

<h1 style="text-align: center;">Application No. 11</h1> <h2 style="text-align: center;">Commission District 8    Community Council 14</h2>
--

### APPLICATION SUMMARY

Applicant/Representative:	BDG Florida City, LLC / Jeff Bercow, Esq., Melissa Tapanes Llahues, Esq.
Location:	Immediately west of SW 192 Avenue between SW 340 and SW 344 Streets (34250 SW 192 Avenue)
Total Acreage:	± 5.04 Gross Acres; ± 4.75 Net Acres
Current Land Use Plan Map Designation:	Estate Density Residential    (1 to 2.5 DU/Ac)
Requested Land Use Plan Map Designation:	Low-Medium Density Residential (6 to 13 DU/Ac)
Amendment Type:	Small Scale
Existing Zoning/Site Condition:	AU: Agriculture – Residential 5 gross acres / Unoccupied single-family residence in poor condition

### RECOMMENDATIONS

Staff:	<b>ADOPT WITH CHANGE BY REDESIGNATING THE APPLICATION SITE TO “LOW DENSITY RESIDENTIAL” (2.5 to 6 DU/Ac) WITH A DI-1 DESIGNATION AND WITH ACCEPTANCE OF PROFFERED COVENANT (August 25, 2007)</b>
Redland Community Council:	<b>DENY/DO NOT TRANSMIT (September 20, 2007)</b>
Planning Advisory Board (PAB) acting as Local Planning Agency:	<b>ADOPT WITH CHANGE BY REDESIGNATING THE APPLICATION SITE TO “LOW DENSITY RESIDENTIAL” (2.5 to 6 DU/Ac) WITH A DI-1 DESIGNATION AND WITH ACCEPTANCE OF PROFFERED COVENANT (October 15, 2007)</b>
Board of County Commissioners:	<b>TO BE DETERMINED (November 27, 2007)</b>
Final Recommendation of PAB acting as Local Planning Agency:	<b>TO BE DETERMINED</b>

Staff recommends **ADOPT WITH CHANGE BY REDESIGNATING THE APPLICATION SITE TO “LOW DENSITY RESIDENTIAL” (2.5 to 6 DU/Ac) WITH A DI-1 DESIGNATION AND WITH ACCEPTANCE OF THE PROFFERED COVENANT**, of the proposed Land Use Plan (LUP) map small-scale amendment to change land use designation from “Estate Density Residential Communities” (1 to 2.5 units per gross acre) to “Low-Medium Density Residential Communities” (6 to 13 dwelling units per gross acre) based on the staff analysis as summarized in the Principal Reasons for Recommendations below:

#### **Principal Reasons for Recommendations:**

1. The requested “Low-Medium Density Residential” (6 to 13 DU/Ac) designation is generally compatible with the City of Florida City future land use designations of “Commercial” and “High Density Residential” (6 to 15 DU/Ac) for the properties east and northeast of the application site respectively, and with the County’s Designation of “Low Density Residential” (2.5 to 6 DU/Ac) with one density increase with good urban design (DI-1) for the land to the north. On March 28, 2007, the Miami-Dade Board of County Commissioners (BCC) redesignated the 41.7 gross acre property bounded by theoretical SW 338 Street to the north, SW 192 Avenue to the east, theoretical SW 342 Street to the south, and theoretical SW 194 Avenue to “Low Density Residential” with DI-1, which allows up to 13 dwelling units per acre with the application of sound urban design principles. The intention was to provide a transition, through good urban design, between the potentially higher intensity developments allowed within the City of Florida City immediately east of SW 192 Avenue and the “Estate Density Residential” (1 to 2.5 DU/Ac) west of SW 197 Avenue and the “Agriculture” designated areas further west. The redesignation of the application site to “Low Density Residential” (2.5 to 6 DU/Ac) with DI-1 would be consistent with the parcel to the north and would further the planning principles of providing land use transitions through good urban design.

The above mentioned 41.7 acres that was redesignated by the BCC on March 28, 2007, to “Low Density Residential” with DI-1 was a portion of Application 14 of the April 2006 Cycle Amendments to the Comprehensive Development Master Plan (CDMP). The April 2006 Cycle Application 14 was a total of 119.7 gross acres of which the remaining 78 gross acre portion was redesignated to “Estate Density Residential” with DI-1 and is located generally between SW 336 and SW 344 Streets, and between SW 194 and SW 197 Avenues. The development on this property is restricted by Declarations of Restrictions (Covenant) to 940 dwelling units.

2. The draft Declarations of Restrictions (covenant) proffered with this Application proposes to restrict residential density on the application site to 50 dwelling units (10 DU/Ac), the covenant also proffers the following:

- A commitment to provide a minimum 10% of the total dwelling units for workforce housing if the application site is redesignated to "Low Density Residential" (2.5 to 6 DU/Ac), and 20% if the site is redesignated to "Low Density Residential With DI-1" and zoning approvals are received for the construction of 50 residential dwelling units.
  - A requirement that Certificates of Use and Certificates of Occupancy shall not be sought for more than 17 dwelling units until connection to a potable water supply main is made to either a water distribution main from the Miami Heights Water Treatment Plant or other similar water supply plant with adequate treatment capacity; or the approval of the expansion of the City of Florida City's water service franchise area.
  - A commitment that the owner shall incorporate water conservation measures into the design, construction, and operation of any residential development on the application site, where practicable.
  - A requirement that the owner shall not seek Certificates of Use or Certificates of Occupancy for more than 30 dwelling units until the construction of SW 344 Street as a 4-lane divided arterial roadway from SW 182 Avenue to SW 192 Avenue is completed.
  - A commitment that the owner shall coordinate with Miami-Dade Transit to allow necessary encroachments onto the application site for a bus pull out bay and bus shelter.
3. With the exception of the area middle school, public facilities and services in this area have the capacity to adequately serve the application site, if approved. Although there is adequate system-wide water and sewer service capacity, considerable improvements to the distribution networks are required for service to be extended to the application site. However, by the end of 2011, the proposed Miami Heights Water Treatment Plant is scheduled for construction completion and to be brought online with subsequent water transmission mains installed to augment potable water services in the south Miami-Dade area including the application site.

It should also be noted that while system-wide water service capacity to adequately serve the application site exists, the capacity will not be sufficient to serve all recently approved development in this area including the April 2006 Cycle Application 14; however, as stated under "Water Supply" section of this report WASD is developing an allocation system to track demands on the wellfield systems. This allocation system will be on a first come first serve basis and will be applied prior to issuance of a building permit.

Homestead Middle, the middle school serving the area, is already operating at the adopted 115% Florida Inventory of School Houses (FISH) utilization

threshold and with the impact of this development will operate at 116% FISH, exceeding this threshold. No relief schools are currently proposed in the 5-Year Capital Plan and the Miami-Dade School Board recommends dialogue with the applicants.

All roadways accessing the site are currently operating within their respective adopted Level of Service (LOS) standard and are projected to continue operating within their adopted LOS standards with the impact of the application. It is worthy of note however, that the impacts of Application 14 of the April 2006 Cycle Amendments to the CDMP would cause SW 344 Street to operate in violation of the LOS standard by the year 2015. Consequently, the associated covenant restricts the development of the 119.7-acre property to no more than 255 dwelling units before until the SW 344 Street is widened to a 4-lane divided arterial roadway.

4. Depletion of the residential land capacity of the analysis area, Minor Statistical Areas (MSA) 7.6, 7.5, and 7.3 is projected occur by the year 2018. Redesignation of the application site to "Low Density Residential" (2.5 to 6 DU/Ac) with DI-1 would add a maximum 65 residential units to the land capacity, or 50 units if the application is adopted with acceptance of the proffered covenant and would add to the existing 11 year supply in this area.
5. If adopted, the application would not significantly impact environmental resources but could impact an adjacent historic resource. The application site is located within the Florida Keys Aqueduct basic wellfield protection area, and is subject to the land use regulations contained in the Miami-Dade County Code, Section 24-43. The application site is also within a low lying area, as identified by Miami-Dade Department of Environmental Resource Management (DERM), away from any canal with a significant level of flood protection for new development, and is required to provide a retention/detention system adequately designed to contain on-site the runoff generated by a 5-year storm event. A DERM Surface water permit is required for development on this site.

The site may contain specimen-sized trees regulated by Section 24-49 of the Code. DERM will require the on-site preservation of specimen sized trees, whenever reasonably possible. A tree survey showing all tree resources and a Miami-Dade County Tree Removal Permit will be required prior to removal or relocation of any trees.

Though there are no historic structures or features within the application site, the site's development could impact historic resources as its southern boundary abuts a 2-acre historical property. This 2-acre property is the site of the last remaining house of the historical "Longview" settlement community and is located at the northwest corner of the SW 192 Avenue and SW 344 Street intersection. The house was built in 1911, is unoccupied and in poor condition, and is recorded on the County Historic Site Survey of 1977 through 1983. The



historical context of the immediate area is agricultural and the adjacent roadways provide a main access point to Everglades National Park. The staff's recommendation to redesignate the application site to "Low Density Residential" with DI-1 would ensure that any development on the application site, between 6 and the maximum allowable 13 dwelling units per gross acre, would be done with the application of good urban design, which considers the context of the surrounding areas. This application of good urban design would ensure more enhanced compatibility between the development of the application site and the preservation of the historical site than would be ensured under the requested "Low-Medium Density Residential" designation.

# STAFF ANALYSIS

## Application Site

The application site is approximately 5 gross acres in size and contains a unoccupied single-family residence that is in poor condition. The site is located immediately west of SW 192 Avenue between SW 340 and SW 344 Streets, and west of the western limits of the City of Florida City. The site is designated on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map as “Estate Density Residential” (1 to 2.5 DU/Ac), which allows 1 to 2.5 dwelling units per gross acre, and is zoned Agriculture (AU), which allows agricultural uses and residences at a maximum density of 1 residential unit on 5 gross acres. The site is owned by the applicant (See Appendix B: Amendment Application).

The application is requesting a CDMP LUP map designation change from “Estate Density Residential” to “Low-medium Density Residential” (6 to 13 DU/Ac), which allows between 6 and 13 units per gross acre. If approved, the “Low-Medium Density Residential” category would allow a maximum of 65 dwelling units to be built on the 5-acre application site.

Declaration of Restriction: On July 27, 2007, the applicant submitted a revised draft covenant, which proposes various restrictions to the development of the land. These conditions are summarized below (See Appendix F: Declaration of Restrictions):

**Density Restrictions:** The applicant is proffering to restrict development on the site to no more than 50 dwelling units. Therefore, with acceptance of the proffered covenant, the density on the site would be restricted to a maximum of 10 dwelling units per gross acre.

Workforce Housing: The Applicant has committed to provide a minimum 10% of the total dwelling units for workforce housing if the application site is redesignated to “Low Density Residential” (2.5 to 6 DU/Ac), and 20% if the site is redesignated to “Low Density Residential With DI-1” and zoning approvals are received for the construction of 50 residential dwelling units.

Water Supply and Conservation: Certificates of Use (CU) and Certificates of Occupancy (CO) shall not be sought for more than 17 dwelling units until connection to a potable water supply main is made. Possible water supply connections include a water distribution main from the Miami Heights Water Treatment Plant, or other similar WASD water supply plant with adequate treatment capacity; or the City of Florida City’s Water Treatment Plant should expansion of the water service franchise area be approved. It should be noted that the Miami Heights Water Treatment Plant is scheduled to be constructed and to be brought online by the end of 2011.

Furthermore, the owner shall incorporate water conservation measures, as listed in Exhibit C of the Declaration of Restrictions into the design, construction and operation of any residential development on the application site, where practicable.

SW 344 Street and Transit Improvements: The Applicant shall not be seek CUs and COs for more than 30 dwelling units until the construction of SW 344 Street as a 4-lane divided arterial roadway from SW 182 Avenue to SW 192 Avenue is completed. Additionally, the owner shall coordinate with Miami-Dade Transit to allow necessary encroachments onto the application site for a bus pull out bay and bus shelter.

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

The property immediately north of the application site is cultivated with row crops, north of which is a tree grove with a single-family residence and a County owned Natural Forest Community (NFC) site. East of the application site beyond SW 192 Avenue is fallow land located within the City of Florida City. To the northeast of the application site and on the northeast corner of SW 192 Avenue and SW 340 Street is the Cameron Creek Rental Apartments, also located within the City of Florida City. South of the application site are properties containing single-family residences. The residential unit, located immediately south at the northwest corner of SW 344 Street and SW 192 Avenue, is an historic site that is in poor condition (See Archeological Resources on Page 11-10). Further south, beyond SW 344 Street is the 'Robert is Here' fruit stand, a plant nursery, a mango and avocado grove, and estate density residential units. The Navy Wells Pineland Preserve, a Miami-Dade County NFC site, is located approximately 0.25 mile south of the application site. West of the application site are three approximately 5-acre single-family residential sites, beyond which is land cultivated with row crops. (See Appendix A: Map Series.)

The CDMP designates the area immediately north of the application site between SW 192 Avenue and theoretical SW 194 Avenue as "Low-Density Residential" (2.5 to 6 DU/Ac) with "One Density Increase with Urban Design" (DI-1). This designation allows development of up to a density of 13 units per gross acre with the application of sound urban design principles to development of designated property. The NFC site north of the application site is designated "Environmentally Protected Parks". The area east of the application site, within the City of Florida City, is designated on the CDMP as "Low-Density Residential". However, the City of Florida City has redesignated this area as "Commercial" and "High Density Residential", which allows 6 to 15 dwelling units per acre. The Cameron Creek Rental Apartments is designated "High Density Residential" by the City of Florida City. The area located at the southeast corner of SW 344 Street and SW 192 Avenue is Designated "Low-Density Residential" with DI-1. The areas south and immediately west of the application site including the adjacent single-family residences are designated "Estate Density Residential", while the area further west is designated "Estate Density Residential" with DI-1; a designation that allows up to 6 dwelling units per gross acre with the application of sound urban design principles. (See Appendix A: Map Series.)

The areas contiguous to the application site between SW 344 and SW 340 Streets are zoned AU including the area east of SW 192 Avenue within the City of Florida City. The Cameron Creek Rental Apartments property is zoned RM-15 (Multifamily Residential District - maximum density of 15 dwelling units per net acre). The area south of SW 344 Street is zoned BU-1 (Business - Neighborhood) on the 'Robert is Here' property, with GU (Interim - Uses Depend on Character of Neighborhood) and AU zoning on the remaining parcels. (See Appendix A: Map Series.)

## **Land Use and Zoning History**

In March 2007, the Miami-Dade Board of County Commissioners (BCC) adopted 3 CDMP LUP map amendments as part of the April 2006 Amendment Cycle that redesignated properties in the immediate area of this application site. Applications 13 and 14 lie immediately north of this application between SW 192 Avenue and theoretical SW 194 Avenue and were redesignated from "Estate Density Residential" to "Low-Density Residential" (1 to 2.5 DU/Ac) with DI-1. Additionally, land in Application 14 lying between SW 336 and SW 344 Streets and generally between theoretical SW 194 and SW 197 Avenues were redesignated from "Estate Density Residential" to "Estate Density Residential" with DI-1. Application 15, located at the southeast corner of SW 344 Street and SW 192 Avenue was redesignated from "Low-Density Residential" (2.5 to 6 DU/Ac) to "Low-Density Residential" (2.5 to 6 DU/Ac) with DI-1. (See Appendix A: Map Series.)

In 1996 the City of Florida City annexed the area east of the application site located between SW 187 and SW 192 Avenues and between SW 328 and SW 344 Streets. The City proposed a mix of commercial and low to high-density residential uses for this annexed area based on its 1997 Evaluation and Appraisal Report (EAR) Based Amendment Map. Subsequently, the City in 2005 and 2006 adopted Land Use Plan amendments for several parcels within the annexed area including the parcels east and northeast of the application. These amendments redesignated the adjacent parcels east of the application to "Commercial" and a parcel northeast of the application to "High Density Residential" (6 to 15 DU/Ac). Additional City of Florida City comprehensive plan amendments, based upon the City's 2006 adopted EAR document, will redesignate more commercial and residential lands in this area. These amendments are currently being reviewed by the Florida Department of Community Affairs.

The application site was part of a CDMP LUP map amendment that in December 1988 redesignated lands from "Agriculture" to "Estate Density Residential" and included these lands within the UDB. The 1988 LUP map amendment included land north of SW 336 Street between SW 192 and SW 197 Avenues and south of SW 336 Street between SW 192 and theoretical SW 202 Avenues. These lands were designated as "Estate Density Residential" to provide a low-density residential buffer to the UDB.

In June 2006 the Miami-Dade County Board of Commissioners passed and adopted Resolution No. Z-25-06 that approved a zoning change from AU to PAD (Planned Area Development with mixed residential uses and convenience retail services) on vacant

parcels located at SW 192 Avenue and SW 352 Street and extending north to approximately 1,600 feet of the application site. The resolution restricts development of the rezoned site to a maximum residential density of 6 units per gross acre, in keeping with the maximum allowable density for that area under the “Low Density Residential” (2.5 to 6 DU/Ac) CDMP LUP map designation.

## Supply and Demand

The application site, although entirely located within Minor Statistical Area (MSA) 7.6, sits on the boundary shared by MSA’s 7.6 and 7.5, and is very close to MSA 7.3. Consequently the analysis area considered for this application is a combination of all three MSA’s (MSA’s 7.3, 7.5, and 7.6). The combined vacant land for single-family and multi-family residential development in the analysis area in 2007 was estimated to have a capacity of about 12,457 dwelling units, with about 78% of these units intended as single-family. The annual average residential demand in this Analysis Area is projected to increase from 501 units per year in the 2007-2010 period to 2,774 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 2019 with multi-family units depleted in the year 2017 (see “Residential Land Supply/Demand Analysis” table below). The supply of residential land for both single-family and multi-family units is projected to be depleted by the year 2018.

Residential Land Supply/Demand Analysis  
2007 to 2025: Application 11

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 2007	9,656	2,801	12,457
DEMAND 2007-2010	333	168	501
CAPACITY IN 2010	8,657	2,297	10,954
DEMAND 2010-2015	421	214	635
CAPACITY IN 2015	6,552	1,227	7,779
DEMAND 2015-2020	1,482	578	2,060
CAPACITY IN 2020	0	0	0
DEMAND 2020-2025	2,000	694	2,774
CAPACITY IN 2025	0	0	0
<b>DEPLETION YEAR</b>	<b>2019</b>	<b>2017</b>	<b>2018</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, 2007.

The CDMP land use designation of “Low-Medium Density Residential” allows a range in density from a minimum of 6.0 to a maximum of 13 dwelling units per gross acre. The types of housing typically found in areas designated “Low-Medium Density Residential” include single-family homes, townhouses and low-rise apartments. Application 11, if approved with acceptance of the proffered covenant, will allow a maximum of 50 dwelling units; 65 dwelling units would be allowed without the proffered covenant.

## 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)	+6.70 feet
Stormwater Management	Surface Water Management Permit (See Below)
Drainage Basin	C-111
Federal Flood Zone	AH - 100-year floodplain, constant surface ponding between 1-3 feet
Hurricane Evacuation Zone	Zone C

### **Biological Conditions**

Wetlands Permits Required	NO
Native Wetland Communities	NO
Tree Resources	YES
Natural Forest Communities	NO
Endangered Species Habitat	NO

### **Other Considerations**

Within Wellfield Protection Area	YES
Archaeological/Historical Resources	YES

## **Stormwater Management**

The application site has been identified by the Miami-Dade County Department of Environmental Resources Management (DERM) as a low lying area away from any canal with a significant level of flood protection for new development, and is required to provide a retention/detention system adequately designed to contain on-site the runoff generated by a 5-year storm event. A DERM Surface water permit is required for all development with a potential of yielding more than 2 acres of impervious surfaces. The development criteria and the level of on-site flood protection may change if ground water stages are increased as a result of the implementation of the Comprehensive Everglades Restoration Plan.

## **Tree Resources**

The site may contain specimen sized trees and Miami-Dade County Code, Section 24-49, requires preservation of tree resources and DERM will require the on-site preservation of specimen sized (trunk diameter  $\geq$  18 inches) trees, whenever reasonably possible. A tree survey showing all tree resources and a Miami-Dade County Tree Removal Permit will be required prior to removal or relocation of any trees.

### Wellfield Protection Area

The application site is located within the Florida Keys Aqueduct basic wellfield protection area and is subject to the land use regulations contained in the Miami-Dade County Code, Section 24-43. The disposal of wastewater and stormwater, and prohibition of nonresidential land uses that generate, use, handle dispose of, discharge or store hazardous wastes on any property located within the average pumpage wellfield protection area are regulated by the code.

### Archaeological/Historical Resources

There are no historic structures or features within the application site. However, the southern boundary of the application site abuts a 2-acre property (two 1-acre parcels under one ownership) on which the last remaining house of the historical 'Longview' settlement community is located. The historical house sits on one of the 1-acre parcels while the second parcel is a vacant inverted "L" shaped adjacent to the first parcel on the north and west. This remaining Longview house was built in 1911 and is recorded on the County Historic Site Survey (1977 through 1983), but not recorded on the National Register of Historic Places. The 2-acre property sits on the northwest corner of the SW 344 Street (Palm Drive) and SW 192 Avenue (Tower Road) intersection, which is a main access point to Everglades National Park. The historical context of the immediate area is agricultural.

The Office of Historical Preservation has expressed concerns regarding the potential impact of higher density from the application site on this historic site and recommends that development in the area should be carefully analyzed for impacts. No additional information was available with regard to the site or recommendations from the Office of Historic Preservation regarding potential mitigation of development impacts.

### **Water and Sewer**

#### Water Supply

In April 2007, the Board of County Commissioners (BCC) adopted alternative water supply and reuse projects into the Capital Improvements Element of the CDMP in the amount of \$1.6 billion dollars. This commitment by the BCC fully funds the projects outlined in the Lower East Coast Regional Water Supply Plan upon which a 20-year water permit from the South Florida Water Management District, expected in November 2007, is based. A summary of these projects can be found in Application 16 (Water Supply Facilities Workplan) of this report. Appendix A of Application 16 indicates that the City of North Miami Beach will no longer be a retail customer after 2007 and therefore the Miami-Dade Water and Sewer Department's (MDWASD) system will realize a surplus in water supplies of 4.63 MGD.

It should be noted that the MDWASD is developing an allocation system to track the water demands from platted and permitted development. This system will correspond to the allocation system currently being used by DERM for wastewater treatment facilities, and will require all development to obtain a water supply allocation letter from MDWASD stating that adequate water supply capacity is available for the proposed project. MDWASD's water allocation system is anticipated to be operational in November 2007.

### Potable Water Facilities

The closest potable water main is a 16-inch main located at SW 187 Avenue and SW 349 Street, approximately 5,000 feet from this site. However, because an 8-inch main feeds this 16-inch main the fire flow pressure at this point of connection is poor and will not allow for the minimum required fire flow pressures at the site (see Fire Rescue section on page 11-11 for fire flow requirements). The closest point of connection that may produce the required fire flow pressures is an existing 12-inch main located at SW 178 Avenue and SW 360 Street, approximately 14,000 feet (almost 3 miles) from the site. MDWASD has recommended that a new 16-inch main to be connected to the existing 12-inch main and taken to the site.

The MDWASD's South Dade Utilities (formerly Rex Utilities), consisting of five small wellfields each providing chlorination treatment prior to distribution, currently serves this portion of the South Dade unincorporated area. This system has a combined rated treatment plant capacity of 12.4 million gallons per day (mgd). However, the South Dade Utilities System is very old and the interconnection between the wellfields is poor and inefficient. The southernmost portions of this system can only be served with water from one of two wellfields, Everglades Labor Camp or Newton. The application site can only be served with water from the Everglades Labor Camp wellfield, which has a DERM rated treatment capacity of 0.96 mgd and a maximum plant production based upon the last 12 months of 0.666 mgd. Based upon these numbers, the Everglades Labor Camp wellfield has 0.294 mgd or 30.6% of treatment capacity remaining.

The estimated potential water demand from this application is 16,250 gallons per day (0.01625 mgd), if approved without acceptance of the proffered covenant. A water demand of 16,250 gpd would decrease the 0.294 mgd treatment plant capacity to 0.278 mgd or 28.9%; a remaining maximum capacity that is above the LOS standard.

If the application is approved with acceptance of the proffered covenant, the total potential water demand from the allowed 50 units would be 12,500 gallons per day (0.0125 mgd). Additionally under the covenant, which only allows the development of 17 residential units until an alternate water source can be obtained, the maximum demand on the existing Everglades Labor Camp wellfield would be 4,250 gallons per day (0.00425 mgd). Potential alternate water sources include: 1) a connection to the water distribution main proposed to connect from the proposed Miami Heights Water Treatment Plant, 2) a similar water treatment plant that has available capacity, or, 3) the City of Florida City water distribution system, should expansion of the City's water



franchise be approved by Miami-Dade County and water supply is available from the City's treatment facilities. The extension of the water main from Miami Heights Water Treatment Plant is currently in the Capital Improvements Plan and is scheduled for completion by the end of 2011. Additionally, MDWASD is looking into the possibility of increasing the rated capacity of the wellfield. It should be noted that no request has been made to WASD from the City of Florida City requesting that the City's water franchise area be extended to the application site. Additionally, it is unclear when additional capacity will be available from the City's water treatment facilities.

While this analysis indicates that the Everglades Labor Camp wellfield currently has sufficient capacity to serve this application site, it should be noted that this capacity will not be sufficient to serve all recently approved development in this area. However, as stated under the "Water Supply" section above, WASD is developing an allocation system to track demands on the wellfield systems. This allocation system will be on a first-come first-serve basis and will be applied prior to issuance of a building permit. Therefore, although capacity is currently available for this application, it may not be available at time of development, even with the proffered reduction in units.

#### Wastewater Facilities

Sanitary sewer service to the application site requires a new sewer pump station and connection to an existing 12-inch force main located at SW 352 Street and SW 188 Avenue, approximately 6,000 feet (more than 1 mile) from this site. The required new sewer pump station will serve the area between SW 336 and SW 344 Streets, and between SW 192 and SW 197 avenues. Data provided by DERM indicates that four pump stations, numbers 30-1022, 30-10772, 30-1073, and 30-0692, would be impacted by sewage flows from this site; however, the four pump stations are operating within mandated criteria. Ultimate disposal for sewage flows from this site would be the South District Waste Water Treatment Plant. This facility has a design capacity of 112.5 mgd and has a 12-month average flow of 93.32 mgd. This flow rate is approximately 82.95% of the design capacity of the wastewater treatment plant.

Based upon the maximum development scenario of 65 residential units, if the application is approved without acceptance of the proffered covenant, it is estimated that the sewage generation for this site will yield 16,250 gallons per day (0.01625 mgd). These estimated flows will increase the average treatment plant flows to 93.34 mgd or 82.97% of the design capacity and therefore will not exceed the established level of service.

If approved with acceptance of the proffered covenant, the development would be restricted to 50 residential units, then the estimated sewage generation for this site would be 12,500 gallons per day (0.0125 mgd). Therefore, the wastewater treatment plant has sufficient capacity to serve this application. The net increase in water and sewer usage between the potential developments under the current and the proposed CDMP designations is 8,300 gallons per day and 12,050 gallons per day with and without acceptance of the proffered covenant respectively.

## **Solid Waste**

The application site lies within the Miami-Dade County Department of Solid Waste Management's (DSWM) waste service area for garbage and trash collections. The closest DSWM facility serving this site is the Moody Drive Trash and Recycling Center located at 12970 SW 268 Street, which is approximately 9 miles northeast of the application site.

The adopted level of service (LOS) standard for the County Solid Waste Management System is as follows: to maintain sufficient waste disposal capacity to accommodate waste flows committed to the system through long term contracts or interlocal agreements and anticipated uncommitted waste flows for a period of five years. At present, the DSWM is in compliance with the LOS standard.

## **Fire Rescue**

Miami-Dade Fire Rescue Station 16, located at 325 NW 2 Street, Homestead, currently serves the application site. This station is equipped with an ALS Engine, a 75-foot ALS Ladder and a rescue unit, and is permanently staffed by 11 firefighters/paramedics. Average travel time to incidents within the vicinity of Application 11 was 3 minutes 2 seconds, and there were no life threatening or structure fire alarms in 2006. Application 11, if approved, will generate approximately 14 annual alarms, which will have minimal impact to existing fire rescue services.

The required fire flow for the proposed CDMP designation is 750 gallons per minute (gpm) at 20 pounds per square inch (psi) residual on the system. Each Fire hydrant is required to deliver no less than 500 gpm.

The proposed Station 72 is programmed for construction in the vicinity of SW 344 Street and SW 189 Avenue in Florida City and is scheduled for completion in the year 2012.

## **Parks**

There are no County local parks within a two-mile radius of the application site. However, 7 City of Florida City local parks exist within a two-mile radius of the application site with the Fasulo Park being closest to the site, located approximately 1 mile to the east. The County Navy Wells Pineland Preserve, a natural areas preserve of 251 acres classified as a Metropolitan Park and is located at SW 360 Street and SW 192 Avenue, less than 1 mile south of the application site.

The subject site is located within park Benefit District 3 (PBD 3), which according to the Miami-Dade County Department of Parks and Recreation has a surplus capacity of 97.19 acres of park land when measured by the County concurrency level-of-services standard. Based upon a potential increase in population of 190 person, this capacity is

sufficient to meet the estimated 0.52 acres of park land necessary to meet the LOS for the application.

## **Public Schools**

By January 1, 2008, Miami-Dade County is expected to adopt a level of service (LOS) standard for public school facilities. The current proposed LOS standard is 100% utilization of Florida Inventory of School Houses (FISH) and allows the LOS standard to be satisfied if: 1) construction of new capacity is programmed to relieve the impacted school within 3 years; 2) capacity is available at a contiguous public school facility; 3) development is phased to meet existing capacity; or, 4) if the proportionate share mitigation option is used. The evaluation of school capacity based upon the proposed LOS standard and concurrency methodology differs significantly from the current method of assessing the impact to the school and requiring collaboration with the Miami-Dade County School Board if the proposed development results in an increase of FISH utilization in excess of 115%. Therefore, the Miami-Dade County Public Schools staff will re-evaluate this application utilizing the proposed LOS standard and concurrency methodology. The re-evaluation is anticipated in September 2007 and should be available as a supplement to this application prior to the Community Council meeting. The evaluation of this application under the current assessment methodology is presented below.

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 2006, the school's FISH Design Capacity, which includes permanent and relocatable student stations, and the school's FISH utilization percentage.

This application, if approved with acceptance of the proffered covenant, will increase the potential student population of the schools serving the application site by an additional 21 students. Approximately 10 of these additional students will attend Florida City Elementary, increasing the FISH utilization from 86% to 87%; 5 students will attend Homestead Middle, increasing the FISH utilization from 115% to 116%; and 6 students will attend Homestead Senior High, marginally affecting the FISH utilization that remains unchanged at 87%. The elementary and high schools will not exceed the 115% FISH capacity threshold set by the current Interlocal Agreement. Homestead Middle will exceed the 115% FISH design capacity and the applicant is therefore required to consult with the Miami-Dade County School Board regarding mitigation. No relief schools are currently proposed in the 5-Year Capital Plan.

School	2006 Enrollment*		FISH Capacity**	% FISH Utilization	
	Current	With Application		Current	With Application
Florida City Elementary	741	753	864	86%	87%
Homestead Middle	1,160	1,166	1,006	115%	116%
Homestead Senior High	2,754	2,762	3,167	87%	87%

\*Enrollment as of: October 15, 2006

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

This application, if approved without acceptance of the proffered covenant, will increase the potential student population of the schools serving the application site by an additional 26 students. Approximately 12 of these additional students will attend Florida City Elementary, increasing the FISH utilization from 86% to 87%; 6 students will attend Homestead Middle, increasing the FISH utilization from 115% to 116%; and 8 students will attend Homestead Senior High, marginally affecting the FISH utilization that remains unchanged at 87%. The elementary and high schools will not exceed the 115% FISH design capacity threshold set by the current Interlocal Agreement. Homestead Middle will exceed the 115% FISH design capacity and the applicant is therefore required to consult with the Miami-Dade County School Board regarding mitigation.

## Roadways

### Existing Conditions

Access to the application site is from SW 192 Avenue, which is a 2-lane half section line roadway. East-west access is from the neighboring SW 344 Street south of the site and SW 328 Street to the north. SW 344 Street (SR 9336/ W. Palm Drive), a two-lane arterial from SW 192 Avenue to SW 182 Avenue and a four-lane divided arterial between SW 182 Avenue and US-1 (SR 5/South Dixie Highway), connects to Krome Avenue (SR 997/SW 177 Avenue), US-1, and the Homestead Extension of Florida's Turnpike (HEFT) to the east. Krome Avenue (SR 997/SW 177 Avenue), US-1, and the HEFT provide access to other portions of the county. Access to the HEFT is provided by the interchanges located north of SW 344 Street and at SW 312 Street.

Current operating traffic conditions on SW 192 Avenue, Krome Avenue/SW 177 Avenue, and SW 344 Street in the vicinity of the application site are acceptable. SW 192 Avenue between SW 328 Street and SW 344 Street, Krome Avenue from SW 328 Street to US-1, and SW 344 Street from SW 192 Avenue to SW 182 Avenue are

operating at LOS C, within the adopted LOS D standard applicable to these roadway segments. The "Traffic Impact Analysis" table below shows the LOS for all roadway segments within the general vicinity of the application site.

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.

### Traffic Concurrency Evaluation

An evaluation of peak-period traffic concurrency conditions without the application's impact, as of July 24, 2007, which considers reserved trips from approved developments not yet constructed and any programmed roadway capacity improvements, predicts that SW 192 Avenue, Krome Avenue/SW 177 Avenue, and SW 344 Street in the vicinity of the application site will continue to operate at LOS C, within their adopted LOS D standard. See the "Traffic Impact Analysis" table below. The "Programmed Roadway Capacity Improvement" table below lists the capacity improvements programmed for construction in the vicinity of the application site for fiscal year 2007/2008 to 2011/2012

Application No. 11 Programmed Roadway Capacity Improvements Fiscal Years 2007/2008 – 2011/2012				
Roadway	From	To	Type of Improvement	Fiscal Year
Krome Ave. (SR 997)	SW 328 Street	US 1 (SR 5)	Add lanes and reconstruct	2009-2010
SW 320 Street	SW 187 Ave.	Flagler Ave.	Add turn lane (2 to 3 lanes)	2007-2008
SW 328 Street	US-1	SW 162 Ave.	Widen to 4 Lanes	*Prior funding
SW 328 Street	SW 162 Ave.	SW 137 Ave.	Widen to 4 Lanes	*Prior funding
US 1	Card Sound Rd.	HEFT (SR 821)	Add Auxiliary lanes	2008-2009

Source: 2008 Transportation Improvement Program, Metropolitan Planning Organization for the Miami Urbanized Area, May 2007.

Note: \* Prior funded projects are to be constructed through a joint venture with the City of Homestead

### Application Impact

The "Trip Generation" table, below, identifies the estimated number of PM peak-hour trips expected to be generated by two scenarios of potential development that could occur under the requested CDMP Land Use designation of "Low-Medium Density Residential" (6 to 13 DU/Acre), 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 of "Estate Density Residential" (1 to 2.5 DU/Acre).

Application No. 11  
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
11 (Scenario 1)	Estate Density Residential (1 to 2.5 DUs/Acre) 12 Single Family Attached Units	Low-Medium Density Residential (6 to 13 DUs/Acre) 65 Single Family Attached Units	
	16	42	+26
11 (Scenario 2)	Estate Density Residential (1 to 2.5 DUs/Acre) 12 Single Family Attached Units	Low-Medium Density Residential (6 to 13 DUs/Acre) 50 Single Family Attached Units	
	16	34	+18

Source: Institute of Transportation Engineers, Trip Generation, 7th Edition, 2003; Miami-Dade County Public Works Department, July 1007.

The first development scenario (Scenario 1) considers the maximum allowable development of 65 dwelling units at 13 units per gross acre and the second development scenario (Scenario 2) considers the development of 50 dwelling units at a maximum density of 10 units per gross acre, as restricted by the proffered covenant. The estimated trip difference between the requested and current CDMP Land Use designations is an additional 26 PM peak-hour trips in Scenario 1 and 18 PM peak-hour trips in Scenario 2.

The application site is improved with a single-family residence that is currently unoccupied; therefore, it does not generate any AM or PM peak hour trips. The estimated trip difference between the requested CDMP Land Use designation and the current use is approximately 42 and 34 PM peak-hour trips for Scenarios 1 and 2, respectively.

An evaluation of peak-period traffic concurrency conditions with the application's impact, which considers reserved trips from approved development not yet constructed plus the trips to be generated under the requested land use designation, and any programmed roadway capacity improvements, indicates that SW 192 Avenue, Krome Avenue/SW 177 Avenue, and SW 344 Street in the vicinity of the application site will continue to operate at LOS C, within their adopted LOS D standard.

The applicant's transportation consultant, Cathy Sweetapple & Associates, submitted a Transportation Analysis report in support of this Application. DP&Z staff reviewed the report and concurs with the consultant's findings and conclusions. (See Appendix D – Applicant's Traffic Study.)

Application No. 11  
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. <sup>1</sup>	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.
Scenario 1 <sup>2</sup>												
	SW 192 Avenue	SW 328 St. to SW 344 St.	2 UD	D	950	331	C	NA	C	42	373	C (06)
84	SW 344 St. (SR 9336)	SW 192 Ave to 182 Ave.	2 UD	D	1,460	859	C	360	C	31	1,250	C (04)
2548	SW 344 St. (SR 9336)	SW 182 Ave to US 1	4 DV	D	3,110	1,601	C	360	C	27	1,988	C (06)
131	Krome Ave (SR 997)	SW 328 St to SW 344 St.	2 UD	D	1,460	916	C	N/A	C	8	924	C (06)
518	Krome Ave (SR 997)	US 1 to SW 344 St	2 UD	D	1,560	405	C	220	C	4	629	C (06)
151	Ingraham Highway	Everglades National Park to SW 192 Ave	2 UD	D	1,560	229	B	70	B	2	301	B (06)
Scenario 2 <sup>3</sup>												
	SW 192 Avenue	SW 328 St. to SW 344 St.	2 UD	D	950	331	C	NA	C	34	365	C (06)
84	SW 344 St. (SR 936)	SW 192 Ave to 182 Ave.	2 UD	D	1,460	859	C	360	C	25	1,244	C (04)
2548	SW 344 St. (SR 936)	SW 182 Ave to US 1	4 DV	D	3,110	1,601	C	360	C	22	1,983	C (06)
131	Krome Ave (SR 997)	SW 328 St to SW 344 St.	2 UD	D	1,460	916	C	N/A	C	6	922	C (06)
518	Krome Ave (SR 997)	US 1 to SW 344 St.	2 UD	D	1,560	405	C	220	C	3	628	C (06)
151	Ingraham Highway	Everglades National Park to SW 192 Ave	2 UD	D	1,560	229	B	70	B	2	301	B (06)

Source: Miami-Dade County Department of Planning and Zoning; Miami-Dade Public Works Department and Florida Department of Transportation, July 2007.

Notes: <sup>1</sup>County adopted roadway level of service standard applicable to the roadway segment

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

<sup>2</sup>Scenario 1 assumes Application site developed with 65 single-family attached dwelling units.

<sup>3</sup>Scenario 2 assumes Application site developed with 50 single-family attached dwelling units.

## Transit Service

Currently, there are no existing transit routes that serve the application site. The Metrobus routes nearest to the application site are Metrobus Routes 70 and 344, with the closest bus stop located at SW 187 Avenue and SW 344 Street, approximately 0.6 miles from the site (see "Existing Transit Service" table below). According to the 2006 Transit Development Program, the Florida City/ Medley MAX is a proposed Metrobus route that will introduce peak hour express service between the Florida City/Homestead area and Medley. (See "Planned Transit Service Improvements" table below.)

Application No. 11 Existing Transit Service						
Route	Peak	Headways (in minutes)			Stop Locations	Type of Service
		Off-Peak	Sat	Sun		
70	30	30	60	60	SW 344 St and SW 187 Ave	L
344	30	30	60	60	SW 344 St and SW 187 Ave	L

Source: 2006 Transit Development Program Fiscal Years 2007-2011, May 2006; Miami-Dade Transit.

Notes: L = Local Route

Application No. 11 Planned Transit Service Improvements	
Route No.	Improvement Description
70*	Improve weekend headways from 60 to 30 minutes.
70*	Improve peak headways from 30 to 15 minutes.
70*	Re-align along South Miami-Dade Busway Extension.
344*	Improve peak headway from 30 to 15 minutes.
Florida City/ Medley MAX**	Introduce peak hour express service between Florida City/ Homestead areas to Medley. Provide 3 trips in the am and 3 in the PM.

Source: 2006 Transit Development Program Fiscal Years 2007-2011, May 2006; Miami-Dade Transit.

Notes: \* Unfunded Transit improvements

\*\*Scheduled to be funded by 2011



## **Consistency Review with Miami-Dade Comprehensive Development Master Plan (CDMP) Goals, Objectives, Policies, and Concepts**

The following CDMP goals, objectives, policies, and concepts will be furthered should the application be adopted:

- OBJECTIVE LU-5: Activities consistent with the adopted Population Projections, and Land Use Plan (LUP) map.
- LU-8A: Accommodate residential development in suitable locations and densities.
- LU-8F: (UDB) should contain residential capacity for 10 years after (EAR) plus 5-year surplus.
- LU-9J: Use of urban design and other guidelines in review of applications.

The following CDMP goals, objectives, policies, and concepts will be impeded should the application be adopted:

- LU-8E (iii): Compatible with abutting and nearby land uses and protect the character of established neighborhoods.
- EDU-1F: Comments of Miami–Dade School Board to be considered on comprehensive plan amendments and other land use decisions affecting FISH.



# **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 Application Site and Surroundings

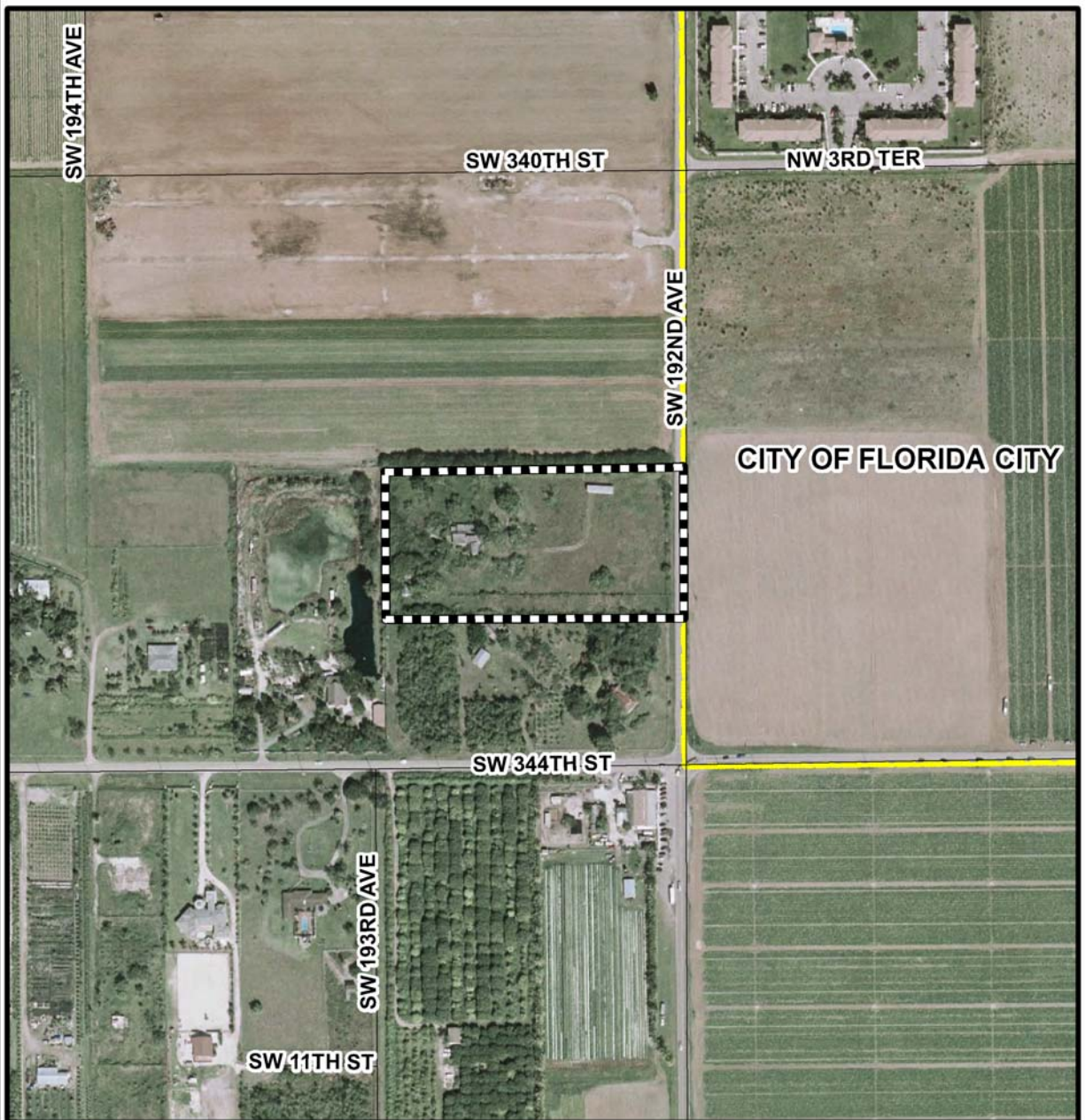
THIS PAGE INTENTIONALLY LEFT BLANK

# **APPENDIX A**

## **Map Series**

THIS PAGE INTENTIONALLY LEFT BLANK

AERIAL PHOTO: APPLICATION NO. 11



2007 AERIAL



APPLICATION AREA



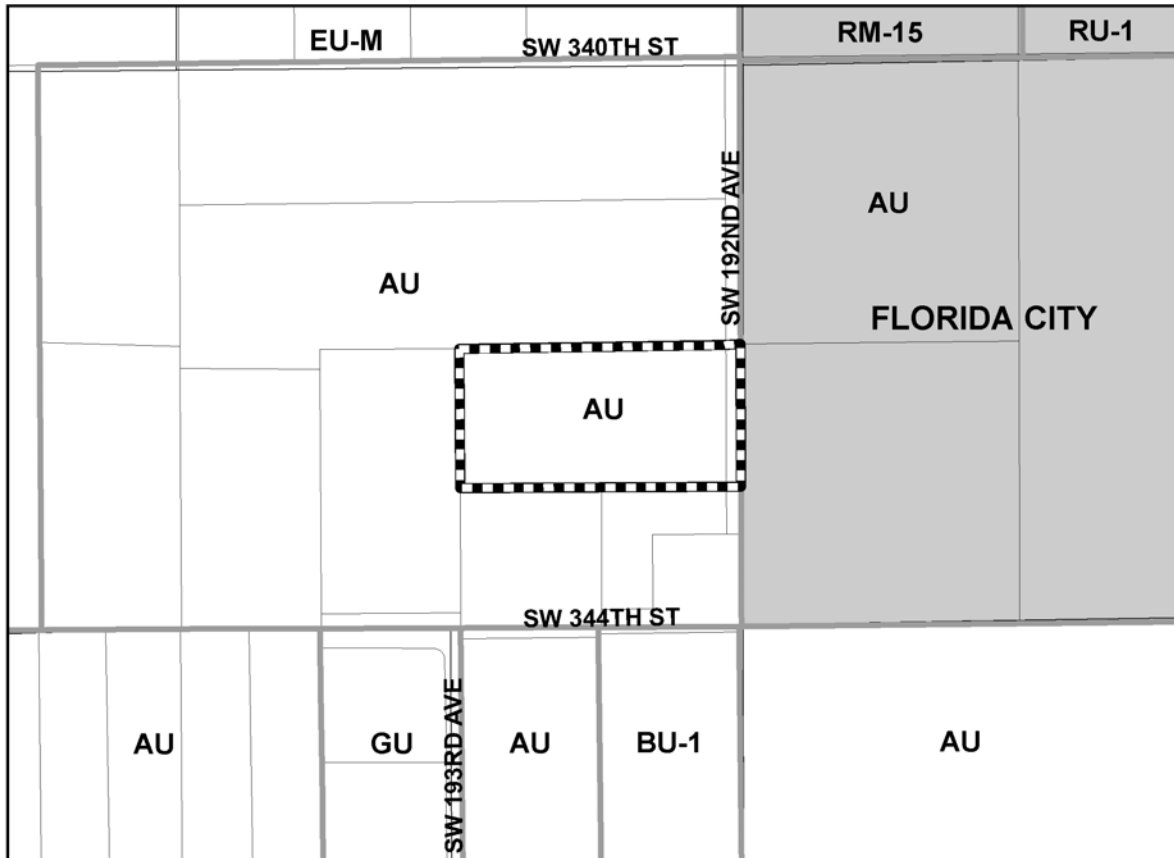
MUNICIPAL BOUNDARY

0 0.025 0.05 0.1

Miles  
SOURCE: MIAMI-DADE COUNTY, DEPARTMENT OF  
PLANNING AND ZONING, AUGUST 2007



**APPLICATION NO. 11  
CURRENT ZONING MAP**



APPLICATION AREA



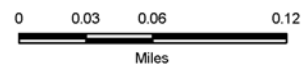
CITY OF FLORIDA CITY

**MIAMI-DADE ZONING DISTRICTS**

- GU INTERIM - USES DEPEND ON CHARACTER OF NEIGHBORHOOD, OTHERWISE EU-2 STANDARDS APPLY
- AU AGRICULTURAL - 1 RESIDENTIAL DWELLING UNIT ON 5 GROSS ACRES
- EU-M ESTATES MOD. 1 FAMILY ON 15,000 SQ. FT. NET LOT
- RU-1 SINGLE FAMILY RESIDENCE ON 7,500 SQ. FT. NET LOT
- BU-1 BUSINESS - NEIGHBORHOOD

**FLORIDA CITY ZONING DISTRICTS**

- RM-15 RESIDENTIAL MULTIFAMILY DISTRICT

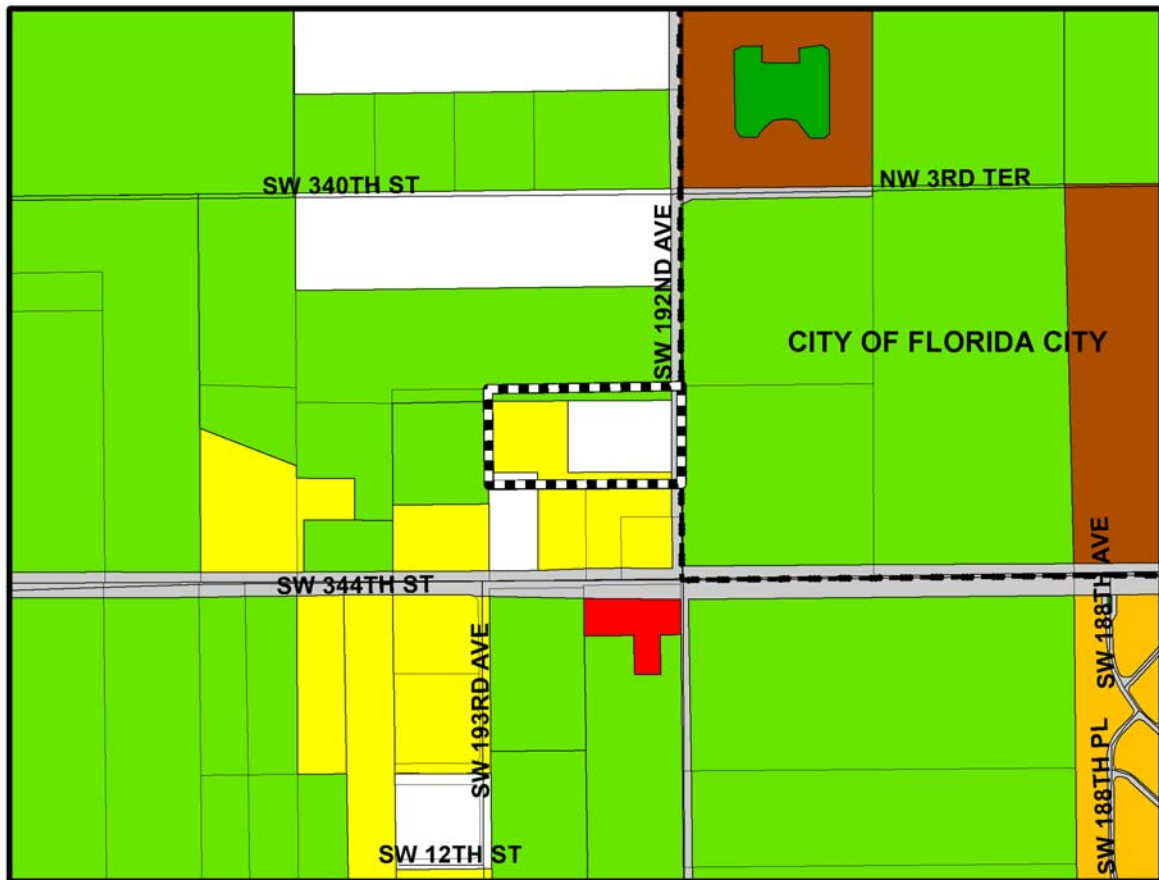


SOURCE: MIAMI-DADE COUNTY, DEPARTMENT OF  
PLANNING AND ZONING, AUGUST 2007





# APPLICATION NO. 11 EXISTING LAND USE



## LEGEND



APPLICATION AREA



MUNICIPAL BOUNDARY

## EXISTING LAND USE



SINGLE FAMILY



MOBILE HOME PARKS



LOW-DENSITY MULTIFAMILY (UNDER 25 DU/GROSS ACRE)



COMMERCIAL, SHOPPING CENTERS, STADIUMS



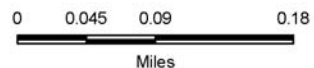
STREETS, ROADS, EXPRESSWAYS, RAMPS



AGRICULTURE

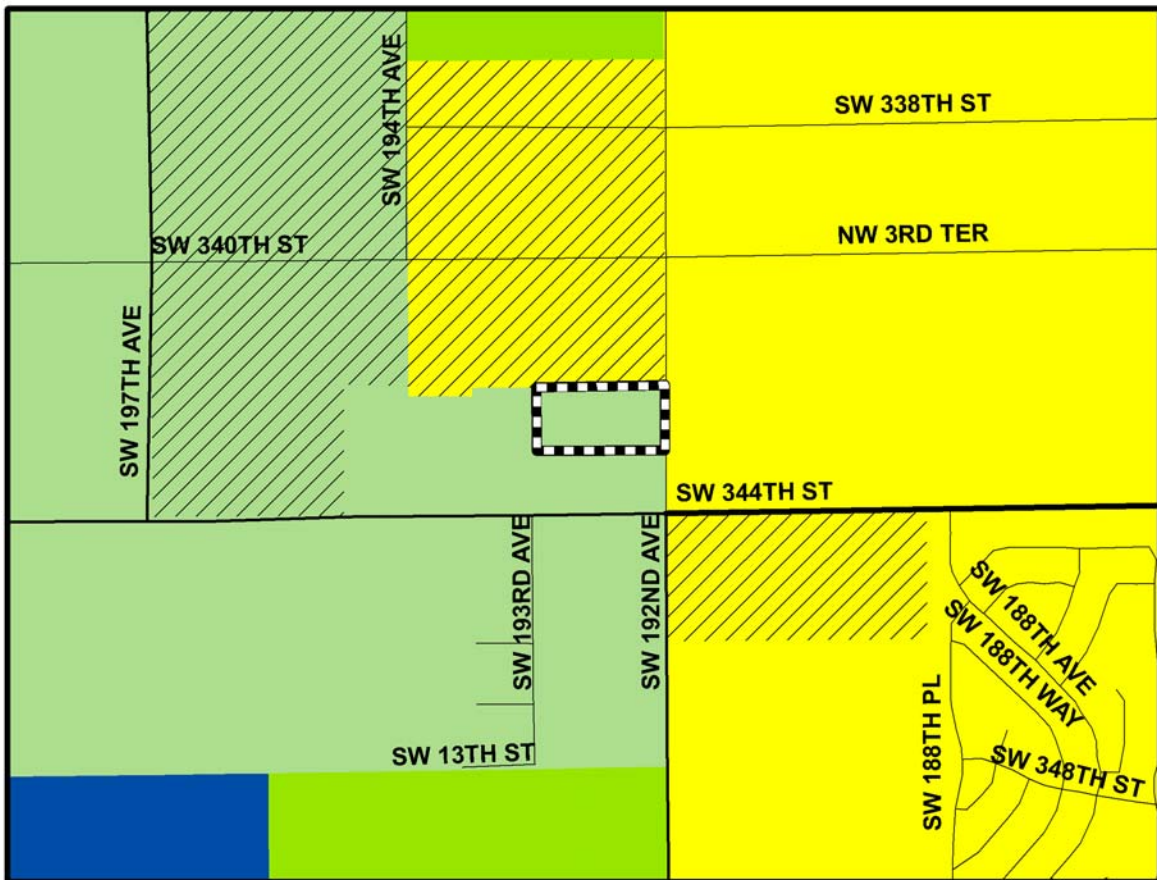


VACANT - UNPROTECTED



SOURCE: MIAMI-DADE COUNTY, DEPARTMENT OF  
PLANNING AND ZONING, AUGUST 2007

**APPLICATION NO. 11  
CDMP LAND USE PLAN**



**LEGEND**



APPLICATION AREA

**CDMP LAND USE**

RESIDENTIAL COMMUNITIES



ESTATE DENSITY RESIDENTIAL (EDR) 1 TO 2.5 DU/AC



ESTATE DENSITY RESIDENTIAL WITH ONE DENSITY INCREASE WITH URBAN DESIGN (DI-1)



LOW DENSITY RESIDENTIAL (LDR) 2.5 TO 6 DU/AC



LOW DENSITY RESIDENTIAL WITH ONE DENSITY INCREASE WITH URBAN DESIGN (DI-1)



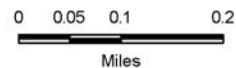
INSTITUTIONAL AND PUBLIC FACILITY



ENVIRONMENTALLY PROTECTED PARKS



MAJOR ROADWAY



SOURCE: MIAMI-DADE COUNTY, DEPARTMENT  
OF PLANNING AND ZONING, AUGUST 2007



# **APPENDIX B**

## **Amendment Application**

THIS PAGE INTENTIONALLY LEFT BLANK

**APPLICATION TO AMEND THE 2005/2015  
MIAMI-DADE COUNTY  
COMPREHENSIVE DEVELOPMENT MASTER PLAN**

**1. APPLICANT**

BDG Florida City, LLC  
2655 LeJeune Road, Suite 409  
Coral Gables, Florida 33134

**2. APPLICANT'S REPRESENTATIVES**

Jeffrey Bercow, Esq.  
Melissa Tapanes Llahues, Esq.  
Bercow & Radell, P.A.  
200 South Biscayne Boulevard  
Suite 850  
Miami, Florida 33131

**RECEIVED**

APR 13 2007

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

BY \_\_\_\_\_

By:   
Jeffrey Bercow, Esq.

Date: April 13, 2007

By:   
Melissa Tapanes Llahues, Esq.

Date: April 13, 2007

**3. DESCRIPTION OF REQUESTED CHANGES**

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

Current Land Use Designation: Estate Density Residential

Proposed Land Use Designation: Low-Medium Density Residential (6 to 13 dwelling units per gross acre)

B. Description of the Subject Property

The property consists of approximately 5 acres of land located at 34250 Southwest 192 Avenue, further identified by Miami-Dade County Tax Folio Identification No. 30-7823-004-0011 ("Property"). Currently, the Property is used as a single-family residence.

C. Gross Acreage

Application area:    +/- 5.04 gross acres  
                             +/- 4.75 net acres

#### D. Requested Changes

1. The Applicant respectfully requests that the 5-acre application area be re-designated on the Land Use Plan ("LUP") Map from Estate Density Residential (1 to 2.5 dwelling units per acre) to Low-Medium Density Residential (6 to 13 dwelling units per gross acre).

2. In addition, the Applicant respectfully requests the acceptance of the proffered Declaration of Restrictions limiting the future development of the Property to a maximum of 10 dwelling units per gross acre, and inclusion in the table provided in the "Restrictions" paragraph provided in the "Concepts and Limitations of the Land Use Plan" section found on Pages I-62 through I-63 of the CDMP, as adopted in the April 2006 CDMP Amendment Cycle.

3. The Applicant respectfully requests expedited processing as a Small-scale amendment.

#### 4. REASONS FOR AMENDMENT

Property. The Property consists of one parcel totaling approximately five-acres of land located at 34250 Southwest 192 Avenue, fronting Southwest 192 Avenue, a half-section line road. Though zoned for Agriculture, the Property is designated as "Estate Density Residential" and used as a single family residence. Designation of the Property as "Low-Medium Density Residential" and acceptance of the proffered Declaration of Restrictions would allow for the development of the Property with up to ten dwelling units per gross acre, which will serve to convert underutilized rural land to much-needed residential land to serve the County's projected population growth.

To the north, the Property abuts Application No. 14 of the April 2006 Cycle to Amend the CDMP Land Use Map ("Application 14"), in which the Board of County Commissioners designated approximately 120 acres of land as "Low Density Residential with a DI-1 Bonus" to permit the development of a maximum of 940 dwelling units. The Declaration of Restrictions proffered by the applicant in Application 14 covenants to provide Estate Density Residential development to the west and transition to Low-Medium Density to the east, immediately north of the Property. The redesignation of the Property to "Low-Medium Density Residential" is compatible with the proposed density immediately to the north and will serve as a buffer to the transitional rural area immediately to the west and south of the Property.

To the east, the Property adjoins lands within Florida City's municipal limits designated by the Florida City 1997 EAR-based Amendment Map for commercial and medium to high-density residential uses. Specifically, immediately to the east, the lands have been approved for commercial development by Florida City Resolution 04-23. Within the square mile immediately west of the Property, residential developments have been approved by Florida City at a density of up to 22 units per acre, which is greater than the requested "Low-Medium Density Residential." The proffering and acceptance of the Declaration of Restrictions will serve to transition between the higher residential density to the north approved in Application 14, the commercial and medium to high density approvals in Florida City to the East, and the existing Estate Density Residential to the west and south.

To the south, the southwest corner of Southwest 192 Avenue and 344 Street intersection has been zoned and developed as Neighborhood Business or BU-1. Florida City has approved additional commercial development at the northeast corner of the intersection, caddy corner to the County BU-1-

zoned parcel and immediately east of the Property. At the southeast corner of the intersection, the Board of County Commissioners approved Application No. 15 of the April 2006 Cycle to Amend the CDMP Land Use Map ("Application 15"). Application 15 redesignated approximately 21 acres of land to "Low Density Residential with a DI-1 designation" and limited the maximum density to 10 dwelling units per gross acre. The approval of the redesignation of the Property and acceptance of the Declaration of Restrictions limiting the maximum density to 10 units per gross acre would be compatible with the surrounding neighborhood and consistent with recent precedent and trends in the area.

Land Supply. CDMP Land Use Element Objective 8 and Policies 8A, 8F, 8G, and 8H all require that Miami-Dade County maintain an adequate supply of residential land for projected demand for a period of 15 years. The most recent Residential Supply and Demand data for the County is published in Table 1 of the March 2007 "Residential, Commercial, and Industrial Land Supply and Demand Analysis." The data indicates that the County-wide single-family residential supply of land will be exhausted by the year 2011. This County-wide depletion date falls far short of CDMP Policy 8G that requires the County to sustain adequate residential inventory for projected demand for a period of 15 years. Re-designation of the Property to Low-Medium Density Residential will help fill the existing void of single family housing in the urbanized area of the County.

The Property is located in Minor Statistical Area ("MSA") 7.6, although it sits on the boundary shared by 7.6 and 7.5, and is very close to 7.3. The most recent Residential Supply and Demand data for MSA 7.6, 7.5, and 7.3 is published on Page 14-5 of the April 2006 Initial Recommendations Report. The data indicates that the projected year of depletion of single family housing is 2018 and for multi-family housing is 2014, which is inadequate.

Consistency with the CDMP. CDMP Policy 8A provides that Miami-Dade County shall strive to accommodate residential development in suitable locations and densities which reflect the character of existing adjacent or surrounding neighborhoods. The Property is located just west of Florida City's municipal limits and land approved for commercial development. The current agricultural zoning and rural residential use is incompatible with the character of the surrounding neighborhood, inconsistent with recent precedent, and contradictory to the need to value land as a scarce resource.

Water and Transportation Infrastructure, Workforce Housing, and Schools. The Applicant hereby proffers a Declaration of Restrictions to mitigate any potential impact and make certain commitments related to transportation and transit infrastructure, water and sewer facilities, water conservation, and workforce housing. In addition, the Applicant intends to explore solutions to mitigate the impacts on school facilities as part of dialogue with Miami-Dade County Schools.

## **5. ADDITIONAL MATERIAL SUBMITTED**

1. Legal Description and Survey of Property (See Exhibit A)
2. Aerial Photograph (See Exhibit B)
3. Reduced Aerial Photograph (See Exhibit C)
4. Section Map (See Exhibit D)
5. Location Map (See Exhibit E)
6. Declaration of Restrictions (See Exhibit F)

The Applicant reserves the right to supplement the application with additional documentation within the time permitted by the Code of Miami-Dade County.

## EXHIBIT E

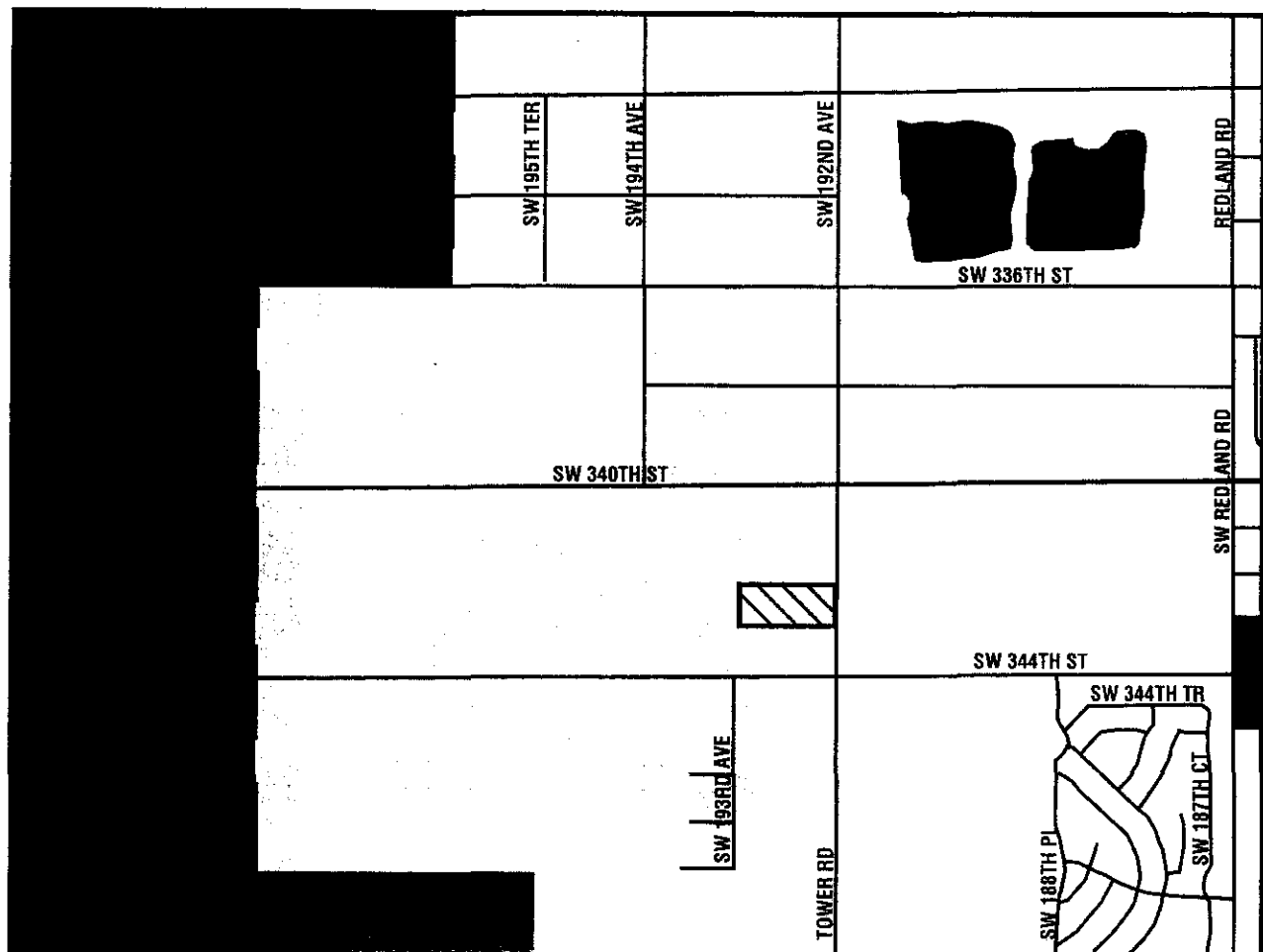
### LOCATION MAP FOR SMALL-SCALE APPLICATION TO AMEND THE COMPREHENSIVE DEVELOPMENT MASTER PLAN

#### APPLICANTS / REPRESENTATIVE:

BDG Florida City, LLC /  
Bercow & Radell, PA  
Jeffrey Bercow, Esq. & Melissa Tapanes Llahues, Esq.

#### DESCRIPTION OF SUBJECT AREA:

The subject property consists of approximately 5.04 gross acres of land located at 34250 S.W. 192 Avenue in Section 23, Township 57, Range 38, in unincorporated Miami-Dade County.





# **APPENDIX C**

## **Miami-Dade County Public Schools Analysis**

THIS PAGE INTENTIONALLY LEFT BLANK



# Miami-Dade County Public Schools

*giving our students the world*

**Superintendent of Schools**

Rudolph F. Crew, Ed.D.

**Chief Facilities Officer**

Jaime G. Torrens

**Planning Officer**

Ana Rijo-Conde, AICP

August 20, 2007

**Miami-Dade County School Board**

Agustin J. Barrera, Chair

Dr. Martin Karp, Vice Chair

Renier Diaz de la Portilla

Evelyn Langlieb Greer

Perla Tabares Hantman

Dr. Robert B. Ingram

Ana Rivas Logan

Dr. Marta Pérez

Dr. Solomon C. Stinson

Mr. Subrata Basu, AIA, AICP, Interim Director  
Miami-Dade County  
Department of Planning and Zoning  
Zoning Evaluation Section  
111 NW 1 Street, 11<sup>th</sup> Floor  
Miami, Florida 33128

**Re: Land Use Amendments April 2007 Cycle**

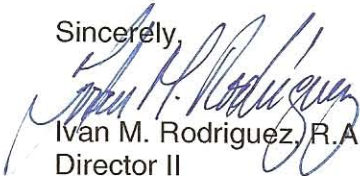
Dear Mr. Basu:

As a follow-up to our letter of July 10, 2007, attached are the results from dialogues conducted with several of the applicant's representatives: Applications 5, 8 and Opa-Locka West Airport, have provided covenants to the County stating there would not be any residential development; therefore they would not impact the District; Applications 7 and 11 would generate sufficient impact fees to fully mitigate their additional impact; Application 3 requires further discussions to explore the opportunity of building an educational facility within the development; Application 10 has proffered a monetary donation to mitigate its impact; and we are still trying to meet with representatives from application 9.

Please note that land use amendments 2, 4, 12 and 13 do not impact the District; and amendments 1 and 6 do not meet the review 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

L100

Attachments

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



# Miami-Dade County Public Schools

*giving our students the world*

**Superintendent of Schools**

Rudolph F. Crew, Ed.D.

**Chief Facilities Officer**

Jaime G. Torrens

**Planning Officer**

Ana Rijo-Conde, AICP

August 9, 2007

**Miami-Dade County School Board**

Agustin J. Barrera, Chair  
Dr. Martin Karp, Vice Chair  
Renier Diaz de la Portilla  
Evelyn Langlieb Greer  
Perla Tabares Hantman  
Dr. Robert B. Ingram  
Ana Rivas Logan  
Dr. Marta Pérez  
Dr. Solomon C. Stinson

Mr. Subrata Basu, AIA, AICP, Interim Director  
Department of Planning and Zoning  
Miami-Dade County  
111 NW 1 Street, 11<sup>th</sup> Floor  
Miami, Florida 33128

Re: **Land Use Amendment April 2007 Cycle**  
**Application No. 11**  
**BDG Florida City, LLC**

Dear Mr. Basu:

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%.

Attached please find the school impact review analysis which indicates that one of the impacted schools (Homestead Middle School) meets the referenced review threshold, which is currently operating above the 115% FISH utilization threshold. **However, please note that the payment of the required educational impact fees for this proposed development (estimated at \$153,600) will provide the full capital cost of student stations for the additional students generated by the proposed development at the school meeting the referenced threshold.**

Pursuant to Miami-Dade County's Educational Facilities Impact Fee Ordinance the proposed development, 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

Mr. Subrata Basu  
August 9, 2007  
Page 2

As an example, assuming the proposed units are an average of 2,000 square feet (multifamily), the additional 64 units are estimated to generate approximately \$153,600 (\$2,400 per unit respectively, excluding the 2% administration fee) in impact fees. This figure may vary since the impact fees assessed are based on the actual square footage of each dwelling unit.

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,

A handwritten signature in blue ink, reading "Corina Esquijarosa". The signature is fluid and cursive, with the first name "Corina" and last name "Esquijarosa" clearly visible.

Corina S. Esquijarosa  
Coordinator III

CSE:rr  
L-085  
Attachment

cc: Ms. Ana Rijo-Conde  
Mr. Fernando Albuerne  
Mr. Michael A. Levine  
Mr. Ivan M. Rodriguez  
Ms. Vivian Villaamil



## SCHOOL IMPACT REVIEW ANALYSIS

July 6, 2007

**APPLICATION:** No. 11, BDG Florida City, LLC

**REQUEST:** Change Land Use from Estate Density Residential (1 to 2.5 dua)  
to Low-Medium Density Residential (6 to 13 dua).

**ACRES:** 5.04 gross acres

**LOCATION:** 34250 SW 192 Avenue

**MSA/  
MULTIPLIER:** 7.6/.40 Single-Family Detached

<b>NUMBER OF UNITS:</b>	64 additional units*	Proposed Land Use 65 SF Detached	Existing Land Use 1 SF Detached
<b>ESTIMATED STUDENT POPULATION:</b>	26		
<b>ELEMENTARY:</b>	12		
<b>MIDDLE:</b>	6		
<b>SENIOR HIGH:</b>	8		

### SCHOOLS SERVING AREA OF APPLICATION

**ELEMENTARY:** Florida City Elementary – 364 NW 6 Avenue

**MIDDLE:** Homestead Middle – 650 NW 2 Avenue

**SENIOR:** Homestead Senior – 2351 SE 12 Avenue

All schools are located in Regional Center 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 2006:

	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**
Florida City Elementary	741	716	103%	148	86%	753
	753 *		105%		87%	
Homestead Middle	1,160	848	137%	158	115%	1,340
	1,166 *		138%		<b>116%</b>	
Homestead Senior	2,754	2,977	93%	190	87%	2,960
	2,762 *		93%		87%	

\*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, Homestead Middle School meets the review threshold.

#### PLANNED RELIEF SCHOOLS IN THE AREA

(Information included in proposed 5-Year Capital Plan, 2006-2010, dated July 2006 and November Workshop Plan)

#### Projects in Planning, Design or Construction

<u>School</u>	<u>Status</u>	<u>Projected Occupancy Date</u>
N/A		

#### Proposed Relief Schools

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

**OPERATING COSTS:** According to Financial Operations, 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 \$170,274.

**CAPITAL COSTS:** Based on the State's July 2007 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	6 x \$20,031 = \$120,186
SENIOR HIGH	Does not meet review threshold
<b>Total Potential Capital Cost</b>	<b>\$120,186</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.

THIS PAGE INTENTIONALLY LEFT BLANK



# **APPENDIX D**

## **Applicant's Traffic Study**

THIS PAGE INTENTIONALLY LEFT BLANK

CATHY SWEETAPPLE & ASSOCIATES  
TRANSPORTATION AND MOBILITY PLANNING

Submitted June 29, 2007  
Revised August 13, 2007

Mr. Napoleon Samosa  
Principal Planner  
Miami-Dade County Department of Planning and Zoning  
111 Northwest 1<sup>st</sup> Street, Suite 1220  
Miami, Florida 33128

RE: CDMP Amendment Application Number 11  
Transportation Analysis  
BDG Florida City, LLC  
34250 SW 192 Avenue

Dear Mr. Samosa,

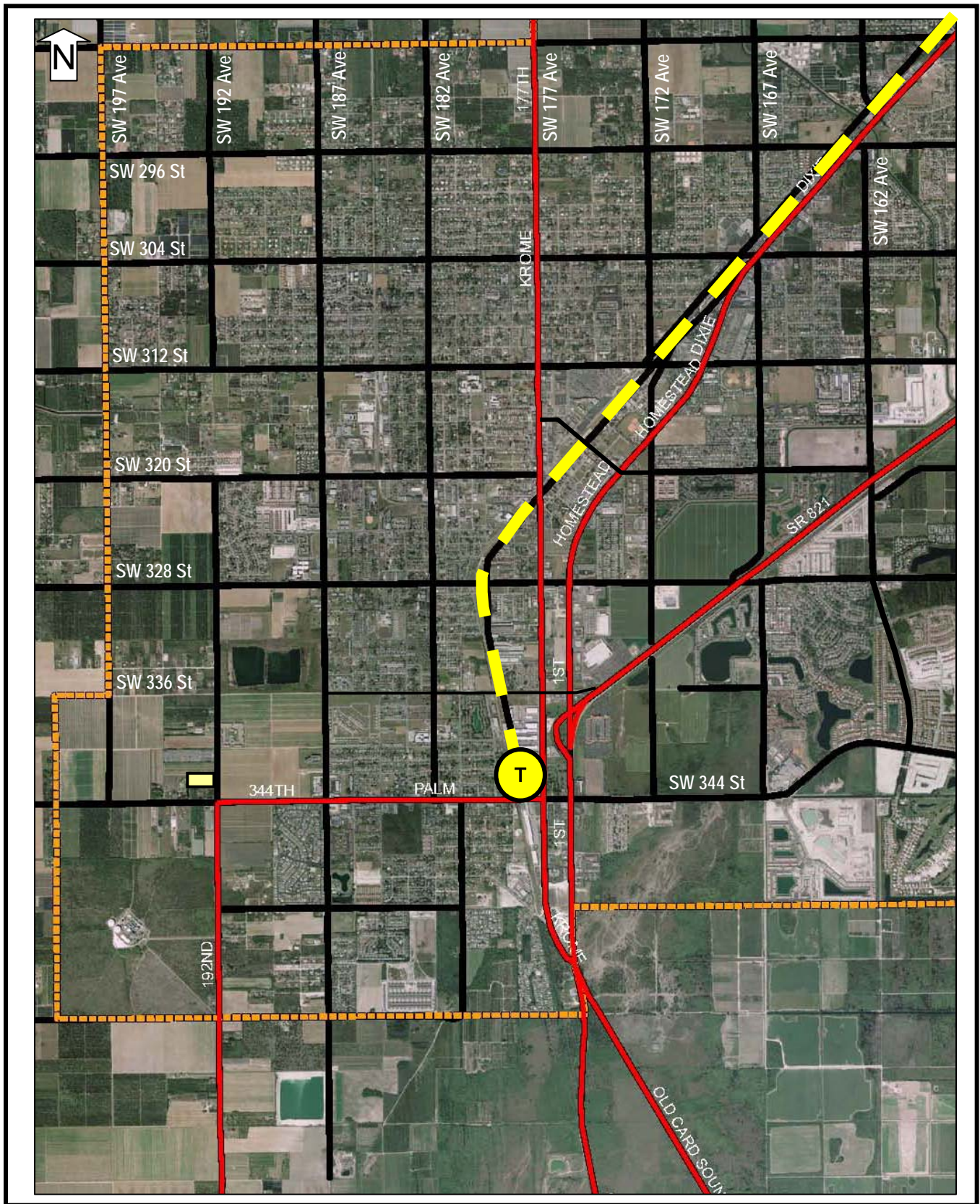
A small scale land use plan amendment for 5.04 acres was submitted to Miami-Dade County on behalf of BDG Florida City, LLC to change the underlying land use designation from Estate Density Residential to Low Medium Density Residential. Application Number 11 is located on the north side of SW 344 Street, to the west of SW 192 Avenue as depicted on the attached **Figure 1**. The approved and proposed land use designation along with the corresponding approved and proposed dwelling units and PM peak hour trips for the 5.04 acre site are summarized in **Table 1** below.

**Table 1 – Summary Information for Application 11**


Application Number	Applicant	Property Acreage	Approved Land Use	Approved Density	Proposed Land Use	Proposed Density
11	BDG Florida City, LLC	5.04 acres	Estate Density Residential	1 to 2.5 du/acre 12 du maximum	Low Medium Density Residential	6 to 13 du/acre
Maximum Density per Land Use Designation:			2.5 du/acre	12 du	13 du/acre	65 du
Proposed Density Limited by Covenant:			2.5 du/acre	12 du	10 du/acre	50 du
				Existing Allowable Trips for 12 du	Proposed Trips	Net New Trips
PM Peak Hour Trips for 65 du:				16 PM Trips	42 PM Trips	26 PM Trips
PM Peak Hour Trips for 50 du:				16 PM Trips	34 PM Trips	18 PM Trips

The comparative trip generation analysis for the existing and proposed land use designation is provided on the attached **Tables 2 and 3**.

- **Table 2** provides the trip generation calculations based upon limiting site development to 10 du/acre for a maximum of 50 dwelling units.
- **Table 3** provides the trip generation calculations based upon the maximum allowable density under the proposed land use designation using 13 du/acre, allowing a maximum of 65 dwelling units on the 5.04 acre site.



Legend

 Application Number 11 = 5.04 acres

 UDB  
 State Roadways

 Busway Corridor

Figure 1  
 Location Map  
 CDMP Amendment Application Number 11  
 June 2007

**TABLE 2 - BDG Florida City, LLC - APPLICATION NO. 11**  
**TRIP GENERATION FOR THE UNDERLYING ALLOWABLE LAND USE**  
**5.04 GROSS ACRES AT 2.5 DU/ACRE**

LAND USE	TIMEFRAME	UNITS	ITE LUC	ITE 7TH EDITION TRIP RATE OR FORMULA	TRIPS	IN		OUT	
						%	TRIPS	%	TRIPS
Single Family Detached	Daily	12	DU	$\text{Ln (T)} = 0.92 \text{ Ln (X)} + 2.71$	148	50%	74	50%	74
Single Family Detached	AM Peak Hour	12	DU	$T = 0.70 \text{ (X)} + 9.43$	18	25%	4	75%	14
Single Family Detached	PM Peak Hour	12	DU	$\text{Ln (T)} = 0.90 \text{ Ln (X)} + 0.53$	16	63%	10	37%	6

**TRIP GENERATION FOR THE PROPOSED USE LIMITED TO 10 DU PER ACRE**  
**5.04 GROSS ACRES AT 10 DU/ACRE**

LAND USE	TIMEFRAME	UNITS	ITE LUC	ITE 7TH EDITION TRIP RATE OR FORMULA	TRIPS	IN		OUT	
						%	TRIPS	%	TRIPS
Single Family Attached	Daily	50	DU	$\text{Ln (T)} = 0.85 \text{ Ln (X)} + 2.55$	356	50%	178	50%	178
Single Family Attached	AM Peak Hour	50	DU	$\text{Ln (T)} = 0.80 \text{ Ln (X)} + 0.26$	30	17%	5	83%	25
Single Family Attached	PM Peak Hour	50	DU	$\text{Ln (T)} = 0.82 \text{ Ln (X)} + 0.32$	34	67%	23	33%	11

**NET NEW TRIP GENERATION - PROPOSED LESS UNDERLYING ALLOWABLE**

LAND USE	TIMEFRAME	UNITS	ITE LUC	ITE 7TH EDITION TRIP RATE OR FORMULA	TRIPS	IN		OUT	
						%	TRIPS	%	TRIPS
Net New Units	Daily	38	DU	Trip Increase	208	50%	104	50%	104
Net New Units	AM Peak Hour	38	DU	Trip Increase	12	17%	1	83%	11
Net New Units	PM Peak Hour	38	DU	Trip Increase	18	67%	13	33%	5



**TABLE 3 - BDG Florida City, LLC - APPLICATION NO. 11**  
**TRIP GENERATION FOR THE UNDERLYING ALLOWABLE LAND USE**  
**5.04 GROSS ACRES AT 2.5 DU/ACRE**

LAND USE	TIMEFRAME	UNITS	ITE LUC	ITE 7TH EDITION TRIP RATE OR FORMULA	TRIPS	IN		OUT	
						%	TRIPS	%	TRIPS
Single Family Detached	Daily	12	DU	$\text{Ln (T)} = 0.92 \text{ Ln (X)} + 2.71$	148	50%	74	50%	74
Single Family Detached	AM Peak Hour	12	DU	$T = 0.70 (X) + 9.43$	18	25%	4	75%	14
Single Family Detached	PM Peak Hour	12	DU	$\text{Ln (T)} = 0.90 \text{ Ln (X)} + 0.53$	16	63%	10	37%	6

**TRIP GENERATION FOR THE PROPOSED USE AT THE MAXIMUM ALLOWABLE FOR THE PROPOSED DESIGNATION**  
**5.04 GROSS ACRES AT 13 DU/ACRE**

LAND USE	TIMEFRAME	UNITS	ITE LUC	ITE 7TH EDITION TRIP RATE OR FORMULA	TRIPS	IN		OUT	
						%	TRIPS	%	TRIPS
Single Family Attached	Daily	65	DU	$\text{Ln (T)} = 0.85 \text{ Ln (X)} + 2.55$	445	50%	223	50%	222
Single Family Attached	AM Peak Hour	65	DU	$\text{Ln (T)} = 0.80 \text{ Ln (X)} + 0.26$	37	17%	6	83%	31
Single Family Attached	PM Peak Hour	65	DU	$\text{Ln (T)} = 0.82 \text{ Ln (X)} + 0.32$	42	67%	28	33%	14

**NET NEW TRIP GENERATION - PROPOSED LESS UNDERLYING ALLOWABLE**

LAND USE	TIMEFRAME	UNITS	ITE LUC	ITE 7TH EDITION TRIP RATE OR FORMULA	TRIPS	IN		OUT	
						%	TRIPS	%	TRIPS
Net New Units	Daily	53	DU	Trip Increase	297	50%	149	50%	148
Net New Units	AM Peak Hour	53	DU	Trip Increase	19	17%	2	83%	17
Net New Units	PM Peak Hour	53	DU	Trip Increase	26	67%	18	33%	8

### Project Trip Assignment

The project traffic assignment to the surrounding study area roadways has been established pursuant to the Miami-Dade County Cardinal Distribution for Project Zone 1442 (see **Figure 2A**), using the adjacent street roadway network and the land use characteristics in the vicinity of the project site. The cardinal distribution has been obtained from the 2005 Cost Feasible Plan from the 2030 Long Range Transportation Plan (see **Figure 2B**). The project traffic assignment to the cardinal directions is provided on **Figure 2C**. The assignment and distribution of project traffic onto the adjacent roadway network reflects the general project distribution characteristics outlined below and identified on **Figure 3**. The attached **Figure 4** identifies the first directly accessed traffic count stations for the concurrency analysis and the secondary count stations in the vicinity of the project study area.

#### **Application 11:**

• To and from the north northwest using SW 192 Ave and SW 304 and 296 Streets	2.20%
• To and from the north northeast using SW 192 and 187 Ave and SW 296, 304 and 312 Streets	18.60%
• To and from the east northeast using US-1 (14.04%), SW 328 St (4%) and the HEFT (27.07%)	45.11%
• To and from the east southeast using SW 344 Street (14%) and Card Sound Road (5.5%)	19.50%
• To and from the south southeast using US-1	9.62%
• To and from the southwest using SW 192 Avenue	4.97%
Total:	100.00%

### Traffic Concurrency - Existing, Committed and Total Traffic Conditions along the Study Area Roadways

A traffic concurrency analysis has been prepared to examine the concurrency status of the surrounding roadways consistent with the Miami-Dade County traffic concurrency criteria and guidelines. Pursuant to the analysis performed herein using updated count data and supporting information from the Miami-Dade County Public Works Department and FDOT, adequate capacity has been found to exist at the first directly accessed traffic count stations located adjacent to the project site.

Eight (8) first directly accessed traffic count stations (and three secondary count stations) have been evaluated pursuant to the cardinal distributions for TAZ 1442 as presented in **Figure 4**. Each traffic count station has been determined to maintain adequate available capacity to accommodate the impacts of the proposed amendment site for either the 50 dwelling unit or 65 dwelling unit development scenario (see **Tables 4A and 4B**).

Year 2006 traffic counts were made available by FDOT and Miami-Dade County after the June 29, 2007 technical submittal, therefore **Tables 4A and 4B** have been updated to reflect the most recent Year 2006 traffic counts for both the Miami-Dade County and FDOT traffic count stations included in the concurrency analysis. Each traffic count station continues to maintain adequate capacity to accommodate the impacts of the proposed amendment site.

**TABLE 4A**  
**CDMP AMENDMENT APPLICATION NUMBER 11**  
**TRAFFIC CONCURRENCY ANALYSIS AT 10 DU/ACRE**

STATION NUMBER	DESCRIPTION	Existing Laneage	[1] Two Way Peak Hour Capacity	[2] 2006 PHP Volume	Count Date	Capacity Available after PHP Volume	[3] D.O.'s as of 7/24/2007	Capacity Available after D.O.'s	TAZ 1442 Cardinal Distribution	Cardinal Direction	Number 11 PM Peak Hour Project Trips 34	Total with Project	Capacity Available after Project	[4] Max Adopted LOS	Current LOS	Meets Adopted Standard Yes/No
<b>First Directly Accessed Count Stations</b>																
0084	SW 344 Street west of SW 177 Ave from SW 182 Ave to US-1	A 4	3,110	1,600	9/19-21/2006	1,510	360	1,150	56.19%	ENE-ESE+SSE	19	1,979	1,131	D	C	Yes
9954	SW 328 Street East of US-1 to SW 167 Avenue	2 [5]	1,240	591	1/10-12/2006	649	500	149	4.00%	ENE	1	1,092	148	EE	E + .05	Yes
0544	South Dixie Highway, north of Lucy Street	A 4	4,100	2,281	3/28-30/2006	1,819	66	1,753	14.04%	ENE	5	2,352	1,748	EE	B	Yes
9948	SW 312 Street west of US-1 to SW 177 Avenue	A 4	4,580	1,942	1/10-12/2006	2,638	106	2,532	10.40%	NNE	4	2,052	2,528	D	B	Yes
9942	SW 304 Street west of US-1 to SW 177 Avenue	2	1,850	1,084	1/10-12/2006	766	187	579	3.20%	NNE	1	1,272	578	D	B	Yes
9936	SW 296 Street west of US-1 to SW 177 Avenue	2	2,040	714	1/10-12/2006	1,326	186	1,140	5.00%	NNE	2	902	1,138	D	B	Yes
9938	SW 296 Street east of SW 197 Avenue	2	680	170	1/10-12/2006	510	295	215	2.20%	NNW	1	466	214	D	C	Yes
0151	Ingram Highway east of Everglades National Park to SW 192 Avenue	2	1,530	229	4/23-25/2006	1,301	70	1,231	4.97%	SSW	2	301	1,229	D	B	Yes
<b>Secondary Count Stations</b>																
2548	SW 344 Street east of SW 177 Avenue	A 4	3,110	1,622	3/28-30/2006	1,488	360	1,128	46.57%	ENE-ESE+SSE	16	1,998	1,112	D	C	Yes
0543	South Dixie Highway, south of SW 344 Street	A 4	3,870	1,895	5/2-4/2006	1,975	682	1,293	5.50%	ESE	2	2,579	1,291	D	B	Yes
0518	SW 177 Avenue, north of US-1 to SW 344 Street	A 2	1,520	414	6/13-15/2006	1,106	220	886	9.62%	SSE	3	637	883	D	B	Yes

**Notes:**

- [1] Maximum service volumes are obtained from the Miami-Dade County Concurrency Database dated July 24, 2007 unless otherwise noted
- The Two-Way Peak Hour capacities from Table 4.4 of the FDOT 2002 Quality/LOS Handbook are used for Stations 0084 and 2548.
- Station 0084 is located 200 feet west of SW 2 Avenue on SW 344 Street, just west of SW 177 Avenue, within the four lane divided portion of SW 344 Street.
- [2] Source for the 2006 Traffic Counts: Miami-Dade County Public Works Department and FDOT.
- [3] Source for the Approved D.O.'s: Miami-Dade County Public Works Department Concurrency Database dated July 24, 2007.
- [4] EE = 120% of LOS E, Extraordinary Transit between Infill Area and the UDB.
- [5] Funded for construction to 4 lanes in TIP under Project Number PW671605.

FDOT Count Station	Day 1	Day 2	Day 3	2006 Average PHP	Count Date
0084	1625	1588	1587	1600	9/19-21/2006
0544	2306	2244	2292	2281	3/28-30/2006
0151	286	202	228	229	4/23-25/2006
2548	1675	1561	1631	1622	3/28-30/2006
0543	1827	1897	1961	1895	5/2-4/2006
0518	388	448	407	414	6/13-15/2006

Note: Counts reflect the average of the two consecutive highest peak hours.



**TABLE 4B**  
**CDMP AMENDMENT APPLICATION NUMBER 11**  
**TRAFFIC CONCURRENCY ANALYSIS AT 13 DU/ACRE**

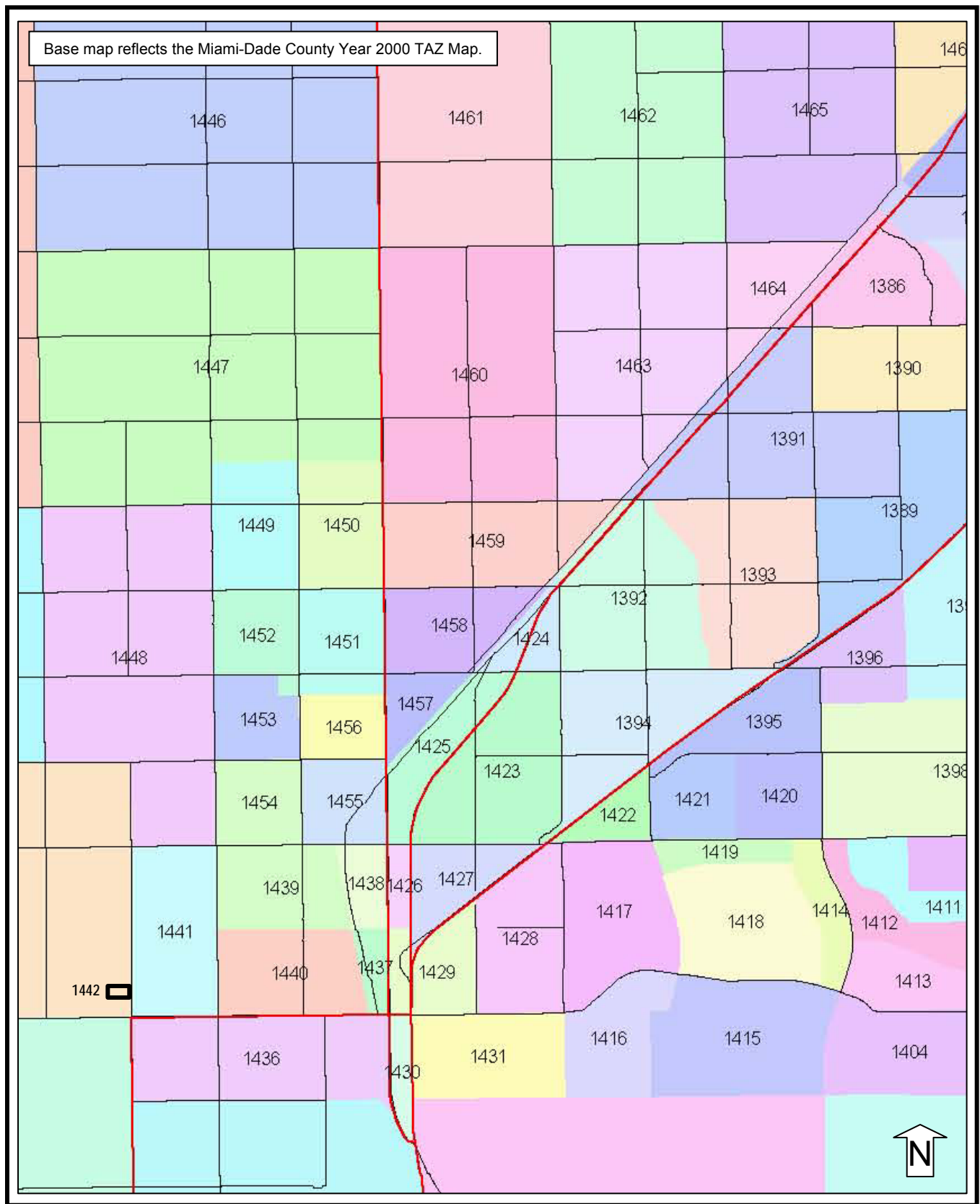
STATION NUMBER	DESCRIPTION	Existing Laneage	[1] Two Way Peak Hour Capacity	[2] 2006 PHP Volume	Count Date	Capacity Available after PHP Volume	[3] D.O.'s as of 7/24/2007	Capacity Available after D.O.'s	TAZ 1442 Cardinal Distribution	Cardinal Direction	Number 11 PM Peak Hour Project Trips 42	Total with Project	Capacity Available after Project	[4] Max Adopted LOS	Current LOS	Meets Adopted Standard Yes/No
<b>First Directly Accessed Count Stations</b>																
0084	SW 344 Street west of SW 177 Ave from SW 182 Ave to US-1	A 4	3,110	1,600	9/19-21/2006	1,510	360	1,150	56.19%	ENE-ESE+SSE	24	1,984	1,126	D	C	Yes
9954	SW 328 Street East of US-1 to SW 167 Avenue	2 [5]	1,240	591	1/10-12/2006	649	500	149	4.00%	ENE	2	1,093	147	EE	E + .05	Yes
0544	South Dixie Highway, north of Lucy Street	A 4	4,100	2,281	3/28-30/2006	1,819	66	1,753	14.04%	ENE	6	2,353	1,747	EE	B	Yes
9948	SW 312 Street west of US-1 to SW 177 Avenue	A 4	4,580	1,942	1/10-12/2006	2,638	106	2,532	10.40%	NNE	4	2,052	2,528	D	B	Yes
9942	SW 304 Street west of US-1 to SW 177 Avenue	2	1,850	1,084	1/10-12/2006	766	187	579	3.20%	NNE	1	1,272	578	D	B	Yes
9936	SW 296 Street west of US-1 to SW 177 Avenue	2	2,040	714	1/10-12/2006	1,326	186	1,140	5.00%	NNE	2	902	1,138	D	B	Yes
9938	SW 296 Street east of SW 197 Avenue	2	680	170	1/10-12/2006	510	295	215	2.20%	NNW	1	466	214	D	C	Yes
0151	Ingram Highway east of Everglades National Park to SW 192 Avenue	2	1,530	229	4/23-25/2006	1,301	70	1,231	4.97%	SSW	2	301	1,229	D	B	Yes
<b>Secondary Count Stations</b>																
2548	SW 344 Street east of SW 177 Avenue	A 4	3,110	1,622	3/28-30/2006	1,488	360	1,128	46.57%	ENE-ESE+SSE	20	2,002	1,108	D	C	Yes
0543	South Dixie Highway, south of SW 344 Street	A 4	3,870	1,895	5/2-4/2006	1,975	682	1,293	5.50%	ESE	2	2,579	1,291	D	B	Yes
0518	SW 177 Avenue, north of US-1 to SW 344 Street	A 2	1,520	414	6/13-15/2006	1,106	220	886	9.62%	SSE	4	638	882	D	B	Yes

**Notes:**

- [1] Maximum service volumes are obtained from the Miami-Dade County Concurrency Database dated July 24, 2007 unless otherwise noted
- The Two-Way Peak Hour capacities from Table 4.4 of the FDOT 2002 Quality/LOS Handbook are used for Stations 0084 and 2548.
- Station 0084 is located 200 feet west of SW 2 Avenue on SW 344 Street, just west of SW 177 Avenue, within the four lane divided portion of SW 344 Street.
- [2] Source for the 2006 Traffic Counts: Miami-Dade County Public Works Department and FDOT.
- [3] Source for the Approved D.O.'s: Miami-Dade County Public Works Department Concurrency Database dated July 24, 2007.
- [4] EE = 120% of LOS E, Extraordinary Transit between Infill Area and the UDB.
- [5] Funded for construction to 4 lanes in TIP under Project Number PW671605.

FDOT Count Station	Day 1	Day 2	Day 3	2006 Average PHP	Count Date
0084	1625	1588	1587	1600	9/19-21/2006
0544	2306	2244	2292	2281	3/28-30/2006
0151	286	202	228	229	4/23-25/2006
2548	1675	1561	1631	1622	3/28-30/2006
0543	1827	1897	1961	1895	5/2-4/2006
0518	388	448	407	414	6/13-15/2006

Note: Counts reflect the average of the two consecutive highest peak hours.



Legend



Amendment TAZ

Application Number 11 = TAZ 1442 – 5.04 acres

Figure 2A  
Zone 1442  
CDMP Amendment Application Number 11  
June 2007

# Miami-Dade County Year 2005 Cost Feasible Plan

## DIRECTIONAL DISTRIBUTION SUMMARY

ORIGIN ZONE		----- CARDINAL DIRECTIONS -----								TOTAL
		NNE	ENE	ESE	SSE	SSW	WSW	WNW	NNW	
1441	TRIPS	585	366	139	155	76	0	24	29	1374
	PERCENT	42.58	26.64	10.12	11.28	5.53	0.00	1.75	2.11	
1442	TRIPS	360	872	377	186	96	0	0	42	1933
	PERCENT	18.62	45.11	19.50	9.62	4.97	0.00	0.00	2.17	
1443	TRIPS	257	511	347	158	0	0	3	17	1293
	PERCENT	19.88	39.52	26.84	12.22	0.00	0.00	0.23	1.31	
1444	TRIPS	17	37	70	11	0	0	0	0	135
	PERCENT	12.59	27.41	51.85	8.15	0.00	0.00	0.00	0.00	
1445	TRIPS	254	832	184	243	45	3	0	19	1580
	PERCENT	16.08	52.66	11.65	15.38	2.85	0.19	0.00	1.20	
1446	TRIPS	247	355	121	301	31	400	0	24	1479
	PERCENT	16.70	24.00	8.18	20.35	2.10	27.05	0.00	1.62	
1447	TRIPS	352	357	153	434	72	11	6	40	1425
	PERCENT	24.70	25.05	10.74	30.46	5.05	0.77	0.42	2.81	
1448	TRIPS	1364	2184	638	600	300	79	31	90	5286
	PERCENT	25.80	41.32	12.07	11.35	5.68	1.49	0.59	1.70	
1449	TRIPS	335	297	236	284	139	5	1	37	1334
	PERCENT	25.11	22.26	17.69	21.29	10.42	0.37	0.07	2.77	
1450	TRIPS	387	313	194	344	201	93	1	42	1575
	PERCENT	24.57	19.87	12.32	21.84	12.76	5.90	0.06	2.67	
1451	TRIPS	1125	1425	354	1067	564	610	68	145	5358
	PERCENT	21.00	26.60	6.61	19.91	10.53	11.38	1.27	2.71	
1452	TRIPS	950	1415	473	823	222	93	3	139	4118
	PERCENT	23.07	34.36	11.49	19.99	5.39	2.26	0.07	3.38	
1453	TRIPS	428	529	233	343	59	108	17	112	1829
	PERCENT	23.40	28.92	12.74	18.75	3.23	5.90	0.93	6.12	
1454	TRIPS	527	636	150	352	98	20	100	115	1998
	PERCENT	26.38	31.83	7.51	17.62	4.90	1.00	5.01	5.76	
1455	TRIPS	864	822	167	375	352	73	95	247	2995
	PERCENT	28.85	27.45	5.58	12.52	11.75	2.44	3.17	8.25	

- 97 -

1/18/05

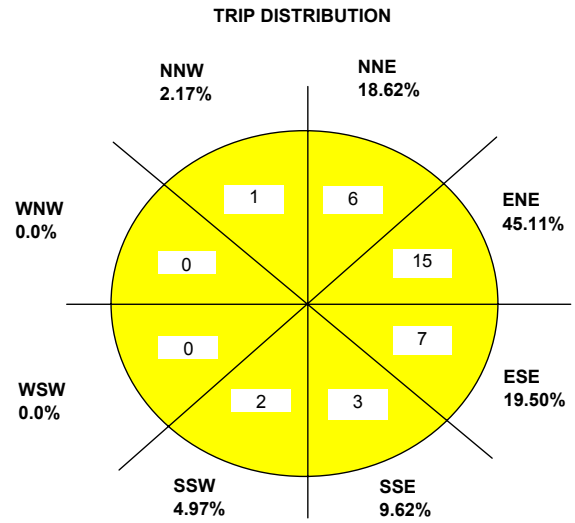
Legend

Figure 2B  
Year 2005 Cardinal Distribution for Zone 1442  
CDMP Amendment Application Number 11  
June 2007

### CARDINAL DISTRIBUTION

PROJECT: Application No. 11

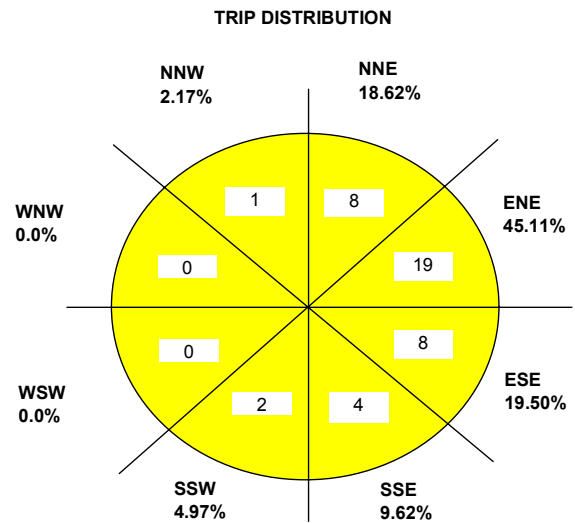
TAZ #	1442	
Trips	34	PM Trips
NNE	18.62%	6
ENE	45.11%	15
ESE	19.50%	7
SSE	9.62%	3
SSW	4.97%	2
WSW	0.00%	0
WNW	0.00%	0
NNW	2.17%	1
	99.99%	34



### CARDINAL DISTRIBUTION

PROJECT: Application No. 11

TAZ #	1442	
Trips	42	PM Trips
NNE	18.62%	8
ENE	45.11%	19
ESE	19.50%	8
SSE	9.62%	4
SSW	4.97%	2
WSW	0.00%	0
WNW	0.00%	0
NNW	2.17%	1
	99.99%	42



Source: *Miami-Dade Transportation Plan to the Year 2030 - Directional Trip Distribution Report*, January 2005, Miami-Dade Interim 2005 Cost Feasible Plan.



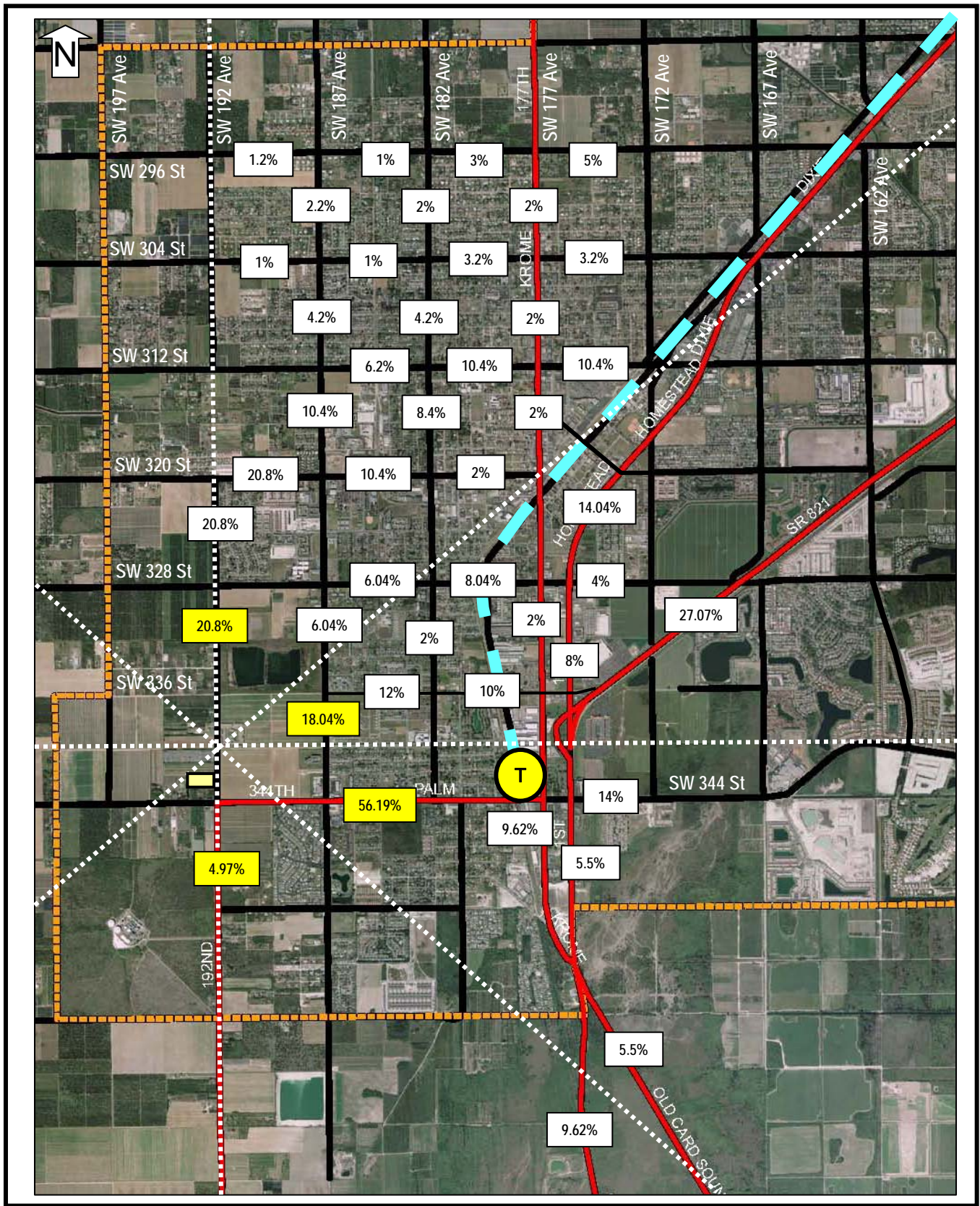
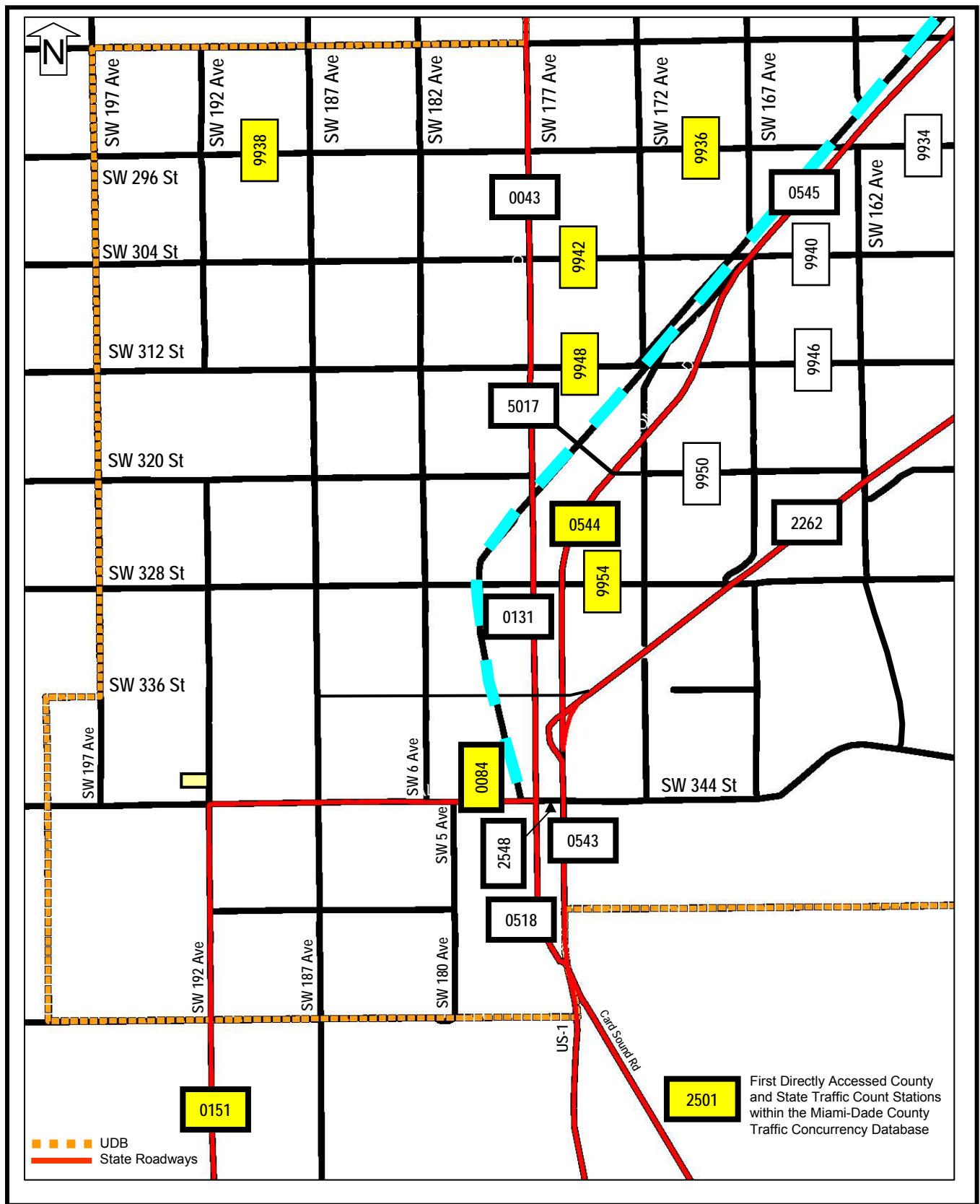


Figure 3  
Project Distribution Percentage  
CDMP Amendment Application Number 11  
June 2007



Legend



Site Location

2501

State Count Station

2501

County Count Station

Figure 4  
First Directly Accessed Traffic Count Stations  
CDMP Amendment Application Number 11  
June 2007

Mr. Napoleon Samosa  
Miami-Dade County Department of Planning and Zoning  
CDMP Amendment Number 11  
Submitted June 29, 2007  
Revised August 13, 2007 – Page 13

Please do not hesitate to contact me if you have any additional questions or concerns with the updated traffic concurrency information provided by this submittal.

Sincerely,

Cathy Sweetapple & Associates  
Transportation and Mobility Planning

A handwritten signature in cursive script that reads "Cathy Sweetapple".

Cathy S. Sweetapple, AICP  
Principal Transportation Planner

cc: Jeffrey Bercow, Esq.  
Melissa Tapanes Llahues, Esq.

C:\Documents and Settings\Cathy Sweetapple\My Documents\CDMP 2006 - 13, 14, 15\BDG Florida City\Application 11 - 6-29-07 - Small Scale.doc

THIS PAGE INTENTIONALLY LEFT BLANK



# **APPENDIX E**

## **Fiscal Impact Analysis**

THIS PAGE INTENTIONALLY LEFT BLANK

## **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. 11 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 the DSWM is in compliance with our LOS.

#### 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 \$439.00 per residential unit. For a residential dumpster, the current fee is \$339.00. The average residential unit currently generates approximately 3.0 tons of waste annually, which includes garbage, trash and recycled waste.

As reported in March 2007 to the State of Florida, Department of Environmental Protection, for the fiscal year ending September 30, 2006, the full cost per unit of

providing waste Collection Service was \$437.00 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 \$56.05 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 \$73.90. 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. 11 is built at the maximum residential density of 13 dwelling units per gross acre (the use allowed under the proposed redesignation of "Low-Medium Density Residential" that would generate the greatest water and sewer demand), the fees paid by the developer would be \$22,588.00 for water impact fee, \$91,000.00 for sewer impact fee, \$1,300.00 per unit for connection fee, and \$15,080.00 for annual operating and maintenance costs based on approved figures through September 30, 2006. If built at the residential density of 10 dwelling units per gross acre as restricted by the proffered covenant, the fees paid by the developer would be \$17,375.00 for water impact fee, \$70,000.00 for sewer impact fee, \$1,300.00 per unit for connection fee, and \$11,600.00 for annual operating and maintenance costs.

### **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.

### **Fire Rescue**

The two parcels of the Application site are expected to generate approximately 14 annual alarms. Based on 2006 data, the cost per alarm is estimated at \$1,302.00, which results in a total fiscal impact of \$18,228.00.

### **Public Schools**

Application No. 11, if approved without acceptance of the proffered covenant, will result in 26 additional students, and increase operating costs by \$170,274.00 with \$120,186.00 in additional capital costs. If approved with acceptance of the proffered covenant will result in 21 additional students, and increase operating costs by \$137,529.00 with \$100,155.00 in additional capital costs.

THIS PAGE INTENTIONALLY LEFT BLANK

# **APPENDIX F**

## **Proposed Declaration of Restrictions**

A Draft Declarations of Restrictions was submitted on July 27, 2007.

THIS PAGE INTENTIONALLY LEFT BLANK



2007 JUL 27 P 4: 28

PLANNING & ZONING  
METROPOLITAN PLANNING SEC1

This instrument was prepared by:

Name: Melissa Tapanes Llahues, Esq.

Address: Bercow & Radell, P.A.

200 S. Biscayne Boulevard, Suite 850

Miami, FL 33131

(Space reserved for Clerk)

---

**DECLARATION OF RESTRICTIONS**

*WHEREAS*, the undersigned Owner holds the fee simple title to approximately five acres of land in Miami-Dade County, Florida, described in Exhibit "A," attached to this Declaration (the "Property"), which statement as to title is supported by the attorney's opinions attached to this Declaration as Exhibit "B";

*WHEREAS*, the Property is a five-acre parcel located at 34250 S.W. 192 Avenue in unincorporated Miami-Dade County, further identified by Miami-Dade County Folio No. 30-7823-004-0211, and is the subject of a Comprehensive Development Master Plan ("CDMP") Amendment Application No. 11 of the April 2007 Amendment Cycle;

*WHEREAS*, has sought a Land Use Plan amendment to change the designation of the Property from "Estate" to "Low-Medium Density Residential";

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

1. **Workforce Housing.**

(a) *Commitment.* A minimum of ten percent (10%), if the Property is designated Low Density Residential, and twenty percent (20%), if the Property is designated Low-Medium Density Residential (and receives zoning approval for the construction of fifty (50) residential

(Space reserved for Clerk)

---

dwelling units as provided in Paragraph 2 herein), of the proposed residential dwelling units on the Property shall be set aside for sale or rent as Workforce Housing Units ("WHU").

(b) Definition. 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.

(c) Distribution of Workforce Housing Units. If pursuant to Section 1(a) of this Declaration, the Owner sets aside twenty percent (20%) of the residential dwelling units as WHU, then the Owner shall set aside twenty-five percent of such WHU for sale or rent to persons with a median family income that is 65% to 105% of the median family income in Miami-Dade County, as published annually by the U.S. Department of Housing and Urban Development ("Moderate WHU") (e.g., of the Property receives zoning approval for 50 residential dwelling units, then 13 residential dwelling units shall be set aside as WHU of which 4 shall be set aside as Moderate WHU).

(d) Process. Prior to obtaining the initial building permit for the construction of any residential dwelling unit (other than model homes) for the Property, the Owner shall submit a declaration of restrictions, in a form acceptable to the County, setting forth restrictions on the resale of such residential dwelling units consistent with the intent of maintaining such residential dwelling units as WHU for a period of twenty (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.

2. Maximum Density. Notwithstanding the approval of the redesignation of the Property, the density of any residential development on the Property shall not exceed fifty (50) residential dwelling units ("Maximum Density"). Nothing in this Declaration shall limit or

(Space reserved for Clerk)

---

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

3. **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 obligation under this Paragraph shall expire 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.

4. **Water Conservation Regulations.** The Owner shall incorporate the measures listed in Exhibit C, where practicable, into the design, construction and operation of any residential development on the Property.

5. **Water Treatment Capacity.** The Owner shall not seek a certificate of use and occupancy for any residential dwelling units in excess of seventeen (17) dwelling units until (i) the Owner, at its own cost and expense, connects to a water distribution main from the South Miami Heights Water Treatment Plant (or any other similar plant with sufficient water treatment capacity to provide service to the contemplated development on the Property at such point of connection as may be designated by the Department of Water and Sewer or (ii) the approval of the expansion of the water and sewer service area of the City of Florida City to include the Property.

6. **Improvement of S.W. 344 Street.** The Owner shall not seek a certificate of use or occupancy for any residential dwelling units in excess of thirty (30) units until such time as the construction of S.W. 344 Street as a four (4) lane, divided arterial roadway from S.W. 182 Avenue to S.W. 192 Avenue ("Roadway Improvements"), is completed.

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

(Space reserved for Clerk)

---

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

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

**Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner(s) of the fee simple title to the Property, provided that the same is also approved by the Board of County Commissioners of Miami-Dade County, Florida. Any such modification or release shall be subject to the provisions governing amendments to Comprehensive Plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation that may, from time to time, govern amendments to Comprehensive Plans (hereinafter "Chapter 163"). Such modification or release shall also be subject to the provisions governing amendments to the CDMP as set forth in Section 2-116.1 of the Code of Miami-Dade County, or successor regulations governing modifications to the CDMP. In the event that the Property is incorporated within a new municipality that amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Miami-Dade County Code, then modifications 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 the provisions of the municipality's ordinances that apply to the adoption of district boundary changes. Should this Declaration be so modified,

(Space reserved for Clerk)

---

amended, or released, the Director of the Department of Planning and Zoning or the executive officer of a successor department, or, in the absence of such Director or executive officer, by his or her assistant in charge of the office in his/her office, shall execute a written instrument effectuating and acknowledging such modification, amendment, or release.

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

**Authorization for Miami-Dade County 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 is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this declaration is complied with.

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

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

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

(Space reserved for Clerk)

---

**Recordation and Effective Date.** This Declaration shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owner following the approval of the Application. 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 office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

**Acceptance of Declaration.** The Owner acknowledges that acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the Board of County Commissioners retains its full power and authority to deny each such application in whole or in part and decline to accept any conveyance.

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

[Execution Pages Follow]

## **Exhibit “C”**

### **Water Conservation Measures for Residential Development**

- Installing only High Efficiency Toilets (HET), which shall be defined as 1.2 gallons per flush, that meet the standard specifications of the Unified North America Requirements (UNAR) and display the Environmental Protection Agency’s WaterSense label.
- Using only one control valve, or one set of hot and cold valves required for each High Efficiency Showerhead, which shall be defined to provide no more than 1.5 gallon per minute (gpm).
- Using Efficiency faucets which shall be defined to provide 1.0 gpm.
- Using High Efficiency (HE) Clothes Washer(s) with a water factor of 6 or less (Tier 3b) as identified by the Consortium for Energy Efficiency at <http://www.ceel.org/reid/seha/rwsh.rwsh-prod.pdf>, Energy Star (and WaterSense certified when available) for residential units equipped with clothes washer connections.
- Using dishwashers rated with use of 6.5 gallons/cycle or less, Energy Star and WaterSense certified.
- Installing sub-metering for all multi-unit residential development which shall include separate meter and monthly records kept of all major water-using functions such as cooling towers and individual buildings.
- Applying Florida Friendly Landscapes guidelines and principles to all landscape installations in compliance with Florida Yards & Neighborhoods criteria.
- Using gutter downspouts, roof runoff, and rain harvesting to encourage increased recharge and other non-potable uses on the property, thru the use of elements and features such as rain barrels and directing runoff to landscaped areas.
- Providing “Florida Friendly Landscapes” within all public rights-of-way.
- Using drip irrigation or micro-sprinklers when appropriate.
- Using porous surfaces (bricks, gravel, turf block, mulch, pervious concrete, etc) whenever possible on walkways, driveways, and patios.

- Including Florida Yards and Neighborhoods Program information on “Florida Friendly Landscapes” in the sales literature provided to homebuyers.
- Developing the landscape plan and plant palette based on site characteristics (soil, drainage, structural limitations, utilities, overhangs, lights, etc.), which shall include:
  - Per the County’s Landscaping Ordinance, existing native trees, palms and associated native understory, shall be retained and preserved along with identified undergrowth and be a focal point of the landscape.
  - 80% of plant materials to be utilized on site shall be from the Florida-Friendly Plant List and shall have a moderate to high drought tolerance.
  - All plants will be grouped in the landscape plan by similar water and maintenance requirements and shall be spaced to allow for maturation.
  - Turf areas will be evenly shaped for ease of maintenance and will be no less than 4 feet wide and will not be placed on any berms.
  - No more than 30% of the total area required for landscaping may be turf or grass.
  - Soils analysis should be completed and used in the plant selection process where applicable and a copy should be provided to the home buyer.
  - Limit use of rock mulch due to heat loading: rock mulch shall not exceed 5% of total landscaped area.
  - Use of environmentally friendly organic mulches that are applied 3 inches deep around plants and trees with two inches clear around each plant.
- Using a low volume irrigation system to irrigate all landscape beds.
- Irrigating turf by zones separate from zones for irrigation of shrubs and ground cover plantings.
- Using swing joints or flex pipe when installing sprinklers to help prevent broken pipes and sprinklers.
- Designing irrigation systems for minimum overlap.
- Installing soil moisture sensors or other water saving technologies.



# **APPENDIX G**

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

THIS PAGE INTENTIONALLY LEFT BLANK



Application Site viewed from SW 192 Avenue looking west



Historical site south of application





Cameron Creek Rental Apartments northeast of application site



Row crops on property north of the application site