

<div><h1>Application No. 2</h1><div>Commission District 6 Community Council 8</div></div>
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APPLICATION SUMMARY

Applicant/Representative:	Blue Lagoon Development, LLC/Felix M. Lasarte, Esq.
Location:	Southeast corner of NW 57 Avenue and Blue Lagoon Drive
Total Acreage:	±8.6 Gross Acres (±7.63 Net Acres)
Current Land Use Plan Map Designation:	Office/Residential
Requested Land Use Plan Map Designation:	Business and Office
Amendment Type:	Small-Scale
Existing Zoning/Site Condition:	RU-4A, Existing hotel building (former Double Tree Hotel) under reconstruction

RECOMMENDATIONS

Staff:	DENY (August 25, 2007)
North Central Community Council:	NO QUORUM (September 25, 2007)
Planning Advisory Board (PAB) acting as Local Planning Agency:	ADOPT WITH ACCEPTANCE OF PROFFERED COVENANT (October 15, 2007)
Board of County Commissioners:	TO BE DETERMINED (November 27, 2007)
Final Recommendation of PAB acting as Local Planning Agency:	TO BE DETERMINED
Final Action of Board of County Commissioners:	TO BE DETERMINED

Staff recommends **DENIAL** of the proposed ‘small-scale’ amendment to redesignate the subject property from “Office/Residential” to “Business and Office” on the Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) based on the staff analysis as summarized in the Principal Reasons for Recommendations below:

Principal Reasons for Recommendations:

1. The proposed amendment to redesignate the property at the southeast corner of NW 57 Avenue and Blue Lagoon Drive from “Office/Residential” to “Business and Office” does not conform with Guideline No. 4 of the “Guidelines for Urban Form” as prescribed in the Comprehensive Development Master Plan (CDMP), which require activity nodes at the intersections of two section line roads. One of the two roads bordering the site, Blue Lagoon Drive, is not a section line roadway and therefore, the requirement for an intersection of two section line roadways for an activity node is not met.
2. The applicant does not need an amendment to the Land Use Plan (LUP) map in order to develop some limited commercial development on the site according to two provisions in the text of the CDMP. One is that business uses that are ancillary to on-site uses can be integrated into a development in an area designated as “Office/Residential” on the Land Use Plan (LUP) map in an amount not to exceed 15 percent of the total floor area. Another is a provision, regarding vertical mixed use, allows retail, restaurants, and service uses on the first floor of multi-story buildings with residential uses that located in areas designated “Office/Residential” on the LUP map and are within 660 feet of a major roadway such as Red Road. These uses would be compatible with the residential development that is being advertised by the billboard on the site.
3. The draft declaration of restrictions (covenant) proffered by the applicant provides very few restrictions to the business uses allowed on the property. Instead it allows all the commercial uses permitted under the BU-2 Special Business Zoning District per Section 33-253 of the County Code, which also allows all the business uses that are permitted under BU-1 and BU-1A zoning districts. Staff is concerned that commercial land uses allowed under the “Business and Office” category such as a gas station, nightclub, liquor package store and shopping center may not be compatible with the uses of the surrounding high quality office park, known as Waterford at Blue Lagoon.
4. Based on an analysis of the supply of vacant business land, no need exists to add more commercial land in this area. With +24.3 acres of current vacant land left in Minor Statistical Area 5.1 (MSA 5.1) in which the application site is located, and the average annual absorption rate of 0.91 at 4.4 acres per 1,000 persons ratio, the projected earliest year of depletion for commercial land in this area is 2025. For the entire study area, the projected year of depletion for commercial land is also 2025. The subject property is only a few feet northeast of a renovated shopping center, Airpark Plaza, on the northwest corner of NW 57

Avenue and NW 7 Street that contains a Publix grocery and deli as an anchor store.

5. The application would have minimal or no impacts on public facilities services such as potable water, sanitary sewer, or parks. Roadway capacity improvements have been either programmed or planned for the Dolphin Expressway segment from NW 72 to NW 42 Avenues and for the Perimeter Road segment between NW 72 Avenue and NW 15 Street. However, if the requested "Business and Office" designation is approved any commercial development such as a shopping center will cause SR 836 between NW 72 and NW 57 Avenues to operate at LOS E, below the adopted LOS D standard applicable to this roadway segment.
6. There are no impacts on any environmental or historic resources.

STAFF ANALYSIS

Introduction

The applicant is requesting a redesignation on the Land Use Plan (LUP) map of the 8.6-acre application site from "Office/Residential" to "Business and Office". The applicant is also requesting that the declaration of restrictions associated with the application be added to the "Restrictions Table" in the Land Use Element. The applicant has proffered a draft Declaration of Restrictions (covenant) with no date but submitted on July 17, 2007. By the covenant, the applicant is requesting to be allowed to develop the site with almost every land use permissible except those uses permitted by BU-3 (Liberal) zoning under "Business and Office" category. The covenant commits the owner to develop the property and construct the proposed dwelling units in accordance with the recommendations set forth by the Miami-Dade County Advisory Committee on Water Conservation and Alternative Water supplies.

Application Site

The application site encompasses approximately 8.6 gross acres located at the southeast corner of NW 57 Avenue and Blue Lagoon Drive north of Tamiami Canal (C-4) canal. The property is also located south of a major office complex that is a result of an existing approved Development of Regional Impact (DRI) called Waterford at Blue Lagoon and south of SR 836 (Dolphin Expressway) (See Appendix A: Map Series). The application site is a former site of Double Tree Hotel, which still contains the 10-floor hotel building on the eastern portion of the site. This building is currently under renovation and is fronting an existing lake, which is also a portion of the application site. The rest of the site is vacant.

The current Land Use Plan (LUP) map designation is Office/Residential with a current zoning of RU-4A, which permits 50 apartments units per net acre. A small notch of the site is zoned IU-2 (heavy industrial). The application site is also located inside an airport zoning district, Critical Area Approach Sub-Zone "A", which prohibits new educational facilities except for aviation related schools and requires a notice of airport proximity. Prior to construction, a Federal Aviation Administration (FAA) Airspace Determination is required.

The lake portion of the site (\pm 2.23 net acres) will not to be filled according to the verbal statement of the Applicant's representative. Therefore, under the current designation of "Office/Residential", the remaining portion of the site including the area that is covered by the existing structure site could potentially be developed with 117,590 square feet (sf) of offices with 399 employees, or 270 multi-family dwelling units (du) with a population of 424 people. Under the proposed "Business and Office" designation the site could potentially be developed with 94,072 sf of commercial retails with 235 employees or the same 270 multi-family dwelling units (du) with a population of 424 people.

Adjacent Land Use and Zoning

Directly north of the application site, across NW 11 Street (Blue Lagoon Drive) and west of the site, across NW 57 Avenue (Red Road), is the 250-acre Waterford at Blue Lagoon Business Park, providing office space for over 200 firms in an area adjacent to Miami International Airport. Amenities in or near this office park include five hotels, conference facilities, banking centers, restaurants, a day-care center and a post office. This office park is a result of an approved four-phased "Waterford at Blue Lagoon" DRI, which has been substantially developed to date with a build-out in 2009. According to the Waterford Annual Report dated April 2005, the DRI was a multi-use project approved for Office, Hotel and Retail Commercial with ancillary uses including 500-seat restaurant and 10,000 sf of health club. Approximately 261,000 sf of office is currently under construction in the fourth and final phase of the DRI project.

A variety of office, hotel, commercial and institutional uses surround the site. North of the site is the Burger King office headquarters. West of the site is the Hyatt Summerfield Suites and Sofitel hotels. Northeast of the site is the Homewood Suites hotel. Basically the site is surrounded by hotel developments most of which belong to the Waterford at Blue Lagoon DRI with primary IU-2 zoning (Heavy Industrial). South of the site is a lake associated with the C-4 canal route. Further south beyond the canal is the Hampton Inns hotel under the municipal C-1 (restricted commercial) zoning of the City of Miami. Airpark Plaza, an existing shopping center with a Publix grocery store, and Pan American Hospital are located to the southwest.

Land Use and Zoning History

A number of zoning variances and administrative site plan approvals have occurred on this application site. They include variances to allow certain reduced number of required parking spaces, non-commercial parking, district boundary adjustment, signage sizes and entrance features. Currently, there are administrative site plan approvals for 102-unit condominium development dated May 26, 2005, and for 180 unit multi-family development dated October 14, 2005. A big billboard sign is up and other condominium sales documents available on the property site advertising the sale of these housing units.

Supply and Demand

Residential Land Analysis

The combined vacant land for single-family and multi-family residential development in the Analysis Area (Minor Statistical Area 5.1) between 2007 and 2025 is estimated to have a capacity for approximately 4,300 dwelling units, with about 98 percent of these units intended as multi-family. The annual average residential demand in this Analysis Area is projected to decrease from 70 units per year in the 2007-2010 period to zero 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 2008 with multi-family units

depletion occurring in 2039 (See Table below). The supply of residential land for both single-family and multi-family units is projected to be depleted by the year 2034.

The table below addresses the residential land supply and demand in the Analysis Area without the effect of the projected CDMP amendment. This is a small-scale amendment requesting a change from Office/Residential to Business and Office for approximately 8.6 gross acres. Approval of the proposed amendment will not increase the number of residential units above what is currently allowed on this parcel. Therefore the residential supply will not increase by approval of this application.

RESIDENTIAL LAND SUPPLY/DEMAND ANALYSIS
2007 TO 2025

ANALYSIS DONE SEPARATELY FOR EACH TYPE, I.E. NO SHIFTING OF DEMAND BETWEEN SINGLE & MULTI- FAMILY TYPE	STRUCTURE TYPE		
	SINGLE-FAMILY	MULTIFAMILY	BOTH TYPES
CAPACITY IN 2007	70	4,230	4,300
DEMAND 2006-2010	39	135	174
CAPACITY IN 2010	0	3,825	3,778
DEMAND 2010-2015	34	118	152
CAPACITY IN 2015	0	3,235	3,018
DEMAND 2015-2020	37	130	167
CAPACITY IN 2020	0	2,585	2,183
DEMAND 2020-2025	0	0	0
CAPACITY IN 2025	0	2,585	2,183
DEPLETION YEAR	2008	2039	2034

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.

Commercial Land Analysis

The Study Area for Application No. 2 contained 76.8 acres of vacant land zoned for commercial uses in 2007. In addition, there were 746.8 acres of in-use commercial land. The average annual absorption rate projected for the 2003-2025 period is 0.91 acres per year. At the projected rate of absorption, the study area will deplete its supply of commercially zoned and designated land beyond the year 2025 (See Table below).

Projected Absorption of Land for Commercial Uses
Indicated Year of Depletion and Related Data
Analysis Area for Application No. 2

Analysis Area MSA	Vacant Commercial Land 2007 (Acres)	Commercial Acres in Use 2007	Annual Absorption Rate 2003-2025 (Acres)	Projected Year of Depletion	Total Commercial Acres <u>per Thousand</u> <u>Persons</u>	
					2015	2025
4.5	49.9	193.8	0.00	2025+	--	--
5.1	26.9	553.0	0.91	2025+	4.4	4.3
Total	76.8	746.8	0.91	2025+	6.3	6.2

Source: Miami-Dade Department of Planning & Zoning, Planning Division, Research Section, July 2007.

Trade Area Analysis

The trade area analysis is based on the location of the application, which is considered as the focal point of the trade area. At the minimum, the trade area for this application includes some land located in MSAs 4.5, and 5.1. Analysis of the Trade Area, 4.0 miles around the proposed project, for this Application shows that there are 2,655.1 acres in existing commercial uses and 157.0 acres of vacant commercially zoned or designated land. Most of the vacant parcels are located to the northwest and to the southeast of the proposed project (See Table below and Appendix A: Map Series).

Trade Area Analysis			
Application	Trade Area Radius	Vacant Commercial Land (Acres)	Commercial Acres in Use 2007
#2	4.0	157.0	2,655.1

Source: Miami-Dade Department of Planning & Zoning, Planning Research Section, August 2007.

Environmental Conditions

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

Flood Protection

County Flood Criteria (NGVD)	+5.8 feet
Stormwater Management	Surface water management permit
Drainage Basin	C-4
Federal Flood Zone	AE - 100-year floodplain, base elevations shown
Hurricane Evacuation Zone	NO

Biological Conditions

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

Other Considerations

Within Wellfield Protection Area	NO
Archaeological/Historical Resources	NO

Stormwater Management, Drainage and Flood Protection:

A retention/detention system adequately designed to contain the run-off generated by a 5-year storm event onsite is required for this application. According to DERM an off-site discharge of stormwater from any proposed development on the subject property shall not be acceptable. A Surface Water Management Permit and any others needed by DERM would be required for any development of the site if the application is approved.

Specimen Trees:

Section 24-49 of the County Code provides for the preservation and protection of tree resources. Since the application contains tree resources, the applicant is required to obtain a Miami-Dade County Tree Removal Permit prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code.

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. The water needs of this application will therefore be met by MDWASD.

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

Potable water service is provided to the site by an existing 12-inch water main along Blue Lagoon Drive and a 16-inch water main along Red Road (SW 57 Avenue). The MDWASD water treatment plant servicing this area is the Hialeah/Preston Water Treatment Plant. According to data provided by the Department of Environmental Resources Management (DERM), this water treatment plant currently has a rated treatment capacity of 225 million gallons/day (mgd) and a maximum plant production based upon the last 12 months of 204.1 mgd. Based upon these numbers, this treatment plant has 21.0 mgd or 9.31% of treatment plant capacity remaining.

An estimated water demand of 76,200 gallons per day (gpd) for this application was based on a 100% residential development scenario, since residential land use produces the highest water demand. Under a residential development scenario without the lake, 381 multi-family units could be built under the Business and Office designation. This is the same number of units as is currently allowed under the Office/Residential designation; therefore, no increased water demand increase would be realized from approval of this amendment. The demand of 76,200 gpd would decrease the 21.0 mgd treatment plant capacity to 21.9 mgd; a remaining water treatment plant capacity that meets the LOS standard.

Wastewater Facilities

Sanitary sewer services are provided to the site by an 8-inch force main abutting the property along Blue Lagoon Drive. Data provided by DERM indicates that two pump stations, Nos. 30-0106 and 30-0001, would be impacted by sewage flows from this site; however, both pump stations are operating within mandated criteria. Ultimate disposal for sewage flows from this site would be the Central District Wastewater Treatment Facility. This facility has a design capacity of 143 mgd and has a 12-month average flow of 114.2 mgd. This flow rate is approximately 79.8% of the design capacity of the wastewater treatment plant.

Based upon a residential development scenario of 381 multi family units, it is estimated that the sewage demand for this site will yield 76,200 gpd. These estimated flows will

increase the average treatment plant flows to 114.28 mgd or 79.9% of the design capacity and therefore will continue to meet the established level of service standard.

Solid Waste

The application lies within the Department of Solid Waste Management (DSWM) waste service area for garbage and trash collections. The closest DSWM facility serving this site is Central Transfer station located at 1150 NW 20 Street, which is approximately six miles northeast of the 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. The DSWM is projecting a remaining available solid waste capacity in excess of the five-year LOS standard.

Parks

There are no County local parks within a two-mile radius of this application site. A City of Miami local park exists approximately 0.5 miles to the east. Under a residential development scenario and based upon the level of service standard of 2.75 acres per 1,000 persons, this site could yield a potential residential population of 598 persons, thus requiring a total of 1.64 acres.

The subject site is located within Park Benefit District (PBD) 1, which according to the Miami-Dade County Department of Parks and Recreation has a surplus capacity of 396 acres of park land when measured by the County's concurrency level of service standard. This capacity is sufficient to meet the estimated 1.64 acres of park land necessary to meet the LOS for the application.

Fire and Rescue Service

The subject property is currently served by Miami-Dade Fire-Rescue Station No. 36 (Hammocks), located at 10001 Hammock Boulevard. The station is equipped with an Advanced Life Support (ALS) Engine and Rescue unit, and is staffed by seven firefighters/paramedics. According to the Fire-Rescue Department, the current average travel time for incidents in the application area is 8 minutes and 18 seconds. The travel time for "life-threatening emergencies" is approximately 8 minutes and 3 seconds and 6 minutes and 21 seconds for "structure fires".

While the current designation will allow a potential development generation of 106.68 annual alarms, the requested designation on the subject property will potentially allow a development that would generate the same 106.68 annual alarms, which will have no impact to the existing fire rescue services. The required "fire flow" for the proposed CDMP designation is 2,000 gallons per minute (gpm) at 20-PSI residual on the system. Each fire hydrant requires a minimum of 750 gpm.

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 Florida Inventory of School Houses (FISH) Capacity, which includes permanent and relocatable student stations, and the school's FISH utilization percentage.

School	2006 Enrollment*		FISH Capacity**	% FISH Utilization	
	Current	With Application		Current	With Application
Henry M Flagler Elementary	777	777	1,054	74	74
Kinlock Park Middle	1,162	1,162	1,273	91	91
South Miami Senior High	2,666	2,666	2,607	102	102

Source: Miami-Dade County Public Schools, July, 2007

* Enrollment as of: October 15, 2006

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

This application, if approved, will neither increase nor decrease the potential student population of the schools serving the application site. No additional students from the site will attend the Henry Flagler Elementary, Kinlock Park Middle and South Miami Senior High schools.

No additional relief schools are being planned, designed or constructed. Also, no schools are currently proposed in the 5-Year Capital Plan for this application site.

Roadways

Existing Conditions

Access to the site is from NW 57 Avenue (SR 959), a six-lane divided facility, west of the Application site, and from Blue Lagoon Drive (NW 11 Street), north of the subject property. NW 57 Avenue provides connection to other major corridors such as the Dolphin Expressway (SR 836), NW 7 Street and West Flagler Street (SR 968), which provide accessibility to other parts of the County.

The roadway operating conditions, levels of service (LOS), are represented by one of the letters “A” through “F”, with “A” generally representing the most favorable driving conditions and “F” representing the least favorable.

The “Traffic Impact Analysis” Table, below, shows the current operating levels of service on NW 57 Avenue, NW 12 Street, NW 7 Street, and the Dolphin Expressway (836) in the vicinity of the Application site. All roadways, except SR 836, are currently operating at acceptable LOS B and C, above the adopted LOS E and E+20% standards, applicable to the subject roadway segments. The Dolphin Expressway (SR 836), a six-lane limited access facility, and NW 12 Street (Perimeter Road) are currently operating at LOS F below the adopted LOS D standard. However, the County’s 2008 Transportation Improvement Program (TIP) has programmed an eastbound peak-hour shoulder usage on the Dolphin Expressway from the SR 826/DR836 interchange to NW 42 Street/LeJeune Road in fiscal year 2007-2008, and the widening from two to four lanes of the Perimeter Road from NW 72 Avenue to NW 13 Street as part of the Miami Intermodal Center capacity improvement program in fiscal year 2008-2009. These programmed and planned improvements would increase the capacity of these roadway facilities and, therefore, improve their operating conditions. See the “Programmed Roadway Capacity Improvements” and “Planned Roadway Capacity Improvements” Tables below.

CDMP Amendment Application No. 2 Fiscal Years 2007/2008 - 2011/2012 Programmed Roadway Capacity Improvements						
Roadway	From	To	Type of Improvement			Fiscal Year
SR 836	SR 826/SR 836 Interchange	NW 42 Avenue	Eastbound	Peak	Hour	2007 - 2008
Perimeter Rd.	NW 72 Avenue	NW 15 Street	Intermodal HUB Capacity (Widen 2 to 4 lanes)			2008-2009

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

CDMP Amendment Application No. 2
Planned Roadway Capacity Improvements
Year 2007 – 2015

Roadway	From	To	Type of Improvement	Priority
SR 836	SR 826	NW 57 Avenue	Add Westbound Auxiliary Lane	I
East/West Metrorail Corridor Extension	SW 137 Ave.	Miami Intermodal Center		II

Source: Miami-Dade Transportation Plan to the Year 2030 Metropolitan Planning Organization for the Miami Urbanized Area, December 2004.

Notes: Priority I – Project improvement scheduled to be funded by the year 2009

Priority II – Project improvement planned to be funded between 2010 and 2015.

Traffic Concurrency Evaluation

An evaluation of peak-period traffic concurrency conditions as of July 24, 2007, which considers reserved trips from approved developments not yet constructed, programmed capacity improvements and the Application's traffic impacts, predicts that SR 836, between NW 72 Avenue and NW 57 Avenue will operate at LOS E, below the adopted LOS D, and from NW 57 Avenue to NW 42 Avenue will operate at LOS D, the applicable LOS standard for this limited access facility. See "Traffic Impact Analysis" Table below.

CDMP Amendment No. 2
Traffic Impact Analysis on Roadways Serving the Amendment Site
Roadway Lanes, Existing and Concurrency Peak Period Operating Level of Service (LOS)

Roadway	Location/Link	Number Lanes	Adopted LOS Std. ¹	Peak Hour Capacity	Peak Hour Volume	Existing LOS	Approved D.O's Trips	Amend. Peak Hour Trips	Total Trips With Amend.	Concurrency LOS with Amend.
(Scenario 1: Commercial Use)										
NW 57 Ave. (SR 959)	SR 836 to W. Flagler St. (SR 968)	6 DV	E	4920	2886	C	551	363	3800	C (06)
NW 57 Ave. (SR 959)	W. Flagler St. (SR 968) to SW 8 St. (SR 90)	4DV	E	3270	929	C	74	84	1087	C (06)
NW 12 St. (Perimeter Rd.)	NW 72 Avenue to NW 57 Avenue	2 UD/4 UD ²	E	1390/2850	2269	F	116	9	2394	B (04)
Dolphin Expy. (SR 836)	NW 72 Avenue to NW 57 Avenue	6 LA/8 LA ²	D	9840/13420	13523	F	269	73	13865	E (06)
Dolphin Expy. (SR 836)	NW 57 Avenue to NW 42 Avenue	6 LA/8 LA ²	D	9840/13,420	11262	F	466	83	11811	D (06)
NW 7 Street	NW 67 Avenue to NW 57 Avenue	4 DV	E+20%	4420	2564	B	166	63	2793	B (04)
NW 7 Street	NW 57 Avenue to NW 42 Avenue	4 DV	E+20%	4420	NA	-	-	-	-	-
Scenario 2: Residential Use										
NW 57 Ave. (SR 959)	SR 836 to W. Flagler St. (SR 968)	6 DV	E	4920	2886	C	551	166	3603	C (06)
NW 57 Ave. (SR 959)	W. Flagler St. (SR 968) to SW 8 St. (SR 90)	4 DV	E	3270	929	C	74	39	1042	C (06)
NW 12 St. (Perimeter Rd.)	NW 72 Avenue to NW 57 Avenue	2 UD/4 UD ²	E	1390/2850	2269	F	116	4	2393	B (04)
Dolphin Expy. (SR 836)	NW 72 Avenue to NW 57 Avenue	6 LA/8 LA ²	D	9840/13420	13523	F	269	36	13828	E (06)
Dolphin Expy. (SR 836)	NW 57 Avenue to NW 42 Avenue	6 LA/8 LA ²	D	9840/13420	11262	F	466	37	11765	D (06)
NW 7 Street	NW 67 Avenue to NW 57 Avenue	4 DV	E+20%	4420	2564	B	166	19	2749	B (04)
NW 7 Street	NW 57 Avenue to NW 42 Avenue	4 DV	E+20%	4420	NA	-	-	-	-	-
Scenario 3: Commercial Use Including Lake Area										
NW 57 Ave. (SR 959)	SR 836 to W. Flagler St. (SR 968)	6 DV	E	4920	28886	C	551	485	3922	D (06)
NW 57 Ave. (SR 959)	W. Flagler St. (SR 968) to SW 8 St. (SR 90)	4DV	E	3270	929	C	74	112	1115	C (06)
NW 12 St. (Perimeter Rd.)	NW 72 Avenue to NW 57 Avenue	2 UD/4 UD ²	E	1390/2850	2269	F	116	11	2396	B (04)
Dolphin Expy. (SR 836)	NW 72 Avenue to NW 57 Avenue	6 LA/8 LA ²	D	9840/13420	13523	F	269	98	13890	E (06)
Dolphin Expy. (SR 836)	NW 57 Avenue to NW 42 Avenue	6 LA/8 LA ²	D	9840/13420	11262	F	466	110	11838	D (06)
NW 7 Street	NW 67 Avenue to NW 57 Avenue	4 DV	E+20%	4420	2564	B	166	85	2815	B (04)
NW 7 Street	NW 57 Avenue to NW 42 Avenue	4 DV	E+20%	4420	NA	-	-	-	-	-
Scenario 4: Residential Use Including Lake Area										
NW 57 Ave. (SR 959)	SR 836 to W. Flagler St. (SR 968)	6 DV	E	4920	28886	C	551	166	3603	C (06)
NW 57 Ave. (SR 959)	W. Flagler St. (SR 968) to SW 8 St. (SR 90)	4DV	E	3270	929	C	74	39	1042	C (06)
NW 12 St. (Perimeter Rd.)	NW 72 Avenue to NW 57 Avenue	2 UD/4 UD ²	E	1390/2850	2269	F	116	8	2393	B (04)
Dolphin Expy. (SR 836)	NW 72 Avenue to NW 57 Avenue	6 LA/8 LA ²	D	9840/13420	13523	F	269	30	13822	E (06)
Dolphin Expy. (SR 836)	NW 57 Avenue to NW 42 Avenue	6 LA/8 LA ²	D	9840/13420	11262	F	466	33	11761	D (06)
NW 7 Street	NW 67 Avenue to NW 57 Avenue	4 DV	E+20%	4420	2564	B	166	19	2749	B (04)
NW 7 Street	NW 57 Avenue to NW 42 Avenue	4 DV	E+20%	4420	NA	-	-	-	-	-

Source: Miami-Dade County Department of Planning and Zoning; Miami-Dade Public Works Department and Florida Department of Transportation, July 2005.

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

¹County adopted roadway level of service standard applicable to the roadway segment

E+20% = 120% of LOS E; Transit with 20 minutes headway in inside the Urban Infill Area, a designated transportation concurrency exception area.

() Year traffic count was updated or LOS Revised

Application Impact

Four development scenarios were analyzed for traffic impact under the requested CDMP land use designation (Business and Office): two without the lake and two with part of the lake filled. Scenario 1 (without the lake) assumes the application site developed with commercial use (94,456 sq. ft. retail); Scenario 2 (without the lake) assumes the application site developed with residential use (270 multi-family units); Scenario 3 (with part of the lake filled) assumes the application site developed with commercial use (132,945 sq. ft.); and Scenario 4 (with part of the lake filled) assumes the application site developed with residential use (381 multi-family units).

The "Estimated Peak Hour Trip Generation" Table, below, identifies the estimated PM peak-hour trips expected to be generated by the proposed development scenarios under the requested CDMP designation, and compares them to the developments that could occur under the existing CDMP land use designation. The estimated trip differences between the development scenarios are shown below. Scenario 1 would generate 188 more PM peak-hour trips if the application site is developed with commercial use, and Scenario 4 would generate 237 additional PM peak-hour trips if the site is developed with commercial use. No trip difference exists if the application site is developed with residential uses under both the current and requested designations.

CDMP Amendment Application No. 2 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
2 (Scenario 1)	Office/Residential (117,590 sq. ft. Office)	Business & Office (94,456 sq. ft. Commercial)	
	175	363 ¹	+188
2 (Scenario 2)	Office/Residential - (Residential use only) 270 Multifamily Resid. Units ²	Business & Office (Residential use only) (270 Multifamily Units)	
	166	166	0
2 (Scenario 3) ³	Office/Residential (166,181 sq. ft. Office)	Business & Office (132,945 sq. ft. Commercial)	
	248	485 ¹	+237
2 (Scenario 4) ³	Office/Residential - (Residential use only) 381 Multifamily units ²	Business & Office - (Residential use only) (381 Multifamily Units)	
	227	227	0

Source: Institute of Transportation Engineers, Trip Generation, 7th Edition, 2003; Miami-Dade Public Works Department, July 2007.

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

² Property zoned RU-4, which permits 50 apartments per net acre.

³ Development scenario includes lake acreage, which totals 2.231 acres.

The concurrency evaluation with the application's impact, under either Scenario 1 (without the lake) or Scenario 4 (with the lake filled), indicates that SR 836 between NW 72 and NW 57 Avenues will operate at LOS E, below the adopted LOS D standard applicable to this roadway segment. The other roadways in the vicinity of the application site are predicted to operate at acceptable concurrency levels of service.

Transit Service

Existing Conditions:

The application site is currently served by Miami-Dade Transit (MDT) Metrobus Route 238. Route 238 provides feeder service to the Earlington Heights Metrorail station. The table below shows the existing service frequency for the route in summary form.

Metrobus Route Service						
Route	Headways (in minutes)				Stop Locations	Type of Service
	Peak	Off-Peak	Sat	Sun		
238	30	60	N/A	N/A	NW 32 Ave and NW 103 St	F – Earlington Heights

Source: 2006 Transit Development Program, May 2006; Miami-Dade Transit, August 2007.

Note: F= Feeder route to Metrorail

Future Conditions:

MDT has planed some headway improvements for Route No. 238, as shown in the Table below, and has proposed some new routes on SR 836 Expressway and Red Road (SR 959).

Planned Improvements:

Route No.	Improvement Description
238	Improve peak headway from 30 to 15 minutes.
238	Improve midday headways from 60 to 30 minutes.

Proposed New Routes:

Route No.	Improvement Description
SR 836 Express	This route would provide limited-stop service between the FIU University Campus and downtown Miami via the Dolphin Expressway (SR 836) during the morning and afternoon peak periods only every 15 minutes.
Red Road MAX	Limited-stop weekday service during the morning and evening peak periods at 15 minute headways

In addition, a future major transit project is being studied by MDT as part of the People's Transportation Plan Rapid Transit Improvements to serve the vicinity of the application area. This involves the extension of the Metrorail to west Miami-Dade from the future Miami Intermodal Center, currently under construction, to SW 137 Avenue covering a 10.1 to 13 mile corridor along SR 836.

Other Planning Considerations

The covenant submitted with this application for consideration in the Initial Recommendations Report as of July 27, 2007 requests an open-ended list of uses allowable in the BU-2 Special Business District, which allows certain uses that would not be compatible with current and future uses of the areas surrounding the subject site.

Appropriate Guidelines of Urban Form should be considered for this site. Below are the applicable guidelines as listed in the CDMP.

- Guideline 1- The section line roads should form the physical boundaries of neighborhoods.
- Guideline 4- Intersections of section line roads shall serve as focal points of activity hereafter referred to as activity nodes. Activity nodes shall be occupied by any nonresidential components of the neighborhood including public and semi-public uses. When commercial uses are warranted, they should be located within these activity nodes. In addition, of the various residential densities, which may be approved in a section through density averaging or on an individual site basis, the higher density residential uses should be located at or near the activity nodes.

In December 2005, the BCC adopted new mixed-use provisions pertaining to vertical mixed use into the text of the CDMP as noted below.

Vertical mixed-use development may be allowed within the Urban Development Boundary (UDB) in areas designated Residential Communities, with the exception of Estate Density and Low Density; Business and Office; and Office/Residential, provided that these areas are located in:

1. "Neighborhood activity nodes" of 40 gross acres which, as shown in Figure 2 of the Land Use Element, Generalized Neighborhood Development Pattern, are located at the intersections of section line roads; or
2. Corridors with a maximum depth of 660 feet that are located along 'Major Roadways as identified on the adopted Land Use Plan map; or
3. Corridors designated as mixed-use corridors in an area plan that has been accepted by the Board of County Commissioners.

Consistency with CDMP Goals, Objectives, Policies and Concepts:

The proposed application will impede the following goals, objectives policies and concepts of the CDMP.

- Policy LU-1G: Business development preferably placed in clusters or nodes of major roadway intersections, not in continuous strips or as isolated spots;
- Policy LU-4A: Factors to evaluate compatibility among proximate land uses;
- Policy LU-4C: Neighborhood protected from disrupted or degrading; and
- Policy LU-8E(iii): Compatibility with abutting and nearby land uses and protection of the character of established neighborhoods.

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

- Policy LU-1D: County to seek to facilitate planning of residential areas as neighborhoods which include recreational, educational and other public facilities, houses of worship, and safe and convenient circulation of automotive, pedestrian and bicycle traffic;
- Policy LU-1F: Promote housing diversity and avoid creation of monotonous developments
- Policy LU-4D: Potentially incompatible uses permitted with design
- Policy LU-8B: Distribution of neighborhood or community-serving retail sales uses and professional offices to reflect spatial distribution of the residential population

APPENDICES

Appendix A Map Series

Appendix B Amendment Application

Appendix C Miami-Dade County Public Schools Analysis

Appendix D Applicant's Traffic Study

Appendix E Fiscal Impact Analysis

Appendix F Proposed Declaration of Restrictions

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

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APPENDIX A

Map Series

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AERIAL PHOTO: APPLICATION NO. 2



APPLICATION AREA



MUNICIPAL BOUNDARY

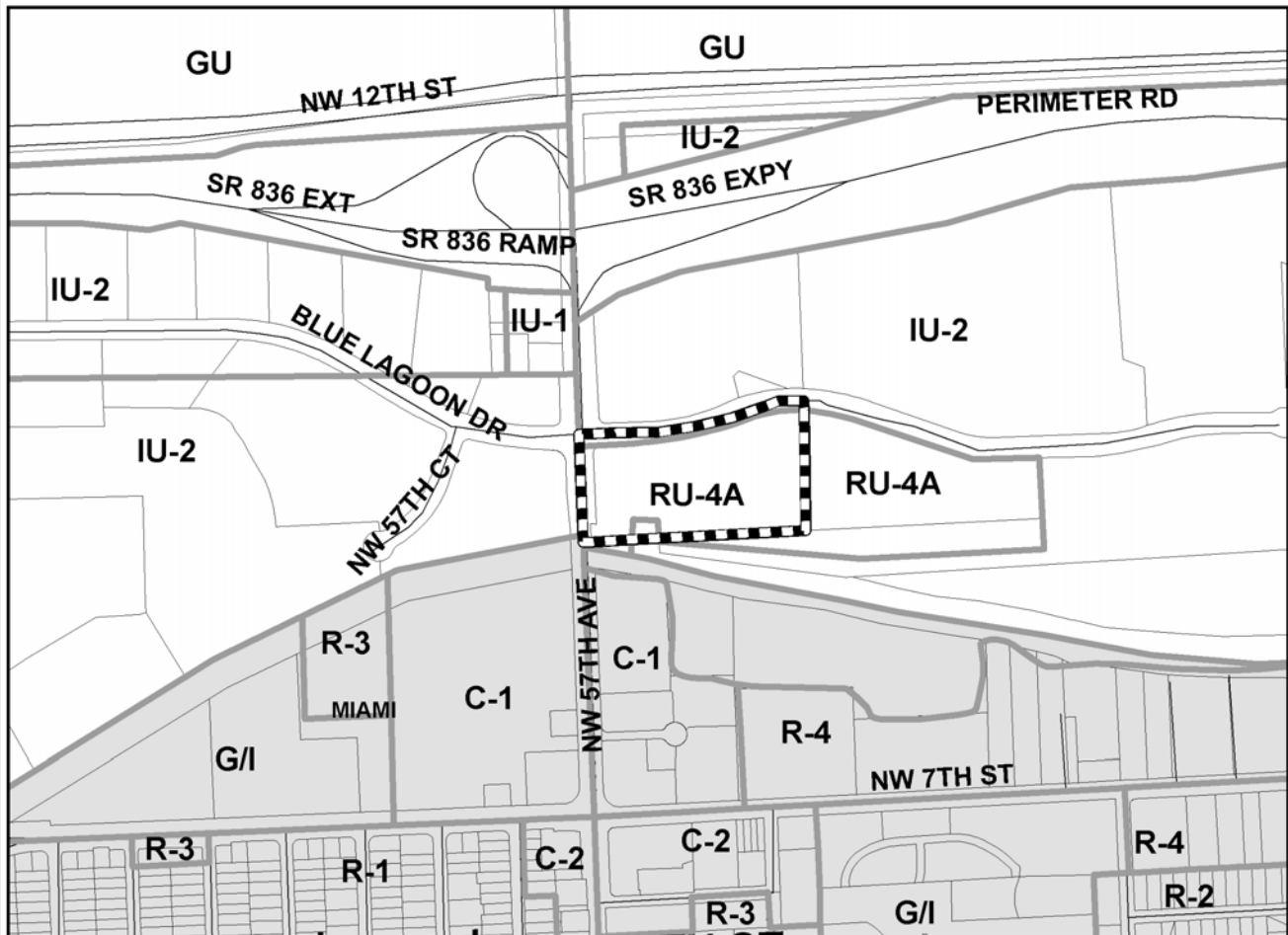
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Miles

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



APPLICATION NO. 2 CURRENT ZONING MAP



APPLICATION AREA



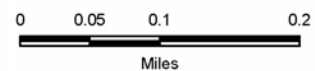
CITY OF MIAMI

MIAMI-DADE ZONING DISTRICTS

- IU-1 INDUSTRY- LIGHT
- IU-2 INDUSTRY- HEAVY
- GU INTERIM ZONING
- RU-4A APARTMENTS 50 UNITS/NET ACRE, HOTEL/MOTEL 75 UNITS/NET ACRE

CITY OF MIAMI ZONING DISTRICTS

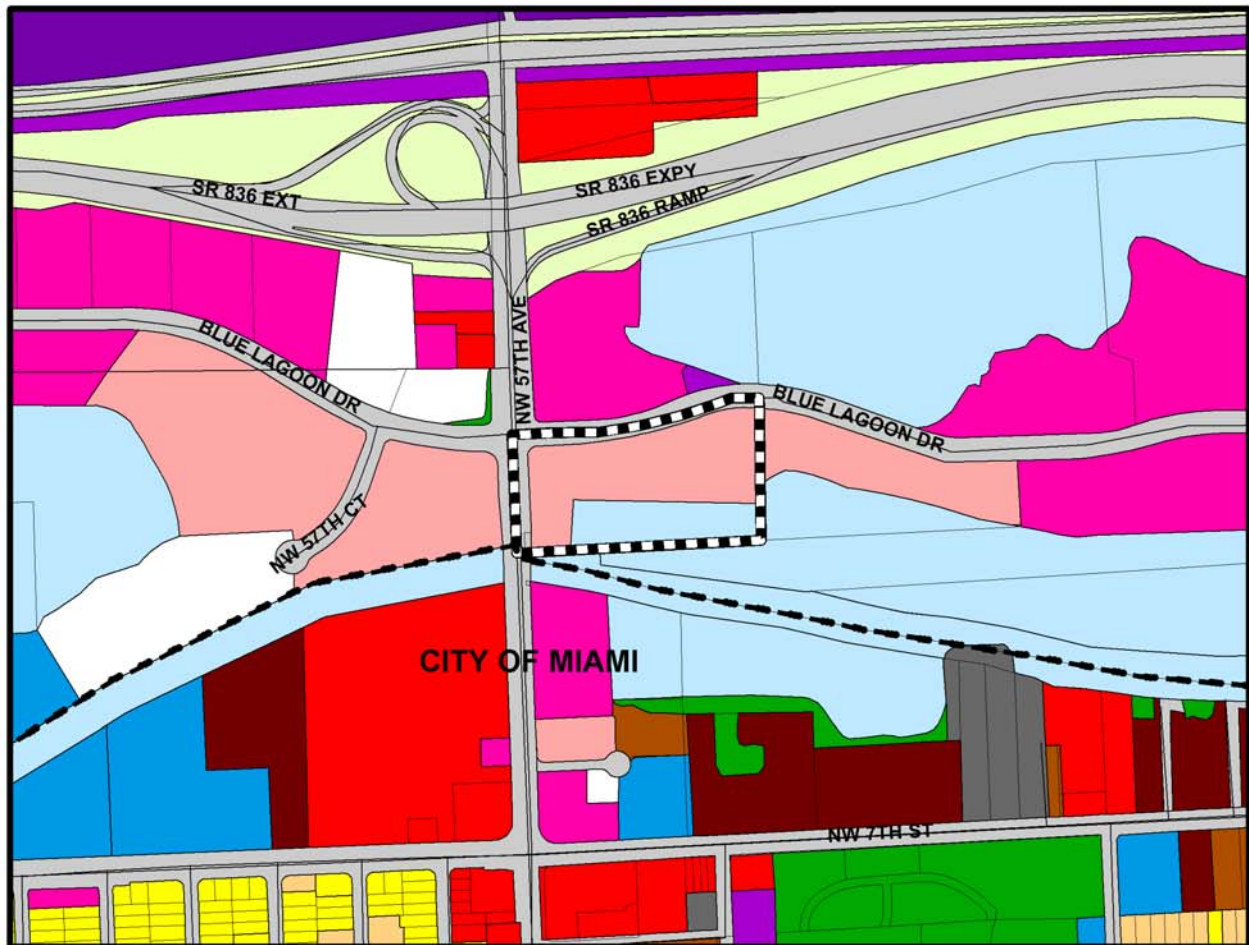
- R-1 SINGLE-FAMILY RESIDENTIAL
- R-2 TWO-FAMILY RESIDENTIAL
- R-3 MULTIFAMILY MEDIUM-DENSITY RESIDENTIAL
- R-4 MULTIFAMILY HIGH-DENSITY RESIDENTIAL
- C-1 RESTRICTED COMMERCIAL
- C-2 LIBERAL COMMERCIAL
- G/I GOVERNMENT AND INSTITUTIONAL



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



APPLICATION NO. 2 EXISTING LAND USE



LEGEND



APPLICATION AREA



MUNICIPAL BOUNDARY

EXISTING LAND USE



SINGLE-FAMILY



TWO-FAMILY (DUPLEXES)



LOW-DENSITY MULTI-FAMILY (UNDER 25 DU/GROSS ACRE)



HIGH-DENSITY MULTI-FAMILY (OVER 25 DU/GROSS ACRE)



TRANSIENT-RESIDENTIAL (HOTELS, MOTELS)



COMMERCIAL, SHOPPING CENTERS, STADIUMS



OFFICE



INSTITUTIONAL



INDUSTRIAL



AIRPORTS, PORTS



COMMUNICATIONS, UTILITIES, TERMINALS



STREETS, ROADS, EXPRESSWAYS, RAMPS



SWALES, RIGHT-OF-WAYS



PARKS, PRESERVES, CONSERVATION AREAS, AND RECREATIONAL FACILITIES



VACANT - UNPROTECTED



INLAND WATERS

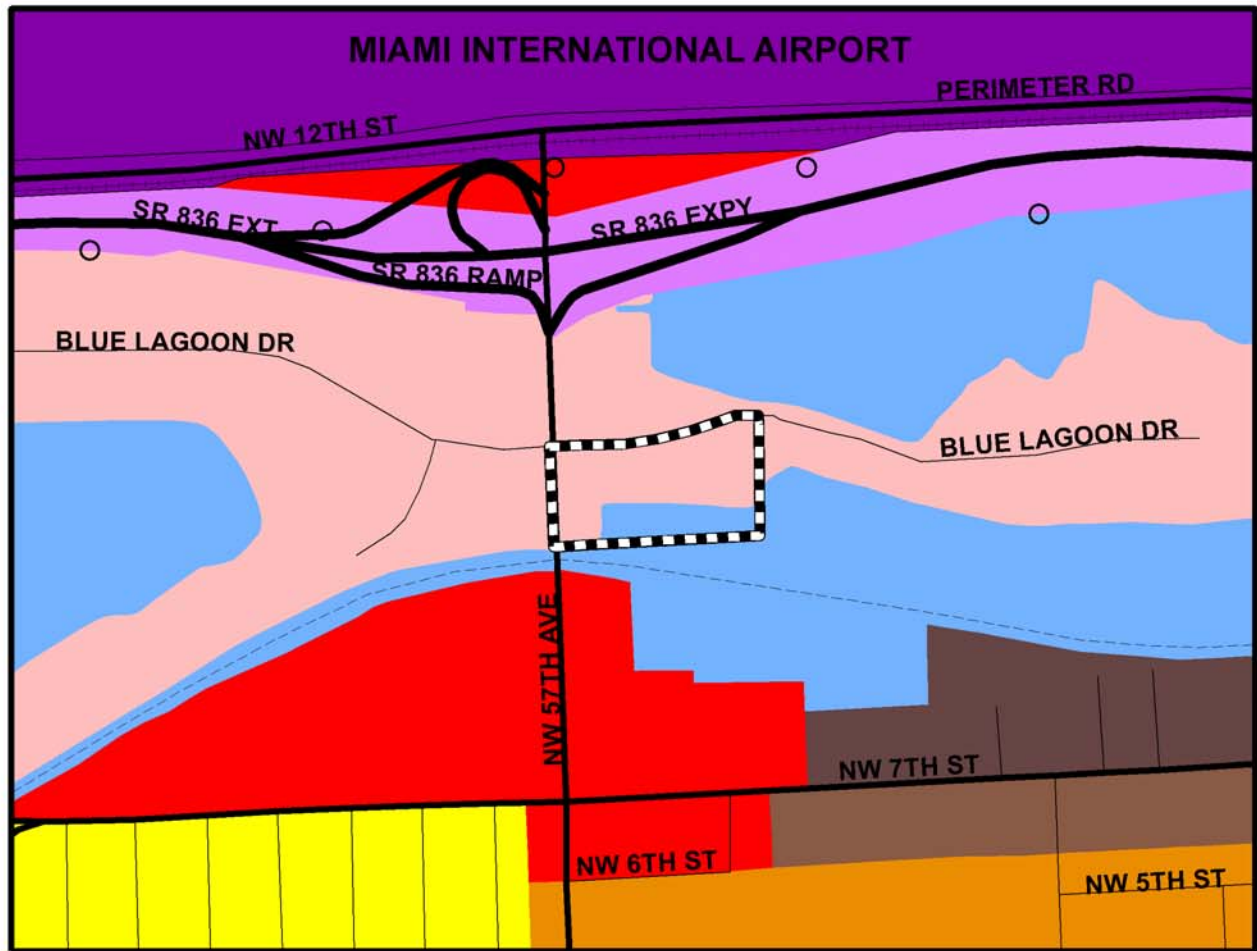
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Miles

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



APPLICATION NO. 2 CDMP LAND USE PLAN



LEGEND



APPLICATION AREA

CDMP LAND USE

- RESIDENTIAL COMMUNITIES
 - LOW DENSITY RESIDENTIAL (LDR) 2.5 TO 6 DU/AC
 - MEDIUM-DENSITY RESIDENTIAL (MDR) 13 TO 25 DU/AC
 - MEDIUM HIGH DENSITY RESIDENTIAL (MHDR) 25 TO 60 DU/AC
 - HIGH DENSITY RESIDENTIAL (HDR) 60 TO 125 DU/AC
- BUSINESS AND OFFICE
- OFFICE/RESIDENTIAL
- WATER
- TRANSPORTATION (ROW, RAIL, METRORAIL, ETC.)
- TERMINALS
- EXPRESSWAYS
- MAJOR ROADWAYS (3 OR MORE LANES)

○ FUTURE RAPID TRANSIT CANAL

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Miles

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



APPENDIX B

Amendment Application

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

1. APPLICANT

Blue Lagoon Development, LLC,
a Florida limited liability company
c/o Felix M. Lasarte, Esq.
Holland & Knight LLP
701 Brickell Avenue, Suite 3000
Miami, Florida 33131

2. APPLICANTS' REPRESENTATIVE

Felix M. Lasarte, Esq.
Holland & Knight LLP
701 Brickell Avenue, Suite 3000
Miami, Florida 33131
(305) 789-7580
(305) 789-7799 (fax)
felix.lasarte@hklaw.com

By: _____

Felix M. Lasarte, Esq.

Date

4/30/07

2007 APR 30 P 4:09
PLANNING & ZONING
METROPOLITAN PLANNING SECT

3. DESCRIPTION OF REQUESTED CHANGE

- A. A change to the Land Use Element, Land Use Plan map (Item A.1(d) in the fee schedule) is requested.

Blue Lagoon Development, LLC (the "Applicant"), is requesting a change in the property's designation from "Office / Residential" to "Business and Office".

- B. Description of the Subject Area.

The subject property consists of approximately ± 7.63 net acres of land located in Section 31, Township 53, Range 41, in unincorporated Miami-Dade County. The subject property is located at 1101 N.W. 57th Avenue at the southeast corner of the intersection of N.W. 57th Avenue and Blue Lagoon Drive, lying south of State

Road 836 (a.k.a. Dolphin Expressway) and the Miami International Airport, as more specifically described in Exhibit "A" to this application ("Property").

C. Acreage.

Subject application area: ± 8.6 gross acres / ± 7.63 net acres

Acreage owned by Applicants: ± 8.6 gross acres / ± 7.63 net acres

D. Requested Change.

1. It is requested that the subject area be re-designated on the Land Use Plan map from "Office / Residential" to "Business and Office".
2. It is requested that the application be processed as a Small-Scale Amendment under the expedited procedures.

4. REASONS FOR AMENDMENT

The Applicant requests the re-designation of the Property from "Office/Residential" to "Business and Office". The Property is currently zoned RU-4A and was the former site of a Double Tree Hotel. While the Applicant intends to develop the Property as a hotel, it hopes to establish a mixed use development by incorporating a variety of uses, as permitted under the "Business and Office" designation.

The Property is located along NW 57th Avenue at the entrance of a peninsula of land comprised largely of hotels. It lies just south of the Miami International Airport as well as State Road 836, also known as the Dolphin Expressway. The lands to the south of the Property are designated Business and Office and High Density Residential, while the lands to the east and west are designated Office/Residential and zoned IU-2. Therefore, the re-designation of the Property to "Business and Office" would be compatible with the current trend of development in the surrounding area.

This application would further the goals of the CDMP. The Property's location along a section line road authorizes its use for public and semi-public uses as well as high density residential under the CDMP's guidelines for urban form. Furthermore, the Property's vicinity to the Dolphin Expressway and Miami International Airport provides an ideal location for a mixed use development which would provide good countywide, multi-modal accessibility without a major burden on existing roadways.

The re-designation of the Property to "Business and Office" would also enhance and expand the established neighborhood in the area. Located in Minor Statistical Area 5.1, the property's surrounding area is projected to deplete its supply of commercial land before 2015. *See Residential, Commercial and Industrial Land Supply and Demand Analysis, Miami-Dade County, Florida, Department of Planning and Zoning, March 2007.* Permitting a variety of commercial and residential uses on the Property, as would be permitted with a "Business and

Office" designation, would provide services to both the immediate community as well as the County as a whole.

Based on the foregoing, the Applicants believes that the approval of this application would be compatible with the guidelines for urban form, a timely improvement to the Land Use Plan map, and will further the goals of the CDMP by providing a variety of uses and services to a large County-wide population at a location with good transportation access.

Accordingly, approval of the requested Amendment would further implementation of the following CDMP policies:

LAND USE POLICY LU-1A: High intensity, well designed urban centers shall be facilitated by Miami-Dade County at locations having high countywide multimodal accessibility.

LAND USE POLICY LU-1B: Major centers of activity, industrial complexes, regional shopping centers, large-scale office centers and other concentrations of significant employment shall be the structuring elements of the metropolitan area and shall be sited on the basis of metropolitan-scale considerations at locations with good countywide, multi-modal accessibility.

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

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

LAND USE OBJECTIVE LU-2: Decisions regarding the location, extent and intensity of future land use in Miami-Dade County, and urban expansion in particular, will be based upon the physical and financial feasibility of providing, by the year 2015, all urbanized areas with services at levels of service (LOS) which meet or exceed the minimum standards adopted in the Capital Improvements Element.

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

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

LAND USE POLICY LU-8E: Applications requesting amendments to the CDMP Land Use Plan map shall be evaluated to consider consistency with the Goals, Objectives and Policies of all Elements, other timely issues, and in particular the extent to which the proposal, if approved, would: i) satisfy a deficiency in the Plan map to accommodate projected population or economic growth of the County; (ii) Enhance provisions of services at adopted LOS standards; (iii) Be compatible with abutting and nearby land uses and protect the character of established neighborhoods.

LAND USE POLICY LU-9D: Miami-Dade County shall continue to investigate, maintain and enhance methods, standards and regulatory approaches which facilitate sound, compatible mixing of uses in projects and communities.

LAND USE POLICY LU-9H: Miami-Dade County shall reorient its special area planning program to emphasize preparation of physical land use and urban plans for strategic and high growth locations.

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

5. ADDITIONAL MATERIAL SUBMITTED

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

6. COMPLETED DISCLOSURE FORMS

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

EXHIBIT "A"

LEGAL DESCRIPTION:

PARCEL I

TRACT "A" OF THE INN OF MIAMI TRACT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 97, PAGE 2 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL II

A PORTION OF LOT 7, BLOCK 2 OF BLUE LAGOON EAST, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 120, PAGE 63 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF SAID LOT 7 LYING WEST OF THE FOLLOWING DESCRIBED LINE. COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 7; THENCE NORTH 86 DEGREES 57'25" EAST ALONG THE SOUTH LINE OF SAID LOT 7 FOR 683.27 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED LINE; THENCE NORTH 01 DEGREES 24'32" WEST ALONG THE SOUTHERLY EXTENSION OF EAST LINE OF TRACT "A" OF INN OF MIAMI TRACT, AS RECORDED IN PLAT BOOK 97, PAGE 2 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, FOR 464.39 FEET TO THE SOUTH RIGHT OF WAY OF N.W. BLUE LAGOON DRIVE AND THE POINT OF TERMINUS OF SAID LINE.

EXHIBIT "C"

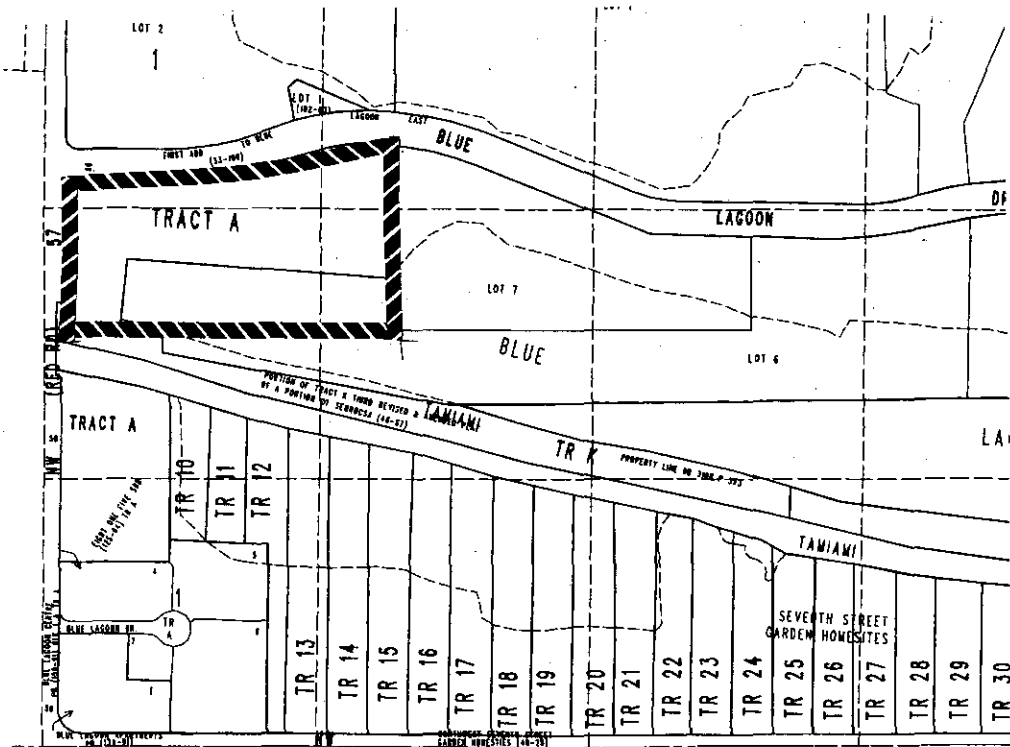
LOCATION MAP FOR APPLICATION TO AMEND COMPREHENSIVE DEVELOPMENT MASTER PLAN

APPLICANT / REPRESENTATIVE

BLUE LAGOON DEVELOPMENT, LLC / Felix M. Lasarte, Esq.

DESCRIPTION OF SUBJECT AREA

The subject property consists of approximately ± 7.63 net acres of land located in Section 31, Township 53, Range 41, in unincorporated Miami-Dade County. The subject property is located at 1101 N.W. 57th Avenue, at the southeast corner of the intersection of N.W. 57th Avenue and Blue Lagoon Drive, lying south of State Road 836 (a.k.a. Dolphin Expressway) and the Miami International Airport, as more specifically described in Exhibit "A" to this application.



LEGEND



APPLICATION AREA

APPENDIX C

Miami-Dade County Public Schools Analysis

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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, 11th 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

SCHOOL IMPACT REVIEW ANALYSIS

July 02, 2007

APPLICATION: No. 2, Blue Lagoon Development, LLC

REQUEST: Change Land Use from Office/Residential to Business and Office

ACRES: ± 8.6 gross acres (7.63 net acres)

LOCATION: Southeast corner of NW 57 Avenue and Blue Lagoon Drive

**MSA/
MULTIPLIER:** 5.1/ .29 Multifamily

NUMBER OF UNITS:	0 additional units	Proposed Land Use 381 Multifamily	Existing Land Use 381 Multifamily
ESTIMATED STUDENT POPULATION:	0		
ELEMENTARY:	0		
MIDDLE:	0		
SENIOR HIGH:	0		

SCHOOLS SERVING AREA OF APPLICATION

ELEMENTARY: Henry Flagler Elementary – 5222 NW 1 Street

MIDDLE: Kinlock Park Middle – 4340 NW 3 Street

SENIOR: South Miami Senior High – 6856 SW 53 Street

All schools are located in Regional Center IV and V.

*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**
Henry M. Flagler Elementary	777	956	81%	98	74%	777
	777 *		81%		74%	
Kinlock Park Middle	1,162	1,273	91%	0	91%	1,162
	1,162 *		91%		91%	
South Miami Senior High	2,666	2,369	113%	238	102%	2,666
	2,666 *		113%		102%	

*Student population increase as a result of the proposed development

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

Notes:

- 1) Figures above reflect the impact of the class size amendment.
- 2) Pursuant to the Interlocal Agreement, none of the impacted schools meet the review threshold.
- 3)

PLANNED RELIEF SCHOOLS IN THE AREA

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

Projects in Planning, Design or Construction

School

Status

Projected Occupancy Date

N/A

Proposed Relief Schools

School

Funding year

N/A

OPERATING COSTS: Accounting to Financial Affairs, the average cost for K-12 grade students amounts to \$6,549 per student. Since there is no additional students generated in this development, there would not be any additional annual operating cost.

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APPENDIX D

Applicant's Traffic Study

Not required for a small-scale amendment

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APPENDIX E

Fiscal Impact Analysis

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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. 9 to amend the CDMP from county departments and agencies responsible for supplying and maintaining infrastructure and services relevant to the CDMP. The evaluation estimates the incremental and cumulative impact the costs of the required infrastructure and service, and the extent to which the costs will be borne by the property owners or will require general taxpayer support and includes an estimate of that support.

The agencies used various methodologies to make their calculations. The agencies rely on a variety of sources for revenue, such as, property taxes, impact fees, connection fees, user fees, gas taxes, taxing districts, general fund contribution, federal and state grants; federal funds, etc. Certain variables, such as property use, location, number of dwelling units, and type of units were considered by the service agencies in developing their cost estimates.

Solid Waste Services

Concurrency

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

Residential Collection and Disposal Service

The incremental cost of adding a residential unit to the DSWM Service Area, which includes the disposal cost of waste, is offset by the annual fee charges to the user. Currently, that fee is \$439 per residential unit. For a residential dumpster, the current fee is \$339. 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 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. 2 is developed with 381 multi-family residential units, the developer would pay \$105,950 for water impact fee, \$426,720 for sewer impact fee, \$1,300 for connection fee¹, and \$70,715 for annual operating and maintenance costs based on approved figures through September 30, 2006.

The estimated cost for water and sewer infrastructure in the public right-of-way is \$18,469. This includes a 16-inch water main for the potable water system. For the sewer system, the projected costs include a 8-inch sanitary sewer line.

Flood Protection

The Department of Environmental Resources 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 for providing flood protection to private properties, although it is the

¹ Connection fee is based on a 1" service line and 1" meter. (New \$100 service meter installation fee with approved 2005-2006 budget.)

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 Application site is expected to generate approximately 106.68 annual alarms. Based on 2006 data, the cost per alarm is estimated at \$1,302, which results in a total fiscal impact of \$138.90. In comparison, the projected Fire Rescue Tax Revenue is expected to be \$36,621, based on an estimated property assessment of \$14,036,559. Thus, the Application will generate \$102,276 more in services than the revenue it generates from the Fire Rescue Tax. This will represent a net loss for Miami-Dade County.

Public Schools

According to the review report from the Miami-Dade County School Board, dated August 20, 2007, Application No. 2 will not impact the School District.

Mass Transit

A Trip generation analysis was not performed for this application because of its size as a small-scale amendment.

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APPENDIX F

Proposed Declaration of Restrictions

A draft covenant was proffered for the subject property as of July 27, 2007.

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This instrument was prepared by:
Name: Felix M. Lasarte, Esq.
Address: Holland & Knight, LLP.
701 Brickell Avenue, Suite 3000
Miami, Florida 33131

2007 JUL 17 P 6:03

PLANNING & ZONING
METROPOLITAN PLANNING SECT

(Space reserved for Clerk)

DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned, Blue Lagoon Development, LLC (the "Owners"), hold the fee simple title to that certain parcel of land (hereinafter the "Property") located in Miami-Dade County, which is legally described as follows:

See Exhibit "A"

WHEREAS, the Owners have applied for an Amendment to the Miami-Dade County Comprehensive Development Master Plan that is pending as Application No. 2 in the April 2007 Cycle (the "Application");

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

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

(1) Water Conservation Requirements. In an effort to conserve water, the Owner hereby agrees to develop the Property and construct the proposed dwelling units in

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Section-Township-Range: Section 01 -Township 55 – Range 39
Folio number: 30-5901-000-0070 & 30-5901-000-0120

Application No. 8, April 2006 Cycle

accordance with the recommendations set forth by the Miami-Dade County Advisory Committee on Water Conservation and Alternative Water Supplies, a copy of which is attached to this Declaration as Exhibit "B".

(2) **Site Plan:** At the time of the initial rezoning of all or part of the Property from RU-4A to any other zoning district, the Owners shall proffer a site plan ("Site Plan") for all or part of the Property which complies with developmental restrictions provided herein, together with a recordable declaration of restrictive covenants in legally sufficient form acceptable to the Department requiring that development of the Property shall be substantially in accordance with said Site Plan.

(3) **Permitted Uses.** The uses on the Property shall be limited to those uses permitted under the BU-2 Zoning District per Section 33-253 of the Miami-Dade Code.

(4) **Miscellaneous:**

A. **Covenant Running with the Land.** This Declaration of Restrictions on the part of Owner shall constitute a covenant running with the land and shall be recorded by the Owner, at Owner's expense, in the public records of Miami-Dade County, Florida, and shall remain in full force and effect and be binding upon Owner and their heirs, successors, and assigns until such time as the same is modified or released with the approval of the County. These restrictions, during their lifetime, shall be for the benefit of, and limitation upon, all present and future owners of the Property and for the public welfare.

B. **Term.** This Declaration of Restrictions is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date that this Declaration of Restrictions is recorded, after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the

then owner(s) of the Property has been recorded in the public records agreeing to change the covenant in whole, or in part, provided that the Declaration of Restrictions has first been modified or released by Miami-Dade County.

C. **Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended, or released as to the land herein described, or any portion thereof, by a written instrument executed by the fee simple owner(s) of the Property, provided that the same is also approved by the Board of County Commissioners. Any such modification, amendment or release shall be subject to the provisions governing amendments to Comprehensive Plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation which may, from time to time, govern amendments to comprehensive plans (hereinafter "Chapter 163"). Such modification, amendment or release shall also be subject to the provisions governing amendments to comprehensive plans as set forth in Section 2-116.1 of the Code of Miami-Dade County, or successor regulation governing amendments to the Miami-Dade comprehensive plan. Notwithstanding anything in this paragraph, in the event that the Property is incorporated within a new municipality which amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Code of Miami-Dade County, then modifications, amendments or releases of this Declaration of Restrictions shall be subject to Chapter 163 and the provisions of such ordinances as may be adopted by such successor municipality for the adoption of amendments to its comprehensive plan; or, in the event that the successor municipality does not adopt such ordinances, subject to Chapter 163 and by the provisions for the adoption of zoning district boundary changes. Should this Declaration of Restrictions be so modified, amended or released, the Director of the Planning and Zoning Department or the executive officer of the successor of said Department, or in the absence of such director or executive officer by his/her assistant in

charge of the office in his/her absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

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

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

F. Severability. Invalidation of any one of these covenants by judgment of Court shall not affect any of the other provisions which shall remain in full force and effect.

G. Recording. This Declaration of Restrictions shall be filed of record in the public records of Miami-Dade County, Florida at the cost of Owner's following the adoption of the Application. This Declaration of Restrictions shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration of Restrictions shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration of Restrictions is null and void and of no further effect.

[Execution Pages Follow]

IN WITNESS WHEREOF, we have hereunto set our hands and seal this ____ day of _____, 2007.

WITNESSES:

Blue Lagoon Development, LLC, a Florida
limited liability company

Signature

Print Name

Signature

Print Name

Name: Miguel A. Mouriz
Title: Manager

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

The foregoing instrument was acknowledged before me this ____ day of _____, 2007, by Miguel A. Mouriz, Manager of Blue Lagoon Development, LLC. Who is personally known to me or produced _____ (type of identification) as identification.

NOTARY PUBLIC

(Print, Type or Stamp Commissioned Name of
Notary Public)

My Commission Expires:

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APPENDIX G

Photos of Application Site and Surroundings

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