

<div><h1>Application No. 5</h1><div>Commission District 12    Community Council 5</div></div>
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## APPLICATION SUMMARY

Applicant/Representative:	LOWE'S HOME CENTERS, INC./ Juan J. Mayol, Jr., Esq. and Richard A. Perez, Esq.
Location:	Two parcels located near the northwest corner of theoretical SW 138 Ave and SW 8 Street.
Total Acreage:	Total: 51.7 Gross Acres; 50.6 Net Acres  Parcel A: 21.6 Gross Acres; 20.5 Net Acres Parcel B: 30.1 Gross Acres; 30.1 Net Acres
Current Land Use Plan Map Designation:	Parcel A:    Open Land Parcel B:    Open Land
Requested Land Use Plan Map Designation:	Parcel A:    Business and Office Parcel B:    Institutions, Utilities and Communications  Expand the UBD to include subject property
Other Proposed Amendments	Remove subject site from the Open Subareas Map (Figure 4)  Add Declaration of Restrictions to the Restrictions Table in the Land Use Element
Provisions of Restrictive Covenant:	Prohibit residential use on Parcel A and B Implement water conservation and re-use standards
Amendment Type:	Standard
Existing Zoning/Site Condition:	Zoning: GU (Interim District) Site Condition: Vacant Land

## RECOMMENDATIONS

Staff:	<b>DENY AND DO NOT TRANSMIT</b> (August 25, 2007)
Country Club of Miami Community Council:	<b>ADOPT AND TRANSMIT</b> (September 27, 2007)
Planning Advisory Board (PAB) acting as Local Planning Agency:	<b>ADOPT AND TRANSMIT WITH ACCEPTANCE OF PROFFERED COVENANT</b> (October 15, 2007)
Board of County Commissioners:	<b>TO BE DETERMINED</b> (November 27, 2007)
Final Recommendation of PAB acting as Local Planning Agency:	<b>TO BE DETERMINED</b>
Final Action of Board of County Commissioners:	<b>TO BE DETERMINED</b>

Staff recommends **DENY AND DO NOT TRANSMIT** the proposed standard amendment to redesignate the subject property from “Open Land” to “Business and Office” and “Institutional, Utilities and Communications” on the adopted Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) and to expand the 2015 Urban Development Boundary (UDB) to include the site. The recommendation is based on the staff analysis as summarized in the Principal Reasons for Recommendations below:

### Principal Reasons for Recommendations:

1. This is the third time the Applicant has filed a CDMP amendment application to move the UDB and change the land use designation on Parcel A (for the location of Parcels A and B please review the aerial photograph, the existing land use map, the zoning map or CDMP Land Use Plan map in Appendix A). The previous applications, which were filed during the April 2003 Cycle and the April 2005 Cycle, were denied based on supply and demand issues and environmental factors. Denial without transmittal is recommended since the factors for denial have not changed significantly and since the Application already had the opportunity to undergo a full plan amendment review process during the April 2005 cycle. The applicant did submit a draft declaration of restrictions (covenant) with the Application in which Lowe’s and the Parcel B owner agree not to develop or maintain any residential uses within the property. In addition, for parcel A only, Lowe’s agrees in the covenant to implement water conservation and re-use standards and not to seek building permits for the construction of any buildings prior to the submittal of a building permit for the construction of a home improvement store on Parcel A.

2. The subject property is located outside the 2015 UDB and within the 2025 Urban Expansion Area. According to Policy 8G of the Land Use Element, the need to move the 2015 UDB for non-residential land uses shall be based on the supply of land that is available Countywide within the UDB and in the subareas where the use is proposed. With a supply of 2,588 acres of vacant commercial land available for use Countywide, depletion of land for commercial and office developments is not expected to occur until 2023. Within the Application study area, consisting of Minor Statistical Area (MSA) 3.2 and 6.1, there are 365.3 acres of vacant commercial land, with an average annual absorption rate of 32.09 acres per year. At the projected rate of absorption, the supply of commercial land is not projected to deplete until 2018. Amending the 2015 UDB at this time would be premature based on the fact that over a 16-year supply of vacant commercial land is still available countywide and an 11-year supply is available in the Application study area. Within MSA 3.2, which is where the site is located, there is an 18-year supply of vacant commercial land. Thus, there is no need to redesignate additional property for "Business and Office" at this time.
3. The Application site is located within the boundaries of the West Wellfield Protection Area and the North Trail Wetland Basin. It also contains protected tree resources. Policy 8G states that "Future Wetlands delineated in the Conservation and Land Use Element," which include the North Trail Wetland Basin, **should be avoided** when expanding the UDB. To maintain consistency with the CDMP policies and protect the environmental resources of the Application site, the expansion of the UDB boundary should be avoided, particularly since there is a surplus of commercial land countywide at this time and the need for expansion has not been demonstrated.
4. Due to the environmental resources in and around the Application site, strict development criteria and permitting requirements must be followed. The development criteria include a Miami-Dade Class IV Wetlands Permit and compliance with the North Trail/Bird Drive Everglades Basin Ordinance, which calls for mitigation plans, tree island preservation, and fill encroachment/stormwater management before any work can take place on the property. Mitigation is necessary to compensate for wetland values lost as a result of development. Currently, the mitigation fee from the US Army Corp of Engineers is approximately \$45,000 per acre for land within the UDB. Since the Application site is outside of the UDB, the fee may vary. A Surface Water Management Permit for stormwater management would also be required. In addition, Chapter 24 of the County Code prohibits any non-residential use, which generates, uses, handles, disposes of, discharges or stores hazardous wastes in the wellfield protection area. Any development within the Application site must adhere to all applicable environmental and stormwater regulations and mitigation requirements.

5. The impact of the proposed amendment to most public services, such as water and sewer, appears to be limited. However, the Application will require a 12-inch force main and a new sewer pump station. Miami-Dade Fire Rescue also found that the number of alarms generated by the Application site would severely affect service delivery and response time to the area. Furthermore, the Application site will represent a net loss to the County since it is likely to generate 250.31 alarms, at a cost of \$325,904 in fire rescue related services, and only \$87,647 in Fire Rescue Tax Revenue.
6. The CDMP provides guidelines for Urban Form, which include Activity Nodes. Activity Nodes are defined as intersections of section line roads that are focal points of activity and serve the surrounding neighborhoods. These Activity Nodes consist of nonresidential uses, including public and semi-public uses and their maximum size is typically 40 acres. The CDMP encourages commercial uses to be located within these activity nodes. The Application site is located west of the intersection of two major roadways, SW 137 Avenue and SW 8 Street (Tamiami Trail), which qualifies as a location for an activity node. However, the area on the south side of the intersection of SW 8 Street and SW 137 Avenue has over 30 acres of commercial and office properties, with several strip shopping centers. In addition, the Applicant owns a 16-acre vacant commercial site on the north side of the intersection that is intended to be the site for the proposed Lowe's Home Center. Thus, there are already over 40 acres available for commercial uses in the vicinity of the application site.
7. In order to mitigate the expansion of the UDB, the Applicant recommends that Parcel B be used as a site to benefit the general public. However, the land has not been committed or dedicated to Miami-Dade County or any other public entity. Specifically, the Application calls for the land to be used as a site for a high school, but the covenant that was proffered with the Application does not address this as a condition, nor does the Miami-Dade County Public School Board acknowledge any formal discussion with the Applicant regarding the use of Parcel B as a potential school site. In fact, Policy EDU-2A in the Educational Element of the CDMP states that Miami-Dade County Public Schools shall not purchase sites for schools nor build new schools outside of the UDB. The policy also stipulates that high schools should be at least one mile within the UDB. Furthermore, the environmental issues of the land may be of concern to the School Board, since the cost of wetland mitigation for Parcel B is estimated at \$1.35 million. As such, Parcel B does not appear to be suitable for a high school. Proof that the Miami-Dade County School Board is interested in utilizing Parcel B as a site for a future school is necessary.
8. The proposed CDMP Application seeks to expand an existing 16-acre site by adding 21.6 acres of land that are outside the UDB. The intent is to build a Lowe's Home Center. There are two existing Lowe's Home Centers in Miami-Dade County located on sites that are 13.3 and 14.1 acres, with structures that are 158,642 and 159,439 sq. ft respectively. This analysis of similar



establishments indicates that the existing 16-acre site should be of a sufficient size to support a new Lowe's store with a 159,000 structure without the need to expand the UDB.

9. Parcel A does not have to be redesignated from "Open Land" to "Business and Office" to address stormwater and traffic access issues associated with the existing 16-acre site for a Lowe's Home Center. Stormwater management activities, such as retention ponds, are an allowed use under the "Open Land" category. Thus, Parcel A does not have to be redesignated to "Business and Office" to provide the existing site stormwater retention.
10. Access to the proposed store on the existing 16-acre site will occur from SW 137 Avenue. Also, access is possible from SW 8 Street through Parcel A without having to redesignate Parcel A from "Open Land" to "Business and Office." This would require a new bridge from SW 8 Street that would connect to the southwestern edge of Parcel A and an access road along the southern portion of that Parcel. The access road would have to be designed in a manner that would provide access to the existing store site but would not induce development to occur in areas outside the UDB. For example, the alignment of the access road would occur between the retention pond and the Tamiami Canal, which borders SW 8 Street.
11. According to the traffic analysis conducted by the Miami-Dade County Department of Planning and Zoning, in cooperation with Public Works Department and the Metropolitan Planning Organization, the Application site, if developed to the maximum allowable uses under the "Open Land" designation, would allow up to 10 single-family units and is estimated to generate approximately 13 PM peak-hour trips. In comparison, the proposed Application would generate approximately 1,861 PM additional peak-hour trips if the proposed land use changes are approved and if the site is developed to maximum allowable uses of retail and office space. Approximately 1,463 additional PM peak-hour trips would be generated if the property were developed with commercial retail uses and with a high school. Based on the traffic concurrency analysis, the addition of trips generated by the proposed amendment will cause the section of SW 8 Street from SW 127 Avenue to SW 147 Avenue to violate the adopted LOS "D" standard. In the year 2015, the roadway segment of SW 8 Street between SW 127 Avenue and the HEFT is projected to operate below its adopted LOS E+20%, if the CDMP Application is approved and developed as proposed. By 2015, the following roadway segments will also be further deteriorated by the impact of the Application: NW 25 Street, NW 12 Street, SW 8 Street, SW 40 Street, NW/SW 107 Avenue, NW 117 Avenue, NW/SW 122 Avenue, NW/SW 127 Avenue, NW/SW 132 Avenue, and NW/SW 137 Avenue. In terms of transit service, the Application is projected to produce a minimal increase in the number of transit trips, which would not warrant additional transit services beyond those already planned for the study area.

# PLANNING STAFF ANALYSIS

## Application Site

### Existing Land Use

The Application site consists of two parcels that are located outside the 2015 Urban Development Boundary (UDB) and within the 2025 Expansion Area Boundary, near the northwest corner of SW 8 Street and SW 137 Avenue. The two parcels total approximately 51.7 gross acres and have an existing land use classification of “Vacant Unprotected.” These parcels are best described as undeveloped wooded areas. At this time, there are no existing roadways that provide direct access to the subject site. Currently, the parcels are zoned GU-Interim use. The uses allowed under this designation depend on the character of the neighborhood; otherwise, EU-2 (single-family five acre Estate District) standards apply. (See Appendix A: Map Series.)

### Location of Site

Parcel A of the subject site is bounded on the north by theoretical S.W. 2 Street, on the east by the UDB boundary which runs parallel to S.W. 137 Avenue, on the south by Tamiami Canal (along SW 8 Street), and on the west by S.W. 139 Avenue. Thus, any access to this site from SW 8 Street would require a bridge over the Tamiami Canal. This parcel has approximately 21.6 acres and is owned by the Applicant. (See Appendix A: Map Series.)

Parcel B is bounded by theoretical West Flagler Street to the north, by Parcel A to the east, Tamiami Canal to the south, and theoretical S.W. 142 Avenue to the west. This parcel contains approximately of 30.1 acres. The Applicant does not hold ownership of this parcel at this time, but has provided proof that the owner of the parcel has been notified of the proposed amendment. (See Appendix A: Map Series.)

### Proposed Land Use and Maximum Development Potential

The Applicant is requesting to change the land use designation of Parcel A from “Open Land” to “Business and Office.” This designation allows a variety of uses, including commercial retail, professional offices and residential uses. As can be seen on Table 5-1 below, the maximum development potential for commercial retail space for Parcel A under the “Business and Office” designation would be 357,192 square feet. Since the category allows residential uses, it is also possible to develop the parcel with a maximum of 129 single-family dwelling units. However, the Applicant does not intend to build residential units and has proffered a restrictive covenant stating as such. (See Appendix A: Map Series.)

The proposed amendment calls for the land use of Parcel B to change from “Open Land” to “Institutions, Utilities and Communications.” This designation includes such uses as government centers, hospitals, colleges and universities, schools, regional

water and sewer facilities, solid waste facilities, military installations, power plant and electrical facilities, antenna fields, communication towers, and other public service uses. The intent of the Applicant is to make Parcel B available to Miami-Dade County Public Schools to construct a high school for 2,000 students. However, the Miami-Dade County Public School Board has not expressed formal interest in utilizing this site for a school. If a school were not developed on the parcel, the proposed land use designation would allow a maximum of 655,578 square feet of office space. (See Appendix A: Map Series.)

The table below depicts the various maximum development scenarios that may be possible if the proposed land use designations are approved with or without a covenant prohibiting residential use, and with or without a high school on Parcel B.

Maximum Development Potential For Application 5		
Maximum Development Scenarios	Parcel A Proposed Designation: Business and Office	Parcel B Proposed Designation: Institutions, Utilities and Communications
<u>Scenario 1</u> With Covenant Prohibiting Residential Use	357,192 square feet Commercial Retail*	655,578 square feet Offices*
<u>Scenario 2</u> No Restrictive Covenant Residential Use Allowed on Parcel A	129 single family detached dwelling units**	655,578 square feet Offices*
<u>Scenario 3</u> With High School on Parcel B and Covenant Prohibiting Residential Use	357,192 square feet Commercial Retail*	High School with 2000 students

\* Floor Area Ratio: Business 0.4; Industrial 0.5; and Office 0.5.

\*\* Assumes an RU-3B zoning, which permits four unit apartments on 10,000 square feet lots. Six lots are possible after 25% designation of site for needed roadway.

Source: Miami-Dade County Department of Planning and Zoning, Metropolitan Planning Section, May 2007.

In addition to the above amendments, the Applicant is requesting the expansion of the UDB to include the two parcels and the removal of the subject site from the Tamiami-Bird Canal Basin (Open Land Subarea 3) depicted on Figure 4 of the Open Land Subareas map in the Land Use Element of the CDMP. Acceptance of a Proffered Covenant is also requested.

#### Provisions of Restrictive Covenant

The proposed covenant prohibits residential uses on the entire Application site. The restrictive covenant also requires the implementation of water conservation and re-use

standards. The water conservation and re-use condition calls for installing pipes that can connect to a regional re-use system, connecting to the regional system when it is constructed, and using rain water recapture and the re-use system to irrigate the property.

The restrictive covenant is intended to serve as a form of mitigation for expanding the UDB Boundary. However, it should be noted that the restrictive covenant excludes Parcel B from the water conservation and re-use provision. Furthermore, although the Application calls for Parcel B to be utilized for the “public benefit” either as school or other public facility, the covenant does not dedicate or commit the Parcel B to Miami-Dade County, the Miami-Dade County Public School Board or any other public entity.

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

The site and lands to the north and west of the Application site are outside the UDB and are designated as “Open Land” on the LUP map. These lands consist of vacant undeveloped wooded areas zoned GU-Interim use. Less than one mile to the west of the Application site is the C-4 impoundment basin. The South Florida Water Management District (SFWMD) constructed the impoundment area to help alleviate flooding in this low-lying area of the County.

The areas east and south of the application site are within the UDB. The land immediately east of the Application site, between the UDB and SW 137 Avenue is designated “Business and Office” and is intended to be the future location of the Lowe’s Home Center. This site is zoned GU-Interim use and is currently vacant. The balance of the parcels fronting the western side of SW/NW 137 Avenue is designated “Industrial and Office.” These parcels consist of some vacant land and industrial facilities. The industrial facilities include the Silver Eagle Truck Storage Company, which is zoned Conditional Industrial District (IU-C), and other sites used to store industrial equipment and vehicles, which are zoned Light Industrial Manufacturing District (IU-1). The site is also located within the vicinity of the Rinker Concrete Company facility, just north of NW 12 Street and NW 137 Avenue, and near the Lake Belt Area.

Further east of the Application site is a canal that runs parallel to SW/NW 137 Avenue. Beyond the canal lies a large single-family subdivision called University Park West with homes that are in good condition. This area is primarily designated “Low Density Residential” (2.5 to 6.0 Dwelling Units per gross acre) and zoned RU-1. The development contains a strip of electrical transmission lines that extend north and south of the subdivision. It is also bounded on the west by a sound barrier constructed along the canal that borders SW/NW 137 Avenue. The wall serves as a physical barrier between the residential and the industrial areas. It was constructed to provide a buffer to the residential communities from the traffic noise generated from the newly expanded 6-lane segment of SW/NW 137 Avenue. The segment was expanded north of SW 8 Street to accommodate the traffic flow from the new extension of the Dolphin Expressway (State Road 836 Extension) that terminates on NW 137 Avenue just north of NW 6 Street.

Southwest of the Application site, beyond the Tamiami Canal, the strip of land that fronts SW 8 Street is designated "Business and Office." The strip contains a Chevron gas station and the Tamiami Trail Shops, which includes a Publix, a CVS, a Taco Bell, and other stores. Further west is an L.A. Fitness facility and additional strip shopping centers, some of which have been recently constructed, as well as a U.S. Post Office. South of the commercial strips, the area is designated "Low Density Residential" with an existing classification of "Single Family." The zoning is a mix of zero lot line single family residential homes (RU-1Z), town homes (RU-TH), and a modified single family residential district (RU-Ma). These all appear to be part of different developments. These homes are in good condition.

On the Southeast side of the Application site, the strip along SW 8 Street is also designated "Business and Office." Currently, there is a Walgreens on the intersection of SW 8 Street and SW 137 Avenue, which is zoned BU-1A. The remaining land along the southeastern side of SW 8 Street, known as Tamiami Lakes, is currently classified "Single Family" residential and zoned RU-TH (a Townhouse District which allows 8.5 units per net acre). Further south, the area is designated "Low- Medium Density Residential" (5 to 13 Dwelling Units per gross acre), allowing for a higher density. This area consists of several developments and has a zoning mix of town homes (RU-TH), minimum apartment house (RU-3M 12.9 units per net acre), limited apartment district (RU-4L, 23 units per net acre), and high-density apartments (RU-4, 50 units per net acre). (See Appendix A: Map Series.)

## **Land Use and Zoning History**

This CDMP amendment Application serves as the third attempt to expand the Urban Development Boundary to include Parcel A of the subject property. The first Application was filed as part of the April 2003 Cycle as Application No. 10. The Application consisted of two parcels: Parcel A, which is the same Parcel A being considered under the current Application, and Parcel B, a 16 acre property within the UDB bordering the western side of SW 137 Avenue. The request to expand the UDB and change the land use designation of Parcel A from "Open Land" to "Business and Office" was denied on November 5, 2003. However, the Board of County Commissioners approved the request for Parcel B, which was within the UDB, on May 5, 2004. Parcel B was redesignated from "Industrial and Office" to "Business and Office" for the proposed Lowe's Home Center.

The second CDMP Application was filed as part of the April 2005 Cycle, as Application No. 7. The Application sought to expand the UDB and redesignate the land use of Parcel A from "Open Land" to "Business and Office." At the direction of the Board of County Commissioners, at a hearing on November 30, 2005, the Applicant added an additional 31.1 acres for a school site as a form of mitigation. However, the Application was denied due to the fact that it was outside the UDB and the supply of land available for "Business and Office" development was found to be sufficient until 2025 without having to expand the UDB.

To date, there have been no zoning hearings for the subject site or the adjacent site, which belongs to the Applicant and has been approved for the proposed Lowe's Center.

## Supply and Demand

### Supply and Demand for Commercial Land

For the purpose of the supply and demand analysis, the study area for Application 5 was identified as Minor Statistical Areas (MSA) 3.2 and 6.1. The site is located in MSA 3.2 but borders on MSA 6.1.

The Study Area for Application 5 contained 365.3 acres of vacant land zoned for commercial uses in 2007. In addition, there were 2,099.0 acres of in-use commercial land. The average annual absorption rate projected for the 2003-2025 period is 32.09 acres per year. At the projected rate of absorption, the study area will deplete its supply of commercially zoned and designated land by the year 2018 (See table below). The countywide supply will not be depleted until the year 2023.

To amend the 2015 Urban Development Boundary at this time to enable expansion of urban commercial development appears premature for a site located in the Study Area. The area currently has an 11-year supply of vacant commercial land; while countywide the supply is 16 years at the projected absorption rate. Therefore, no need has been demonstrated.

Projected Absorption of Land for Commercial Uses  
Indicated Year of Depletion and Related Data  
Analysis Area Application 5

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
3.2	313.5	1,586.8	17.60	2025	11.3	11.1
6.1	51.8	512.2	14.49	2011	2.6	2.5
<b>Total</b>	<b>365.3</b>	<b>2,099.0</b>	<b>32.09</b>	<b>2018</b>	<b>6.4</b>	<b>6.3</b>

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

### Supply and Demand for Residential Land

Although the Applicant does not intend to construct residential units and has proffered a restrictive covenant prohibiting residential use, it is important to determine the supply and demand for residential land in the event the covenant is not accepted.

Vacant residential land in the Study Area in 2007 was estimated to have a capacity for approximately 12,219 dwelling units, of which about 78 percent is for multi-family type units. The large volume of multi-family land may be attributed to land use plan changes initiated by the City of Doral. The annual average demand is projected to decrease from 2,650 units per year in the 2007-2010 period to 628 units per year in the 2015-2020 period. An analysis of the residential capacity without differentiating by type of units shows absorption occurring in the year 2011 (See table below). About 77 percent of the projected demand is for single-family type units, and this land is projected to be absorbed by the year 2008. The supply of multi-family land is projected to accommodate demand beyond 2025. The supply of multifamily land is projected to accommodate demand beyond 2025 due to the large number of units on the market and due to low and declining demand.

Residential Land Supply/Demand Analysis  
2007 to 2025: Application 5

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	2,667	9,552	12,219
Demand 2007-2010	1,993	657	2,650
Capacity in 2010	0	7,581	4,269
Demand 2010-2015	1,620	517	2,137
Capacity in 2015	0	4,996	0
Demand 2015-2020	554	74	628
Capacity in 2020	0	4,626	0
Demand 2020-2025	0	0	0
Capacity in 2025	0	4,626	0
<b>DEPLETION YEAR</b>	<b>2008</b>	<b>&gt;2025</b>	<b>2011</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.

Countywide, absorption for all unit types is projected to occur in 2019. For single-family units, the supply is projected to meet demand until 2012 and for multifamily units absorption is expected beyond 2025.

## 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)	+8 feet
Stormwater Management	Surface Water Management Permit Required (See Below)
Drainage Basin	C-4
Federal Flood Zone	AH - 100-year floodplain, constant surface ponding between 1-3 ft.
Hurricane Evacuation Zone	None

**Biological Conditions**

Wetlands Permits Required	YES
Native Wetland Communities	YES (North Trail Wetland Basin)
Tree Resources	YES
Natural Forest Communities	NO
Endangered Species Habitat	NO

**Other Considerations**

Within Wellfield Protection Area	YES
Archaeological/Historical Resources	NO
Within Area of Known Contamination	NO

**Stormwater Management**

Application 5 is located within the C-4 Drainage Basin and the North Trail Wetlands Basin, where 28.6 percent of the total site area shall be set aside as lake, or 33.3 percent of the total site area shall be set aside as dry retention/detention area to satisfy the minimum requirement for flood protection and water management. To develop the site, the Miami-Dade County Department of Environmental Resources Management (DERM) shall require the Applicant to provide a retention/detention system adequately designed to contain on-site the runoff generated by a 5-year storm event. A Surface Water Management Permit, issued by the South Florida Water Management District (SFWMD), is also required for development on this site.

The C-4 impoundment basin is located less than one mile to the west of the Application site. This impoundment area was constructed by SFWMD to help alleviate flooding concerns in this low-lying area of the County.

**Wetlands**

As stated above, the Application site is located within the North Trail Wetland Basin, which is a wetland as defined by Section 24-5 of the Miami-Dade County Code. Therefore, a Class IV Wetland Permit and compliance with the North Trail/Bird Drive Everglades Basin Ordinance will be required before any work can take place on the subject site, including plans for mitigation, tree island preservation and fill encroachment/stormwater management criteria. These criteria require on-site stormwater management and a mitigation contribution to fund off-site mitigation to



compensate for wetland values lost as a result of the proposed projects. In addition, lake slopes in the North Trail Basin are required to be no steeper than 4:1. Additional permits from the US Army Corps of Engineers (ACOE), State of Florida Department of Environmental Protection (DEP), and the South Florida Water Management District (SFWMD) may be required for the proposed projects. It is the responsibility of the applicants to contact these agencies. (See Appendix E for more details on mitigation fees and fiscal impacts.)

### Wellfield Protection Area

Application No. 5 is located within the boundaries of the West 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 generates, uses, handles disposes of, discharges or stores hazardous wastes on property located within the average pumpage wellfield protection area are regulated by the Code.

### Tree Resources

The Application site contains tree resources. Because the properties contain jurisdictional wetlands, however, the tree resources are regulated through a Class IV Wetland Permit. Any tree resources on the site that are not regulated through a Class IV Wetland Permit will require a Miami-Dade County Tree Removal Permit prior to removal or relocation.

## **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

Since the subject site is outside the UDB, any connection to the public water and sewer system is subject to approval of the UDB expansion. To connect to the public water system, the subject site would need to connect to a 30-inch water main located along SW 8 Street and SW 137 Avenue. This would require a new 16-inch water main extension along SW 137 Avenue and a 12-inch water main extension along SW 6 Street to the subject property. The MDWASD water treatment plant servicing this area is the Alexander Orr 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 214.7 million gallons/day (mgd) and a maximum plant production based upon the last 12 months of 198.6 mgd. Based upon these numbers, this treatment plant has 16.1 mgd or 7.5% of treatment plant capacity remaining.

An estimated water demand of 110,708 gallons per day (gpd) for this application was based on a combined development scenario of offices and single-family residences, since this combination of land use produces the highest water demand for the site. Under this development scenario, 129 single family detached dwelling units and 655,578 square feet of offices could be built on the site. The demand of 110,708 gpd would decrease the 16.1 mgd treatment plant capacity to 15.9 mgd or 7.4%; a remaining maximum capacity that meets the LOS standard for water treatment plant facilities.

Development of the Application site with commercial retail and office would generate a demand for water of 101,277 gpd, and development with a high school and commercial retail space would require 105,719 gpd. Both of these scenarios create less of a demand than the office and residential land use scenario and, therefore, these development scenarios would also maintain a water treatment plant capacity above the LOS standard.

### Wastewater Facilities

As was the case with the potable water system, any connection to the public sewer system is subject to approval of the UDB expansion since the subject site is outside the UDB. Should the Application be approved, it is possible for the site to connect to the public sewer system through an existing 24-inch force sewer main at SW 8 Street and SW 137 Avenue. This connection would require a 12-inch force main and a public pump station. Ultimate disposal for sewage flows from this site would be the South District 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 83.0% of the design capacity of the wastewater treatment plant.

Based upon an office and residential development scenario of 655,578 square feet of office and 129 single-family units, it is estimated that the sewage demand for this site will yield 110,708 gpd. These estimated flows will increase the average treatment plant flows to 93.431 mgd and therefore will not exceed the established level of service.

### Water Conservation

Miami-Dade County has developed recommendations for new development that would achieve higher water use savings than currently required by code. The recommendations were developed by an Advisory Committee and were presented to the Board of County Commissioners on June 5, 2007. These Water Conservation recommendations are anticipated to be adopted by Ordinance by the end of 2007. As such, the Applicant should meet with MDWASD to assure that the proposed CDMP Amendment incorporates the new water conservation measures and is in compliance with the policies of the County.

As mentioned previously, the Applicant has proffered a restrictive covenant that provides for water conservation and re-use standards for Parcel A. The covenant indicates that the Applicant will include pipes in all buildings and structures that will permit future connection to any regional wastewater re-use system and will connect to such a system once it is constructed. Furthermore, the Applicant agrees to irrigate Parcel A with a rainwater recapture and re-use system and not utilize the public water supply, except in case of droughts or mechanical failure. However, Parcel B was not included in the covenant provisions.

### **Solid Waste**

Application No. 5 lies outside of the 2015 Urban Development Boundary (UDB), but is within the Department of Solid Waste Management (DSWM) waste service area for garbage and trash collection. The closest DSWM facility serving this site is the Snapper Creek Trash and Recycling Center located at 2900 SW 117 Avenue which is approximately 4 miles southeast 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 estimates that the remaining available solid waste capacity exceeds the five-year LOS standard.

### **Fire Rescue**

The area surrounding the Application sites is currently served by Miami-Dade Fire Rescue Station 61, located at 15155 SW 10 Street, equipped with an ALS Engine and permanently staffed by four firefighters/paramedics. Average travel time to incidents in

the vicinity of the subject site is approximately 5.25 minutes. Travel time for Life Threatening Emergencies is approximately 5.20 minutes and 3.11 minutes for Structure fires. These travel times are within the service response guidelines for emergency medical service and fire calls set by the National Fire Protection Association (NFPA).

The current CDMP designation (Open Land) will allow a potential development, which will generate a total of 2.8 annual alarms. The proposed CDMP designation will allow a proposed potential development, which is anticipated to generate 250.31 annual alarms. This will have a severe impact to existing fire rescue service. Because the Application site is outside of the Urban Development Boundary, an increase in number of alarms will not only affect service delivery but response time to the area. There are no planned stations to mitigate this impact within the next five years (FY 2008 to FY 2012). The Beacon Lakes Fire Rescue Station, which will be located at NW 129 Avenue and NW 17 Street, is not programmed for completion until FY 2013.

The required fire flow for the proposed CDMP amendment is 2,000 gallons per minute (gpm) at 20 psi residual on the system. Each fire hydrant requires delivery of no less than 750 gpm. Since the Application site is outside of the UDB and is not connected to the public water system, it is not possible to determine whether the required level of service standard is met. However, the nearest fire flow evaluation conducted in the vicinity of this application (near SW 8 Street and SW 139 Avenue) had a hydrant flow of 1,632 gpm and an available residual flow at 20 psi, a level that meets the LOS standard.

## Parks

There are six local County parks within a two-mile radius of this application site (See table below). 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 409 persons, thus requiring a total of 1.12 acres. However, if adopted with acceptance of the proffered covenant, Application No. 5 will not generate any residential population and therefore not impact the level of service.

County Park and Recreation Facilities (Local) Within a 2 mile Radius of Application

<b>Name of Park</b>	<b>Park Classification</b>	<b>Acreage</b>
International Gardens Park	Neighborhood Park	5
North Trail Park	Community Park	15
Tamiami Canal Park	Neighborhood Park	2
Tamiami Lakes Park	Neighborhood Park	5
Tamiami Trail Park (North)	Neighborhood Park	2
Tree Island Park	Community Park	120

Source: Park and Recreation Department

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 1.12 acres of parkland

necessary to meet the LOS standard for the application under a residential development scenario.

## **Public Schools**

Due to the non-residential nature of the proposed amendment, Application No. 5 will have no impact on public school enrollment. As has been explained previously, a restrictive covenant submitted with the Application prohibits residential uses within the Application site. Nevertheless, the analysis that follows considers the impact of the Application if the proffered covenant is not accepted and residential use is allowed.

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 table on the following page. 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 without the proffered covenant that prohibits residential uses, may increase the potential student population of the schools serving the application site by an additional 84 students. Approximately 40 of these additional students will attend Marjory Stoneman Douglas Elementary, increasing the FISH utilization from 117% to 122%; 19 students will attend Paul W. Bell Middle, increasing the FISH utilization from 106% to 108%; and 25 students will attend G. Holmes Braddock Senior, increasing the FISH utilization from 105% to 106%. Paul W. Bell Middle School and G. Holmes Braddock Senior will not exceed the 115% FISH design capacity threshold set by the current Interlocal Agreement. Marjory Stoneman Douglas Elementary school will exceed the 115% FISH design capacity and is therefore required to consult with the Miami-Dade County School Board regarding mitigation.

School	2006 Enrollment*		FISH Capacity**	% FISH Utilization	
	Current	With Application		Current	With Application
Marjory Stoneman Douglas Elementary	1,084	1,124	925	117%	122%
Paul W. Bell Middle	1,255	1,274	1,027	106%	108%
G. Holmes Braddock Senior	4,057	4,082	2,943	105%	106%

\*Enrollment as of: October 2006

\*\*FISH Capacity includes the total of Permanent Student Stations and Portable Student Stations

The following table outlines those schools that are currently under construction that will provide relief to the existing schools in and around the service area.

School	Student Stations	Scheduled Opening
Early Childhood Center "ECC-2" (M.S. Douglas and W. Mathews Elementary Schools Relief)	396	2007
State School "UU-1" New Middle School (W. Bell, W.R. Thomas and L.L. Curry Middle Schools Relief)	1,660	2008

No additional relief schools are currently proposed in the 5-year Capital Plan (2006-2010) and the November 2006 Workshop Plan of Miami-Dade County Public Schools.

#### Proposal to Use Application Site for a New School

As was mentioned previously, the intent of the Applicant is to set aside Parcel B as a site to "benefit the public good", which may include a high school. Specifically, the Applicant has suggested utilizing the site to construct a public high school with a capacity of 2,000 students and 268 teachers and staff in order to provide relief for overcrowding at G. Holmes Braddock Senior High School, as well as other high schools in the immediate area, which are above programmed capacity. This would include Ronald Reagan Senior High School, Miami Coral Park Senior High School, and Miami Springs Senior High School. However, the Applicant has not committed or dedicated the land for such a purpose, and the Miami-Dade County Public School Board has not formally acknowledge interest in utilizing this site for a school.

Even though Miami-Dade County needs additional schools to address the problem of overcrowding, the Application site may not be the best location for a high school. Policy EDU-2A of the CDMP states that Miami-Dade County Public Schools shall not purchase sites for schools nor build new schools outside of the UDB. The policy also states that high schools should be at least one mile within the UDB. In addition, the land requires mitigation due to the fact it is located within the North Trail Basin, an area of high quality wetlands. Assuming that 30 acres of the land on Parcel B are utilized to construct a high school facility and several related athletic fields, the estimated mitigation cost for

the site would be approximately \$1.35 million. (See the Public School Section of Appendix E for more details on mitigation fees and fiscal impacts.) Given these factors, the land on Parcel B does not appear to be suitable for a school site. Additionally, prior to the Community Council meeting, Miami-Dade County Public Schools staff will provide an updated analysis regarding school needs in this area. At this time, and based upon the new concurrency methodology for public school facilities, it is unclear whether Parcel B is needed to meet the projected demands for school student stations in this area.

## **Roadways**

The following traffic analysis examines the impact that the subject application would have on the roadways serving the Application site and the roadway network within a Truncated Study Area that extends north to NW 58 Street, east to the Palmetto Expressway (SR 836), south to SW 24/26 Street, and west to Krome Avenue (SR 97).

### **Existing Conditions**

Primary access to the Application site will be from SW 8 Street (SR 90), a six-lane divide arterial from the Homestead Extension of the Florida's Turnpike (HEFT) to SW 147 Avenue. SW 8 Street connects to SW 177 Avenue (SR 997/Krome Avenue), west of the Application site, and the HEFT, east of the Application site. Other east-west expressways and arterials include NW 12 Street, the Dolphin Expressway (SR 836), Flagler Street, and SW 24 Street (Coral Way). Other north-south arterials in the vicinity of the Application site include NW/SW 137 and NW/SW 127 Avenues.

Currently, there is no direct access to the Application site. A bridge over the Tamiami Canal from SW 8 Street will be needed in order to connect the site to the existing roadway network. The bridge would be located on the southwestern edge of Parcel A, and connect to SW 8 Street at or near the intersection of SW 139 Avenue and SW 8 Street. The site will also require an access road that should be aligned and designed in a manner that provides access to the property but would not induce development in areas outside the UDB.

The Existing Traffic Conditions Table on the following page lists the existing operating peak-period levels of service (LOS) for roadways in the Study Area. Current traffic conditions on most major roadways in this area are above the adopted Level of Service Standard (LOS) or better. However, the following roadway segments are exceeding their adopted LOS and operating at LOS F:

- NW/SW 122 Avenue, from NW 6 Street to SW 8 Street
- NW/SW 107 Avenue (SR 985), from SR 836 to West Flagler Street
- NW 58 Street, from NW 87 Avenue to SR 826
- NW 25 Street, from NW 97 Avenue to NW 72 Avenue
- NW 12 Street, from NW 87 Avenue to NW 72 Avenue

Existing Traffic Conditions  
Roadway Lanes and Peak Period Level of Service (LOS)

Roadway	Location/Link	Lanes	LOS Std.*	LOS
NW/SW 177 Ave./Krome Ave. (SR 97)	Okeechobee Road to SW 8 Street	2 UD	C	D (06)
	SW 8 Street to SW 88 Street	2 UD	C	D (06)
NW/SW 137 Avenue	NW 6 Street to SW 8 Street	2 UD	D	C (04)
	SW 8 Street to SW 26 Street	4 DV	D	B (04)
	SW 26 Street to SW 42 Street			
NW/SW 132 Avenue	NW 6 Street to SW 8 Street	2 UD	D	A (04)
NW/SW 127 Avenue	NW 6 Street to SW 8 Street	2 UD	D	D (04)
	SW 8 Street to SW 26 Street	4 DV	D	C (04)
	SW 26 Street to SW 42 Street			
NW/SW 122 Avenue	NW 6 Street to SW 8 Street	2 UD	E	F (04)
	SW 8 Street to SW 26 Street	4 DV	E+20%	E (04)
HEFT (SR 821)	SR 836 to SW 8 Street	8 LA	D	D (06)
	SW 8 Street to SW 40 Street	6 LA	D	D (06)
NW/SW 107 Avenue	NW 58 Street to NW 41 Street	4 DV	D	B (04)
	NW 41 Street to NW 25 Street	4 DV	D	A (04)
	NW 25 Street to NW 12 Street	6 DV	D	B (04)
	NW 12 Street to SR 836	6 DV	D	B (04)
NW/SW 107 Avenue (SR 985)	SR 836 to W Flagler Street	6 DV	E	F (06)
	W. Flagler Street to SW 8 Street	4DV	E	D (06)
	SW 8 Street to SW 24 Street	6 DV	E	C (06)
	SW 24 Street to SW 40 Street	4 DV	E	C (06)
NW 97 Avenue	NW 25 Street to NW 12 Street	4 DV	D	B (04)
NW/SW 87 Avenue	NW 58 Street to NW 41 Street	6 DV	D	A (04)
	NW 41 Street to NW 25 Street	6 DV	E+20%	B (04)
	NW 25 Street to NW 12 Street	6 DV	D	B (04)
NW/SW 87 Avenue (SR 973)	SR 836 to W Flagler Street	6 DV	E	D (06)
	W Flagler Street to SW 8 Street	4 DV	E	D (06)
	SW 8 Street to SW 24 Street	4 DV	E	D (04)
	SW 24 Street to SW 40 Street	4 DV	E	D (04)
NW 58 Street	NW 117 Avenue to NW 107 Avenue	4 DV	D	A (04)
	NW 102 Avenue to NW 97 Avenue	4 DV	D	A (04)
	NW 97 Avenue to NW 87 Avenue	4 DV	D	A (04)
	NW 87 Avenue to SR 826	4 DV	D	F (04)
NW 36 / 41 Street (Doral Blvd.)	SR 821 (HEFT) to NW 107 Avenue	6 DV	D	A (04)
	NW 107 Avenue to NW 97 Avenue	6 DV	D	B (04)
	NW 97 Avenue to NW 87 Avenue	6 DV	E+20%	A (04)
	NW 87 Avenue to SR 826	6 DV	E+20%	D (04)
NW 25 Street	NW 117 Avenue to NW 107 Avenue	4DV	D	B (04)
	NW 107 Avenue to NW 97 Avenue	4 DV	D	D (04)
	NW 97 Avenue to NW 87 Avenue	4DV	D	F (04)
	NW 87 Avenue to NW 72 Avenue	4 DV	D	F (04)
NW 12 Street	NW 127 Ave. to NW 117 Ave.	4 DV	D	B (04)
	NW 117 Avenue to NW 112 Avenue	6 DV	D	D (04)
	NW 112 Avenue to NW 107 Avenue	6 DV	D	D (04)
	NW 107 Avenue to NW 87 Avenue	4 DV	D	D (06)
	NW 87 Avenue to NW 72 Avenue	4 DV	D	F (04)



Existing Traffic Conditions  
Roadway Lanes and Peak Period Level of Service (LOS)

Roadway	Location/Link	Lanes	LOS Std.*	LOS
Dolphin Expressway (SR 836)	SR 821 (HEFT) to NW 107 Avenue	6 LA	D	C (06)
	NW 107 Avenue to NW 87 Avenue	6 LA	D	C (06)
	NW 87 Avenue to SR 826	6 LA	D	D (06)
West Flagler Street	W 118 Avenue to W 114 Avenue	4 DV	E+20%	A (04)
	W 114 Avenue to W 107 Avenue	6 DV	E+20%	B (04)
	W 107 Avenue to W 97 Avenue	6 DV	E+20%	C (04)
West Flagler Street (SR 968)	W 97 Avenue to W 87 Avenue	6 DV	E+20%	D (04)
	W 87 Avenue to W 79 Avenue	6 DV	E+20%	C (06)
	W 79 Avenue to SR 826	6 DV	E+20%	E (06)
SW 8 Street (SR 90)	SW 177 Avenue to SW 147 Avenue	4 DV	C	B (06)
	SW 147 Avenue to SW 127 Avenue	6 DV	D	D (06)
	SW 127 Avenue to SR 821 (HEFT)	6 DV	E	E (06)
	SR 821 (HEFT) to SW 107 Avenue	6 DV	D	C (06)
	SW 107 Avenue to SW 87 Avenue	8 DV	E+20%	C (06)
	SW 87 Avenue to SR 826	6 DV	E+20%	C (06)
SW 26 Street	SW 147 Avenue to SW 137 Avenue	4 DV	E+20%	C (04)
	SW 137 Avenue to SW 127 Avenue	4 DV	E+20%	B (04)
	SW 127 Avenue to SW 117 Avenue	4 DV	E+20%	B (04)
	SW 117 Avenue to SW 107 Avenue	4 DV	E+20%	C (04)
	SW 107 Avenue to SW 97 Avenue	6 DV	E+20%	B (04)
	SW 87 Avenue to SR 826	6 DV	E+20%	B (04)
SW 42 Street	SW 157 Avenue to SW 147 Avenue	4 DV	D	A (04)
	SW 147 Avenue to SW 137 Avenue	4 DV	E+20%	B (04)
	SW 137 Avenue to SW 127 Avenue	4 DV	E+20%	A (04)
	SW 127 Avenue to HEFT	4 DV	E+20%	E+10% (04)
SW 40 Street (SR 976)	HEFT to SW 107 Avenue	6 DV	E+20%	C (06)
	SW 107 Avenue to SW 97 Avenue	6 DV	E+20%	D (06)
	SW 97 Avenue to SW 87 Avenue	6 DV	E+20%	D (06)
	SW 87 Avenue to SR 826	6 DV	E+20%	E+15% (06)

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

Notes: () in LOS column identifies year traffic count was taken or LOS traffic analysis updated

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

\* Adopted minimum acceptable peak-period Level of Service Standard for roadway

E+20% means 120% of roadway capacity (LOS E), 20 minutes transit headway.

The segments of NW/SW 177 Avenue (Krome Avenue), from Okeechobee Road to SW 8 Street and between SW 8 Street and SW 88 Street, are currently operating at LOS D, below the adopted LOS C standard. All other expressways and arterials that are currently monitored show acceptable peak period LOS conditions.

### Traffic Concurrency Evaluation

A recent evaluation of peak-period traffic concurrency conditions as of July 24, 2007, which considered reserved trips from approved development not yet constructed, programmed roadway capacity improvements, and the application's traffic impacts, indicates that the segment of SW 8 Street between SW 127 and SW 147 Avenues is expected to operate at LOS F, with the proposed amendment, in violation of the adopted LOS D standard. The other roadways in the vicinity of the Application site were determined to operate at or below the adopted LOS standards. See Table below.

Traffic Impact Analysis on Roadways Serving and in the Vicinity of the Application Site  
Roadway Lanes, Existing and Concurrency Peak Period Operating Level of Service (LOS)

Roadway	Location/Link	Number Lanes	Adopted LOS Std. <sup>1</sup>	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.
<b>Scenario 1: COMMERCIAL AND OFFICE USE</b>										
SW 137 Avenue	NW 6 Street to SW 8 Street	6 DV	D	2,190	584	C	601	81	1,266	C (04)
SW 137 Avenue	SW 8 Street to SW 26 Street	4 DV	E+20%	3,700	1,819	B	8	578	2,405	B (04)
SW 177 Avenue	Okeechobee Road to SW 8 Street	2 UD	C	1,310	1,546	D	0	7	1,348	D (06)
SW 177 Avenue	SW 8 Street to Kendall Drive	2 UD	C	1,310	1,481	D	0	18	1,499	D (06)
HEFT	SR 836 to SW 8 Street	8 LA	D	13,420	11,476	D	1,173	35	12,684	D (06)
HEFT	SW 8 Street to SW 40 Street	6 LA	D	10,050	9,202	D	57	292	9,551	D (06)
SW 8 Street	SW 127 Avenue to SW 147 Avenue	6 DV	D	4,680	3,979	D	1,021	1,190	6,190	F (06)
SW 8 Street	SW 147 Avenue to SW 177 Avenue	4 DV	C	3,300	1,061	B	31	25	1,117	B (06)
<b>Scenario 2: RESIDENTIAL AND OFFICE USE</b>										
SW 137 Avenue	NW 6 Street to SW 8 Street	6 DV	D	2,190	584	C	601	41	1,226	C (04)
SW 137 Avenue	SW 8 Street to SW 26 Street	4 DV	E+20%	3,700	1,819	B	8	293	2,120	B (04)
SW 177 Avenue	Okeechobee Road to SW 8 Street	2 UD	C	1,310	1,546	D	0	4	1,345	D (06)
SW 177 Avenue	SW 8 Street to Kendall Drive	2 UD	C	1,310	1,481	D	0	9	1,490	D (06)
HEFT	SR 836 to SW 8 Street	8 LA	D	13,420	11,476	D	1,173	17	12,666	D (06)
HEFT	SW 8 Street to SW 40 Street	6 LA	D	10,050	9,202	D	57	147	9,406	D (06)
SW 8 Street	SW 127 Avenue to SW 147 Avenue	6 DV	D	4,680	3,979	D	1,021	601	5,601	F (06)
SW 8 Street	SW 177 Avenue to SW 147 Avenue	4 DV	C	3,300	1,061	B	31	13	1,105	B (06)
<b>Scenario 3: COMMERCIAL AND SCHOOL USE</b>										
SW 137 Avenue	NW 6 Street to SW 8 Street	6 DV	D	2,190	584	C	601	68	1,253	C (04)
SW 137 Avenue	SW 8 Street to SW 26 Street	4 DV	E+20%	3,700	1,819	B	8	487	2,314	B (04)
SW 177 Avenue	Okeechobee Road to SW 8 Street	2 UD	C	1,310	1,546	D	0	6	1,347	D (06)
SW 177 Avenue	SW 8 Street to Kendall Drive	2 UD	C	1,310	1,481	D	0	15	1,496	D (06)
HEFT	SR 836 to SW 8 Street	8 LA	D	13,420	11,476	D	1,173	29	12,678	D (06)
HEFT	SW 8 Street to SW 40 Street	6 LA	D	10,050	9,202	D	57	246	9,505	D (06)
SW 8 Street	SW 127 Avenue to SW 147 Avenue	6 DV	D	4,680	3,979	D	1,021	1,001	6,001	F (06)
SW 8 Street	SW 177 Avenue to SW 147 Avenue	4 DV	C	3,300	1,061	B	31	21	1,113	B (06)

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

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

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

( ) Year traffic count was updated or LOS Revised

## Future Conditions

The following table lists the capacity improvements programmed for construction within the Truncated Study Area for Fiscal Years 2007/2008 – 2011/2012. Various significant projects are already under construction, including: the widening and new construction of NW/SW 137 Avenue to six lanes, from NW 12 Street to SW 8 Street

Programmed Roadway Capacity Improvements Fiscal Years 2007/2008 – 2011/2012				
Roadway	From	To	Type of Improvement	Fiscal Year
NW 33 Street	NW 104 Avenue	NW 102 Avenue	Widen 2 to 4 lanes	UC
NW 25 Street Viaduct	SR 826	NW 68 Avenue	New road construction	2007 – 2008
NW 25 Street	NW 127 Avenue	NW 117 Avenue	New construction: 4 lanes	UC
NW 25 Street	NW 137 Avenue	NW 132 Place	Widen 2 of 4 lanes	UC
NW 25 Street	NW 132 Place	NW 127 Avenue	Widen 2 of 4 lanes	UC
NW 17 Street	NW 137 Avenue	NW 132 Avenue	2 lanes and ½ of turn lane	Private Sector
NW 17 Street	NW 132 Place	NW 127 Avenue	2 lanes and ½ of turn lane	UC
Dolphin Expressway (SR 836)	SR 836/ SR 826 Interchange	NW 42 Avenue	Construction of additional Eastbound auxiliary lane	2010-2011
SR 826/SR 836			Interchange reconstruction	2010-2011
Krome Ave. (SR 997)	MP 10.984	MP 3.478	Add lanes and reconstruct (widen 2 to 4 lanes)	2009 – 2010
Krome Ave. (SR 887)	MP 3.478	350' N of SW 8 Street	Add lanes and reconstruct (widen 2 to 4 lanes)	2009 – 2010
SW 157 Avenue	SW 42 Street	SW 8 Street	Additional 2 lanes (2 to 4)	2011 – 2012
SW 147 Avenue	SW 22 Street	SW 152 Street	New construction: 2 lanes (West side)	Private Sector
SW 147 Avenue	SW 10 Street	SW 8 Street	New 2 lanes	Private Sector
SW 147 Avenue	SW 8 Street	600 ft. south	Widen 2 to 4 lanes	Private Sector
W 137 Avenue	NW 12 Street	SW 8 Street	New construction: 6 lanes	UC
NW 132 Place	NW 25 Street	NW 17 Street	2 lanes and ½ of turn lane (East side)	UC
NW 132 Place	NW 25 Street	NW 17 Street	2 lanes and ½ of turn lane (West side)	UC
NW 127 Avenue	NW 25 Street	NW 12 Street	New 4-lane road	UC
NW 127 Avenue	NW 12 Street	SW 8 Street	New construction: 4 lanes	Private Sector
SW 117 Avenue	SW 40 Street	SW 8 Street	Widen 2 to 4 lanes	2011 – 2012
NW 97 Avenue	Bridge over SR 836		New 4-lane bridge and approaches	UC
SR 826	SW 2 Street	SW 16 Street	Add lanes and reconstruct (widen 8 to 10 lanes)	UC
SR 826	SW 16 Street	SW 32 Street	Add lanes and reconstruct (widen 8 to 10 lanes)	UC

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

Notes: UC means Under Construction

Private Sector: Project to be constructed by a developer to help mitigate the traffic impact of a specific development project. The construction of improvements are normally linked to specific dates, but instead are usually dependent upon the construction schedule of a specific development project, which can vary considerably according to the market and other conditions.

A number of additional roadway improvements are planned within the Truncated Study Area by the year 2015, as indicated in Table 5-4 below. These are Priority I and II projects with construction planned between 2007 and 2015.

Planned Roadway Capacity Improvements Year 2015 Planned Roadway Improvements				
Roadway	From	To	Type of Improvement	Priority
NW 25 Street	NW 87 Avenue	SR 826	Add 1 lane and reconstruct (Widen 5 to 6 lanes)	I
SR 836/SR 826 Interchange			Interchange improvement	I
Dolphin Expressway (SR 836)	HEFT	SR 826/SR 836 interchange	New 4-lane divided express lanes in median of SR 836	I
SR 836 WB to HEFT SB Connection	HEFT	NW 107 Avenue	Reconstruction of existing SR 836 WB to HEFT SB connection to provide an additional lane	I
SW 26 Street	SW 149 Avenue	SW 147 Avenue	Widen 2 to 4 lanes	I
Krome Ave. (SR 997)	US 27 (SR 25)	SW 88 Street	Access Mgt. / Safety / Trail	I
SW 142 Avenue	SW 8 Street	SW 42 Street	New 2 lane road	I
NW 137 Avenue	NW 17 Street	NW 12 Street	New 4-lane road	I
SW 137 Avenue	SW 8 Street	SW 26 Street	Widen 4 to 6 lanes	I
NW 127 Avenue	NW 12 Street	SW 8 Street	Widen to 4 lanes	I
NW 122 Avenue	NW 41 Street	NW 25 Street	New 2-lane road	I
HEFT	At SW 8 Street		Interchange Modification	I
SW 97 Avenue	NW 41 Street	NW 25 Street	Widen 2 to 4 lanes	I
SW 82 Avenue	SW 8 Street	SW 7 Street	Bridge over Tamiami Canal	I
SR 826	NW 47 Street	NW 25 Street	Add lanes and reconstruct (Widen 8 to 10)	I
Krome Avenue	SW 8 Street	SW 136 Street	Widen 2 to 4 lanes	II
SW 117 Avenue	SW 8 Street	SW 40 Street	Widen 2 to 4 lanes	II
SW 107 Avenue	W Flagler Street	SW 8 Street	Widen 4 to 6 lanes	II
NW 87 Avenue	NW 58 Street	NW 36 Street	Widen 4 to 6 lanes	II
NW 82 Avenue	NW 12 Street	NW 8 Street	New 4-lane road	II

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

Notes: Priority I – Project improvements to be funded by 2009

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

The following table shows the roadway segments within the study area and in the vicinity of the Application site that are projected to violate the adopted LOS standard in the year 2015, with and without the Application's impacts. The table provides the various development scenarios that are possible under the proposed amendment.

2015 Roadway Levels-of-Service (LOS)  
Volume to Capacity (V/C) Ratios

Roadway	Segment	Base Scenario	Scenario 1	Scenario 2	Scenario 3
NW 25 Street	NW 107 Ave. to NW 112 Ave.	0.99	1.44	0.96	0.98
	NW 122 Ave. to NW 127 Ave.	1.08	1.08	1.08	1.07
NW 12 Street	HEFT to NW 127 Avenue	0.67 – 1.01	0.89 – 0.98	0.92 – 1.01	0.99
SR 836 & Ext.	SR 826 to NW 87 Avenue	1.10	1.18	1.20	1.07
	NW 87 Ave. to NW 107 Ave.	1.10	1.18	1.20	1.07
	NW 107 Avenue to HEFT	0.92	1.18	1.20	1.07
SW 8 St. / Tamiami Trail	HEFT to SW 127 Avenue	1.01 – 1.21	1.08 – 1.36	1.07 – 1.36	1.03 – 1.22
SW 40 Street	HEFT to SW 127 Avenue	1.27 – 1.33	1.32 – 1.37	1.26 – 1.31	1.26 – 1.31
SR 826	SR 836 to W Flagler Street	1.18	1.21	1.22	1.18
	W Flagler St. to SW 8 Street	1.38	1.14	1.13	1.23
	SW 8 Street to SW 24 Street	1.19	1.09	1.07	1.19
	SW 24 St. to SW 40 Street	1.09	1.16	1.15	1.11
NW/SW 107 Ave.	Doral Blvd to NW 25 Street	1.12 – 1.39	1.19 – 1.46	1.15 – 1.41	1.11 – 1.39
	NW 25 Street to SR 836	1.01 – 1.40	1.03 – 1.44	1.05 – 1.48	1.01 – 1.40
HEFT	SR 836 to SW 8 Street	1.21	1.32	1.32	1.21
	SW 8 Street to SW 24 Street	1.22	1.22	1.24	1.22
	SW 24 Street to SW 40 Street	1.14	1.15	1.16	1.15
NW/SW 122 Ave.	NW 41 Street to NW 25 St.	1.24	1.25	1.14	1.10
	W Flagler St. to SW 8 Street	1.19 – 1.60	1.36 – 1.58	1.34 – 1.54	1.20 – 1.61
	SW 8 Street to SW 26 St.	0.85 – 1.22	1.02 – 1.40	1.02 – 1.40	0.85 – 1.23
	SW 26 Street to SW 42 St.	1.07 – 1.22	1.35 – 1.51	1.32 – 1.47	1.11 – 1.26
NW/SW 127 Ave.	NW 12 Street to SW 8 St.	1.08 – 1.48	1 – 1.44	1.07 – 1.44	1.04 – 1.38
	SW 8 Street to SW 26 St.	0.88 – 0.98	0.91 – 1.03	0.9 – 1.04	0.89 – 1.01
	SW 26 Street to SW 42 St.	1.26 – 1.32	1.22 – 1.32	1.22 – 1.33	1.27 – 1.30
NW/SW 132 Ave.	NW 12 Street to SW 8 St.	1.12 – 1.31	1.07 – 1.45	1.4 – 1.56	1.17 – 1.36
NW/SW 137 Ave.	SR 836 to SW 8 Street	1.38 – 1.44	1.29 – 1.35	1.26 – 1.32	1.41 – 1.48
	SW 8 Street to SW 26 St.	0.92 – 1.12	0.84 – 1.08	0.83 – 1.05	0.91 – 1.12
	SW 26 Street to SW 42 St.	1.10	1.01	1.01	1.07
SW 157 Avenue	SW 8 Street to SW 26 St.	1.00	1.05	1.03	1.03
	SW 26 Street to SW 42 St.	0.91	0.96	0.94	0.93

Source: Gannett Fleming, Inc., July 2007; Metropolitan Planning Organization for the Miami Urbanized Area, July 2007.

Notes: Base Scenario considers current CDMP designation (Open Land).

Scenario 1 considers application site developed with 357,192 sq. ft. retail commercial and 655,578 sq. ft. office use under the requested land use designation (Business and Office and Institutions, Utilities and Communications).

Scenario 2 assumes application site developed with 655,578 sq. ft. office use and 129 single-family detached dwelling units.

Scenario 3 assumes application site developed with 357,192 sq. ft. retail commercial and a 30-acre high school.

Although all of the roadways listed in the table above will be in violation of the adopted LOS standards by 2015, the following segments will be further deteriorated by the impact of at least one of the potential development scenarios:

- NW 25 Street from NW 107 Avenue to NW 112 Avenue
- SW 8 Street/Tamiami Trail from the HEFT to SW 127 Avenue
- SW 40 Street from HEFT SW 127 Avenue
- NW 107 Avenue from NW 41 Street to SR 836
- NW/SW 122 Avenue from SW 8 Street to SW 26 Street and from SW 26 Street to SW 42 Street
- NW/SW 132 Avenue from NW 12 Street to SW 8 Street

### Application Impact

The table below identifies the estimated number of PM peak-hour trips estimated to be generated by the proposed amendment and compares the various development scenarios that are possible. The Application site would generate 13 PM peak-hour trips if the subject property were developed with 10 single-family units under the current Open Land designation. In comparison, the Application site would generate approximately 1,861 more PM peak-hour trips if the proposed land use changes were approved and the site developed with retail and office uses; and 1,463 more PM peak-hour trips if the property were developed with retail uses and a high school. All potential development scenarios are projected to substantially increase the estimated number of PM peak-hour trips compared to what is currently possible under the existing land use designation.

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
5 (Scenario 1)	Open Land (Residential use only) - (10 Single Family detached) 13	Business and Office - (357,192 sq. ft., Retail); and Institutions, Utilities and Communications - (655,578 sq. ft., Offices) 1,874	+1,861
5 (Scenario 2)	Open Land (Residential use only) - (10 Single Family detached) 13	Business and Office (Residential use only) - (129 Single Family detached); and Institutions, Utilities and Communications (655,578 sq. ft., Offices) 948	+935
5 (Scenario 3)	Open Land (Residential use only) - (10 Single Family detached) 13	Business and Office (357,192 sq. ft., Retail); and Institutions, Utilities and Communications - (30 acre, High School) 1,476	+1,463

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

Notes: <sup>1</sup> Includes pass-by trips adjustment factor, ITE Trip Generation, 7<sup>th</sup> Edition, 2003.

Scenario 1 assumes application site developed with 357,192 sq. ft. retail commercial and 655,578 sq. ft. office uses under the requested land use designation.

Scenario 2 assumes application site developed with 655,578 sq. ft. of office use and 129 single-family detached dwelling units.

Scenario 3 assumes application site developed with 357,192 sq. ft. retail commercial use and a 30-acre high school.

Most of the roadway sections in the immediate vicinity of the Application site are currently operating at acceptable levels of service, except the following roadways:

NW/SW 177 Avenue (Krome), NW/SW 122 Avenue, NW/SW 107 Avenue, NW 25 Street, and NW 12 Street. The traffic concurrency analysis indicates that the addition of trips generated by the proposed Application will significantly impact the level of service of the section of SW 8 Street from SW 127 Avenue to SW 147 Avenue. In the year 2015, the roadway segment of SW 8 Street between SW 127 Avenue and the HEFT is projected to operate below its adopted LOS E+20%, if the CDMP Application is approved and developed as proposed.

By 2015, the following roadway segments will be further deteriorated by the impact of the Application: NW 25 Street, NW 12 Street, SW 8 Street, SW 40 Street, NW/SW 107 Avenue, NW 117 Avenue, NW/SW 122 Avenue, NW/SW 127 Avenue, NW/SW 132 Avenue, and NW/SW 137 Avenue.

## Transit Service

### Existing Service

Currently, there is no transit route servicing the application site directly. The nearest transit routes to the Application site are Metrobus Routes 137 and 147, which are both within ¼ mile from the subject properties. The table below shows the routes and respective headways in tabular form.

Metrobus Route Service						
Route	Peak	Headways (in minutes)			Stop Locations	Type of Service
		Off-Peak	Sat	Sun		
137	30	30	40	40	SW 137 Ave and SW 8 St	L
147	30	60	<b>N/A</b>	N/A	SW 8 St and SW 142 Ave SW 142 Ave and SW 8 St SW 8 St and SW 137 Ave	L

L: Local Route

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

### Future Conditions

According to the 2006 Transit Development Program (TDP), Route 137 will be improved to reduce weekday peak headway time from 30 to 15 minutes. Route 147 will also be improved to reduce weekday peak headway time from 30 to 15 minutes and midday headway from 60 to 30 minutes. In addition, Route 8 will extend service westward to 149 Avenue with a peak headway of 30 minutes.

Other major transit projects planned within the vicinity of the application site include the West Kendall Crosstown Route. This route would operate daily from the West Dade Bus Terminal to Coral Reef Drive and SW 137 Avenue. Though the location of the West Dade Bus Terminal has not been determined, plans indicate that it will be located near

the Application site. In addition to the bus route, a proposed rail extension is planned for west Miami-Dade County from the future Miami Intermodal Center to approximately SW 137 Avenue and SW 8 Street. This project is being studied by Miami-Dade Transit, as part of the People's Transportation Plan Rapid Transit Improvements. It consists of a 10.1 to 13 mile corridor along SR 836.

### Application Impact

A Trip generation analysis was performed in the Traffic Analysis Zone (TAZ) number 836, where the application is requested. If approved, this application will produce a minimal increase in the number of transit trips, which would not warrant additional changes beyond those already planned for the area.

### **Other Planning Considerations**

#### Development Needs of Applicant

An analysis conducted by the Planning and Zoning Department in 2003 to determine the acreage usually needed for the type of establishment being proposed by the Applicant revealed that a 10 to 15 acre site was generally sufficient for a store with 135,000 sq. ft. of retail space. This was based on a sample of four Home Depot locations in Miami-Dade County. The existing Lowe's site, which was approved in 2004 for Business and Office, consists of 16 acres.

A more recent analysis conducted by the Planning and Zoning Department in July 2007 of Lowe's Home Centers establishments revealed that Lowe's has been opening 117,000-square-foot (sq. ft.) stores in the nation's larger metro markets and 94,000-square-foot stores in the nation's small to mid-sized markets since 2006. Currently, Lowe's has 96 stores in Florida, with the newest store scheduled to open in 2008 in Ensley, Florida. This store consists of 117,000 sq. ft. of retail sales space, with an additional 31,600 sq. ft. garden center for flowers, bushes, trees and garden supplies. There are two Lowe's Home Centers in Miami-Dade County. One store is located on a 13.3 acre site at 1650 West 37 Street in Hialeah, with a 159,439 sq. ft. structure. The second store consists of a 158,642 sq. ft. structure located on a 14.1 acre site at 17460 NW 57 Avenue.

The analysis of similar establishments appears to indicate that the existing 16-acre site, which belongs to the Applicant, should be of a sufficient size to support a new Lowe's store with a structure that ranges in size from 117,000 to 159,000 sq. ft. without the need to expand the UDB.

### Activity Nodes

Guidelines of Urban Form in the CDMP state that "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.” The maximum size of these nodes is typically 40 acres to serve the surrounding neighborhoods. The Application site is located west of the intersection of two major roadways, SW 137 Avenue and SW 8 Street (Tamiami Trail), which qualifies as a location for an activity node. Currently, on the south side of the intersection of SW 8 Street and SW 137 Avenue, there are over 30 acres of developed or developing commercial and office properties, which include a Publix Supermarket, two pharmacies (Walgreens and Eckerd), a bank, gas stations and numerous stores in several strip shopping centers between the Felix Varela Post Office at 14310 SW 8 Street and SW 199 Avenue, and a neighborhood shopping center, Tamiami Shops, in the SW quadrant of SW 137 Avenue and SW 8 Avenue. In addition, the Applicant owns a 16-acre vacant commercial site on the north side of intersection, as a result of application No. 10 from the April 2003 CDMP amendment cycle, that is intended to be the site for the proposed Lowe’s Home Center. Thus, over 40 acres in the vicinity of the application site are already available for commercial uses.

#### Other CDMP Amendments in Study Area

The analysis given throughout this report addresses the impact of the proposed CDMP amendment without taking into account other amendments that are being considered for approval due to the fact that each application must be considered on its own merit. Nevertheless, it is important to be aware that Application No. 3, which is also being submitted along with Application 5 as part of the April 2007 Amendment Cycle, is proposing the creation of a Regional Activity Center (RAC) within less than three miles of the Application site. The Amendment proposes to redesignate 59.9 acres from “Industrial and Office and Business and Office” to “Business and Office.” The intent is to construct 1,050 residential units, 430 hotel rooms, 799,900 sq. ft. of retail space, and 225,000 sq. ft. of office space. The approval of this application would have a substantial impact on the residential and commercial supply of the area.

Furthermore, it should be noted that the Beacon Lakes Development of Regional Impact (DRI), which is also less than 3 miles from the Application site, has filed a Notice of Proposed Change (NOPC) requesting to increase its commercial space from 75,000 sq. ft. to 495,000 sq. ft. and its office space from 150,000 sq. ft. to 175,000 sq. ft. The NOPC also calls for the reduction of industrial/warehouse space from 6.6 million sq. ft. to 5.3 million sq. ft. If approved, the proposed changes to the Beacon Lakes DRI will have a substantial impact on the commercial supply of the study area.

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

The following CDMP Goals, Objectives, Policies, and Concepts will be furthered should the Application be adopted:

- LU-8F: The UDB should contain residential capacity for 10 years after (EAR) plus 5-year surplus.
- LU-8G: When considering land areas to add to the UDB
  - (iii): The following shall be given priority for inclusion, subject to conformance with Policy LU-8F...
    - (a) Land contiguous to the UDB
    - (b) Locations having projected surplus service capacity where necessary facilities can be readily extended

The following CDMP Goals, Objectives, Policies, and Concepts will be impeded should the Application be adopted:

- LU-3B: Natural resources and systems protected from incompatible land use.
- LU-4C: Neighborhoods protected from disruption or degradation.
- LU-8A: Accommodate residential development in suitable locations and densities
- LU-8D: The maintenance of internal consistency among all Elements of the CDMP...unless facilities necessary to serve the area are included in the plan.
- LU-8E: Amendments to the CDMP
  - (i): Satisfies deficiency in Plan map to accommodate projected population or economic growth
  - (ii): Evaluated if affects LOS;...
- LU-8F: Adequacy of non-residential land supplies shall be determined on the basis of land supplies in subareas...as well as the Countywide supply within the UDB.
- LU-8G: When considering land areas to add to the UDB the following
  - (ii): Shall be avoided
    - (a) Future Wetlands delineated in the Conservation and Land Use Element
- LU-10A: Redirect higher density towards activity centers.
- EDU-2A: Miami-Dade County Public Schools...shall not purchase sites for schools nor build new schools outside of the UDB...and...new senior high schools should be located at least one mile inside the UDB
- TC-1A: Minimum Traffic LOS standard for roadways
- CIE-1: CIE maintain adopted level of service standards
- CIE-3: Land use decisions will not degrade adopted LOS

CIE-3C: Contains the Potable Water, Sewer, Solid Waste, Traffic Circulation, Mass Transit, Park and Recreation, Drainage Levels of Service as proscribed in the individual elements

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# APPENDICES

Appendix A Map Series

Appendix B Amendment Application

Appendix C Miami-Dade County Public Schools Analysis

Appendix D Fiscal Impact Analysis

Appendix E Proposed Declaration of Restrictions

Appendix F Photos of Application Site and Surroundings

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# **APPENDIX A**

## **Map Series**

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AERIAL PHOTO: APPLICATION NO. 5



2007 AERIAL



APPLICATION AREA



URBAN DEVELOPMENT BOUNDARY (UDB)

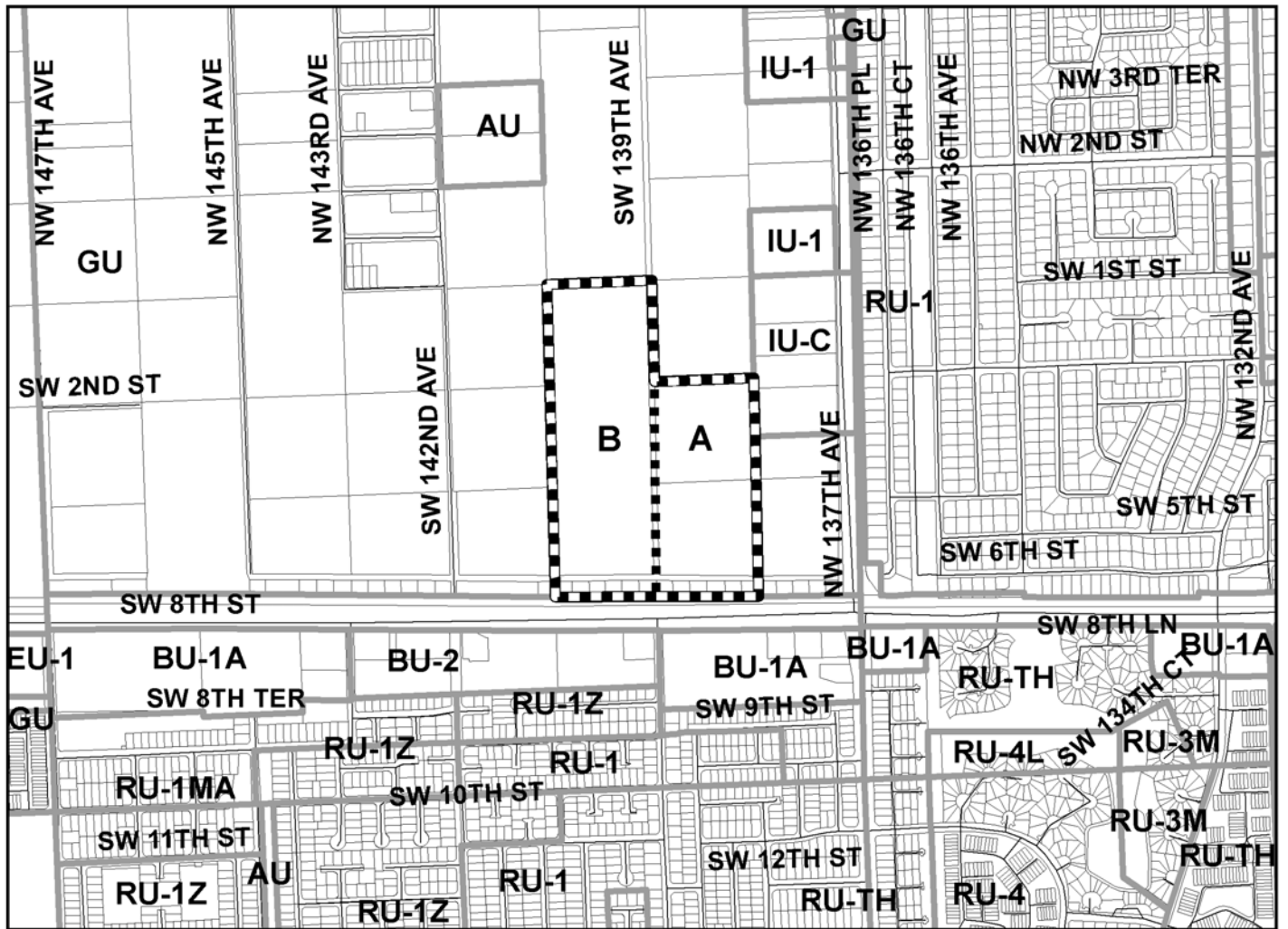


SOURCE: MIAMI-DADE COUNTY, DEPARTMENT OF PLANNING AND ZONING, AUGUST 2007





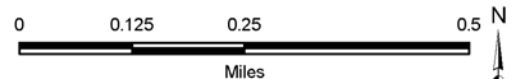
# APPLICATION NO. 5 CURRENT ZONING MAP



APPLICATION AREA

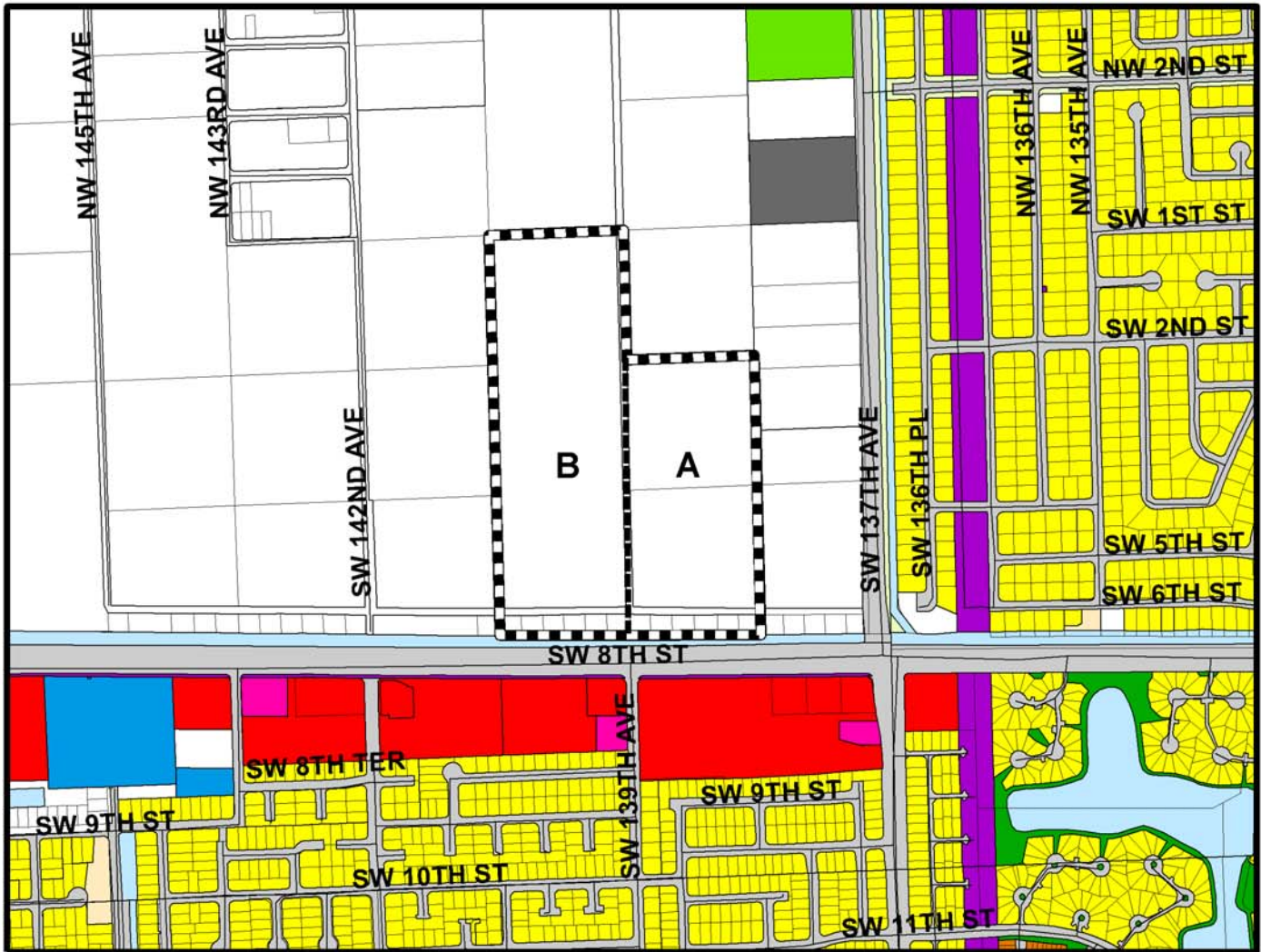
## MIAMI-DADE ZONING DISTRICTS

GU	INTERIM ZONING
AU	AGRICULTURE - 1 RESIDENTIAL DWELLING UNIT ON 5 GROSS ACRES LOT
EU-1	ESTATES 1 FAMILY DWELLING UNIT ON 1 GROSS ACRE LOT
RU-1	SINGLE FAMILY RESIDENTIAL ON 7,500 SQ. FT. NET LOT
RU-1MA	MODIFIED SINGLE FAMILY ON 5,000 SQ. FT. NET LOT
RU-1Z	SINGLE FAMILY ZERO LOT LINE ON 4,500 SQ. FT. NET LOT
RU-TH	TOWNHOUSE - 8.5 UNITS / NET ACRE
RU-3	FOUR UNIT APARTMENT ON 7,500 SQ. FT. NET LOT
RU-3M	MINIMUM APARTMENT HOUSE 12.9 UNITS / NET ACRE
RU-4	APARTMENTS 50 UNITS / NET ACRE
RU-4L	LIMITED APARTMENTS HOUSE 23 UNITS / NET ACRE
BU-1A	BUSINESS - LIMITED
BU-2	BUSINESS - SPECIAL
IU-1	INDUSTRY-LIGHT
IU-C	INDUSTRY-CONTROLLED



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

# APPLICATION NO. 5 EXISTING LAND USE



## LEGEND



APPLICATION AREA

### EXISTING LAND USE



SINGLE FAMILY



TOWNHOUSES



COMMERCIAL, SHOPPING CENTERS, STADIUMS



OFFICE



INSTITUTIONAL



INDUSTRIAL



COMMUNICATIONS, UTILITIES, TERMINALS



STREETS, ROADS, EXPRESSWAYS, RAMPS



SWALES, RIGHT-OF-WAYS



AGRICULTURE



PARKS, PRESERVES, CONSERVATION AREAS



VACANT - GOVERNMENT OWNED



VACANT - UNPROTECTED



INLAND WATERS

0 0.1 0.2 0.4

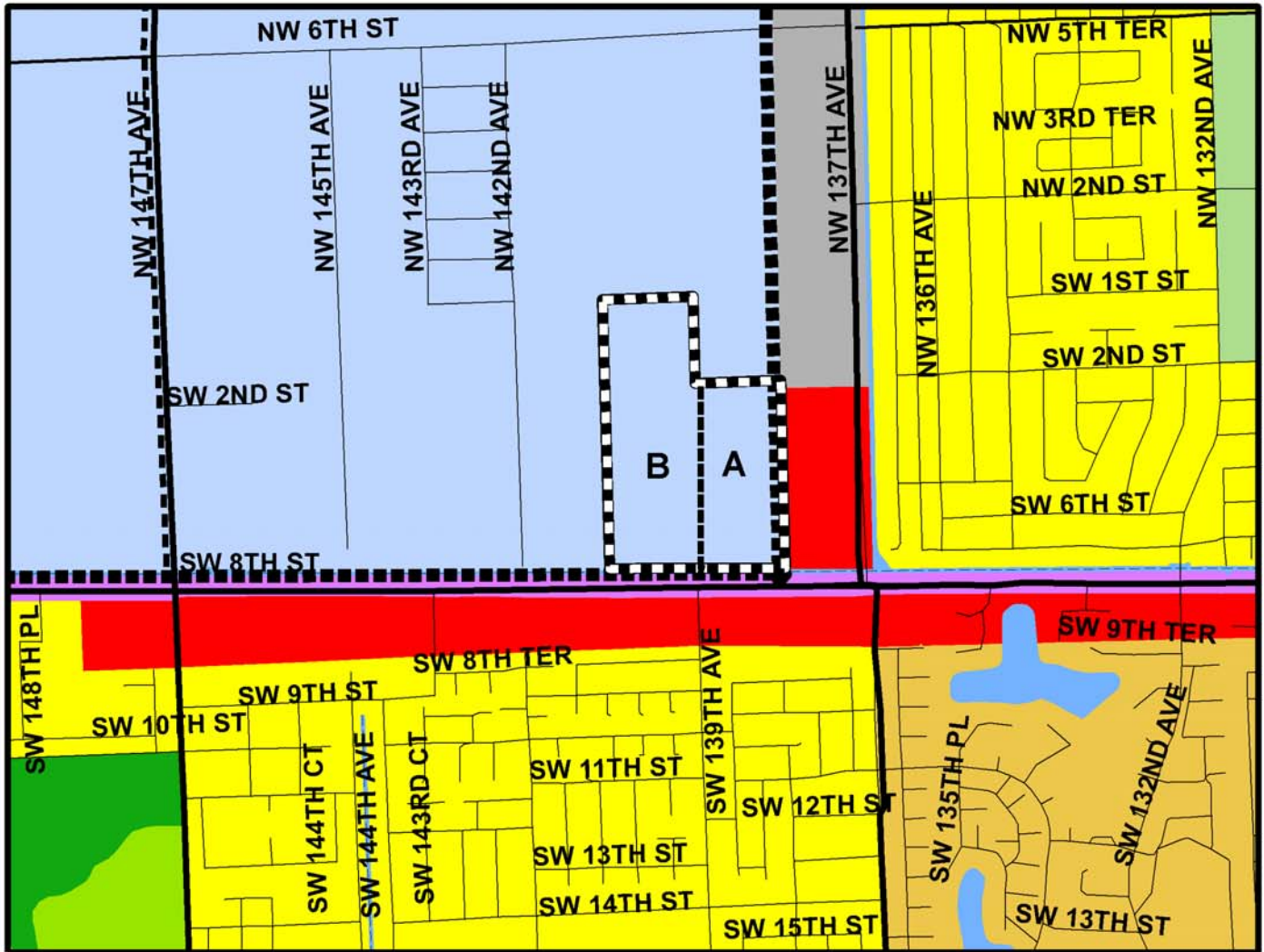


Miles

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



# APPLICATION NO. 5 CDMP LAND USE PLAN



## LEGEND

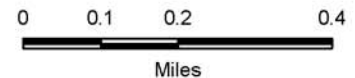


APPLICATION AREA

## CDMP LAND USE

- RESIDENTIAL COMMUNITIES
- ESTATE DENSITY RESIDENTIAL (EDR) 1 TO 2.5 DU/AC
- LOW DENSITY RESIDENTIAL (LDR) 2.5 TO 6 DU/AC
- LOW-MEDIUM DENSITY RESIDENTIAL (LMDR) 6 TO 13 DU/AC
- INDUSTRIAL AND OFFICE
- BUSINESS AND OFFICE
- PARKS AND RECREATION
- ENVIRONMENTALLY PROTECTED PARKS
- OPEN LAND
- WATER
- TRANSPORTATION (ROW, RAIL, METRORAIL, ETC.)

- MAJOR ROADWAY
- RAIL
- 2015 URBAN DEVELOPMENT BOUNDARY
- 2025 EXPANSION AREA BOUNDARY
- CANAL



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**

**RECEIVED**

**APR 20 2007**

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

BY \_\_\_\_\_

1. APPLICANTS

LOWE'S HOME CENTERS, INC.  
c/o Gary E. Wyatt  
1605 Curtis Bridge Road  
REEC Dock  
Wilkesboro, NC 28697

2. APPLICANT'S REPRESENTATIVE

Juan J. Mayol, Jr., Esq.  
Richard A. Perez, Esq.  
Holland & Knight, LLP  
701 Brickell Avenue, Suite 3000  
Miami, FL 33131  
(305) 374-8500  
(305) 679-6305 (fax)

By \_\_\_\_\_

Richard A. Perez, Esq.

April 30, 2007  
Date

3. DESCRIPTION OF REQUESTED CHANGE

A. Change the Land Use Plan Map, Sub-Area Map and Text.

1. Expand the Urban Development Boundary. Applicant requests an amendment to expand the Urban Development Boundary (the "UDB") to include the subject property.

2. Change the Land Use Plan Map. Applicant requests a change to the Land Use Element, Land Use Plan map as follows: (i) a re-designation of Parcel A, as defined below, from "Open Land" to "Business and Office" and (ii) a re-designation of Parcel B, as defined below, from "Open Land" to "Institutions, Utilities, and Communications."

3. Change to Sub-Area Map. Applicant requests a change to the Open Land Subareas Map (Figure 4, Page I-62) to remove the subject property from the Tamiami-Bird Canal Basins.



4. Acceptance of Proffered Covenant. Applicant requests that the Declaration of Restrictions attached hereto as Exhibit "E," as may be amended prior to final adoption, be incorporated within the table entitled "Restrictions Accepted by the Board of County Commissioners in Association with Land Use Map Plan Amendments," as adopted pursuant to Remedial Amendment 06-1R.

B. Description of Subject Area.

Subject property consists of two parcels: (i) Parcel A includes approximately 21.6 gross acres of land located west of the northwest corner of S.W. 8<sup>th</sup> Street (Tamiami Trail) and S.W. 137<sup>th</sup> Avenue and is bounded on the south by Tamiami Trail, on the north by theoretical S.W. 2<sup>nd</sup> Street, on the east by S.W. 137<sup>th</sup> Avenue, and on the west by theoretical S.W. 139<sup>th</sup> Avenue, and (ii) Parcel B includes approximately 30.1 gross acres located north of S.W. 8<sup>th</sup> Street, and bound by Parcel A to the east and theoretical S.W. 142<sup>nd</sup> Avenue to the west.

Parcel A and Parcel B are located in Section 3, Township 54, Range 39, in unincorporated Miami-Dade County, as depicted on the location map attached as Exhibit "C."

C. Acreage.

Subject application area: ±51.7 gross acres

Acreage owned by applicant: ±21.6 gross acres

D. Requested Changes.

1. Applicant requests an amendment to the Urban Development Boundary (the "UDB") to include the subject property.
2. Applicant requests a change to the Land Use Element, Land Use Plan map as follows: (i) a re-designation of 21.6 acres, which includes all of Parcel A, as defined below, from "Open Land" to "Business and Office" and (ii) a re-designation of 30.1 acres, which includes all of Parcel B, as defined below, from "Open Land" to "Institutions, Utilities, and Communications."
3. Applicant requests a change to the Open Land Subareas Map (Figure 4, Page I-62) to remove the subject property from the Tamiami-Bird Canal Basin.
4. Applicant requests that the Declaration of Restrictions attached hereto as Exhibit "E," as may be amended prior to final adoption, be incorporated within the table entitled "Restrictions Accepted by the Board of County Commissioners in Association with Land Use Map Plan Amendments," as adopted pursuant to Remedial Amendment 06-1R.



#### 4. REASONS FOR AMENDMENT

The Applicant is requesting a re-designation of Parcel A from "**Open Land**" to "**Business and Office**" and Parcel B from "**Open Land**" to "**Institutions, Utilities, and Communications**," together with an amendment to include the subject property within the Urban Development Boundary and a map amendment to remove the subject property from Open Land Subarea 3. The subject property consists of approximately 51.7 gross acres, located in Section 3 of Township 54 South, Range 39 East. The subject property, which is situated near the northwest corner of SW 8th Street (Tamiami Trail) and SW 137th Avenue, is contiguous to urban development boundary to the south and east. To the south, the development pattern consists of commercial parcels fronting Tamiami Trail, serving the many residential communities extending westward along Tamiami Trail to SW 157th Avenue. To the east, the parcels immediately adjacent to the subject property were re-designated from "Industrial and Office" to "Business and Office" during the April 2003 Comprehensive Development Master Plan Amendment Cycle and further east along Tamiami Trail are low density residential communities, while development along the SW 137th Avenue corridor has been largely characterized by open yard storage of construction equipment.

The subject property is located within the 2015 Expansion Area Boundary within the County's North-Central Planning Analysis Tier ("North-Central Tier"), and more specifically within Minor Statistical Area 3.2 ("MSA"). The subject property sits between the large-scale mining operations of the Lake Belt Area and the existing residential developments to the south and east. As such, development of the subject property affords an appropriate opportunity to provide an effective transition between the intensive mineral extraction/industrial uses that characterize the Lake Belt and the largely single-family neighborhoods along the southern boundary.

The County's Comprehensive Development Master Plan (CDMP) Future Land Use Element provides that the expansion of urban area should be managed to occur at a rate commensurate with projected population and economic growth, and in locations which optimize efficiency in public service delivery and conservation of natural resources. This property is contiguous to the Urban Development Boundary on two sides, bounded on the east and south by extensive residential development with the vacant property to the west having been designated as a future Urban Expansion Area (UEA). The property is located adjacent to two (2) section line roadways and only a short distance from the Florida Turnpike and State Road 836, which shall allow for the efficient delivery of public services with minimal impacts.

As contemplated by the Applicant, the development of the subject property is consistent with the Comprehensive Development Master Plan's Guidelines for Urban Form. These Guidelines provide that "[i]ntersections of section line roads shall serve as focal points of activity, hereafter referred to as activity nodes. Activity nodes shall be occupied by any non-residential components of the neighborhood including public and semi-public uses. When commercial uses are warranted, they should be located within these activity nodes." Consequently, the intersection of Tamiami Trail and SW 137th Avenue is an appropriate location for the proposed commercial designation.

Furthermore, the re-designation of Parcel B to "Institutions, Utilities, and Communications" will allow for Parcel B to be used to address certain of the pressing needs of the

surrounding community. For example, the Miami-Dade County School Board has attempted to identify a location for a public high school to serve as a relief high school for Braddock Senior High School, Miami Coral Park High School, and Miami Springs High School, each of which is substantially above programmed capacity. To date, the Miami-Dade County School Board has been unsuccessful in identifying an adequate location. As a result of dwindling land within the Urban Development Boundary, it is highly unlikely that the Miami-Dade County School Board will be able to identify adequate land at a reasonable price. Parcel B remains one of the last few large parcels available to accommodate a relief high school. The Applicant commits to working with the owner of Parcel B to identify an appropriate public use for Parcel B.

Based on the foregoing, the Applicant requests the favorable recommendation of the Miami-Dade Planning and Zoning Department. Appropriately analyzed, there is a need to provide additional **Business and Office** inventory within the immediate vicinity of the property and within the broader MSA and Planning Analysis Tier. The subject property is the appropriate location for this additional inventory.

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

LAND USE POLICY IP: Miami-Dade County shall seek to prevent discontinuous, scattered development at the urban fringe particularly in the Agricultural Areas, through its CDMP amendment process, regulatory and capital improvements programs and intergovernmental coordination activities.

LAND USE POLICY 4B: Uses designated on the LUP map and interpretive text, which generate or cause to generate significant noise, dust, odor, vibration, or truck or rail traffic shall be protected from damaging encroachment by future approval of new incompatible uses such as residential uses.

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

LAND USE POLICY 8H: When considering land areas to add to the UDB, after demonstrating that a county-wide need exists,

iii) The following areas shall be given priority for inclusion, subject to conformity with Policy 7G and the foregoing provisions of this policy [ ] ... Land contiguous to the UDB.

LAND USE OBJECTIVE 10: Energy efficient development shall be accomplished through metropolitan land use patterns, site planning, landscaping, building design, and development of multi-modal transportation systems. (Energy Efficiency/Conservation).

LAND USE POLICY 1H: Business developments shall preferably be placed in clusters or nodes in the vicinity of major roadway intersections, and not in

continuous strips or as isolated spots, with the exception of small neighborhood nodes. Business developments shall be designed to relate to adjacent development, and large uses should be planned and designed to serve as an anchor for adjoining smaller businesses or the adjacent business district. Granting of commercial or other non-residential zoning by the County is not necessarily warranted on a given property by virtue of nearby or adjacent roadway construction or expansion, or by its location at the intersection of two roadways. (Urban Form)

5. ADDITIONAL MATERIAL SUBMITTED

The Applicant submits the Declaration of Restrictions set forth as Exhibit "E." Additional information will be supplied at a later date under separate cover.

6. COMPLETED DISCLOSURE FORMS

Attached as Exhibit "B"

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

Exhibit "A"  
Legal Description

PARCEL A:

ALL OF TRACTS 34 AND 47 AND ALL OF TRACTS 55 THROUGH 60, INCLUSIVE, ALL OF "EVERGLADES GARDENS," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, AT PAGE 14, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL B:

TRACT 46 a/k/a THE TRACT BETWEEN 45 AND 47 AND TRACTS 30, 35, 61, 62, 63, 64, 65, AND 66, EVERGLADES GARDENS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8 AT PAGE 14 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

# 2806476\_v2

Exhibit "A"  
Legal Description

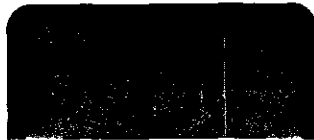
PARCEL A:

ALL OF TRACTS 34 AND 47 AND ALL OF TRACTS 55 THROUGH 60, INCLUSIVE, ALL OF "EVERGLADES GARDENS," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, AT PAGE 14, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PARCEL B:

TRACT 46 a/k/a THE TRACT BETWEEN 45 AND 47 AND TRACTS 30, 35, 61, 62, 63, 64, 65, AND 66, EVERGLADES GARDENS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8 AT PAGE 14 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

# 2806476\_v2



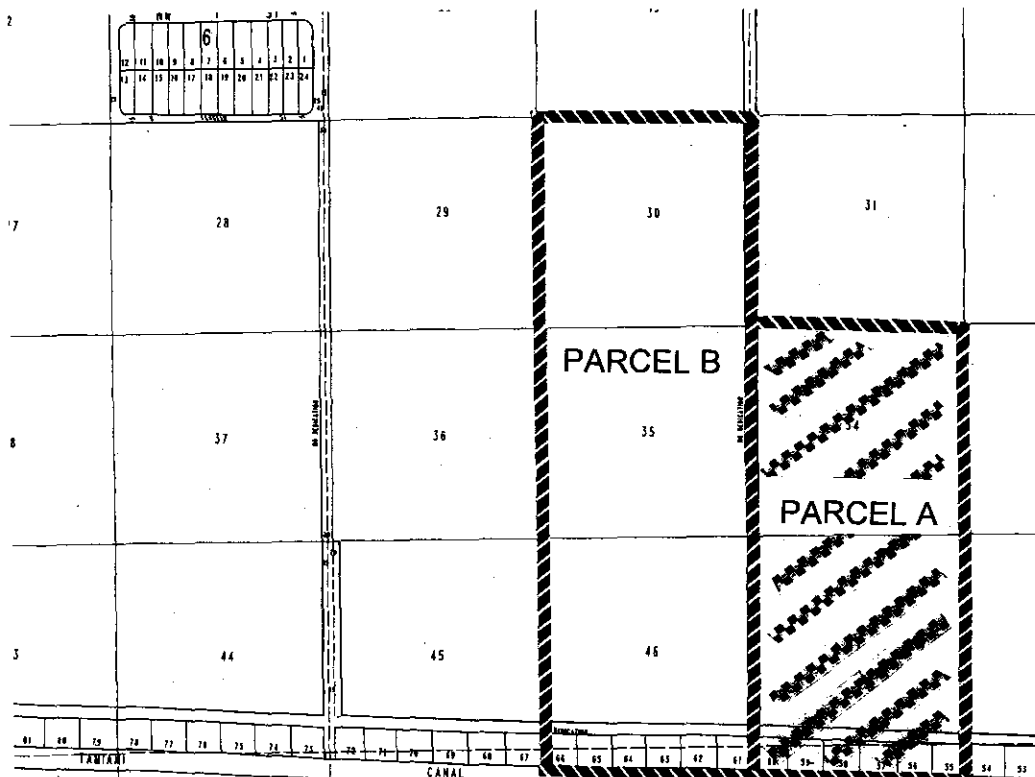
**LOCATION MAP FOR APPLICATION  
TO AMEND COMPREHENSIVE DEVELOPMENT MASTER PLAN**

**APPLICANT / REPRESENTATIVE**

LOWE'S HOME CENTERS, INC. / Juan J. Mayol, Jr., and Richard A. Perez

**DESCRIPTION OF SUBJECT AREA**

The subject property consists of approximately +/- 51.7 gross acres of land located in Section 3, Township 54, Range 39, in unincorporated Miami-Dade County. The property is more accurately describes as tracts 30, 34, 35, 46, 47, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65 and 66 of "Everglades Garden" (8-14). The Applicant owns tracts 34, 47, 55, 56, 57, 58, 59, and 60.



**LEGEND**



APPLICATION AREA



AREA OWNED BY APPLICANT

## DISCLOSURE OF INTEREST

This form or a facsimile must be filed by all applicants having an ownership interest in any real property covered by an application to amend the Land Use Plan map. Submit this form with your application. Attach additional sheets where necessary.

**1. APPLICANT (S) NAME AND ADDRESS:**

LOWE'S HOME CENTERS, INC.  
C/O GARY E. WYATT  
1605 CURTIS BRIDGE ROAD  
REEC DOCK  
WILKESBORO, NC 28697

**2. PROPERTY DESCRIPTION: Provide the following information for all properties in the application area in which the applicant has an interest. Complete information must be provided for each parcel.**

APPLICANT	OWNER OF RECORD	FOLIO NUMBER	SIZE IN ACRES
-----------	-----------------	--------------	---------------

**PARCEL A:**

Lowe's Home Centers, Inc.

30-4903-003-0310	21.6
30-4903-003-0440	
30-4903-003-0570	
30-4903-003-0560	
30-4903-003-0550	
30-4903-003-0540	
30-4903-003-0530	
30-4903-003-0520	

3. For each applicant, check the appropriate column to indicate the nature of the applicant's interest in the property identified in 2., above.

<u>APPLICANT</u>	<u>OWNER</u>	<u>LESSEE</u>	<u>CONTRACTOR FOR PURCHASE</u>	<u>OTHER (Attach Explanation )</u>
Lowe's Home Centers, Inc.	X			

4. **DISCLOSURE OF APPLICANT'S INTEREST:** Complete all appropriate sections and indicate N/A for each section that is not applicable.

a. If the applicant is an individual (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.

<u>INDIVIDUAL'S NAME AND ADDRESS</u>	<u>PERCENTAGE OF INTEREST</u>
N/A	

b. If the applicant is a CORPORATION, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders, consist of another corporation (s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

<b>CORPORATION NAME</b>	<u>LOWE'S HOME CENTERS, INC., a North Carolina corporation</u>
<b><u>NAME, ADDRESS, AND OFFICE ( if applicable)</u></b>	<b><u>PERCENTAGE OF STOCK</u></b>
<u>a wholly owned subsidiary of LOWE'S COMPANIES, INC.,</u>	
<u>a PUBLICLY TRADED COMPANY</u>	<u>N/A</u>



- c. If the applicant is a TRUSTEE, list the trustee's name, the name and address of the beneficiaries of the trust, and the percentage of interest held by each. [Note: where the beneficiary/beneficiaries consist of corporation(s), partnership(s), or other similar entities, further disclosure shall be required which discloses the identity of the individual (s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

**TRUSTEES**

**NAME:** \_\_\_\_\_

<u>BENEFICIARY'S NAME AND ADDRESS</u>	<u>PERCENTAGE OF INTEREST</u>
---------------------------------------	-------------------------------

N/A

- d. If the applicant is a PARTNERSHIP or LIMITED PARTNERSHIP, list the name of the partnership, the name and address of the principals of the partnership, including general and limited partners and the percentage of interest held by each partner. [Note: where the partner(s) consist of another partnership(s), corporation(s) trust(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

**PARTNERSHIP NAME:** \_\_\_\_\_

<u>NAME AND ADDRESS OF PARTNERS</u>	<u>PERCENTAGE OF INTEREST</u>
-------------------------------------	-------------------------------

N/A

- e. If the applicant is party to a **CONTRACT FOR PURCHASE**, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

NAME AND ADDRESS

PERCENTAGE OF  
INTEREST

N/A

Date of Contract: \_\_\_\_\_

If any contingency clause or contract terms involve additional parties, list all individuals or officers if a corporation, partnership, or trust.

N/A

**5. DISCLOSURE OF OWNER'S INTEREST: Complete only if an entity other than the applicant is the owner of record as shown on 2.a., above.**

- a. If the owner is an individual (natural person) list the applicant and all other individual owners below and the percentage of interest held by each.

INDIVIDUAL'S NAME AND ADDRESS

PERCENTAGE OF  
INTEREST

N/A

- b. If the owner is a CORPORATION, list the corporation's name, the name and address of the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders consist of another corporation(s), trustee(s) partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity.]

**CORPORATION NAME** \_\_\_\_\_

**NAME, ADDRESS, AND OFFICE ( if applicable)**

**PERCENTAGE OF  
STOCK**

N/A

- c. If the owner is a TRUSTEE, and list the trustee's name, the name and address of the beneficiaries of the trust and the percentage of interest held by each. [Note: where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

**TRUSTEES  
NAME:** \_\_\_\_\_

**BENEFICIARY'S NAME AND ADDRESS**

**PERCENTAGE OF  
INTEREST**

N/A

- d. If the owner is a **PARTNERSHIP** or **LIMITED PARTNERSHIP**, list the name of the partnership, the name and address of the principals of the partnership, including general and limited partners, and the percentage of interest held by each. [Note: where the partner(s) consist of another partnership(s), corporation(s) trust(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

**PARTNERSHIP NAME:** \_\_\_\_\_

NAME AND ADDRESS OF PARTNERS

PERCENTAGE OF  
OWNERSHIP

N/A

- e. If the owner is party to a **CONTRACT FOR PURCHASE**, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

NAME, ADDRESS AND OFFICE (if applicable)

PERCENTAGE OF  
INTEREST

N/A

Date of Contract \_\_\_\_\_

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust

N/A

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of the final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and behalf.

Applicant's Signatures and Printed Names

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LOWE'S HOME CENTERS, INC.

*[Signature]*

GARY E. WYATT

Sr. Vice-President - Real Estate, Engineering & Construction

*ELC*  
*4/26/07*  
*WY*

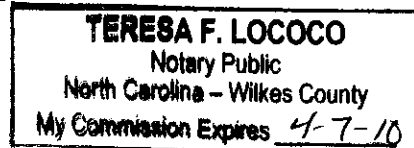
Sworn to and subscribed before me

this 27 day of April, 2007

*[Signature]*

Notary Public, State of N. Carolina at Large (SEAL)

My Commission Expires:



Disclosure shall not be required of any entity, the equity interest in which are regularly traded on an established securities market in the United States or other country; or pension funds or pension trusts of more than five thousand (5,000) ownership interests; any entity where ownership interests are held in a partnership, corporation or trust consisting of more FMGM than five thousand (5,000) separate interests including all interests at each level of ownership, and no one pension or entity holds more than a total of five (5) percent of the ownership interest in the partnership, corporation or trust; or of any entity, the ownership interest of which are held in a partnership, corporation or trust consisting of more than 5,000 separate interests and where no one person or entity holds more than a total of 5% of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

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# **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, 11<sup>th</sup> Floor  
Miami, Florida 33128

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

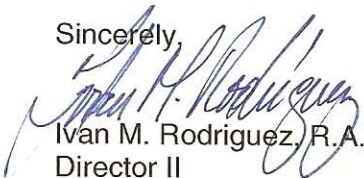
Dear Mr. Basu:

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. 5**  
**Lowe's Home Center, Inc.**

Dear Mr. Basu:

It is the School District's understanding that the applicant is proffering a covenant to Miami-Dade County indicating a prohibition of residential uses on the subject property and limiting the development to a home improvement store. Since the applicant is not considering a residential development, the above referenced zoning application will not impact area schools at this time. In the event that this condition changes in the future, a dialogue may need to be conducted to address its impact. Should you have any questions please call me at (305) 995-4899.

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,

  
Corina S. Esquijarosa  
Coordinator III

CSE:rr

L-082

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. 5, Lowe's Home Center, Inc.

**REQUEST:** Change Land Use from Open Land to Business and Office and Institutions, Utilities and Communications. Designate property as a Regional Activity Center (RAC)

**ACRES:** 51.7 gross acres

**LOCATION:** Northwest corner of theoretical SW 138 Avenue and SW 8 Street

**MSA/  
MULTIPLIER:** 3.2 / .44 Single-Family Detached

**NUMBER OF  
UNITS:** 190 additional units\*

**ESTIMATED STUDENT  
POPULATION:** 84

**ELEMENTARY:** 40

**MIDDLE:** 19

**SENIOR HIGH:** 25

### **SCHOOLS SERVING AREA OF APPLICATION**

**ELEMENTARY:** Marjory Stoneman Douglas Elementary – 11901 SW 2 Street

**MIDDLE:** Paul W. Bell Middle – 11800 NW 2 Street

**SENIOR:** G. Holmes Braddock Senior – 3601 SW 147 Avenue

All schools are located in Regional Center 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**
Marjory Stoneman Douglas Elementary	1,084	925	117%	0	<b>117%</b>	1,124
	1,124 *		122%		<b>122%</b>	
Paul W. Bell Middle	1,255	1,027	122%	158	106%	1,407
	1,274 *		124%		108%	
G. Holmes Braddock Senior	4,057	2,943	138%	926	105%	4,658
	4,082 *		139%		106%	

\*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, Marjory Stoneman Douglas Elementary 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 2006 Workshop Plan)

#### Projects in Planning, Design or Construction

<u>School</u>	<u>Status</u>	<u>Projected Occupancy Date</u>
Early Childhood Center "ECC-2" (M. S. Douglas and W. Mathews Elementary Schools Relief) (396 student stations)	Construction	School Opening 2007
State School "UU-1" New Middle School (W. Bell, W. R. Thomas and L.L. Curry Middle Schools Relief) (1,660 student stations)	Construction	School Opening 2008

#### Proposed Relief Schools

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

**OPERATING COSTS:** Accounting to Financial Affairs, the average cost for K-12 grade students amounts to \$6,549 per student. The total annual operating cost for additional students residing in this development, if approved, would total \$550,116.

**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	40	x	\$18,549	=	\$741,960
------------	----	---	----------	---	-----------

MIDDLE	Does not meet review threshold				
--------	--------------------------------	--	--	--	--

SENIOR HIGH	Does not meet review threshold				
-------------	--------------------------------	--	--	--	--

<b>Total Potential Capital Cost</b>					<b>\$741,960</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.

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

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

### **Solid Waste Services**

#### **Concurrency**

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

#### **Residential Collection and Disposal Service**

The incremental cost of adding a residential unit to the DSWM Service Area, which includes the disposal cost of waste, is offset by the annual fee charges to the user. Currently, that fee is \$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. 5 is developed as proposed, with a high school on Parcel B and with no residential development, the fees paid by the developer would be \$146,950 for water impact fee, \$592,028 for sewer impact fee, \$1,300 for connection fee<sup>1</sup>, and \$98,109 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 \$1,427,173. This includes a 16-inch water main and a 12-inch water main for the potable water system. For the sewer system, the projected costs include a 12-inch sanitary sewer force main and a public pump station.

## **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 County's responsibility to ensure and verify that said protection has been incorporated in the plans for each proposed development.

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

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 250.31 annual alarms. Based on 2006 data, the cost per alarm is estimated at \$1,302, which results in a total fiscal impact of \$325,904. In comparison, the projected Fire Rescue Tax Revenue is expected to be \$87,647, based on an estimated property assessment of \$33,393,992.<sup>2</sup> Thus, the Application will generate \$238,257 more in services than the revenue it generates from the Fire Rescue Tax. It will represent a net loss for Miami-Dade County.

### **Public Schools**

Although the proposed amendment calls for non-residential development, the Application proposes the construction of a high school on Parcel B as a form of mitigation for expanding the Urban Development Boundary. The proposed high school will serve to relieve student overcrowding in and around the service area of the Application site. Preliminary plans with Miami-Dade County School Board call for a school with the capacity of 2,000 students. To date, the full cost for constructing the proposed school and environmental mitigation of the site have not been determined. Nevertheless, the cost for mitigation can be estimated. Currently, the mitigation fee of the US Army Corps of Engineers for land within the North Trail Basin that is located inside of the UDB is approximately \$45,000 per acre. This cost could vary for the Application site given that the property is located outside the UDB. Other considerations include the quality of the wetlands and the type of mitigation that is performed.

<sup>2</sup> Fire Rescue Tax Revenue was based on millage of 2.609. The figures were provided by the Miami-Dade County Fire Rescue Department based on data provided by the Miami-Dade Department of Planning and Zoning, Research Section.

Assuming that 30 acres of Parcel B are developed with a high school and ball fields at a cost of \$45,000 per acre, the estimated mitigation fee for Parcel B would be \$1.35 million. This does not include other costs related to special permits, such as the Surface Water Management Permit from the South Florida Water Management District and the Miami-Dade County Tree Removal Permit. These are costs that will need to be considered when determining whether Parcel B is an appropriate site for a school.

In addition to the above scenario, it is important to consider the possibility of a maximum residential development scenario if the Application is approved without the proffered covenant restricting residential uses. Under such scenario, Application No. 5 will result in 84 additional students, of which approximately 40 students would increase the capacity of the elementary school in the service area in excess of 115 percent. This increase in threshold capacity is expected to increase capital costs for the Miami-Dade County School Board by \$741,960 and operating costs by \$550,116.

### **Mass Transit**

A Trip generation analysis was performed in the Traffic Analysis Zone number 836 (TAZ # 836) where the Application is requested. If approved, this Application will produce a minimal increase in the number of transit trips, which would not warrant additional changes beyond those already planned for the area.


# **APPENDIX D**

## **Fiscal Impact Analysis**

# **APPENDIX E**

## **Proposed Declaration of Restrictions**

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This Instrument was Prepared by:

Name: Richard A. Perez, Esq.  
Address: Holland & Knight LLP  
701 Brickell Avenue  
Suite 3000  
Miami, Florida 33131

(Space Reserved for Clerk of the Court)

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**DECLARATION OF RESTRICTIONS**

***WHEREAS***, Lowe's Home Center, Inc. ("Lowe's"), has applied for an amendment to the Miami-Dade County Comprehensive Development Master Plan that is pending as Application No. \_\_ in the April 2007 Cycle (the "Application");

***WHEREAS***, the Application seeks to expand the urban development boundary to include Parcel A and Parcel B and to re-designate Parcel A from "Open Land" to "Business and Office" and Parcel B from "Open Land" to "Institutional and Public Facilities."

***WHEREAS***, Parcel A and Parcel are located in unincorporated Miami-Dade County, Florida, as described in Exhibit "A" ("Parcel A") and Exhibit "B" ("Parcel B") to this Declaration of Restrictions (collectively, Parcel A and Parcel B shall be referred to as the "Property");

***WHEREAS***, Lowe's holds fee simple title to Parcel A and 139 Avenue SW 8 Street, LLC, a Florida limited liability company (the "Parcel B Owner"), holds fee simple title to Parcel B;

***NOW, THEREFORE, IN ORDER TO ASSURE*** Miami-Dade County, Florida (the "County"), that the representations made by the Lowe's and the Parcel B Owner during the consideration of Comprehensive Development Master Plan Standard Amendment Application No. \_\_ (the "Application") will be abided by, Lowe's and the Parcel B Owner freely,

voluntarily, and without duress, make the following Declaration of Restrictions covering and running with the Property:

**1. Prohibition on Residential Uses; Home Improvement Store.**

(a) Notwithstanding the re-designation of the Property on the County's Land Use Plan map, Lowe's and the Parcel B Owner agree not to develop or maintain any residential uses within the Property.

(b) Lowe's shall not seek building permits for the construction of any buildings on Parcel A without having first submitted for a building permit for the construction of a home improvement store on Parcel A.

**2. Water Conservation and Re-Use.** Lowe's hereby agrees to implement the following water conservation and re-use standards for the development of Parcel A:

(i) All structures or buildings located within Parcel A that contain a connection to the regional waste water system shall also be constructed to include appropriate pipes to permit future connection into any regional wastewater re-use system that may be constructed by the County;

(ii) Upon the construction of a regional wastewater re-use system that includes a connection point abutting Parcel A, Lowe's (or its successors or assigns) shall connect the water re-use pipes serving the structures and buildings located on Parcel A to such regional wastewater re-use system; and

(iii) The water for any irrigation system used within Parcel A shall be supplied from a rain water capture and re-use system constructed for the benefit of Parcel A and such irrigation system shall not use the public water supply system, except in the case of force majeure, including, but not limited to, droughts or mechanical failure.



3. **Miscellaneous.**

A. **Covenant Running with the Land.** This Declaration of Restrictions on the part of Lowe's and the Parcel B Owner shall constitute a covenant running with the land and shall be recorded by Lowe's, at Lowe's expense, in the public records of Miami-Dade County, Florida, and shall remain in full force and effect and be binding upon Lowe's and the Parcel B 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, then, owner(s) of the land covered by the proposed amendment, modification or release, provided that the same is also approved by the Board of County Commissioners. Any such modification, amendment or release shall be subject to the provisions governing amendments to Comprehensive Plans, as set forth in Chapter 163, Part II, Florida Statutes or successor legislation which may, from time to time, govern amendments to

comprehensive plans (hereinafter "Chapter 163"). Such modification, amendment or release shall also be subject to the provisions governing amendments to comprehensive plans as set forth in Section 2-116.1 of the Code of Miami-Dade County, or successor regulation governing amendments to the Miami-Dade comprehensive plan. Notwithstanding anything in this paragraph, in the event that the Property is incorporated within a new municipality which amends, modifies, or declines to adopt the provisions of Section 2-116.1 of the Code of Miami-Dade County, then modifications, amendments or releases of this Declaration 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 Lowe's following the adoption of the Application. This Declaration of Restrictions shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration of Restrictions shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by his/her assistant in charge of the office in his/her absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration of Restrictions is null and void and of no further effect.

**[Signature Pages Follow]**

IN WITNESS WHEREOF, we have hereunto set our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 200\_.

WITNESSES:

**139 AVENUE SW 8 STREET, LLC**, a Florida limited liability company

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF \_\_\_\_\_ )

)

SS.

COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_, by \_\_\_\_\_, as \_\_\_\_\_ of 139 Avenue SW 8 Street, LLC, a Florida limited liability company, who is personally known to me or has produced \_\_\_\_\_ as identification, and acknowledged that she did execute this instrument freely and voluntarily for the purposes stated herein.

My Commission Expires:

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

\_\_\_\_\_  
Print Name

IN WITNESS WHEREOF, we have hereunto set our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 200\_.

WITNESSES:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

**LOWE'S HOME CENTERS, INC.,**  
a North Carolina corporation

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

Its: \_\_\_\_\_

**STATE OF FLORIDA**                    )  
  )  
**COUNTY OF MIAMI-DADE**        )        SS.

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_, by \_\_\_\_\_, as \_\_\_\_\_ of Lowe's Home Centers, Inc., a North Carolina corporation, on behalf of the company. He is personally known to me or has produced \_\_\_\_\_ as identification, and acknowledged that he did execute this instrument freely and voluntarily for the purposes stated herein.

My Commission Expires:

\_\_\_\_\_  
Notary Public, State of Florida

\_\_\_\_\_  
Print Name

**EXHIBIT A**

ALL OF TRACTS 34 AND 47 AND ALL OF TRACTS 55 THROUGH 60, INCLUSIVE, ALL OF "EVERGLADES GARDENS," ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, AT PAGE 14, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

**EXHIBIT B**

TRACT 46 a/k/a THE TRACT BETWEEN 45 AND 47 AND TRACTS 30, 35, 61, 62, 63, 64, 65, AND 66, EVERGLADES GARDENS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8 AT PAGE 14 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

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# **APPENDIX F**

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

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Amendment Site from SW 8 Street and SW 139 Avenue



View of Application Site from SW 8 Street looking west



Shopping Center south of Application Site on the southwest corner of SW 137 Avenue and SW 8 Street



Sound barrier east of SW 137 Avenue