

# Application No. 3

## Commission District 2 Community Council 8

### APPLICATION SUMMARY

Applicant/Representative: 2260 Northwest 27<sup>th</sup> Avenue L.L.C./ Juan J. Mayol, Jr., Esq. Holland & Knight L.L.P

Location: West side of 27 Avenue between NW 22 and NW 23 Street

Total Acreage: ±6.64 Gross Acres ( ±5.94 Net Acres)

Current Land Use Plan Map Designation: Industrial and Office, and Business and Office

Requested Land Use Plan Map Designation: High Density Residential (60 to 125 or more dwelling units per gross acre)

Amendment Type: Small-scale

Existing Zoning/Site Condition: IU-1 (Mobile Home Park)

### RECOMMENDATIONS

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

North Central Community Council: **ADOPT** with acceptance of proffered covenant (September 26, 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 **DENIAL** 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 subject site is surrounded by industrial and uses and would be subject to noise, vibration, odor, safety and other issues associated with industrial activity;
- The subject site has a 150-foot maximum height restriction mandated by the MDAD and FAA, and a project with the requested land use change would most likely exceed the maximum height requirements for this site;
- The Minor Statistical Area (MSA) in which the application site is located in, MSA 4.6 has no deficiency in residential land supply but does have a deficiency in industrial land;
- The applicant has not provided the state-mandated Mobile Home Relocation Plan; and
- There is an adequate housing supply in this section of Miami-Dade County; thus, there is minimal housing demand at this time.

## **STAFF ANALYSIS**

### **Location and Land Use**

The application site, the River Park Apartments and Trailer Park, consists of one parcel located on the west side of NW 27 Avenue between NW 22 Street and NW 23 Street in the Melrose neighborhood. The parcel is an estimated 5.94 net acres and is zoned IU-1 (Industry-Light). The Comprehensive Development master Plan (CDMP) Land use Map (LUP) designates this site as Industrial.

The River Park Apartments and Trailer Park is accessible from NW 27 Avenue and is comprised of approximately 110 mobile homes in fair to poor condition. Most of the trailers are single detached units. In some instances there are adjacent units having no side yard setbacks; in others, gated car canopies enclose the entire front yard. Two unique features of the site are the mature tree canopy and the presence of approximately ten small, one-story cottages fronting NW 22 Street. The cottages appear to be pre-1940's construction and apparently precede the trailer park. Although in poor condition, the cottages may have historic significance.

### **Adjacent Land Use and Zoning**

The application site is surrounded by industrial uses to the north, south and west, and by commercial and industrial uses in the City of Miami's Allapattah Industrial Park to the east. Directly north and adjacent to the site is a CSX Railroad line, an active line which runs trains 24-hours per day and provides rail access to the Port of Miami River. North of the railroad tracks is a large industrial complex that encompasses the entire block; the current zoning designation in this area is IU-1 and (IU-2) Industry-Heavy. To the south along NW 22 Street are a mix of industrial uses and single-family, duplex and multi-family residences with IU-1, RU-3 (Four-Unit Apartment) and BU-3 (Business-Liberal) zoning designations. The homes in this area are modest and well maintained. The parcel to the west contains a water storage tank for Miami-Dade Water and Sewer Department (WASD) that is currently zoned IU-1. This site also stores construction materials from other County work sites. The area to the east along NW 27 Avenue is within the City of Miami and is comprised of commercial uses; it is currently zoned Industrial (I).

The CDMP LUP map designates the property west of NW 27 Avenue as Industrial and Office. The area north of NW 24 Street is designated Low-Medium Density Residential and the area west, along NW 27 Avenue, is designated Business and Office. In the City of Miami, east of NW 27 Avenue, the land use designations include Medium Density Multi-Family Residential (R-3) north of NW 26 Street, General Commercial (C-2) between NW 26 and NW 23 Streets, Industrial (I) between NW 23 and NW 20 Street, and General Commercial (C-2) south of NW 20 Street.

## Land Use and Zoning History

In 1965 a request was submitted to rezone the site from IU-1, RU-3B (Bungalow Courts) and BU-3 to IU-1. The applicant intended to phase out the trailer park in favor of warehousing; the Zoning Board approved the rezoning on November 8, 1965 and the Board of County Commissioners on December 9, 1965. However, the trailer park has remained in continuous operation since the approval of the requested land use change and is therefore a legal non-conforming use.

## Supply and Demand

### Residential Land Analysis

The combined vacant land for single-family and multi-family residential development in the Analysis Area (Minor Statistical Area 4.6) in 2006 was estimated to have a capacity for 4,488 dwelling units, with 98 percent of the units intended as multi-family. The annual average residential demand in this Analysis Area is projected to increase from 126 units per year in the 2006-2010 period to 321 units in the 2020-2025 period. An analysis of the residential capacity by type of dwelling units shows absorption of single-family units occurring in 2010 and for multi-family beyond 2025. The residential land supply for both single-family and multi-family units is projected for depletion by the year 2024. If approved, this development will add approximately 830 multi-family units to the Analysis Area, and further extend the residential capacity and depletion rate of multi-family housing within the Analysis Area.

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	77	4,411	4,488
DEMAND 2006-2010	19	107	126
CAPACITY IN 2010	1	3,983	3,984
DEMAND 2010-2015	23	129	152
CAPACITY IN 2015	0	3,338	3,224
DEMAND 2015-2020	53	292	345
CAPACITY IN 2020	0	1,878	1,499
DEMAND 2020-2025	49	272	321
CAPACITY IN 2025	0	518	0
<b>DEPLETION YEAR</b>	<b>2010</b>	<b>&gt;2025</b>	<b>2024</b>

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.

## Industrial Land Analysis

There are approximately 320.6-acres of industrial land within the Analysis Area, with 5.6-acres available for use. The average annual absorption rate for industrial land in this analysis area is 2.66-acres and the area is projected for depletion in 2008.

## **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)	5.0-Ft
Stormwater Management	5-year storm
Drainage Basin	C-6
Federal Flood Zone	AE
Hurricane Evacuation Zone	NO

### Biological Conditions

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

### Other Considerations

Within Wellfield Protection Area	NO
Archaeological/Historical Resources	Information Pending

### Specimen Trees:

The subject property may contain specimen-sized (trunk diameter  $\geq$  18 inches) trees. The Department of Environmental Resource Management (DERM) requires the preservation of all specimen-sized trees on the site. A Miami-Dade County Tree Removal Permit will be required prior to the removal or relocation of any trees; a tree survey will be required prior to reviewing the tree removal permit application. Thus, the applicant is advised to contact DERM staff for permitting procedures and requirements prior to development of site and landscaping plans.

## **Water and Sewer**

The site is served by an existing 16-inch water main along NW 22 Street and NW 27 Avenue. The source of water is the Miami-Dade Water and Sewer Department's (WASD) Hialeah/Preston Water Treatment Plant, which has a remaining available rated treatment plant capacity of 21.1 million gallons per day. The estimated potential water demand from this application is 166,000 gallons per day. 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. WASD 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 into the CDMP 10-Year Water Supply Plan by March 2008.

Sanitary sewer is provided to the site by an abutting 8-inch gravity main along NW 22 Street. Additionally, all impacted pump stations are operating within their mandated criteria. Sewage treatment is provided at the Central District Wastewater Treatment Plant, which has a remaining available design capacity of approximately 20.82 million gallons per day. The estimated potential sewage flow demand of this application is 166,000 gallons per day. Therefore, the wastewater treatment plant has sufficient capacity to serve this application.

### **Solid Waste**

The closest Department of Solid Waste Management (DSWM) facility is the Center Transfer Station (1150 NW 20 Street), approximately 2 miles from the subject site. The impact on the disposal and transfer facilities would be incremental, and the users pay for the cumulative cost of providing disposal capacity for DSWM Collections, private haulers and municipalities. The DSWM is capable of providing such disposal service and has no objections to the proposed change.

### **Parks**

The subject site is located within Park Benefit District 1 (PBD 1), which has a surplus capacity of 371.84 acres. The nearest Miami-Dade County park is Glenwood Park, a 0.5 acre Mini Park located at 3155 NW 43 Street, more than one mile northwest of the subject site. Development of the site would increase the potential population in PBD 1 by 1,760 and decrease the available reserve capacity by 4.84 acres to 367 acres.

### **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%.

School	2005 Enrollment		FISH Capacity**	% FISH Utilization	
	Current	With Application		Current	With Application
Melrose Elementary	573	615	630	91%	98%
Earlington Heights Elementary	536	578	678	77%	83%
Brownsville Middle	984	1,023	1,324	74%	77%
Miami Northwestern Senior	2,637	2,689	2,389	107%	109%

This application, if approved, will increase the potential student population by an additional 175 students. Approximately 84 of these additional students are elementary students: approximately 42 students will attend Melrose Elementary, increasing the FISH utilization from 91% to 98% and approximately 42 students will attend Earlington Heights Elementary, increasing the FISH utilization from 77% to 83%. Approximately 39 students will attend Brownsville Middle, increasing the FISH utilization from 74% to 77%, and approximately 52 students will attend Miami Northwestern Senior, increasing the FISH utilization from 107% to 109%. Therefore, none of the schools currently or with the approval of this application will exceed the 115% FISH design capacity threshold set by the Interlocal Agreement.

No relief schools serving the subject site are currently in the planning, design or construction phases, and no additional relief schools are proposed in the 5-Year Capital Plan for this site.

## Roadways

### Existing Conditions

Primary access to the application site is from NW 27 Avenue (SR 9), a six-lane divided arterial which provides access to NW 36 Street (US 27/SR 25) to the north and NW 20 Street to the south. Access to the Dolphin Expressway (SR 836) is provided by an interchange on NW 27 Avenue south of NW 14 Street.

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.

Current traffic conditions on NW 27 Avenue, between NW 36 Street and SR 112, and from NW 36 Street to the Dolphin Expressway, are acceptable at Level of Service D and E respectively, which is above the adopted LOS E+20% standard applicable for these roadway segments. Traffic conditions on NW 36 Street, between NW 17 and NW 27 Avenues, and between NW 27 and NW 42 Avenues, are also acceptable at LOS C, which is above the adopted LOS E+20% standards for these segments. Traffic conditions on NW 20 Street, between NW 27 and NW 22 Avenues, are at LOS E and are above the adopted LOS E+20% standard applicable for this road segment (see Traffic Impact Analysis Table below).

#### Traffic Concurrency Evaluation

An evaluation of peak-period traffic concurrency conditions, as of June 22, 2006, of NW 27 Avenue, NW 20 Street and NW 36 Avenue—which considers reserved trips from approved developments not yet constructed and any programmed roadway capacity improvements—does not predict any change in the LOS of the subject roadways. No roadway capacity improvements are programmed for any of these roadways in the County's 2007 Transportation Improvement Program (TIP) in fiscal years 2006-2011.

CDMP Amendment Application No. 3  
 Traffic Impact Analysis on Roadways Serving the Amendment Site  
 Roadway Lanes, Existing and Concurrency Peak Period Operating Level of Service (LOS)

Roadway	Location/Link	Number Lanes	Adopted LOS Std.*	Peak Hour Capacity	Peak Hour Volume	Existing LOS	Approved D.O's Trips	Amend. Peak Hour Trips	Total Trips With Amend.	Concurrency LOS with Amend.
NW 27 Ave (SR 9)	NW 36 St to SR 112	6 DV	E+20%	5,904	3,964	D	182	75	4,221	D (04)
NW 27 Ave (SR 9)	NW 36 St to SR 836	6 DV	E+20%	5,904	4,820	E	N/A	106	4,926	E (04)
NW 20 St	NW 27 Ave to NW 22 Ave	4 DV	E+20%	2,720	2,188	E	34	55	2,277	C (04)
NW 36 St (US 27/SR 25)	NW 27 Ave to NW 42 Ave	4 DV	E+20%	3,924	2,117	C	43	29	2,189	C (04)
NW 36 St (SR 25)	NW 27 Ave to NW 17 Ave	4 DV	E+20%	3,924	2,253	C	10	26	2,289	C (04)

Source: 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

E+20% = 120% of capacity (LOS E); 20 Minutes Transit Headway in Urban Infill Area, a designated transportation concurrency exception area.

( ) Year traffic count was updated or LOS Revised

## Application Impact

The “Estimated Peak Hour Trip Generation” Table below identifies the estimated number of PM peak-hour trips expected to be generated by the potential development that could occur under the requested CDMP land use designation (High Density Residential), and compares them to the number of trips that would be generated by the potential development that could occur under the current CDMP land use designation (Industrial and Office and Business and Office). The table shows that if the subject site were developed at the proposed High Density Residential (50 to 125 DUs/Acre) designation, it would add 153 trips more than generated under the current Industrial and Office designation, generating a total of 291 peak-hour trips.

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
3	Industrial & Office, and Business & Office/ 119,790 sq. ft. warehouse 7,666 sq. ft. commercial  138*	High-Density Res. Apartments (830 Units)  291	+153

Source: Institute of Transportation Engineers, Trip Generation, 7<sup>th</sup> Edition, 2003.

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

\* This number assumes the number of trips generated under the current CDMP Land Use designation. The existing mobile home park generates 65 Peak PM trips; thus, the estimated trip difference between the current and requested CDMP Land Use designation would equal +226 trips.

It should be noted that the application site is located within the County’s Urban Infill Area (UIA), a transportation concurrency exception area, and therefore no application could be denied a concurrency approval for transportation facilities provided that the application is otherwise consistent with the County’s adopted CDMP and meets other criteria pursuant to Section 163.3180, Florida Statutes.

## **Transit**

Metrobus Routes 27 and 32, which are also Metrorail Feeder routes, service the application site. Route 27 maintains a 15-minute peak/off-peak headway on weekdays, a 20-minute headway on Saturday and a 30-minute headway on Sunday. Planned improvements are to reduce Saturday headways from 20 to 15-minutes and Sunday headways from 30 to 20-minutes. Route 32 maintains 30-minute peak headways on weekdays and weekends; there are no improvements planned for this route.

Metrobus Route Service

Headways (in minutes)					Stop Locations	Type of Service
Route	Peak	Off-Peak	Sat	Sun		
27	15	15	20	30	NW 27 Ave and NW 23 St	L/F – Brownsville Station
32	15	30	30	30	NW N. River Dr and NW 30 Ave	L/F – Santa Clara Station

Source: 2006 Transit Department Program, Miami-Dade Transit, May 2006

Notes:

- L means Local Service Route
- F means feeder service route to Metrorail

### Other Planning Considerations

The Miami Dade Aviation Department (MDAD) conducted a height analysis for the subject property. The site is located within Miami International Airport's (MIA) Transitional, Horizontal and Instrument Approach Districts, which limit building heights. The northeast corner of the site is in the most restrictive zone, the Instrument Approach District, which limits the height to 150 feet Above Mean Sea Level (AMSL). MDAD requests that the plans be resubmitted for a more detailed review once building height and location are determined. A Federal Aviation Administration (FAA) Airspace Determination will be required for any structure, including temporary construction cranes, which exceed 87 feet AMSL.

The site is also located within the MIA's Outer Land Use Zone (OLZ) and subzone CA-A of the Critical Area Approach Zone. The OLZ permits residential construction within the zone if a 25-decibel (dB) noise level reduction factor is incorporated into the design and construction of proposed buildings subzone CA-A of the Critical Area Approach Zone prohibits schools, with the exception of aviation schools, from being constructed within the zone.

MDAD is not opposed to development of the site, provided that: 1) FAA determines that the proposed project does not diminish or effect the safety, efficiency or capacity of Miami International Airport in anyway; 2) FAA issues a "Determination of No Hazard" for the project; and 3) interested parties do not file a "petition for review" to FAA's aeronautical study, that has not yet been completed for this project and location.

State law requires that the applicant submit an analysis of relocation opportunities for the mobile home residents. The Florida Mobile Home Act, Section 723.083, Florida Statutes, states that "[N]o agency of municipal, local, county, or state government shall approve any application for rezoning, or take any other official action, which would result in the removal or relocation of mobile home owners residing in a mobile home park

without first determining that adequate mobile home parks or other suitable facilities exist for the relocation of the mobile home owners.”

The applicant has not provided such an analysis as of August 25, 2006. However, the applicant has submitted a letter to the Department which proposes to: a) set aside up to 50% of the dwelling units as workforce housing; b) give priority to current tenants towards the purchase of the workforce units; and c) offer current tenants a \$5,000 credit towards the purchase (See Appendix H – Relocation Analysis for Mobil Home Owners). A covenant submitted on October 3, 2006 changes the percentage of workforce housing to 25% (see Appendix F for proposed Declaration of Restrictions) The applicant will update the Department on the Relocation Analysis as it is further refined.

## STAFF CONCLUSIONS

The Department of Planning and Zoning recommends **DENIAL** of the proposed small-scale Land Use Plan (LUP) map amendment to redesignate from 'Industrial and Office' and "Business and Office" to 'High Density Residential' based on the following considerations:

1. Residential use would be incompatible with the surrounding land uses. The subject site is adjacent to an active CSX Railroad line on the north, a mix of industrial and residential uses on the south, and a WASD water storage facility on the west. The area to the east in the City of Miami has a strip of largely commercial activities fronting along NW 27 Avenue with an industrial district to the rear. The site would be subject to noise, vibration, odor, safety and other issues associated with industrial activity.
2. The application site is located within several of Miami International Airport's overlay zoning districts that are monitored by the Miami-Dade Aviation Department (MDAD) and the Federal Aviation Administration (FAA). These zoning districts include the Outer Land Use Zone, which requires a 25-decibel (dB) noise level reduction factor for residential construction, the CA-A sub zone of the Critical Area Approach Zone, which prohibits school construction, and the Instrument Approach zoning district which limit building heights to 150 feet above mean sea level. MDAD is not opposed to the site being developed as long as it meets their requirements. However, it is highly unlikely that a 5.9-acre site, with the requested High Density Residential designation (a maximum of 830 units), would achieve the 150-ft height limit and meet minimum parking requirements, setbacks, utility easements and other site design and development standards.
3. The Minor Statistical Area (MSA) in which the application site is located in, MSA 4.6, has no deficiency in residential land supply but does have a deficiency in industrial land. The residential land supply for both single-family and multi-family units is projected for depletion by the year 2024. This same MSA area is projected to have in 2008 a depletion of industrial land. The application site is an

excellent location for industrial development since it is adjacent the rail line serving the nearby Port of Miami River.

4. The applicant has submitted a letter which proposes to a) set aside up to 50% of the dwelling units as workforce housing; b) give priority to current tenants towards the purchase of the units; and c) offer current tenants a \$5,000 credit. However, a covenant submitted on October 3, 2006 changes the percentage of workforce housing to 25% (see Appendix F for proposed Declaration of Restrictions)

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This proposal addresses workforce residents; however, it does not address the low and fixed-income residents currently residing in the mobile home park. The applicant has not indicated any provision for temporary housing for the mobile park home residents prior to, or during, development and construction of the site.

5. In general, adequate public services exist for the application site.
6. The CDMP encourages transit-oriented development that is located within ¼ mile of a bus stop for a route, which has a 20-minute headway during peak periods. Metrobus Route 27 with a stop at the intersection of NW 27 Avenue and NW 23 Street and Metrobus Route 32 with a stop at the intersection of NW North River Drive and NW 30 Street operate at this frequency during peak periods. The proposed redesignation of "High Density Residential" on the Land Use Plan map would support transit ridership.
7. The subject site has limited impact on environmental or historic resources. However, the site does include several cottages of potential historic significance; information is pending on the status of these structures.

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

The following CDMP goals, objectives, policies, concepts and guidelines will be enhanced if the proposed designation is approved:

- Objective HO-6A: Locate lower income affordable housing near employment centers or premium transportation services.

The following CDMP goals, objectives, policies, concepts and guidelines will be impeded if the proposed designation is approved:

- Policy LU-4A: When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, dust, parking, height, bulk, scale, etc.
- Policy LU-4B: Land uses which generate significant noise, dust, odor, vibration, and truck and rail traffic shall be protected from the encroachment of incompatible uses, such as residential uses;
- Policy LU-6A: Miami Dade County shall continue to identify, seek appropriate designation, and protect properties of historic, architectural and archaeological significance.
- Policy CON-1C: Residential and other high occupancy land uses shall not be located in areas adversely impacted by stationary sources of air pollutant

emissions; similarly, industrial and commercial uses with permitted sources of stationary air pollution shall not be located in residential and other high occupancy areas.

- Policy AV-3C: Maintain height-zoning controls over structure height to protect existing and proposed aviation flight paths consistent with federal agency guidelines.

# 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)

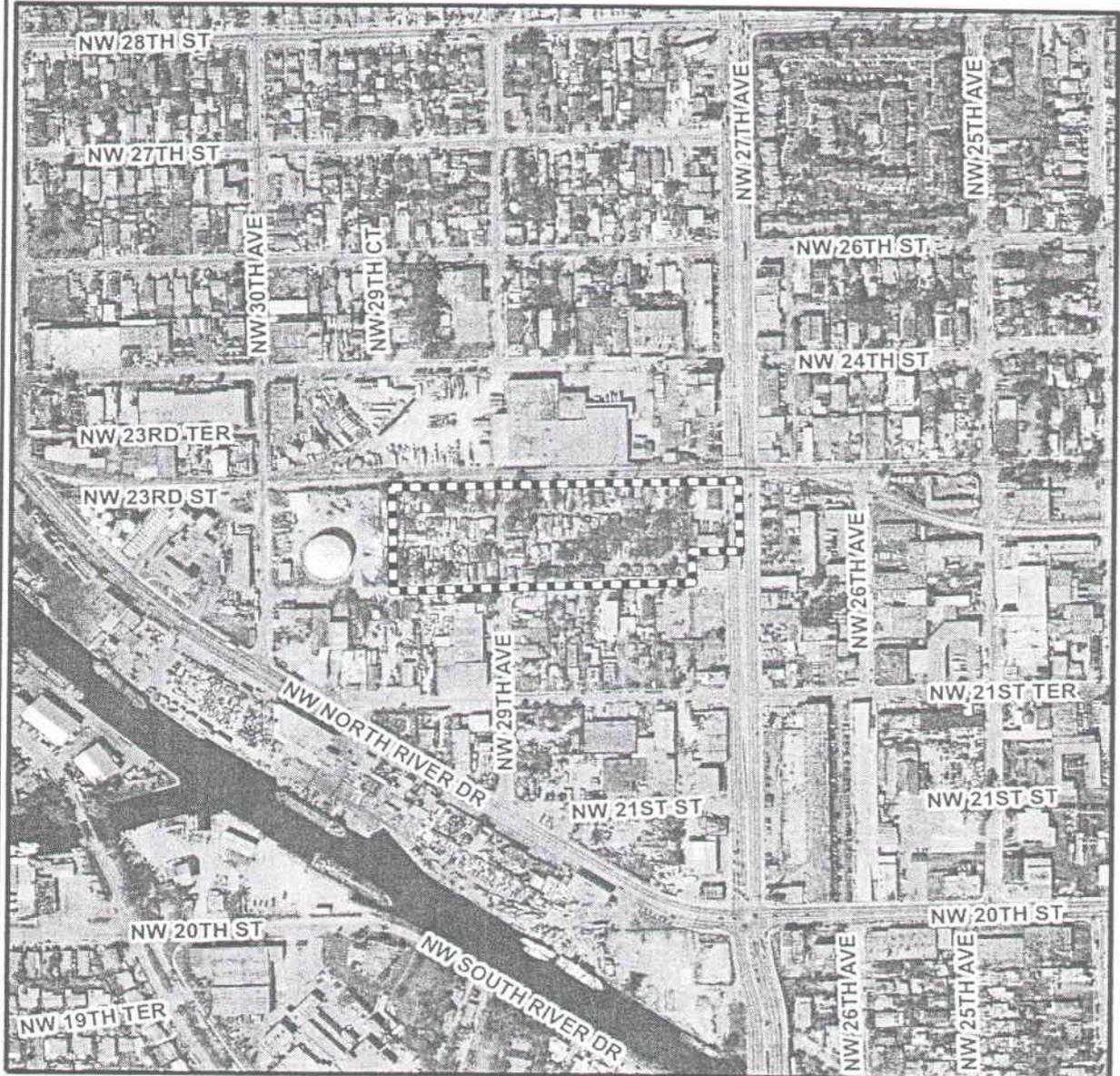
Appendix H Mobile Home Relocation Plan



**APPENDIX A**  
**Map Series**



AERIAL PHOTO: APPLICATION NO. 3



APPLICATION AREA

2006 AERIAL

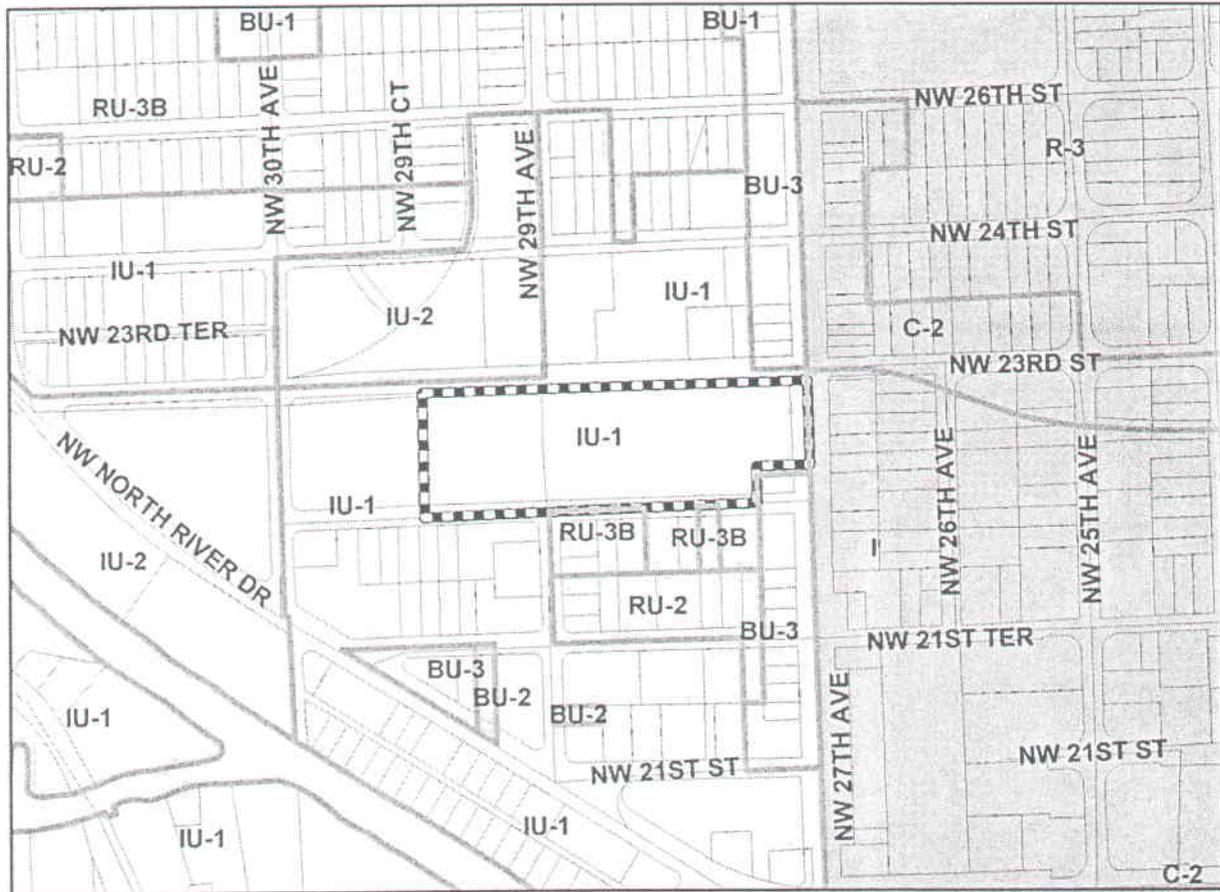
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SOURCE: MIAMI-DADE COUNTY, DEPARTMENT OF PLANNING AND ZONING, JULY 2006



**APPLICATION NO. 3  
CURRENT ZONING MAP**



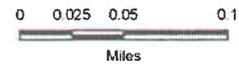
-  APPLICATION AREA
-  UNINCORPORATED MIAMI-DADE
-  MIAMI

**MIAMI-DADE ZONING DISTRICTS**

- RU-2 TWO FAMILY RESIDENTIAL 7,500 SQ. FT. NET
- RU-3B BUNGALOW COURT 10,000 SQ. FT. NET
- BU-1 BUSINESS - NEIGHBORHOOD
- BU-2 BUSINESS - SPECIAL
- BU-3 BUSINESS - LIBERAL (WHOLESALE) INCLUDES MECHANIC GARAGE AND USED CAR LOTS
- IU-1 INDUSTRIAL-LIGHT
- IU-2 INDUSTRIAL-HEAVY

**MIAMI ZONING CODES**

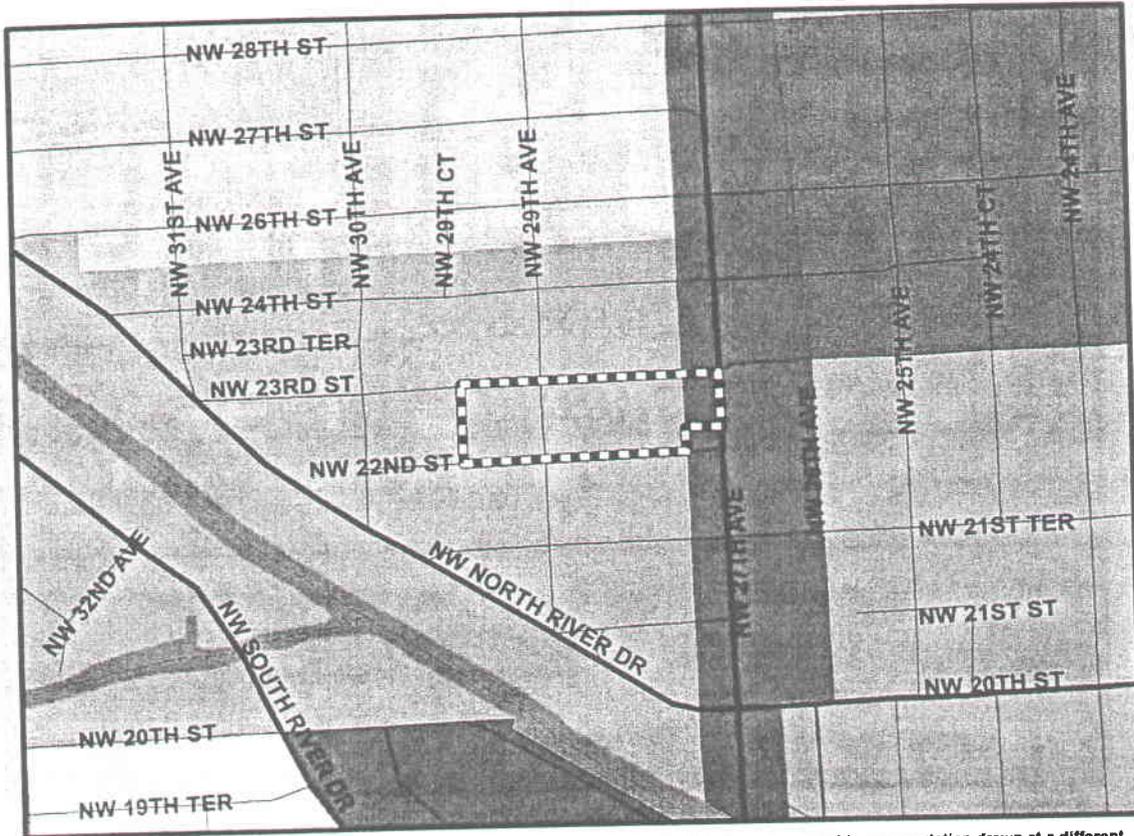
- R-3 MULTIFAMILY MEDIUM-DENSITY RESIDENTIAL
- C-2 LIBERAL COMMERCIAL
- I INDUSTRIAL



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



APPLICATION NO. 3  
CDMP LAND USE PLAN



LEGEND

-  APPLICATION AREA
- CDMP LAND USE**
- RESIDENTIAL COMMUNITIES**
-  LOW DENSITY RESIDENTIAL (LDR) 2.5 TO 6 DU/AC
-  LOW-MEDIUM DENSITY RESIDENTIAL (LMDR) 6 TO 13 DU/AC
-  MEDIUM DENSITY RESIDENTIAL (MDR) 13 TO 25 DU/AC
-  MEDIUM-HIGH DENSITY RESIDENTIAL (MHDR) 25 TO 60 DU/AC
-  INDUSTRIAL AND OFFICE
-  BUSINESS AND OFFICE
-  WATER
-  CANAL
-  MAJOR ROADWAYS (3 OR MORE LANES)

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



**APPENDIX B**  
**Amendment Application**



**APPLICATION FOR A SMALL-SCALE AMENDMENT TO THE  
LAND USE PLAN MAP  
OF THE MIAMI-DADE COUNTY  
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

1. APPLICANT

2260 Northwest 27<sup>th</sup> Avenue, L.L.C.  
1395 Brickell Avenue, 14<sup>th</sup> Floor  
Miami, Florida 33131

2. APPLICANT'S REPRESENTATIVE

Juan J. Mayol, Jr., Esq.  
Holland & Knight, LLP  
701 Brickell Avenue, Suite 3000  
Miami, FL 33131  
(305) 374-8500

By: Tracy Glavens for  
Juan J. Mayol, Jr., Esq.

4-27-06  
Date

3. DESCRIPTION OF REQUESTED CHANGE

A. Change the Land Use Plan Map.

A change to the Land Use Element, Land Use Plan Map (Item A.1(d) in the fee schedule) is requested. 2260 Northwest 27<sup>th</sup> Avenue, L.L.C. (the "Applicant") is requesting a change in the Property's land use designation from "Industrial and Office" and "Business and Office" to "High Density Residential." The Applicant also requests expedited processing of the application as a "Small-Scale" amendment, as defined in Section 163.3187(1)(c)(1), Florida Statutes, because the subject property is located within a Concurrency Redevelopment Exception Area as identified in Figure 2 of the Capital Improvements Element.

B. Description of Subject Area.

The subject property consists of approximately 5.94 acres of land located in Section 28, Township 53, Range 41, in unincorporated Miami-Dade County, Florida. The subject property is located on the west side of NW 27<sup>th</sup> Avenue

between NW 22<sup>nd</sup> Street and NW 23<sup>rd</sup> Street and is more specifically described in Exhibit "A" to this application (the "Property").

C. Acreage.

Subject application area: ±5.94 acres (gross)  
Acreage owned by applicant: ±5.94 acres (gross)

D. Requested Changes.

1. It is requested that the Property be re-designated on the Land Use Plan map from "Industrial and Office" and "Business and Office" to "High Density Residential."
2. It is requested that this application be processed under the expedited procedure as a small-scale amendment.

4. REASONS FOR AMENDMENT

The Applicant requests the re-designation of the Property from "Industrial and Office" and "Business and Office" to "High Density Residential." The Property is located on the west side of NW 27<sup>th</sup> Avenue, between NW 22<sup>nd</sup> Street and NW 23<sup>rd</sup> Street. The Property consists ±5.94 gross acres. The Property's frontage on NW 27<sup>th</sup> Avenue is currently designated "Business and Office," while the balance of the Property is designated "Industrial and Office."

The Property, currently improved with a mobile home park approved in 1965, is located on a section line road with multi-family residential development located to the south and industrial uses located to the north and west. Over the years, the conditions at the mobile home park have deteriorated. Following the recent purchase of the park by the Applicant, the Applicant has corrected the Code violations and other deficiencies at the mobile home park. Across NW 27<sup>th</sup> Avenue to the east, lies the City of Miami, where property fronting the roadway is zoned C-2. The C-2 zoning classification allows a range of retail uses as well as multi-family development.

The Property is located in the North Central Tier of the County. More specifically, it is located in Minor Statistical Area 4.6 (the "MSA"). At the current rate of growth in Miami-Dade County, the existing available residential land in the MSA is projected to be depleted in 2008 for single family housing and approximately 2025 for multi-family housing. *Initial Recommendations October 2005 Applications to Amend the Comprehensive Development Master Plan*, Pg. 2-22. However, it is estimated that the remaining residential capacity of vacant land within the current Urban Development Boundary will be exhausted by 2018. There is thus an immediate need for an additional supply of residential land in the County, especially within urban areas. Infill and Redevelopment are a crucial part of the smart growth of the County. The 2003 Evaluation and Appraisal Report indicated that there would only be 14,788 multi-family units forthcoming in the Urban Infill Area. At the time the report was drafted, it was estimated

that there was only a three-year countywide residential housing supply. The Property is located within the Central Potential Redevelopment Subarea. The Central area contains 41 percent of the total redevelopment area and a majority of the potential infill and redevelopment sites within the County.

The redevelopment of the Property with multi-family housing would be compatible with the development trend in the area and would be in the best interest of the community. The current "Industrial and Office" and "Business and Office" designations of the Property would not permit effective redevelopment of the Property needed to meet the demands of the area. The Property would best serve the community designated as "High Density Residential" in order to provide the additional capacity for the projected growth in the County by providing infill and redevelopment, particularly because the Property is located on a section line road, has close proximity to downtown, ease of access, and compatibility with the adjacent uses.

Approval of the requested Amendment would further implementation of the following CDMP policies:

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

LAND USE POLICY 1E: In conducting its planning, regulatory, capital improvements and intergovernmental coordination activities, Miami-Dade County shall seek to facilitate the planning of residential areas as neighborhoods which include recreational, educational and other public facilities, houses of worship, and safe and convenient circulation of automotive, pedestrian and bicycle traffic.

LAND USE POLICY 1F: In planning and designing all new residential development and redevelopment in the county, Miami-Dade County shall vigorously promote implementation of the "Guidelines for Urban Form" contained in the "Interpretation of the Land Use Plan Map" text adopted as an extension of these policies. (Residential Communities).

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

LAND USE OBJECTIVE 2: Decisions regarding the location, extent and intensity of future land use in Miami-Dade County, and urban expansion in particular, will be based upon the physical and financial feasibility of providing, by the year 2005, all urbanized

areas with services at levels of service (LOS) which meet or exceed the minimum standards adopted in the Capital Improvements Element.

LAND USE POLICY 4C: Residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust or traffic.

LAND USE OBJECTIVE 5: Upon the adoption of this plan, all public and private activities regarding the use, development and redevelopment of land and the provision of urban services and infrastructure shall be consistent with the goal, objectives, and policies of this Element, with the adopted Population Estimates and Projections, and with the future uses provided by the adopted Land Use Plan (LUP) map and accompanying text titled "Interpretation of the Land Use Plan Map" as balanced with the Goals, Objectives and Policies of all Elements of the Comprehensive Plan.

LAND USE OBJECTIVE 8: Miami-Dade County shall maintain a process for periodic amendment to the Land Use Plan map, consistent with the adopted Goals, Objectives and Policies of this Plan, which will provide that the Land Use Plan map accommodates countywide growth.

LAND USE POLICY 8A: Miami-Dade County shall strive to accommodate residential development in suitable locations and densities which reflect such factors as recent trends in location and design of residential units; proximity and accessibility to employment, commercial and cultural centers; character of existing and adjacent or surrounding neighborhoods; avoidance of natural resource degradation; maintenance of quality of life and creation of amenities. Density patterns should reflect the Guidelines for Urban Form contained in this Element.

LAND USE POLICY 8F: Applications requesting amendments to the CDMP Land Use Plan map shall be evaluated to consider consistency with the Goals, Objectives and Policies of all Elements, other timely issues, and in particular the extent to which the proposal, if approved, would: i) satisfy a deficiency in the Plan map to accommodate projected population or economic growth of the County.

LAND USE POLICY 9L: Miami-Dade County shall update and enhance its land development regulations and area planning program to facilitate development of better planned neighborhoods and communities, and well designed buildings, and shall encourage and assist municipalities to do the same.

LAND USE POLICY 10A: Miami-Dade County shall facilitate contiguous urban development, infill, redevelopment of substandard or underdeveloped urban areas, high intensity activity centers, mass transit supportive development, and mixed use projects to promote energy conservation.

5. ADDITIONAL MATERIAL SUBMITTED

Additional information may be supplied at a later date under separate cover.

6. COMPLETED DISCLOSURE FORMS

Attached as Exhibit "B"

Attachments: Legal Description - Exhibit "A"  
Disclosure of Interest Form - Exhibit "B"  
Location Map for Application - Exhibit "C"  
Aerial Photograph - Exhibit "D"

EXHIBIT A

LEGAL DESCRIPTION

The North ½ of Lot 101, except the East 15 feet thereof, of NORTH RIVER DRIVE PARK, according to the Plat thereof, as recorded in Plat Book 34, Page 74, of the Public Records of Miami-Dade County, Florida.

AND

That portion of N.W. 29<sup>th</sup> Avenue lying North of the North line of N.W. 22<sup>nd</sup> Street and South of the South line of N.W. 23<sup>rd</sup> Street; the East ½ of Tract 2; and all of Tract 1 except the East 15 feet thereof, all according to the Amended Plat of portions of NORTH RIVER DRIVE PARK, according to the Plat thereof as recorded in Plat Book 34, page 94, of the Public Records of Miami-Dade County, Florida.

# EXHIBIT "C"

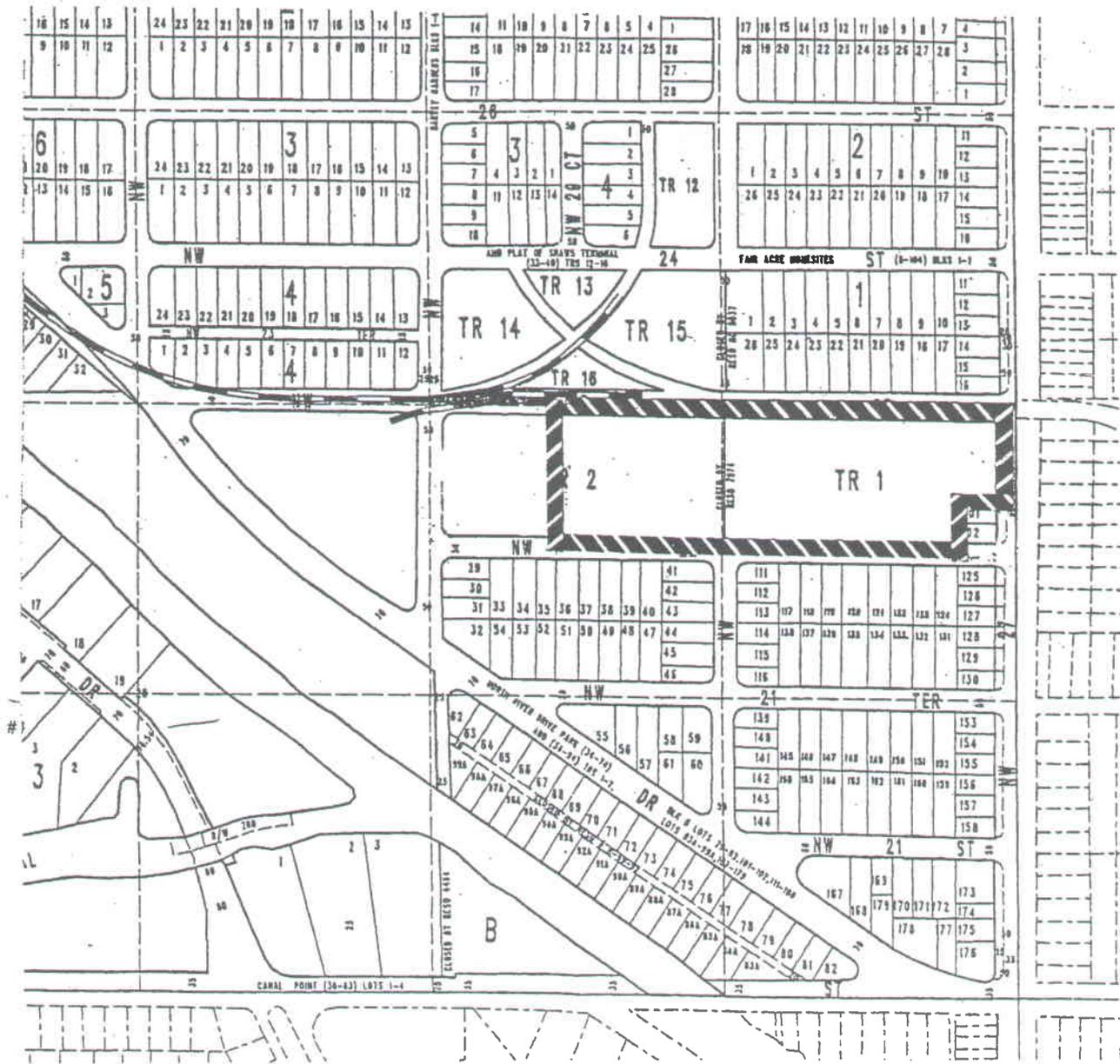
## LOCATION MAP FOR APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

### APPLICANT / REPRESENTATIVE

2260 Northwest 27<sup>th</sup> Avenue, L.L.C. / Juan J. Mayol, Jr., Esq.

### DESCRIPTION OF SUBJECT AREA

The subject property consists of approximately 5.94 acres of land located in Section 28, Township 53, Range 41, in unincorporated Miami-Dade County, Florida. The Property is located on the west side of NW 27<sup>th</sup> Avenue between NW 22<sup>nd</sup> Street and NW 23<sup>rd</sup> Street and is more specifically described in Exhibit "A" to this application (the "Property").



\* Include the letter(s) here

**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.

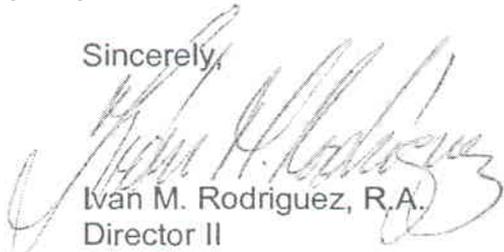
Additionally, pursuant to Miami-Dade County's Educational Facilities Impact Fee Ordinance, the proposed developments, if approved, will be required to pay educational facilities impact fees (impact fees) based on the following formula:

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



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 RELOCATABLE	CUMULATIVE STUDENTS**
Melrose Elementary	573	630	91%	0	91%	573
	615		98%		98%	
Earlington Heights Elementary	536	678	79%	18	77%	578
	578		85%		83%	
Brownsville Middle	984	1,324	74%	0	74%	1,023
	1,023		77%		77%	
Miami Northwestern Senior High	2,637	2,389	110%	71	107%	2,749
	2,689		113%		109%	

\*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, none of the schools meet 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</u>
<u>Occupancy Date</u>		
N/A		

#### Proposed Relief Schools

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

Estimated Permanent Elementary Seats (Current and Proposed in 5-Year Plan)  
1,308

Estimated Permanent Middle Seats (Current and Proposed in 5-Year Plan)  
1,324

Estimated Permanent Senior High seats (Current and Proposed in 5-Year Plan)  
2,369

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 \$1,466,976.

**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	Does not meet review threshold
<b>Total Potential Capital Cost</b>	<b>\$0</b>

\*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 a small-scale amendment.**



**APPENDIX E**

**Fiscal Impact 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. 2 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 users pay for the incremental and cumulative cost of providing disposal capacity for DSWM Collections, private haulers and municipalities. 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. 3 is built at the maximum residential density of 125 dwelling units per gross acre (the use allowed under the proposed redesignation of High Density Residential that would generate the greatest water and sewer demand), the fees paid by the developer would be \$230,740 for water impact fee, \$929,600 for sewer impact fee, \$1,300 per unit for connection fee, and \$133,322 for annual operating and maintenance costs based on approved figures through September 30,2005.

### **Flood Protection**

The Department of Environmental Resource 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. 3 will result in 175 additional students, and increase operating costs by \$1,466,976 with no additional capital costs.



# APPENDIX F

## PROPOSED DECLARATION OF RESTRICTIONS

No covenants have been proffered for the subject as of the July 28, 2006 deadline for consideration in the Initial Recommendations Report. However, the applicant did proffer covenants on September 26, 2006, October 3, 2006 and October 12, 2006. The most recent covenant is attached.

This Instrument was Prepared by:

Name: Juan J. Mayol, Jr., Esq.  
Address: Holland & Knight LLP  
701 Brickell Avenue  
Suite 300  
Miami, Florida 33131

RECEIVED

NOV 14 2006

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

BY \_\_\_\_\_

(Space Reserved for Clerk of the Court)

### DECLARATION OF RESTRICTIONS

*WHEREAS, 2260 Northwest 27<sup>th</sup> Avenue, L.L.C.*, 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 that is pending as Application No. 3 in the April 2006 Cycle (the "Application");

*WHEREAS*, the Application seeks to re-designate the Property from "Industrial and Office" to "High Density Residential" on the Miami-Dade County Comprehensive Development Master Plan Future Land Use Plan Map ("LUP");

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

1. Maximum Density. Notwithstanding the approval of the Application, the density of any residential development on the Property shall not exceed five hundred (500) residential dwelling units. Notwithstanding the foregoing residential density limitation, nothing

in this Declaration shall limit or otherwise prevent the Owner, after zoning approvals, from developing other, non-residential, permitted uses that are consistent with the LUP designation of the Property.

2. **Maximum Height.** The height of any structure on the Property shall not exceed ninety feet (90').

3. **Workforce Housing.** A minimum of twenty-five percent (25%) of the proposed residential dwelling units on the Property shall be set aside as Workforce Housing Units ("WHU"). A "Workforce Housing Unit" shall consist of residential dwelling units that are made available for sale or rent by the Owner to persons with a median family income that is 65% to 140% of the median family income in Miami-Dade County, as published annually by the U.S. Department of Housing and Urban Development. Prior to obtaining the initial building permit for the Property, the Owner shall submit a declaration of restrictions, in a form acceptable to the County, setting forth restrictions on the re-sale of such residential dwelling units consistent with the intent of maintaining such residential dwelling units as WHUs for a period of ~~thirty~~twenty (~~30~~20) years from the date of its initial sale. The Owner further agrees to grant to the County the right of first refusal to purchase any WHU in which a qualified purchaser cannot be located within two hundred and ten (210) days from the date the WHU is offered for sale. In the event a qualified purchaser cannot be located and the County does not exercise its right of first refusal, then the Owner may sell the WHU at market rate.

4. **Transit Improvements.** In an effort to accommodate public transportation in the area, the Owner shall coordinate with Miami-Dade Transit and allow encroachments onto the Property, as necessary, to provide for a bus pull-out bay and bus shelter. The Owner's obligations under this Paragraph shall expire and be of no further force and effect upon the

approval of a final plat for the Property. Notwithstanding the approval of a final plat, the Owner shall cooperate with the County to allow the installation of a bus pull-out bay and/or shelter if said installation can be accomplished without altering the approved final plat for the Property.

5. **Water Conservation and Re-Use.** The Owner hereby agrees to implement the following water conservation and re-use standards for the development of the Property:

(i) Subject to all applicable rules and regulation, all bathrooms within any building structure constructed on the Property shall include only fixtures designed to reduce the water being consumed by the users thereof (low flow fixtures), which may include the use of compressed air assist, chemical neutralization or any other similar technology; and

(ii) The development of the Property shall include appropriate pipes to permit the future connection of the Property into any regional wastewater re-use system that may be constructed by the County for irrigation purposes; and

(iii) Upon the construction of a regional wastewater re-use system by Miami-Dade County that includes a connection point abutting the Property, the Owner (or its successors or assigns) shall connect the water re-use pipes in the Property to such regional wastewater re-use system; and

(iv) The Owner agrees that all landscape area on the Property will be planted and improved with xeriscape materials.

The Owner hereby further agrees not to seek a building permit to construct any of the proposed residential dwelling units until the earlier of either: (i) the execution of a Consumptive Use Permit, apart from the current interim water use agreement, between Miami-Dade County and the South Florida Water Management District, or (ii) twelve (12) months following the

approval of the rezoning of the Property to allow the construction of the proposed residential dwelling units on the Property.

6. **Miscellaneous.**

A. **Covenant Running with the Land.** This Declaration of Restrictions on the part of Owner shall constitute a covenant running with the land and shall be recorded by the Owner, 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 Owner and their heirs, successors, and assigns until such time as the same is modified or released with the approval of the County. These restrictions, during their lifetime, shall be for the benefit of, and limitation upon, all present and future owners of the Property and for the public welfare.

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 that 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 covenant 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 fee simple owner(s) 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 of Restrictions 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 of Restrictions 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.

**D. Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, the covenants. This enforcement provision shall be in addition to any other remedies available at law, in equity, or both.

**E. 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.

F. **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.

G. **Recording.** This Declaration of Restrictions shall be filed of record in the public records of Miami-Dade County, Florida at the cost of Owner's 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 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, in recordable form, acknowledging that this Declaration of Restrictions is null and void and of no further effect.

**[Signature Pages Follow]**



**JOINDER BY MORTGAGEE  
CORPORATION**

The undersigned, \_\_\_\_\_, a \_\_\_\_\_ banking corporation and Mortgagee under that certain mortgage from \_\_\_\_\_, recorded in Official Records Book \_\_\_\_\_, Page \_\_\_\_\_, in the public records of Miami-Dade County, Florida, covering all/or a portion of the property described in the Declaration of Restrictions, does hereby consent to the execution of the foregoing Declaration of Restrictions by \_\_\_\_\_ and agrees that in the event Mortgagee or any other party shall obtain title to the property through foreclosure or deed-in-lieu of foreclosure, this Declaration of Restrictions shall be binding upon the entity obtaining title as the then owner of such property.

IN WITNESS WHEREOF, these presents have been executed this \_\_\_\_ day of \_\_\_\_\_, 2006.

**WITNESSES:**

\_\_\_\_\_, a \_\_\_\_\_ banking corporation

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or Type Name

By: \_\_\_\_\_

Title:  
Print name:  
Address:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or Type Name

(Corporate Seal)

STATE OF FLORIDA     )  
  ) SS  
COUNTY OF             )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2006 by \_\_\_\_\_, of \_\_\_\_\_, on behalf of the corporation. He/She is personally known to me or has produced \_\_\_\_\_, as identification and did/did not take an oath.

\_\_\_\_\_  
Notary Public -State of \_\_\_\_\_  
Print Name \_\_\_\_\_

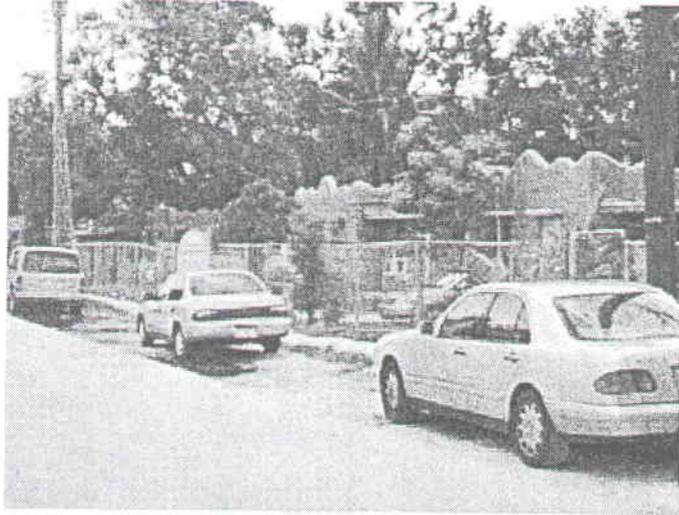
My Commission Expires:

#-4000690-v8# 4000690\_v10

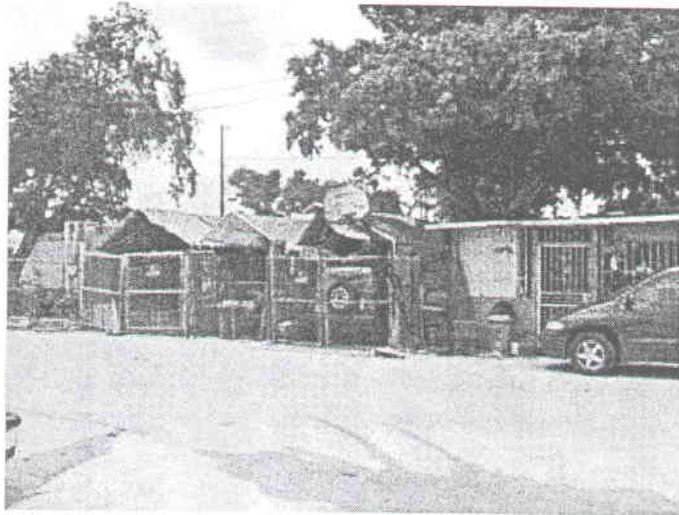
# **APPENDIX G**

## **Photos of Application Site and Surroundings**





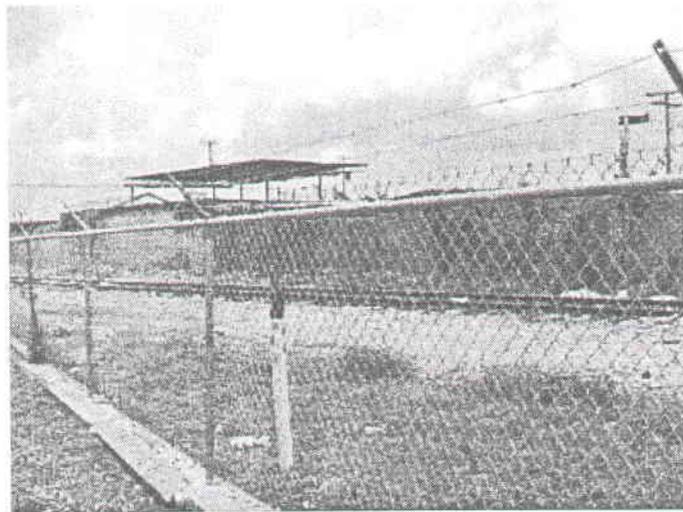
A NW view into the Application site



A north view into the application site from NW 22 Street.



A view looking west into the Mobil Home Park.



A view from the Mobil Home Park looking north towards the railroad track.

# APPENDIX H

## Mobile Home Relocation Plan

Letter from Applicant's Representative dated August 11, 2006

# Holland+Knight

Tel 305 374 8500  
Fax 305 789 7799

Holland & Knight LLP  
701 Brickell Avenue, Suite 3000  
Miami, FL 33131-2847  
www.hklaw.com

Juan J. MayoL Jr.  
305 789 7787  
juan.mayol@hklaw.com

August 11, 2006

Diane O'Quinn-Williams  
Director, Miami-Dade County  
Department of Planning and Zoning  
Stephen P. Clark Center  
111 NW 1<sup>st</sup> Street, 11<sup>th</sup> Floor  
Miami, Florida 33128

Re: **2260 Northwest 27th Avenue, LLC / Application No. 3 (April 2006 Cycle) /  
Small-Scale Amendment to the Land Use Plan Map of the Miami-Dade  
County Comprehensive Development Master Plan.**

Dear Diane:

As you are aware, the subject property is improved with a mobile home park that dates back a few decades and pre-dates the 1965 IU-1 rezoning of the property. Currently, there are approximately 135 dwelling units on the property, consisting of 111 mobile homes and 21 duplexes and cottages.

Our client, 2260 NW 27<sup>th</sup> Avenue, LLC (the "Applicant"), purchased the property for the purpose of re-developing it with a multi-family project. Section 723.083, Florida Statutes provides as follows:

No agency of municipal, local, county, or state government shall approve any application for rezoning, or take any other official action, which would result in the removal or relocation of mobile home owners residing in a mobile home park without first determining that adequate mobile home parks or other suitable facilities exist for the relocation of the mobile home owners.

As such, you have inquired whether the Applicant has developed any plan for the relocation of the existing tenants within the park to other parks or suitable facilities.

Although the current request for re-designation would not trigger the requirement of Section 723.083, the Applicant is actively searching for alternative facilities that may be available to the park's tenants. Moreover, in addition to any required payment under Section

Ms. Diane O'Quinn  
May 22, 2006  
Page 2

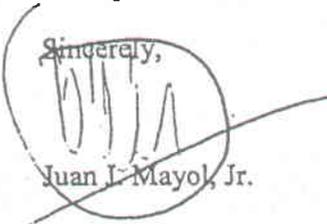
723.06116, the Applicant is prepared to proffer the following restrictions on the redevelopment of the property:

1. the Applicant will set aside up to 50% of the dwelling units as workforce housing units.
2. the current tenants will be given priority towards the purchase of the proposed workforce housing units; and
3. the current tenants will receive a \$5,000.00 credit towards the purchase.

We will update you as our relocation plan is further refined.

Thank you for your considerate attention to this request.

Sincerely,



Juan I. Mayol, Jr.

JJM/ma

# 3980864\_v1