandated Interlocal Agreement for Public School Facility Planning, between Miami-Dade County and the Miami-Dade County School Board, the school board and development community are required to collaborate where proposed development would result in an increase in the schools' FISH % utilization in excess of 115%.

This application, if approved, will increase the potential student population of the schools serving the application site by an additional 9 students. Approximately 4 of these additional students will attend South Miami Elementary, keeping the FISH utilization the same at 94%; 2 students will attend Mays Community Middle, also keeping the FISH utilization the same at 75%, and 3 students will attend Miami Southridge Senior, and keeping the FISH utilization the same at 128%. Only the senior high school currently exceeds the 115% FISH design capacity threshold set by the Interlocal Agreement but not significantly beyond its current FISH utilization. No new impacts would result from the application. (See Table below).

School	2005 Enrollment*		FISH Capacity**	% FISH Utilization	
	Current	With Application		Current	With Application
South Miami Heights Elementary	728	732	776	94	94
Mays Community Middle	776	778	1,039	75	75
Miami Southridge Senior High	3,665	3,668	2,862	128	128

* Enrollment as of October 15, 2005

** FISH Capacity includes the total of permanent student stations and portable student stations

The following table outlines the relief schools that are currently being planned, designed or constructed.

School	Status	Projected
State School "YYY-1" Varela/Sunset/Southridge High (2,858 student-stations)	Planning	2010 School Opening

No additional relief schools are proposed in the 5-year Capital Improvement Program.

Roadways

Existing Conditions

The roadways serving the application site include SW 200 Street (Quail Roost Drive/SR 994) and SW 127 Avenue. SW 200 Street is a two-lane roadway facility from Krome Avenue to SW 127 Avenue and a four-lane divided arterial from SW 127 Avenue to US 1. SW 127 Avenue is a two-lane section line roadway. SW 200 Street connects to the Homestead Extension of Florida's Turnpike (HEFT) and US 1, east of the application site, and SW 137 Avenue and SW 177 Avenue (Krome Avenue) west of the application site. SW 137 Avenue, Krome Avenue, the HEFT, and US 1 provide accessibility to other portions of the county.

The Traffic Impact Analysis Table, below, shows the current operating levels of service (LOS) on Quail Roost Drive, SW 127 Avenue, and US 1. All these roadway segments are currently operating at the acceptable levels of service B, C, and D, above the adopted LOS D and E standards applicable to these roadway segments.

The LOS is represented by one of the letters "A" through "F", with "A" generally representing the most favorable driving conditions and "F" representing the least favorable.

No roadway capacity improvements are currently programmed for these roadways in the county's 2007 Transportation Improvement Program (TIP) in fiscal years 2006-2011. However, the County's Long Range Transportation Plan to the Year 2030 lists the widening from two to four lanes of SW 200 Street from Quail Roost Drive to US 1 as a Priority III project. Priority III projects are roadway improvements planned to be funded between the years 2021 and 2030.

Traffic Concurrency Evaluation

An evaluation of peak-period traffic concurrency conditions without the application's impact, as of June 22, 2006, which considers reserved trips from approved developments not yet constructed and any programmed capacity improvements, predicts that all the roadway segments in the vicinity of the application site will operate at acceptable LOS D, at or above the adopted LOS D and E standards applicable to these roadway segments.

CDMP Amendment Application No. 12 (Commercial)
 Traffic Impact Analysis on Roadways Serving the Amendment Site
 Roadway Lanes, Existing and Concurrency 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	Conc. LOS w/o Amend.	Amendment Peak Hour Trips	Total Trips With Amend.	Concurrency LOS with Amend.
1116	SW 200 St (SR 994) ¹	Krome Ave. to SW 127 Ave.	2	D	1610	1471	D	22	D	4	1497	D (04)
54	SW 186 St/ SR 994 ¹	SW 127 Ave. to HEFT	4	E	3390	2096	B	269	B	150	2515	B (04)
9890	SW 200 St	Quail Roost Dr. to US 1	2	D	1640	1434	C	118	D	39	1591	D (04)
9788	SW 127 Ave	SW 184 St to SW 200 St	2	D	1210	556	C	614	D	22	1192	D (04)

Source: Compiled by Miami-Dade County Department of Planning and Zoning; Miami-Dade Public Works Department and Florida Department of Transportation, July 2006.

Notes: DV= Divided Roadway, UD= Undivided Roadway, LA Limited Access

*County adopted roadway level of service standard applicable to the roadway segment

¹ State Urban Minor Arterial; Level of Service D when no transit service available outside the Urban Development Boundary

² State Urban Minor Arterial; Level of Service E when no transit service available within the Urban Infill Area and the Urban Development Boundary

() Year traffic count was updated or LOS revised

CDMP Amendment Application No. 12 (Residential)
 Traffic Impact Analysis on Roadways Serving the Amendment Site
 Roadway Lanes, Existing and Concurrency 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	Conc. LOS w/o Amend.	Amendment Peak Hour Trips	Total Trips With Amend.	Concurrency LOS with Amend.
1116	SW 200 St (SR 994)	Krome Ave. to SW 127 Ave. ¹	2	D	1610	1471	D	22	D	0	1493	D (04)
54	SW 186 St/ SR 994	SW 127 Ave. to HEFT ²	4	E	3390	2096	B	269	B	20	2385	B (04)
9890	SW 200 St	Quail Roost Dr. to US 1	2	D	1640	1434	C	118	D	5	1557	D (04)
9788	SW 127 Ave	SW 184 St to SW 200 St	2	D	1210	556	C	614	D	3	1173	D (04)

Source: Compiled by Miami-Dade County Department of Planning and Zoning; Miami-Dade Public Works Department and Florida Department of Transportation, July 2006.

Notes: DV= Divided Roadway, UD= Undivided Roadway, LA Limited Access

*County adopted roadway level of service standard applicable to the roadway segment

¹ State Urban Minor Arterial; Level of Service D when no transit service available outside the Urban Development Boundary

² State Urban Minor Arterial; Level of Service E when no transit service available within the Urban Infill Area and the Urban Development Boundary

() Year traffic count was updated or LOS revised

Application Impact

Two development scenarios were analyzed for traffic impact under the requested CDMP land use designation (Business and Office). Scenario 1 assumes the application site developed with commercial use (56,628 sq. ft. of retail). Scenario 2 assumes the application site developed with residential use (30 single-family dwelling units).

The Estimated Peak Hour Trip Generation Table, below, identifies the estimated PM peak-hour trips expected to be generated for the proposed development scenarios under the requested CDMP land use designation, and compares it to the development that could occur under the existing CDMP land use designation. The estimated trip difference between the requested and current land use designations is an additional 220 PM peak-hour trips if the application site is developed with commercial use, and 17 more PM peak-hour trips if developed with residential use.

Estimated Peak Hour Trip Generation By Current CDMP and Requested Use Designations			
Application Number	Assumed Use For Current CDMP Designation/ Estimated No. Of Trips	Assumed Use For Requested CDMP Designation/ Estimated No. Of Trips	Estimated Trip Difference Between Current and Requested CDMP Land Use Designation
12 (Scenario 1)	Estate Density Residential (1 to 2.5 DUs/Acre) 10 Single Family Units	Business & Office 56,628 sq. ft. Shopping Ctr.	
	13	233 ¹	+220
12 (Scenario 2)	Estate Density Residential (1 to 2.5 DUs/Acre) 10 Single Family Units	Business & Office Residential Use – Low Density Residential (2.5 to 6 DUs./Acre)	
	13	30	+17

Source: Institute of Transportation Engineers, Trip Generation, 7th Edition, 2003.

Notes: ¹ includes pass-by trips adjustment factor, ITE Trip Generation, 7th Edition, 2003.

The concurrency evaluation with the application’s impact, under the worst-case scenario (retail use), indicates that the concurrency LOS of Quail Roost Drive, SW 127 Avenue, and SW 200 Street are projected to operate at LOS B and D, above the adopted LOS D and LOS E standards applicable to these roadway segments.

Transit Service

Metrobus Routes 52 and 216 currently serve the application site. The table below shows the existing service frequency for these routes in summary form.

Metrobus Route Service

Route	Peak	Headways (in minutes)			Stop Locations	Type of Service
		Off-Peak	Sat.	Sunday		
52	30	40	40	40	Quail Roost Dr. & SW 123 Ave.	L
216	30	30	30	30	SW 127 Ave. & SW 200 St.	L/F – Dadeland South Metrorail Station

Source: 2006 Transit Development Program, Miami-Dade Transit, May 2006.

Notes: L means local service route

F means feeder service route to Metrorail

Future Conditions

Route 52 – Improve peak headways from 30 to 15 minutes. All night service every 60 minutes, seven days a week. Serves the Dadeland South, South Miami, and University Stations.

Route 216 (Goulds Connection) – Improve peak headways from 30 to 15 minutes.

One new Metrobus route is also planned in the vicinity of the application site: Quail Roost Connection. This will be a MAX route on SW 184 and Quail Roost Drive.

Other Planning Considerations

A covenant was submitted on July 28, 2006 to support this application. The covenant with a 30-year term, effective from the date of the recordation of its declaration, restricts the development of the site if the application is approved to exclude operation of an “adult entertainment uses as defined in Section 33-259.1 of the Miami-Dade County Code of Ordinances.

Guideline 4 of the Guideline of Urban Form outlined in the CDMP states:

“Intersections of section line roads shall serve as focal points of activity, hereafter referred to as activity nodes. Activity nodes shall be occupied by any nonresidential components of the neighborhood including public and semi-public uses. When commercial uses are warranted, they should be located within these activity nodes. In addition, of the various residential densities, which may be approved in a section through density averaging or on an individual site basis, the higher density residential uses should be located at or near the activity nodes.”

STAFF CONCLUSIONS

The Department of Planning and Zoning recommends **ADOPTION** of the proposed small-scale Land Use Plan (LUP) map amendment to redesignate from “Estate Density Residential” (1 to 2.5 dwelling units per gross acre)” to “Business and Office” based on the following considerations:

1. The application, if approved at this intersection, would help implement Guideline No. 4 of the CDMP Guidelines and Urban Form, which provides that intersection of section-line roadways should be planned to serve activity nodes for the surrounding residential communities. The site is located at a major intersection of two section-line roads, SW 127 Avenue (Burr Road) and SW 200 Street (Quail Roost Drive). Although the areas north and west of this site are currently designated "Estate Density Residential" on the LUP map, the development of the application site with good urban design would provide for a transition and necessary buffer between the commercial/activity node and the residential neighborhoods. The proposed designation will compliment two similar "Business and Office" designations approved in recent years on the northeast and southeast corners of the intersection. To ensure compatibility of the proposed designation with the adjacent areas designated as "Estate Density Residential", a good urban design approach should be used to provide a meaningful and effective buffer between the uses.
2. The area has adequate supply of both vacant residential and commercial land. With a vacant land capacity to accommodate an estimated 3,098 units available in 2006, it is projected that the capacity both single-family and multi-family types of residential would be depleted in 2015. Also, the depletion year for the supply of vacant land for commercial is projected to be depleted in 2015 based on the average annual rate absorption of 5.57 acres in MSA 7.2.
3. The application would have minimal impacts on public facilities and services such as water, sewer, solid waste, parks, etc.
4. A "Business and Office" designation would not be supportive of transit-oriented development at this location since the site is not within a ¼ mile of a bus stop that currently has a bus route with headway of 20 minutes during peak periods.
5. There are no impacts on any environmental or historic resources.

Consistency with CDMP Goals, Objectives, Policies and Concepts

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

- Policy LU-4A: Factors to evaluate compatibility among proximate land uses;
- Policy LU-4D: Potentially incompatible uses permitted with design; and
- Policy LU-8B: Distribute neighborhood or community-serving retail sales uses and personal and professional offices throughout the urban area to reflect spatial distribution of the residential population among other salient social, economic and physical considerations.

The proposed application would impede the following CDMP goals, objectives, policies and concepts:

- Policy LU-4C: Neighborhood protected from disrupted or degrading;
- Policy LU-8E: (iii) compatibility with abutting and nearby land uses and protection of the character of established neighborhoods

APPENDICES

Appendix A Map Series

Appendix B Amendment Application

Appendix C Miami-Dade County Public Schools Analysis

Appendix D Applicant's Traffic Study

Appendix E Fiscal Impact Analysis

Appendix F Proposed Declaration of Restrictions

Appendix G Photos of Site and Surroundings (from site visit)

APPENDIX A

Map Series

AERIAL PHOTO: APPLICATION NO. 12



APPLICATION AREA

2006 AERIAL

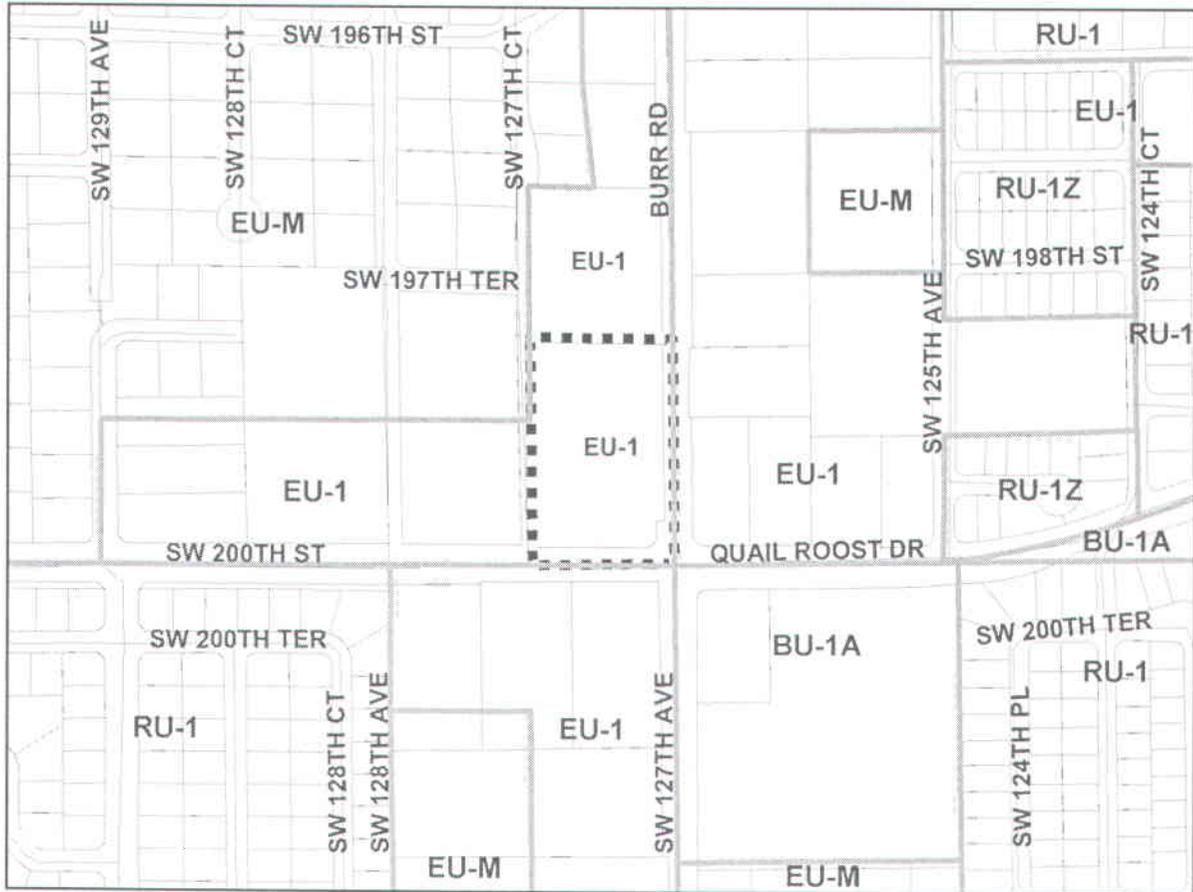
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Miles

SOURCE: MIAMI-DADE COUNTY, DEPARTMENT OF PLANNING AND ZONING, JULY 2006



**APPLICATION NO. 12
CURRENT ZONING MAP**



APPLICATION AREA

MIAMI-DADE ZONING DISTRICTS

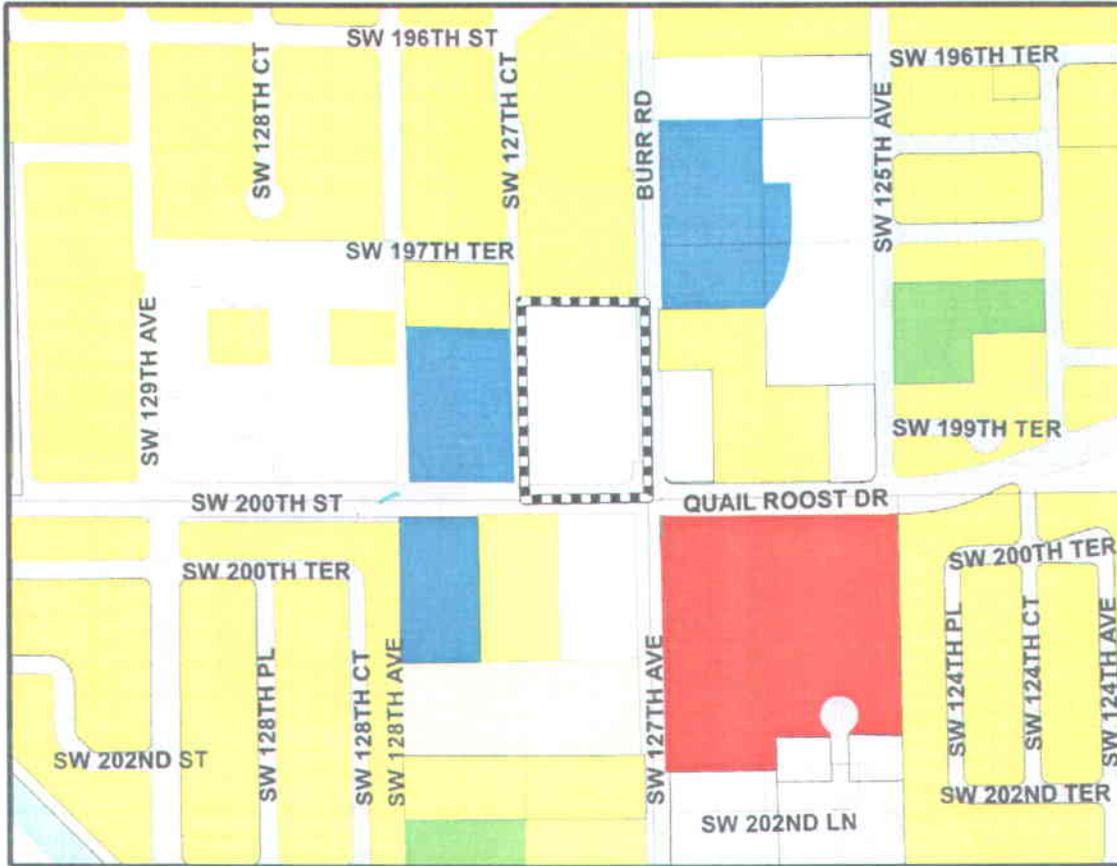
- EU-1: ESTATES 1 FAMILY 1 ACRE GROSS
- EU-M: ESTATES MOD.1 FAMILY 15,000 SQ.FT. NET
- RU-1: SINGLE FAMILY RESIDENTIAL 7,500 SQ. FT. NET
- RU-1Z: SINGLE FAMILY ZERO LOT LINE 4,500 SQ. FT. NET
- BU-1A: BUSINESS - LIMITED



SOURCE: MIAMI-DADE COUNTY, DEPARTMENT OF PLANNING AND ZONING, JULY 2006



**APPLICATION NO. 12
EXISTING LAND USE**



LEGEND

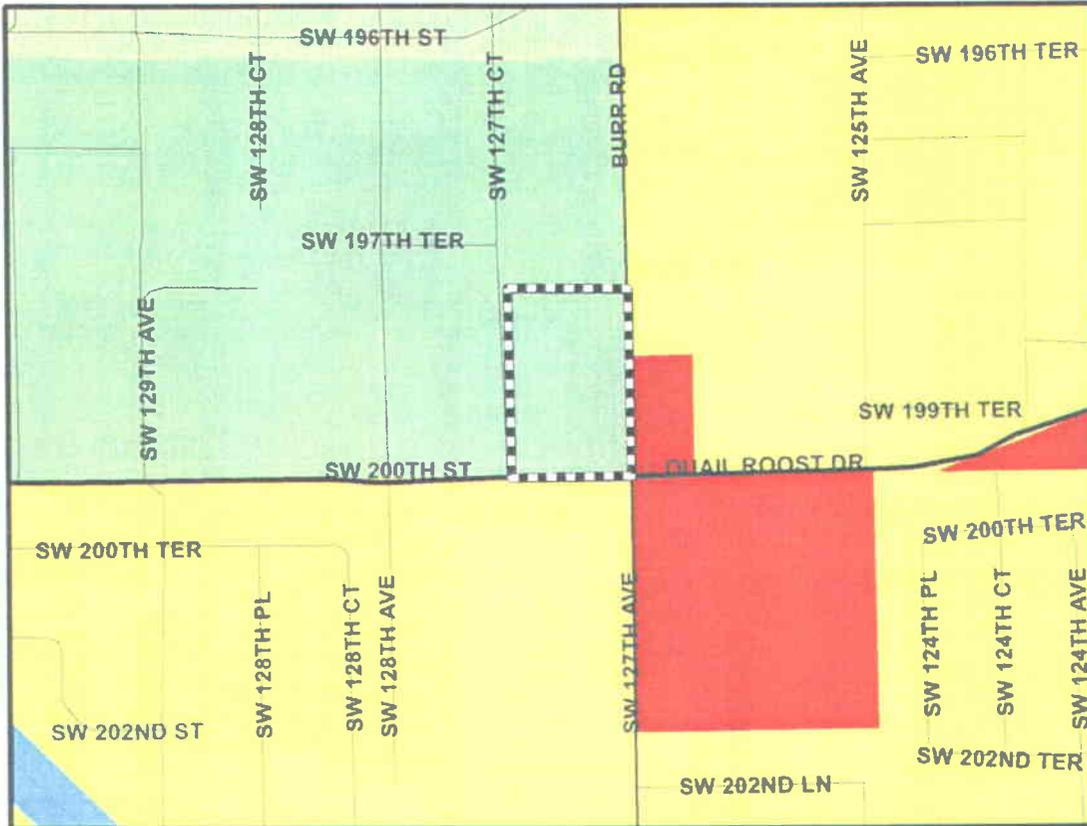
-  APPLICATION AREA
- EXISTING LAND USE**
-  SINGLE-FAMILY
-  COMMERCIAL, SHOPPING CENTERS, STADIA
-  INSTITUTIONAL
-  STREETS, ROADS, EXPRESSWAYS, RAMPS
-  STREETS, EXPRESSWAY R/W
-  AGRICULTURE
-  VACANT, GOVERNMENT OWNED
-  VACANT UNPROTECTED
-  INLAND WATERS



SOURCE: MIAMI-DADE COUNTY, DEPARTMENT OF PLANNING AND ZONING, JULY 2006



APPLICATION NO. 12
CDMP LAND USE PLAN



LEGEND

-  APPLICATION AREA
- CDMP LAND USE**
-  RESIDENTIAL COMMUNITIES
ESTATE DENSITY RESIDENTIAL (EDR) 1 TO 2.5 DU/AC
-  LOW DENSITY RESIDENTIAL (LDR) 2.5 TO 6 DU/AC
-  BUSINESS AND OFFICE
-  WATER
-  MAJOR ROADWAYS (3 OR MORE LANES)
-  MINOR ROADWAYS (2 LANES)
-  CANAL

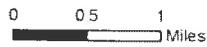
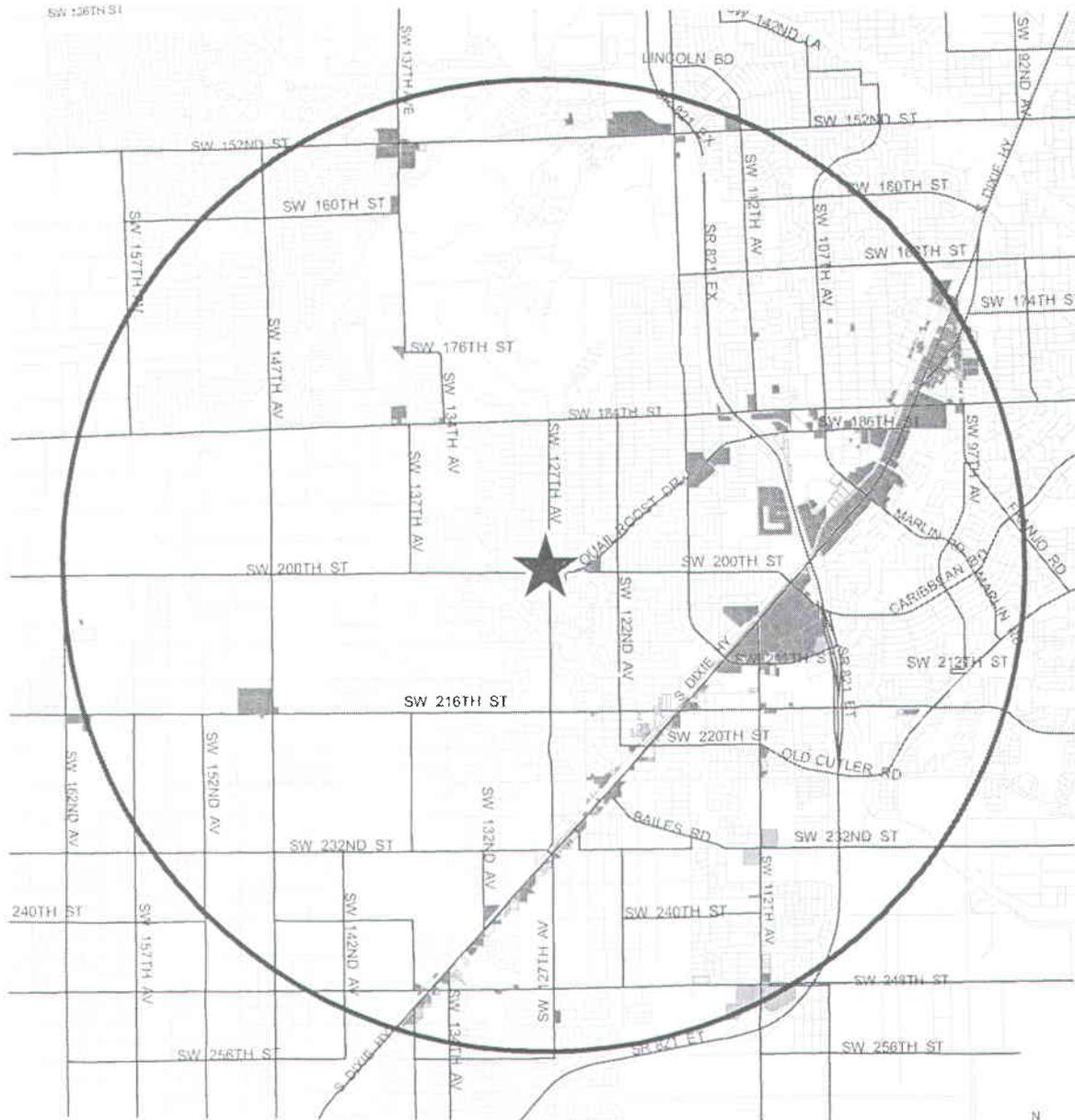
NOTE: This figure is a graphic representation drawn at a different scale than the Official Adopted 2015 and 2025 Land Use Plan (LUP) map, which was adopted at a scale of one inch to a mile. The LUP map with subsequent adopted amendments, governs where this figure differs.



SOURCE: MIAMI-DADE COUNTY, DEPARTMENT OF PLANNING AND ZONING, AUGUST 2006



TRADE AREA MAP: APPLICATION NO.12



★	Application 12	■	Commercial Landuse
□	3.5-mile Radius	■	Vacant Commercial Landuse
■		■	Agricultural Land Designated for Commerical Uses

Miami-Dade County
 Department of Planning & Zoning
 Planning Research Section
 July 2006

APPENDIX B

Amendment Application

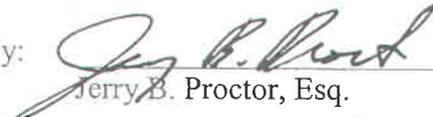
**APPLICATION TO AMEND THE 2015-2025
MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

1. APPLICANT

Caval Commercial Development, LLC

2. APPLICANTS' REPRESENTATIVE

**Jerry B. Proctor, Esquire and
Alexandra Deas, Esquire
Bilzin Sumberg Baena Price & Axelrod, LLC
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Miami, Florida 33131
(305) 374-7580
FAX (305)351-2250**

By:  April 28, 2006
Jerry B. Proctor, Esq. Date

By:  April 28, 2006
for Alexandra Deas, Esq. Date

The applicant requests expedited processing of this application as a small-scale amendment.

3. DESCRIPTION OF REQUESTED CHANGE

A. An amendment to the CDMP Land Use Plan Map is requested.

Current Land Use Designation: Estate Density-Residential
Proposed Land Use Designation: Business and Office

B. Description of the subject property

The subject property (the "Property") comprises approximately 4 gross acres (3.25 net acres, 2.91 acres after anticipated right-of-way dedications) located at the northwest corner of SW 200 Street and SW 127 Avenue in Section 2, Township 56, Range 39, in unincorporated Miami-Dade County (see Exhibit "A").

APPLICATION (continued)

C. Gross Acreage

Application area: 4 gross acres (3.25 net acres)
Acreage owned by applicant: 0 gross acres

D. Requested Change

- (1) **The applicant respectfully requests that the 4 gross acre application area be redesignated on the Land Use Plan Map from Estate Density Residential (1-2.5 dwelling units per acre) to Business and Office.**
- (2) **The applicant requests that the application be processed as a "Small Scale" amendment and that the application be expedited pursuant to the procedure for Small Scale Amendment.**

4. REASON FOR AMENDMENT

The Miami-Dade County Comprehensive Development Master Plan (CDMP) provides the commercial development shall preferably be placed in clusters or nodes in the vicinity of major roadway intersections (Land Use Policy 1H Land Use Element, page I-3). The subject is located at the intersection of two sectionline roadways. Quail Roost Drive (SW 200 Street) is a State minor arterial roadway, and as such is the most highly classified east-west roadway south of Kendall Drive. Southwest 127 Avenue is a County collector roadway. This location has multi-modal accessibility, with extensive roadway travel capabilities in all four directions and Metrobus service. As such, this intersection qualifies as a major center of activity and concentration of significant employment (Land Use Policy 1B, Land Use Element, page I-2). Miami-Dade County's "Guidelines for Urban Forum" contained in the "Interpretation of the Land Use Plan Map" text adopted as an extension of these policies, call for these activity nodes to serve as focal points of activity. The provision of commercial services at this intersection would provide the focal point and major center of activity envisioned in the Land Use Element.

This intersection already contains two recently approved commercial nodes. The Board of County Commissioners redesignated the 9.99 +/- acre "Pelican Bay" property at the Southeast corner of SW 127 Avenue and Quail Roost Drive to "Business and Office" in the October, 2001 application cycle. This property now contains a community serving retail center with an anchoring "Publix" supermarket. The two-acre parcel at the northeast corner of the intersection of Quail Roost Drive and SW 127 Avenue obtained a "Business and Office" designation in the April, 2004 application cycle. The placement of additional community serving retail sales facilities at the subject Property will reflect the substantial growth in the area and will provide the ability to buffer any potential incompatible elements from the surrounding community (Land Use Policy 4D, Land Use Element, page I-10). The provision of retail services at this intersection in Section 2, Township 56, Range 39, will promote energy efficiency by placing service uses in a section of land that currently has no commercial land. (Land Use Objective 10, Land Use Element, pages I-20 and I-21).

APPLICATION (continued)

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

APPLICANT/REPRESENTATIVE

Caval Commercial Development, LLC

DESCRIPTION OF SUBJECT AREA

The subject property (the "Property") comprises approximately 4.0 gross acres (3.25 net acres) located at the Northwest corner of SW 200 Street and SW 127 Avenue in Section 2, Township 56, Range 39, in unincorporated Miami-Dade County (see Exhibit "A")

Folio # 30-6902-001-0620

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

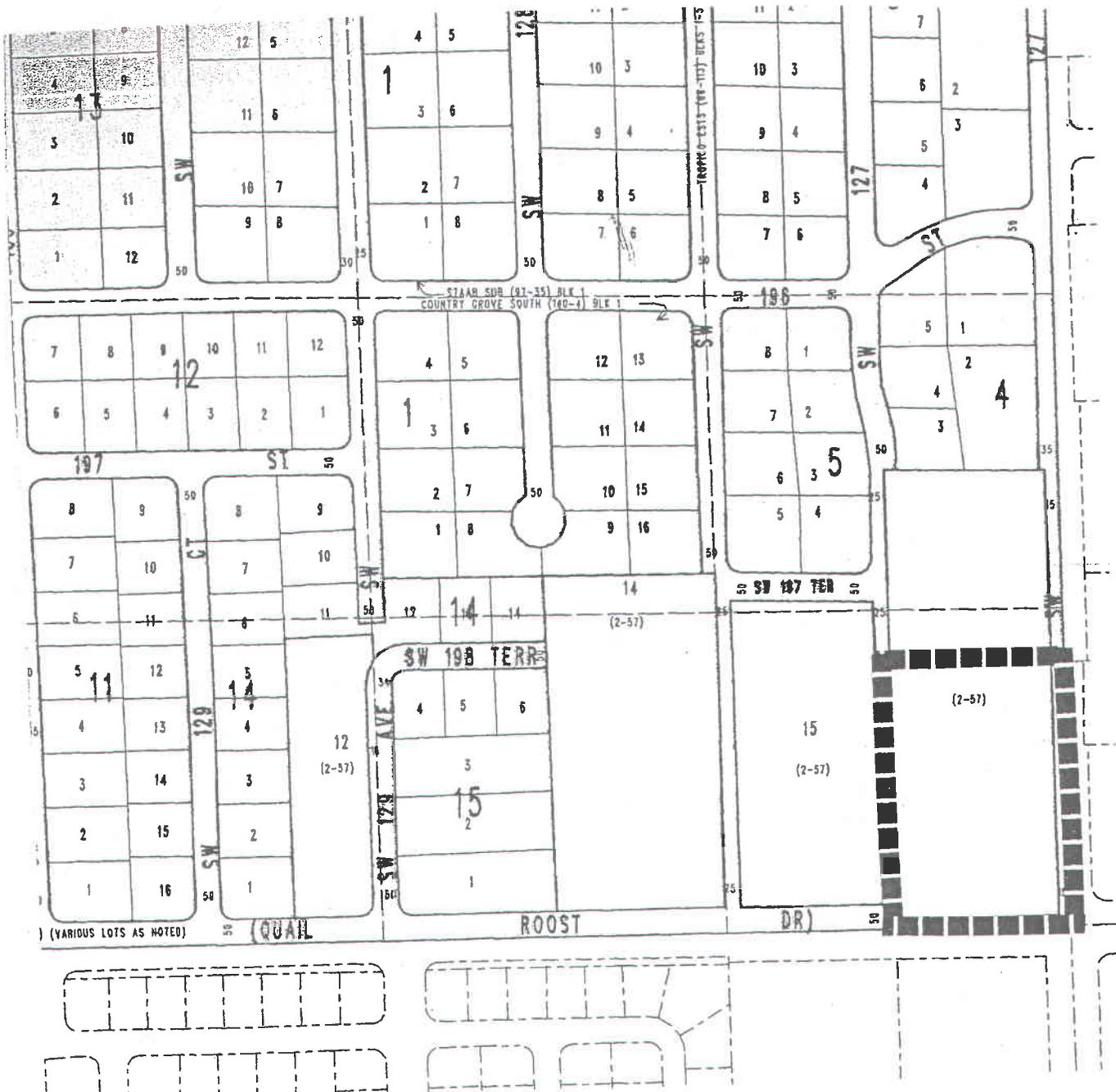
APPLICANT/REPRESENTATIVE

Caval Commercial Development, LLC

DESCRIPTION OF SUBJECT AREA

The subject property (the "Property") comprises approximately 3.25 acres located at the Northwest corner of SW 200 Street and SW 127 Avenue in Section 2, Township 56, Range 39, in unincorporated Miami-Dade County (see Exhibit "A")

Folio # 30-6902-001-0620



APPENDIX C

Miami-Dade County Public Schools Analysis



Miami-Dade County Public Schools

giving our students the world

Superintendent of Schools

Rudolph F. Crew, Ed.D.

Chief Facilities Officer

Rose Diamond

Planning Officer

Ana Rijo-Conde, AICP

July 10, 2006

Miami-Dade County School Board

Agustin J. Barrera, Chair

Perla Tabares Hantman, Vice Chair

Frank J. Bolaños

Evelyn Langlieb Greer

Dr. Robert B. Ingram

Dr. Martin Karp

Ana Rivas Logan

Dr. Marta Pérez

Dr. Solomon C. Stinson

Ms. Diane O'Quinn-Williams, Director
Miami-Dade County
Department of Planning and Zoning
Zoning Evaluation Section
111 NW 1 Street, Suite 1110
Miami, Florida 33128

**Re: Land Use Amendments
April 2006 Cycle
(Applications No. 1-16)**

Dear Ms. O'Quinn-Williams:

Pursuant to the state-mandated and School Board approved Interlocal Agreement, local government, the development community and the School Board are to collaborate on the options to address the impact of proposed residential development on public schools where the proposed development would result in an increase in the schools' FISH % utilization (permanent and relocatable), in excess of 115%. This figure is to be considered only as a review threshold and shall not be construed to obligate the governing agency to deny a development.

Attached please find the School District's (District) review analysis of potential impact generated by the above referenced applications. Please note that land use amendments 6, 10 and 16 will not generate additional student impact to the District; and the schools impacted by land use amendments 2 and 3 do not meet the review threshold. However, land use amendments proposed in applications 1, 4, 5, 7, 8, 9, 11, 12, 13, 14 and 15 will generate an additional student impact to the District (see attached analyses).

Please note that some of the impacted school facilities for Amendments 1, 4, 5, 7, 8, 9, 11, 12, 13, 14 and 15 meet the referenced review threshold. As such, it is our recommendation that dialogue between the District and the applicants take place as it relates specifically to public schools in the affected area that meet the review threshold. The District will keep the County apprised if such dialogue takes place with respective applicants.

Ms. Diane O'Quinn-Williams
July 10, 2006
Page Two

Also, attached is a list of approved Charter School Facilities which may provide relief on a countywide basis.

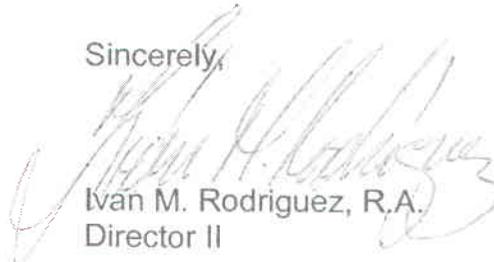
Additionally, pursuant to Miami-Dade County's Educational Facilities Impact Fee Ordinance, the proposed developments, if approved, will be required to pay educational facilities impact fees (impact fees) based on the following formula:

New residential unit square footage X .90 (Square Footage Fee) +
\$600.00 (Base Fee) + 2% administrative fee = Educational Facilities
Impact fee

In accordance with the Agreement, this letter and attached information should not be construed as commentary on the merits of the pending land use amendment applications. Rather it is an attempt to provide relevant information to the Planning Advisory Board, Community Councils and Miami-Dade County Board of County Commissioners on public schools that will likely serve the proposed developments and meet the referenced threshold.

As always, thank you for your consideration and continued partnership in our mutual goal to enhance the quality of life for the residents of our community.

Sincerely,



Ivan M. Rodriguez, R.A.
Director II

IMR:ir
L001
Attachments

cc: Ms. Ana Rijo-Conde
Mr. Fernando Albuerne
Mr. Michael A. Levine
Ms. Vivian Villaamil
Ms. Patricia Good
Ms. Helen Brown

SCHOOL IMPACT REVIEW ANALYSIS

July 5, 2006

APPLICATION: No. 12, Caval Commercial Development LLC

REQUEST: Change Land Use from Estate Density Residential (1 to 2.5 DU/acre) to Business and Office

ACRES: ± 4 acres

LOCATION: Approximately NW corner of SW 200 Street (Quail Roost Drive) and SW 127 Avenue (Burr Road)

**MSA/
MULTIPLIER:** 7.2 / .67 Single-Family (SF) Detached

NUMBER OF UNITS:		Proposed Land Use	Existing Land Use
	14 additional units	24 SF Detached	10 SF Detached

ESTIMATED STUDENT POPULATION: 9

ELEMENTARY: 4

MIDDLE: 2

SENIOR HIGH: 3

SCHOOLS SERVING AREA OF APPLICATION

ELEMENTARY: South Miami Heights Elementary – 12231 SW 190 Terrace

MIDDLE: Mays Community Middle – 11700 SW 216 Street

SENIOR: Miami Southridge Senior High – 19355 SW 114 Avenue

All schools are located in Regional Center V and VI.

*Based on Census 2000 information provided by Miami-Dade County Department of Planning and Zoning.

The following population and facility capacity data are as reported by the Office of Information Technology, as of October 2005:

	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELCOATABLE	CUMULATIVE STUDENTS**
South Miami Heights Elementary	728	714	102%	62	94%	842
	732 *		103%		94%	
Mays Community Middle	776	940	83%	99	75%	898
	778 *		83%		75%	
Miami Southridge Senior High	3,665	2,662	138%	200	128%	4,087
	3,668 *		138%		128%	

*Student population increase as a result of the proposed development

**Estimated number of students (cumulative) based on zoning/land use log (2001- present) and assuming all approved developments are built; also assumes none of the prior cumulative students are figured in current population.

Notes:

- 1) Figures above reflect the impact of the class size amendment.
- 2) Pursuant to the Interlocal Agreement, Southridge Senior High School meets the review threshold.

PLANNED RELIEF SCHOOLS IN THE AREA
(Information included in proposed 5-Year Capital Plan, 2005-2009, dated April 2005)

Projects in Planning, Design or Construction

<u>School</u>	<u>Status</u>	<u>Projected Occupancy Date</u>
State School HHH-1 (Varela / Sunset / Southridge Senior High schools relief) (2,858 student stations)	Planning	2010 School Opening

Proposed Relief Schools

<u>School</u>	<u>Funding year</u>
N/A	

Estimated Permanent Elementary Seats (Current and Proposed in 5-Year Plan)	714
Estimated Permanent Middle Seats (Current and Proposed in 5-Year Plan)	940
Estimated Permanent Senior High Seats (Current and Proposed in 5-Year Plan)	5,520

Note: Some of the proposed schools will add relief to more than one school and new seats will be assigned based on projected need.

OPERATING COSTS: Accounting to Financial Affairs, the average cost for K-12 grade students amounts to \$6,549 per student. The total annual operating cost for additional students residing in this development, if approved, would total \$58,941.

CAPITAL COSTS: Based on the State's July 2006 student station cost factors*, capital costs for the estimated additional students to be generated by the proposed development are:

ELEMENTARY	Does not meet review threshold
MIDDLE	Does not meet review threshold
SENIOR HIGH	3 x 25,366 = \$76,098
Total Potential Capital Cost	\$76,098

*Based on Information provided by the Florida Department of Education, Office of Educational Facilities Budgeting. Cost per student station does not include land cost.

APPENDIX D

Applicant's Traffic Study

Not Required for Small-scale Application

APPENDIX E

Fiscal Impacts Analysis

FISCAL IMPACTS ON INFRASTRUCTURE AND SERVICES

On October 23, 2001, the Board of County Commissioners adopted Ordinance 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. 12 to amend the Comprehensive Development Master Plan (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 impact the costs of the required infrastructure and service, and the extent to which the costs will be borne by the property owners or will require general taxpayer support and includes an estimate of that support.

The agencies used various methodologies to make 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

Concurrency

Since the DSWM assesses capacity system-wide based, in part, on existing waste delivery commitments from both the private and public sectors, it is not possible to make determinations concerning the adequacy of solid waste disposal facilities relative to each individual application. Instead, the DSWM issues a periodic assessment of the County's status in terms of 'concurrency' – that is, the ability to maintain a minimum of five (5) years of waste disposal capacity system-wide. The County is committed to maintaining this level in compliance with Chapter 163, Part II F.S. and currently exceeds that standard by nearly four (4) years.

Residential Collection and Disposal Service

The incremental cost of adding a residential unit to the DSWM Service Area, which includes the disposal cost of waste, is offset by the annual fee charges to the user. Currently, that fee is \$399 per residential unit. For a residential dumpster, the current fee is \$308. The average residential unit currently generates approximately 3.0 tons of waste annually, which includes garbage, trash and recycled waste.

As reported in March 2005 to the State of Florida, Department of Environmental Protection, for the fiscal year ending September 30, 2004, the full cost per unit of providing waste Collection Service was \$370 including disposal and other Collections services such as, illegal dumping clean-up and code enforcement. .

Waste Disposal Capacity and Service

The incremental and cumulative cost of providing disposal capacity for DSWM Collections, private haulers and municipalities are paid for by the users. The DSWM charges a disposal tipping fee at a contract rate of \$53.65 per ton to DSWM Collections and to those private haulers and municipalities with long term disposal agreements with the Department. For non-contract haulers, the rate is \$70.75. These rates adjust annually with the Consumer Price Index, South. In addition, the DSWM charges a Disposal Facility Fee to private haulers equal to 15 percent of their annual gross receipts, which is targeted to ensure capacity in operations. Landfill closure is funded by a portion of the Utility Service Fee charged to all retail and wholesale customers of the County's Water and Sewer Department.

Water and Sewer

The Miami-Dade County Water and Sewer Department provides for the majority of water and sewer service 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 actual labor and material costs, competitive market conditions, final project scope implementation schedule, continuity of personnel and other variable factors. Assuming Application No. 12 is built at the maximum residential density of 6 dwelling units per gross acre (the use allowed under the proposed redesignation of Business and Office that would generate the greatest water and sewer demand), the fees paid by the developer would be \$11,676 for water impact fee, \$47,040 for sewer impact fee, \$1,300 per unit for connection fee, and \$6,746 for annual operating and maintenance costs based on approved figures through September 30,2005.

Flood Protection

The Department of Environmental Regulation Management (DERM) is restricted to 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 of 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

Application No. 12 will result in nine additional students, thus, increasing operating costs by \$58,941 and capital costs by \$76,098.

APPENDIX F

Proposed Declaration of Restrictions

The Applicant did submit a Declaration of Restrictions before the July 28, 2006 which is in the Initial Recommendations report. On October 12, 2006, the applicant submitted a revised Declaration of Restrictions which is attached.

Application 12

RECEIVED
OCT 12 2006

MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING
METROPOLITAN PLANNING SECTION

BY _____

Jerry B. Proctor, P.A.
Direct Dial: (305) 350-2361
Direct Facsimile: (305) 351-2250
Email: JProctor@bilzin.com

October 11, 2006

Via Hand Delivery

Mark R. Woerner, Chief, Planning Section
Miami-Dade County Department of Planning and Zoning
111 N.W. First Street, 12th Floor
Miami, FL 33128

Re: CDMP Application No. 12 (April 2006 Cycle)
Applicant: Caval Commercial Development, LLC
Planning Advisory Board Hearing Date: October 16, 2006

Dear Mark:

In an effort to further substantiate our client's commitment to develop compatible commercial uses on the property that is the subject of the above-mentioned application, at the Northwest corner of SW 200 Street and SW 127 Avenue, enclosed please find an updated "Declaration of Restrictions" for the property. We will introduce this updated Declaration at the hearing on October 16.

Please give me a call if you have any questions. Thank you.

Sincerely,



Jerry B. Proctor

JBP:id

cc: Mr. Jose Baixauli (w/encl.)
Alexandra Deas, Esq. (w/o encl.)

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Declaration of Restrictions

Florida State Department of Transportation before a permit can be issued. As an accessory use, the service stations may perform minor automobile repairs as herein listed:

(e) Automobile self-service gas stations (as defined in Section 14-9 of the Code), subject to the following restrictions:

(f) Bowling alleys, provided that such establishments are not located closer than five hundred (500) feet to an RU, or EU District, unless such building is so constructed as to prevent the emission of sound and vibration.

(g) Convention halls.

(h) Medical observation dormitory as defined in Section 33-1(69.05) subject to the following conditions:

(i) Natatoriums.

(j) Open-air theaters.

(k) Skating rinks, provided same are not located closer than one thousand (1,000) feet to an RU or EU District, or any lawful existing residential use, provided that such building is so constructed as to prevent the emission of sound and vibration. The 1,000-foot distance requirement shall be measured by following a straight line from the nearest portion of the skating rink structure to the nearest residential property line. For purposes of establishing such distances, the applicant for skating rink use shall furnish a certified survey from a registered surveyor, which shall indicate such distances. In case of dispute, the measurement scaled by the Director of the Department of Planning and Zoning shall govern.

(l) Rentals of trucks other than light trucks are allowed in conjunction with and ancillary to self-storage facilities, providing the following conditions are met in addition to those specified in sub-articles (4)(a) and (4)(c)--(f) above:

(m) Residential uses

2. **County Inspection.** 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.

3. **Covenant Running with the Land.** This Declaration on the part of the Owners 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 Owners, 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

(Public Hearing)

Section-Township-Range: 2-56-39

Folio number: 30-6902-001-0620

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Declaration of Restrictions

benefit of Miami-Dade County and the public welfare. Owners, 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.

4. **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.

5. **Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner(s) of the land covered by the proposed amendment, modification or release, 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. Should this Declaration be so modified, amended or released, the Director of the Planning and Zoning Department 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 effectuating and acknowledging such modification, amendment or release.

6. **Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit pertaining to or arising out of this declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may 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.

(Public Hearing)

Declaration of Restrictions

7. **Authorization for Miami-Dade County (or successor municipal corporation) 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 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 this Declaration is complied with.

8. **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.

9. **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.

10. **Covenant Running with the Land.** This Declaration shall constitute a covenant running with the land and shall be recorded, at the Owners' expense, in the public records of Miami-Dade County, Florida, and shall remain in full force and effect and be binding upon the undersigned Owners, and their heirs, successors and assigns, including the Applicant, 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 real property and for the public welfare.

11. **Severability.** Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions that 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.

12. **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 Owners following the approval of the Application. 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 Planning and Zoning Department 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

(Public Hearing)

Section-Township-Range: 2-56-39

Folio number: 30-6902-001-0620

MIAMI 1117165.2 7681725206

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Declaration of Restrictions

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.

13. **Acceptance of Declaration of Restrictive Covenants.** Approval of the Application and acceptance of the Declaration of Restrictive Covenants does not entitle the Owners to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners and/or any appropriate Community Zoning Appeals Board retains its full power and authority to deny each such application in whole or in part. The term "Owner" shall include the undersigned, their heirs, successors and assigns.

14. **Owners.** The term Owners shall include the Owner, and its heirs, successors and assigns.

[Execution Pages Follow]

(Public Hearing)

Declaration of Restrictions

Signed, witnessed, executed and acknowledged this ___ day of _____, 2006.

Witnesses:

Print Name: _____

Print Name: _____

By: _____
Centro Evangelico La Roca, Inc.

Address: _____

STATE OF FLORIDA) ss:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____, 2006 by _____, who is personally known to me or produced a valid driver's license as identification.

Notary Public
Print Name: _____
My Commission Expires: _____

Serial No. (None, if blank): _____

Serial No. (None, if blank): _____

EXHIBIT "A"

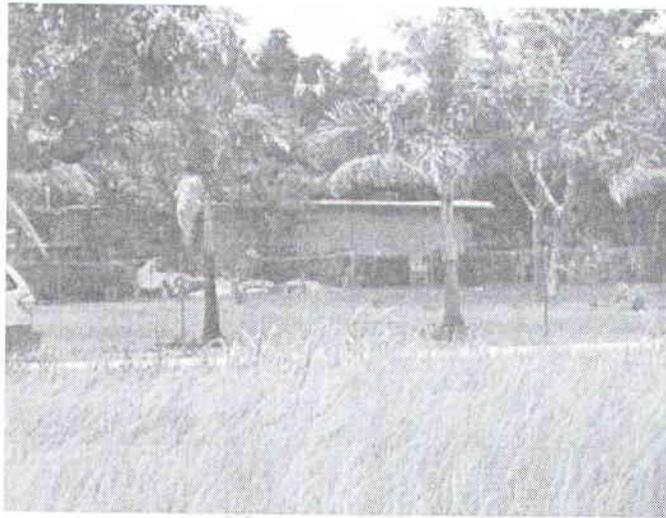
Legal Description

The South 522.00 feet of Lot 16 in the SE 1/4 of: "TROPICO" of Section 2, Township 56 South Range 39 East, Less lands in Deed to the Department of Transportation Recorded in Official Records Book 16536, Page 182, in Miami-Dade County, Florida.

(Public Hearing)

APPENDIX G

Photos of Site and Surroundings (from site visit)



Vacant site and single-family home across SW 127 Avenue east of site.



Publix shopping center southeast of site.

